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Miss Mary So
Clerk to Panel on Administration of
Justice and Legal Services
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

By E-mail
(mso@legco.gov.hk)

Dear Miss So,

Panel on Administration of Justice and Legal Services

Follow-up to discussion on

“Measures for handling sexual offences cases and the provision of screens for complainants in sexual offences cases during court proceedings”

At the Panel meeting on 27 June 2016, the Department of Justice (“DoJ”) was requested to provide information on four applications for the use of screen during court proceedings for sexual offences cases during the period from 1 June 2013¹ to 31 May 2016, which were not approved by the court.

Based on available record, we summarise below the relevant information about the four cases concerned:

¹ The Judiciary has recorded the figures since June 2013, when the screens started to be provided by the Judiciary instead of the prosecution.

Level of court	Hearing date	Offence	Nature of application
Court of First Instance	First day of trial on 3 March 2014 and concluded on 11 March 2014	Rape	For the victim to be screened from both the public and the defendant
Magistrates' Courts	Trial on 10 to 11 December 2013	Indecent assault	For the victim to give evidence behind a screen
	29 May 2014	Indecent assault	For the victim to be protected from being seen by the defendant or by the public
	5 September 2013	Indecent assault	For the victim to be protected from being seen by the defendant

Applications for the use of screens are considered by Judges and Judicial Officers (“JJOs”) having regard to the parties’ submissions, facts and circumstances of individual cases. Screens may be allowed or rejected after the JJOs have exercised their judicial discretion.

Applications for screens are considered at the pre-trial stage. In general, for pre-trial issues which are mainly case management issues, the reasons for the JJOs’ decisions may not be expressed in detail. This applies to the granting or rejecting of screen applications as well.

For the few cases above, we are unable to ascertain from the records available the reason why the applications for the use of screens in these four cases were not granted. This notwithstanding, it is relevant to note that the above cases were all heard before the case of *HKSAR v SHAMSUL HOQUE* (HCCC 379/2013), in which the Court of First Instance set out in its decision of 17 June 2014 the relevant guiding principles governing the provision of screens for complainants to testify in sexual offence cases. It is noteworthy

that since the decision of *SHAMSUL HOQUE*, there have so far not been any other instances in which such requests for use of screens have been rejected by the courts.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Howard Lee". The signature is fluid and cursive, with a long horizontal stroke at the end.

(Howard Lee)
Administrative Assistant
to Secretary for Justice