

Re: Legislative Council Panel on Administration of Justice and Legal Services

Use of Chinese in Court

Statement of the Hong Kong Bar Association

1. The Hong Kong Bar Association (“the Association”) makes this statement at the invitation of the Legislative Council Panel on Administration of Justice and Legal Services regarding the use of Chinese in court proceedings.
2. In our jurisdiction, court proceedings can, in the main, be divided into civil and criminal proceedings. Members of the Association, as barristers, have right of audience at all levels of court to act for various parties involved in the proceedings.
3. There is indeed a rising trend in the use of Chinese in court proceedings, civil or criminal, since the handover of sovereignty in 1997. The Association is well aware of this trend. Over the years, the Association has organized lectures and training workshops on the use of Chinese in the legal context to assist its members of all seniority to acquire the necessary skills in discharging their professional duties in Chinese at various stages of court proceedings. Attendance has been satisfactory and the feedbacks have been positive.

4. Further, the Association has also co-operated with other organizations with common interest, e.g., the Department of Justice, in furthering the same objective. Members of the Association have been invited to attend lectures and training sessions on the use of Chinese in court proceedings organized by these organizations.
5. There are 1,146 barristers in practice in Hong Kong, over 60% being bi-lingual, 317 of them are able to discharge their professional duties in Mandarin also. So far, the Association has not received any complaint against any of its members for incompetence in the use of Chinese in court proceedings.
6. Overall, the Association is confident that its members have been able to discharge their professional duties in Chinese competently. The Association will continue to monitor the situation and provide training in the form of lectures and workshops to its members when and where necessary to ensure that its members can maintain their professional standard even when discharging their duties in Chinese.

Hong Kong Bar Association

Dated this 24th day of February 2012.