

**Replies to supplementary questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2012-13**

**Controlling Officer: Director of Administration and Development
Session No. : 11**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-SJ01	SV031	NG Margaret	92	

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-SJ01

Question Serial No.

SV031

Head: 92 Department of Justice

Subhead (No. & title): 000 Operational expenses

Programme:

Controlling Officer: Director of Administration and Development

Question:

The Administration is requested to provide information on:

- (a) the conviction rate of criminal prosecution cases;
- (b) the percentage of cases where appeal has been lodged; and
- (c) the percentage of appeal cases where appeal has been allowed.

Asked by: Hon. NG Margaret

Reply:

The information requested is set out below –

- (a) The conviction rate of criminal prosecution cases in the past two years:

	Conviction rate after trial	Conviction rate including guilty plea
<u>Magistrates' Courts</u>		
2010	51.6%	73.8%
2011	51.5%	74.4%
<u>District Court</u>		
2010	75.3%	93.7%
2011	68.6%	92.8%
<u>Court of First Instance</u>		
2010	71.7%	93.8%
2011	72.0%	93.3%

(b) We have not maintained information regarding the percentage of cases where appeal has been lodged.

(c) The percentage of appeal cases heard by the appellate court where appeal has been allowed in the past two years:

Court of Final Appeal (CFA) and related applications

	From Defendants		From Prosecutions	
	2010	2011	2010	2011
Certificate to appeal to CFA:				
Allowed	0 (0%)	8 (19%)	0 (0%)	1 (25%)
Dismissed	46 (100%)	34 (81%)	2 (100%)	3 (75%)
Application for leave to appeal to CFA:				
Allowed	12 (15%)	9 (12.9%)	2 (50%)	2 (66.7%)
Dismissed	68 (85%)	61 (87.1%)	2 (50%)	1 (33.3%)
Appeal before CFA:				
Allowed	6 (60%)	9 (90%)	1 (33.3%)	0 (0%)
Dismissed	4 (40%)	1 (10%)	2 (66.7%)	1 (100%)

Court of Appeal

	2010	2011
By Defendants		
Allowed	121 (35.6%)	108 (38.2%)
Dismissed	219 (64.4%)	175 (61.8%)
By Prosecutions Division to review sentences		
Allowed	6 (85.7%)	5 (71.4%)
Dismissed	1 (14.3%)	2 (28.6%)
By Prosecutions Division by way of case stated		
Allowed	3 (75%)	1 (50%)
Dismissed	1 (25%)	1 (50%)

Court of First Instance (Appeals by defendants)

	2010	2011
Allowed	187 (23.4%)	204 (30.2%)
Dismissed	613 (76.6%)	471 (69.8%)

Signature: _____

Name in block letters: _____ Susie Ho

Post Title: _____ Director of Administration
and Development

Date: _____ 19.3.2012