

For information

**Legislative Council
Panel on Administration of Justice and Legal Services**

**Revised Remuneration Arrangements for
Part-time Interpreters Engaged by the Judiciary**

Purpose

This paper informs Members of the changes introduced to the remuneration arrangements for part-time interpreters (“PTIs”) engaged by the Judiciary in court proceedings following a review in 2016/17.

Background

2. For the purpose of proper administration of justice, the Judiciary will make available interpreter(s) to provide assistance if any party to or witness in any court proceedings uses any language which is not the language used by the court. Where interpretation service in foreign languages or a Chinese dialect is required in court proceedings for which the Judiciary’s core team of Court Interpreters are not able or available to provide, the Judiciary would engage PTIs to provide such service in court. Currently, the Judiciary maintains a list of over 340 PTIs for 36 foreign languages and 18 Chinese dialects.

3. Given the irregular demand for interpretation services for foreign languages and Chinese dialects, PTIs are engaged to provide their services on a freelance basis at an hourly rate. They are free to take up jobs offered by various government departments and non-governmental organisations. The remuneration arrangements for PTIs engaged by other government departments or non-governmental organisations are not within the purview of the Judiciary.

4. In May 2016, Members of the Panel on Administration of Justice and Legal Services of Legislative Council (“the AJLS Panel”) were informed via LC Paper No. CB(4)994/15-16(03) of the remuneration for the PTIs engaged by the Judiciary for court proceedings. At the meeting of the AJLS Panel on 23 May 2016, some concerns were expressed about the remuneration arrangements for the PTIs. The main comments raised were as follows:

- (a) the hourly rate was considered too low;
- (b) there was no annual adjustment to the hourly rates; and
- (c) there was no compensation for cancellation of assignments.

5. In light of the discussion at that meeting, the Judiciary has conducted a review of the relevant issues and as a result, has introduced certain

changes to the arrangements with effect from 1 May 2017. These are set out in the ensuing paragraphs.

The Issues Considered

The Hourly Rate and Payment Arrangements

6. Since 1 May 2015, PTIs have been paid a minimum two-hour fee of \$574 at an hourly rate of \$287 for interpreting service not exceeding two hours. For service exceeding two hours, they were paid the initial two-hour fee of \$574 plus \$143.5 for each subsequent half hour or part thereof.

7. The then hourly rate for PTIs engaged by the Judiciary was comparable to the prevailing hourly rate of a full time Court Interpreter I¹ employed by the Judiciary. There is no conclusive answer to the question as to whether such rate was lower than the market rates at the time since the rates in the market for freelance interpretation service could vary substantially from case to case. Given the above considerations, the Judiciary considers the hourly rate at \$287 during the period from 1 May 2015 to 30 April 2017 reasonable.

8. The Judiciary has also looked into the practice of paying PTIs a minimum of two hours for each assignment. An analysis of information on interpretation assignments handled by PTIs indicates that a large proportion of which are short assignments², with some shorter than half an hour. In addition, as freelancers, PTIs are free to leave before the lapse of the two-hour paid period as long as they have completed their interpretation assignments and are released by the court. The minimum payment pitched at two hours is therefore considered fair and reasonable and should continue.

9. However, the Judiciary considers that there is room to revise the current practice of remunerating PTIs on a half-hourly basis to payment on an hourly basis after the initial two-hour service. This will bring about improvements to the overall remuneration arrangements³.

Pay Adjustment Mechanism

¹ The Court Interpreter Grade is a full time civil service grade. The basic rank of the Court Interpreter Grade is Court Interpreter II and Court Interpreter I is one rank above the basic rank remunerated at Master Pay Scale Point 28.

² In the 2015/16 financial year, out of some 11,000 payments made to PTIs, more than 6,800 were attributed to interpreting jobs below two hours.

³ As an example, a PTI who has worked for two hours and twenty minutes would be paid for three hours instead of 2½ hours.

10. In the past, under the pay adjustment mechanism for PTIs introduced since April 2012, adjustments to hourly rates were pegged to the Consumer Price Index (A)⁴ (“CPI(A)”) published by the Census and Statistics Department (“C&SD”) of the Government. An adjustment on the hourly rate would be triggered only when the increase in the preceding year or the cumulative increase in the CPI(A) reached 5% or more. Any decrease in the CPI(A) in a year would not result in any immediate reduction in the hourly rates, but would be taken into account in an accumulative manner in subsequent years.

11. The hourly rate for PTIs engaged by the Judiciary has been revised upward over the past few years under the above mechanism, specifically by 8.79% in 2012, 8.93% in 2014 and 5.6% in 2015.

12. As a result of the latest review in 2016/17, the Judiciary considers that the CPI(A) is commonly used in the community as a reference in inflation adjustments for charges so as to maintain the purchasing power of the currency in face of changing prices. Adjustment of the PTIs’ hourly rate by reference to the change in CPI(A) is independent, readily available and simple. Accordingly, the Judiciary considers it appropriate to continue to make reference to the changes in CPI(A) when adjusting PTIs’ pay rates.

13. The Judiciary also finds that although the 5% trigger point under the mechanism adopted since 2012 would provide an independent threshold for rate adjustments, it may not be conducive to providing a prompt response to annual inflation. Hence, the Judiciary considers that there is a case for modifying the rate adjustment mechanism by dispensing with the 5% trigger threshold and would conduct annual reviews and adjustments of the PTIs’ hourly rates taking into account a basket of factors, primarily annual changes in CPI(A) and other factors such as the need to ensure an acceptable level of interpreting services for court proceedings and the supply situation of PTIs.

14. In accordance with the revised rate adjustment mechanism, the Judiciary reviewed the hourly rate in March 2017 following the publishing of the Annual Report on the Consumer Price Index by C&SD on 23 February 2017. Although the annual increase in CPI(A) for 2016 was reported to be 2.8%, the Judiciary considers that for the 2017 pay rate adjustment, the 4% increase in CPI(A) for 2015 which was announced in February 2016 should also be taken into account, i.e. the cumulative change in CPI(A) for 2015 and 2016 which

⁴ CPI(A) is one of the four series of Consumer Price Indices which reflect the impact of consumer price changes on households in different expenditure ranges. It is compiled based on the expenditure patterns of households which covers some 50% of households in Hong Kong.

amounted to an increase in 6.9% should be adopted as the basis for adjustment. Accordingly, the hourly rate for PTIs engaged by the Judiciary for interpreting services should be increased by 6.9%, i.e. from \$287 per hour to \$307 per hour.

Cancellation of Assignments

15. Under the established arrangement, the Judiciary would, as soon as possible, upon receiving a notice of cancellation of a request for PTI service in any court proceedings, inform the assigned PTI that the service is no longer required. When such notification is made with short notice and the PTI has already arrived at the courts, the Judiciary would pay the PTI on the basis of the minimum payment of two hours.

16. The Judiciary has always endeavoured to give PTIs as much advance notice of cancellation of bookings as possible. However, late notifications of cancellation are usually initiated by parties to the proceedings and are beyond the control of the Judiciary. In considering whether compensation should be paid for cancellation of bookings, the Judiciary considers that there is a need to strike a balance between prudent use of public resources when the service has not been used and mitigating the inconvenience caused and hence potential income foregone to the PTIs concerned. After the review, the Judiciary considers that when notifications of cancellation could only be made on the appointed date and no replacement assignment could be arranged on the same appointed date, the affected PTIs would be remunerated with the minimum two hours' payment. This is on the basis that since the booking for the PTI was for the appointed day, the concerned PTI would not have been able to take up other assignments for the same day even if there were such offers.

Implementation

17. The changes set out in this paper have already taken effect from 1 May 2017.

Conclusion

18. Members are invited to note the content of this paper.

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