

**For information**

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

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

**PURPOSE**

This paper provides information about the remuneration for Part-time Interpreters (“PTIs”) engaged by the Judiciary for the provision of interpretation services during court proceedings.

**BACKGROUND**

*Provision of Interpretation Service in Court Proceedings*

2. For administration of justice, if a party to or a witness in any proceedings or a part of any proceedings uses any language which is not the language used by the court, the assistance of an interpreter will be made available by the Judiciary.

3. For this purpose, the Judiciary maintains a core team of full-time Court Interpreters (“CIs”)<sup>1</sup> who mainly provide interpretation in English and Cantonese in court proceedings. Some of them also provide interpreting service for Putonghua and a few Chinese dialects (other than Cantonese). They are staff employed by the Judiciary.

4. Besides, the Judiciary maintains a register of PTIs providing interpretation services<sup>2</sup> in relation to court proceedings in 35 foreign languages and 18 Chinese dialects. The languages and dialects concerned are set out at **Annex A**. As at March 2016, there were about 340 registered PTIs on the Judiciary’s list. These PTIs are not staff employees of the Judiciary. Many of them have their own vocation and other engagements.

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<sup>1</sup> These CIs also provide translation and certification services.

<sup>2</sup> These PTIs may also be engaged by the Judiciary to provide translation and certification services, though on a much less frequent basis.

### *Engagement of Services Provided by PTIs*

5. Where there is an operational need for interpretation service in court in a foreign language or a Chinese dialect for which the Judiciary CIs are not able or available to tackle, the Judiciary engages the services of a PTI to provide the required service.

6. The demand for such interpretation services fluctuates from time to time and varies from language to language without any fixed pattern, depending on the number of litigants and witnesses etc. requiring such services. From the operational experiences, while the demand for certain foreign languages may be higher at a certain point in time, there may not be any demand for some rare languages for a whole year or even longer. Moreover, the actual duration requiring interpretation services for a particular proceeding also varies greatly, depending on the nature and complexity of the proceeding concerned. For example, for bail applications and cases for mention, the duration needed may be very short (say within an hour). But, the interpretation service required of a PTI may be needed for many days or even weeks for substantive hearings and trials.

7. To enable the Judiciary to provide interpretation services to court proceedings in foreign languages and Chinese dialects beyond the core competence of its CIs, the Judiciary has adopted the following measures.

(a) To invite eligible persons to apply to become PTIs of the Judiciary

8. First, the Judiciary strives to identify the largest possible pool of eligible persons in Hong Kong who are able to provide the requisite services, and to ensure that they meet the required standards. This is done by setting the qualification requirements, conducting the language tests, and advertising the invitations of application having regard to operational needs. The eligibility requirements are set out at **Annex B**.

(b) To maintain a list of registered PTIs who may be called upon to provide interpretation services in court proceedings<sup>3</sup>

9. The Judiciary engages the services of the registered PTIs having regard to the operational needs of a particular court proceeding. This

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<sup>3</sup> The Judiciary understands that some Government departments may also engage the Judiciary's registered PTIs for the Government's assignments. But this is a matter for the concerned Government departments. The policy of engagement of PTIs by the Government is outside the purview of the Judiciary.

involves lots of liaison work, as whether a particular PTI can respond positively to a request for service depends much on his/her availability, since most of them have their own vocation and other engagements.

10. Moreover, to avoid potential conflict of interest, when assigning jobs to the PTIs, the Judiciary will ensure that any PTIs who have assisted either party (including the prosecution department or the defence in a criminal case) in the same case should not be invited to interpret in court hearings for the same case, unless really justified otherwise.

(c) To ensure that the quality of interpretation services provided is of a satisfactory standard through training, support and supervision

11. The Judiciary attaches much importance to the training of, support for and supervision of the PTIs. Court visits are arranged for all new PTIs. They also attend an induction class in real courtroom setting on court structure, court procedures and code of practice. They are also given handouts on relevant subjects including oath/affirmation of court interpreter and witness, specimen charges and brief facts, different nature of sentences in the judicial system, and legal terms commonly used in court proceedings.

12. On supervision, feedback on interpreting service provided by PTIs is received from court users from time to time. Moreover, as an integral part of the performance management system, inspections on the performance of PTIs in courts are conducted by the Judiciary and views on their performance are also collected from the full-time CIs.

## **REMUNERATION FOR PTIs**

### ***Hourly Rate***

13. Given the irregular demand for interpretation services for foreign languages and Chinese dialects and having regard to the variation regarding the duration of engagement, for prudent use of public resources, the Judiciary has been remunerating the PTIs generally on the basis of hourly rates. The Judiciary had been adopting the standard hourly rates determined by the Government for non-government interpreters until 2002.

14. Moreover, having regard to the possible fluctuations of the duration of engagement for PTIs and the general durations of the morning and afternoon court sessions, the Judiciary maintains a two-hour minimum

payment in engaging the services of the PTIs. From the third hour onwards, they are paid at a half-hourly rate on the basis of the actual time spent.

### ***Adjustment Mechanism***

15. At present, the Judiciary reviews the hourly rate on an annual basis. The hourly rate is adjusted having regard to the annual changes in the preceding year in the Consumer Price Index (A) (“CPI(A)”) published by the Census and Statistics Department of the Government. Where the annual change or cumulative changes since the last adjustment reaches an increase of 5% or more, the hourly rate will be adjusted according to the actual change(s) in the CPI(A). Moreover, any decrease in CPI(A) in a year will not result in any immediate reduction in the hourly rates, but will be taken into account in an accumulative manner in subsequent year(s).

16. On the basis of the above adjustment mechanism, the hourly rate for the Judiciary’s PTIs was revised upward over the past few years, specifically by 8.79% in 2012, by 8.93% in 2014 and by 5.6% in 2015. The current hourly rate is \$287.

17. For 2016, as the CPI(A) increased by only 4% in 2015, the pay adjustment mechanism has not been triggered. But, the change will be considered in the next annual review in an accumulative manner.

### **ACTION REQUIRED**

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

**Judiciary Administration**  
**May 2016**

**Foreign Languages and Chinese Dialects that the Judiciary provides Interpretation Services by Engaging Part-time Interpreters**

**A. 19 Asian and Middle East languages**

- (1) Arabic (Egypt, Iraq, Israel, Jordan, Kuwait, Lebanon, Saudi Arabia, UAE etc.)<sup>1</sup>
- (2) Bengali (India and Bangladesh etc.)
- (3) Bhutanese (Bhutan)
- (4) Burmese (Burma)
- (5) Cambodian (Cambodia)
- (6) Hindi/Punjabi (India and Nepali)
- (7) Indonesian (Indonesia)
- (8) Japanese (Japan)
- (9) Korean (Korea)
- (10) Malay (Malaysia, Singapore etc.)
- (11) Nepali (Nepal, India)
- (12) Outer Mongolian (Outer Mongolia)
- (13) Russian (Russia, Ukraine etc.)
- (14) Sinhala (Sri Lanka)
- (15) Tagalog (Philippines)
- (16) Tamil (India, Sri Lanka, Singapore etc.)
- (17) Thai (Thailand)
- (18) Urdu/Punjabi (Pakistan)
- (19) Vietnamese (Vietnam)

**B. 7 African languages**

- (1) Amharmic (Republic of Ethiopia)
- (2) Igbo (Nigeria)
- (3) Lingala (Republic of the Congo)
- (4) Somali (Federal Republic of Somalia)
- (5) Swahili (Southeast Africa including Tanzania, Kenya, Uganda, Rwanda, Burundi, Mozambique, and the Democratic Republic of the Congo)
- (6) Twi (Ashanti, Ghana etc.)
- (7) Yoruba (West Africa, mainly Nigeria and Benin)

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<sup>1</sup> Countries in which the languages are spoken are in brackets.

**C. 9 European languages**

- (1) Danish (Denmark, Germany, Norway etc.)
- (2) Dutch (Netherlands, Belgium etc.)
- (3) French (France, European countries, Canada, Africa countries etc.)
- (4) German (Central Europe including Germany, Austria and Switzerland etc.)
- (5) Greek (Greece)
- (6) Italian (Italy)
- (7) Portuguese (Portugal, Brazil and some African countries etc.)
- (8) Spanish (Spain, USA, African countries and the Philippines etc.)
- (9) Turkish (Turkey)

**D. 18 Chinese dialects**

- (1) Chaozhou
- (2) Dongguan
- (3) Fuqing
- (4) Fuzhou
- (5) Guiyang
- (6) Hainan
- (7) Hunan
- (8) Jiangxi
- (9) Kejia
- (10) Helao
- (11) Leizhou
- (12) Minnan
- (13) Putian
- (14) Shanghai
- (15) Sichuan
- (16) Taishan
- (17) Wenzhou
- (18) Yangjiang

**Eligibility Requirements for the Judiciary's Part-time Interpreters**

- A. To qualify for registering as a **foreign language PTI**, an applicant should:
- (a) possess a recognized university degree or an equivalent academic qualification;
  - (b) be proficient in the foreign language concerned;
  - (c) be proficient in either English or Cantonese; and
  - (d) pass oral and written entrance test<sup>1</sup>.
- B. To qualify for registering as a **Chinese dialect PTI**, an applicant should:
- (a) have attained secondary level education;
  - (b) be proficient in the dialect concerned; and
  - (c) be proficient in Cantonese.

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<sup>1</sup> To appoint examiners who possess greater language proficiency, referrals are usually sought from relevant Consulates.