



立法會  
LEGISLATIVE COUNCIL

來函檔號 YOUR REF :  
本函檔號 OUR REF : CB4/PL/AJLS  
電話 TELEPHONE : 3919 3406  
圖文傳真 FACSIMILE : 2840 0269  
電郵 EMAIL : yfwoo@legco.gov.hk

(By email: jaoffice@judiciary.hk)

9 April 2020

Miss Emma LAU, JP  
Judiciary Administrator  
Judiciary  
G/F, High Court Building  
38 Queensway, Hong Kong

Dear Miss LAU,

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

**Letters from members on issues concerning the Judiciary**

As directed by Dr Hon Priscilla LEUNG Mei-fun, the Panel Chairman, I forward for your perusal the following letters from Members raising various issues concerning the Judiciary which she has received since the last regular meeting of the Panel:

- (a) Joint letter dated 28 October 2019 from 24 Members requesting to prioritize the item on "Work of the Coroner's Court" for discussion (LC Paper No. CB(4)293/19-20(01))(Chinese version only) (**Appendix I**);
- (b) letter dated 20 February 2020 from Hon Dennis KWOK on the general adjournment of court hearings (LC Paper No. CB(4)347/19-20(03)) (**Appendix II**);
- (c) joint letter dated 28 February 2020 from Hon Elizabeth QUAT and Hon Holden CHOW Ho-ding proposing that the Panel should discuss matters relating to the setting up of special courts to handle prosecutions for public order related offences (LC Paper No. CB(4)375/19-20(01)) (Chinese version only) (**Appendix III**); and

- (d) letter dated 20 March 2020 from Hon Dennis KWOK Wing-hang proposing that the Panel should invite submissions on the need and expectations on technological advancement in the judicial process (LC Paper No. CB(4)432/19-20(01))(Appendix IV).

As you are aware, on consideration of the latest situation of the novel coronavirus infection, the policy briefing-cum-meeting of the Panel was rescheduled to 23 March 2020, which has been further rescheduled to a later date on the same consideration. Therefore, members have not had the chance to consider the above letters and discuss the way to deal with the issues therein.

To facilitate members' consideration of the above-mentioned letters, as directed by the Panel Chairman, the Judiciary is invited to note the issues raised therein and to provide responses to them for members' reference **by 23 April 2020 (Thursday)**.

Besides, the Panel Chairman would like the Judiciary to introduce alleviation measures in relation to the delay of litigation over the large number of pending cases during the General Adjournment Period, in particular on judicial manpower recruitment and deployment, and the application of information technology and the use of alternative modes in the conduct of court business. The Chairman would like to invite the Judiciary to take reference from the practice of the judiciary of other jurisdictions, in particular the measures adopted by them to conduct trials through means of high technology in response to the emergency situation during the coronavirus pandemic.

Information may be addressed to the undersigned (email: [yfwoo@legco.gov.hk](mailto:yfwoo@legco.gov.hk)) for follow up. Please note that unless you raise objection, information provided will be made available to the media and the public and placed in the Library of the Legislative Council. They will also be made available on the website of the Legislative Council.

Yours sincerely,



(Lemuel WOO)  
Clerk to Panel

Encls

c.c. Dr Hon Priscilla LEUNG Mei-fun, SBS, JP (Chairman)  
Members of the Panel on Administration of Justice and Legal Services

香港中區立法會道一號  
立法會綜合大樓  
立法會  
司法及法律事務委員會  
司法及法律事務委員會主席

主席：

**要求優先討論「死因裁判庭工作」議程**

近月傳媒及社交媒體多次披露有多宗屍體發現案及不明死亡案件發生，有指 6 月起至今自殺個案達 305 宗，特別有一些墮樓及浮屍個案都引起公眾高度關注，並質疑與反送中運動有關。部份個案如死者頭套膠袋及手腳被綁、在海面撈起全裸屍體、高處墮下斷肢卻無明顯血跡，至今死因庭卻未有就類似個案召開死因庭，令大眾質疑當中是否有程序出現問題，而影響死因裁判官決定是否作進一步調查的考慮。

就此我們要求閣下把「死因裁判庭工作」列為第一優先處理，並邀請警方代表、臨床病理學家及法醫科醫生代表出席會議，在會上清晰交代近月「自殺」事件的官方數字，及當中個案處理及跟進程序。我們要求盡快討論該項議程以釋除公眾疑慮。

順祝  
政祺！

民主派議員

涂謹申 梁耀忠 李國麟 毛孟靜 胡志偉  
莫乃光 陳志全 梁繼昌 郭家麒 郭榮鏗  
張超雄 黃碧雲 葉建源 楊岳橋 尹兆堅  
朱凱迪 林卓廷 邵家臻 陳淑莊 許智峯  
鄭俊宇 譚文豪 范國威 區諾軒

二零一九年十月二十八日



郭榮鏗立法會議員辦事處

Legislative Council Office of the Hon. Dennis Kwok

Dr. Hon Priscilla LEUNG  
Chairperson  
Panel on Administration of Justice and Legal Services  
Legislative Council

**By EMAIL only**

Email: priscilla@lmf.hk

20 February 2020

Dear Dr. Leung,

### **General Adjournment of Courts**

It is noted that in view of public health considerations, all hearings of the courts/tribunals originally scheduled from 29 January to 23 February have been adjourned, except urgent and essential hearings/matters. It is also noted that the Wuhan Coronavirus epidemic is still serious, and the courts closure may extend further.

While I understand and support the Judiciary for taking measures to cope with the Wuhan Coronavirus epidemic in order to safeguard health and safety of all parties involved in hearings and the operation of courts/tribunals, the prolonged courts closure has inevitably affected the access to justice for parties and applicants.

Therefore, I wish to raise for urgent deliberations at the Panel's meeting

next Monday (24 February) to discuss the matter, including what measures can be taken to alleviate the impact. For a meaningful discussion of this matter, I propose inviting the Judiciary Administrator, the Law Society of Hong Kong, and the Bar Association to attend too.

Yours,

A handwritten signature in black ink that reads "Dennis Kwok." The signature is written in a cursive, slightly slanted style.

Dennis Kwok

Member of the Legislative Council

Deputy Chair of AJLS

cc. Emma Lau, Judiciary Administrator  
Melissa Pang, President, Law Society of Hong Kong  
Philip Dykes, SC, Chairman of the Bar Council, Hong Kong Bar  
Association



中華人民共和國香港特別行政區  
Hong Kong Special Administrative Region of the People's Republic of China



立法會 LEGISLATIVE COUNCIL  
區議會（第二）功能界別 Functional Constituency - District Council (Second)

周浩鼎議員

Hon Holden Chow Ho-ding

香港中區立法會道一號  
立法會綜合大樓  
司法及法律事務委員會  
梁美芬 主席

梁主席：

要求為本委員會議程加入討論之事項

自去年6月起，因反修訂《逃犯條例》引發的暴力行為已持續超過半年，且不斷升級，暴徒的暴力行為不但愈來愈瘋狂，違法事件更是接連不斷地發生。警方至今雖然已拘捕逾七千人，惟只有一千多人被正式檢控，而目前的審訊工作依然非常緩慢。

英國政府於2011年英國發生騷亂期間，曾增設24小時特別法庭去處理有關暴亂的檢控。坊間現時有不少意見提出，港府應仿效英國當年的做法，設立24小時特別法庭，以加快審訊工作去止暴制亂，迅速起阻嚇作用。

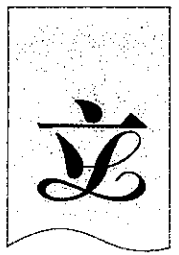
本人認為本委員會有必要就相關坊間建議進行認真討論，特此跟進，望委員會可儘早加入議程。倘蒙接納安排，不勝感激。

順祝  
政安！

立法會議員葛珮帆

立法會議員周浩鼎 謹啟

二零二零年二月二十八日



郭榮鏗立法會議員辦事處  
Legislative Council Office of the Hon. Dennis Kwok

By Fax: 2840 0269

Dr Hon Priscilla LEUNG Mei-fun  
Chairman of the Panel on Administration of Justice and Legal  
Services  
Legislative Council

20 March 2020

Dear Chairman,

**Technology for the Judiciary**

As the representative of the legal sector, I have received a substantial amount of comments from the profession on their disappointment with the way the Judiciary is closed down during Covid-19. Other than the lack of transparency and certainty with the arrangement during the General Adjourned Period (“GAP”) and how the backlog of cases is to be handled, there is also disappointment on how the Judiciary is lagging behind in terms of employing technology that would improve the administration of justice and minimise disruption to court operation in epidemics or forced closure for other reason. I enclose herewith a newspaper article written by a solicitor on this issue for the Panel’s consideration.

It is submitted that the Panel should invite submissions on the need and expectations on technological advancement in the judicial process, so as to inform the sufficiency or insufficiency of the Court Proceedings (Electronic Technology) Bill, especially in view of the recent experience of the GAP, and to urge for timely action should further policy or law making be necessary.

Yours sincerely,

Dennis Kwok  
Deputy Chairman



# Coronavirus closes Hong Kong courts, and reveals their neglect of technology

**FP** [hongkongfp.com/2020/03/01/coronavirus-closes-hong-kong-courts-reveals-neglect-technology/](https://hongkongfp.com/2020/03/01/coronavirus-closes-hong-kong-courts-reveals-neglect-technology/)

Guest Contributor

March 1,  
2020

## ***By Janet Pang***

As tens of thousands of corporate lawyers and civil servants work from home while the Covid-19 epidemic hits Hong Kong, the Hong Kong Judiciary is a rare branch of government which has not exploited technological advances, with a significant backlog of cases and applications piling up.

Barristers and solicitors have been sitting around wondering when they will have to go to court and which case they should prepare for, whilst anxiously waiting for announcements by the Judiciary. Without compromising the rule of law, access to justice or fairness, the legal sector – particularly the Judiciary – should think further about their arrangements for combating the coronavirus.

## **The need for the Judiciary's own epidemic plan and strategy**

Many have called for the Judiciary to provide greater transparency in their policies, decisions and details regarding the recent closure of courts. What were the factors and criteria to be considered in imposing court closure? Was the Judiciary influenced by the Administration's decision to impose work from home measures, or the rapid rise of the number of confirmed coronavirus cases? We do not know.

The Bar Association and the Law Society have both expressed concern about the delay in announcement and openness of the court arrangements. With the newest lengthy announcement made by the Judiciary on possible court resumption starting from March 2, it is still not very clear what the arrangements will be.

Perhaps the underlying issue of insufficient transparency stems from the lack of guidelines and strategies for epidemic emergency planning by the Judiciary. In contrast, some US courts came up with contingency plans for court operation during epidemics a decade ago, after the SARS and avian flu outbreaks.

In balancing the likely restriction of public access during a pandemic with the need for open justice, the epidemic preparedness plan would consider employing technology such as televised court proceedings, public access to computerised information systems, and simultaneous court transcription to provide participants and the public with access to court proceedings.

Although not seen in the Hong Kong context yet, the court should also be prepared for cases related to *habeas corpus* and quarantine orders during a time of epidemic. The court must also have basic ideas as to the conditions warranting court closure instead of simply following the practice of the administration, especially as the administration's decision to resume daily office operation may be motivated by political considerations.

It is crucial for the Judiciary to come up with its own plans and guidelines to ensure perception of independence. A proper policy in place will also provide greater certainty to court operations during times of stress, as the practices in the past few weeks have undermined certainty of the legal system, an important pillar of the rule of law.

### **E-filing and limited services**

One of the most troubling issues is that numerous court applications cannot be filed when the Registry is closed. Many lawyers have missed the opportunities to make important applications for their clients, such as applying for default judgment when the other side does not respond to a legal suit.

Some of them may also risk missing a deadline for filing applications, as the Court Registry has been closed for almost a month. Why did the Judiciary not opt to provide limited service of its Registry to ensure minimal and necessary operation of the justice system?

A makeshift measure could be that the Court Registry is to open with limited service. Lawyers and applicants can still file their applications or take out summons by depositing physical copies of documents at the Court Registry. They can email the court the same.

This ad hoc measure would not violate the existing rules which require physical filing with the Registry but judicial staffers and judges can make reference to the electronic copies so as to reduce the risk of spreading disease through physical contact. There is perhaps no perfect solution during a time of epidemic but the courts need to think further and come up with more flexible ways to deal with the situation.

Hong Kong's long-term competitor, Singapore, implemented an e-filing system as early as the early 2000s, whilst Hong Kong only began thinking of such in 2003. The use of technology by the Hong Kong Judiciary is lagging tremendously.

As the Court Proceedings (Electronic Technology) Bill is on its way, the judiciary and the legal profession must take every opportunity to ensure that they can take the advantage of technological advances in accordance with principles of the rule of law when the bill is dealt with at the legislature.

### **Dealing with backlogs**

It is expected that the courts will be swarmed with the backlog of applications and cases accumulated during court closure. It is understood the courts will adopt a staggered approach when they reopen, so that cases first taken out will be first dealt with. Yet, we do not know how long closure will last.

We could also expect long queues outside the courts on the first few days after reopening, when legal clerks rush to lodge application documents. This would ironically defeat the purpose of court closure, to control the flow of people. The Judiciary must devise proper arrangements to deal with the expected influx of people making court applications, such as arranging time slots for filing etc.

So far, it has expressed its intention to arrange for court registries be opened in batches but the details aren't released yet. Our previous suggestion that the court should consider providing limited service during closure to prevent a future influx would solve this problem.

It may be unfortunate that the Hong Kong Judiciary has faced an unprecedented workload due to the anti-Extradition Bill protests, followed by the coronavirus outbreak.

Yet, some of the consequences were avoidable. The forced closure of the courts during Covid-19 has revealed how archaic the existing legal system is, creating numerous hurdles where court operations could benefit from technology. The Judiciary should take this opportunity to consider long-term changes that would improve the administration of justice and minimise disruption to court operation in epidemics.

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*Janet Pang is a solicitor in Hong Kong and a member of Civic Party.*