



司法機構政務長

Judiciary Administrator

23 April 2020

Dr Hon Priscilla Leung, SBS, JP  
 Chairman  
 Panel on Administration of Justice and Legal Services  
 Legislative Council Complex  
 1 Legislative Council Road  
 Central, Hong Kong

*Dear Chairman,*

**Panel on Administration of Justice and Legal Services  
 (“AJLS Panel”)  
 Letters from members on issues concerning the Judiciary**

I refer to the letter from the Clerk to AJLS Panel dated 9 April which encloses four letters from AJLS Panel Members. The Judiciary is asked to note the issues raised in the letters and to provide responses to them for Members’ reference. The information is provided as follows.

**Work of the Coroner’s Court<sup>1</sup>**

2. The Judiciary issued to the AJLS Panel an information paper on death investigations and inquests by the Coroner’s Court on 25 October 2019 (LC Paper No. CB(4)44/19-20(01)). The Judiciary trusts that the paper should be able to provide Members with information on the practice, operation, and workload of the Coroner’s Court.

3. The Judiciary however notes that the issues raised by some LegCo Members in their letter dated 28 October 2019 go beyond the purview

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<sup>1</sup> Appendix I of the Panel Clerk’s letter dated 9 April 2020 refers.

of the Judiciary. It is therefore proposed that the AJLS Panel may wish to consider inviting responses from the relevant parties.

### **Setting up of special courts to handle cases related to recent social events<sup>2</sup>**

4. Regarding the letter from Hon Elizabeth Quat and Hon Holden Chow dated 28 February, the Judiciary notes that at the moment, the majority of the cases related to recent social events (“SE cases”) are not yet ready for trial but will probably become ready in the coming months. In anticipation of the expected high volume of such cases, the Chief Justice has tasked the Court Leaders of all levels of courts to explore all means to ensure the expeditious processing of these cases.

5. Accordingly, a Task Group, comprising primarily the relevant Court Leaders, has been set up. In exploring the possible measures, the Task Group firmly bears in mind the following key principles :

- (a) the proposed measures must be strictly in accordance with the law;
- (b) the legitimate rights and interests of the parties, the fairness of the trial and the due process of the proceedings must be safeguarded;
- (c) without compromising (a) and (b), cases should be processed expeditiously until conclusion; and
- (d) the proposed measures must be practicable, taking account of the Judiciary’s resources and other competing demands, and the stakeholders’ interests.

6. Possible measures being explored include (a) longer sitting hours and Saturday sittings on a need basis; (b) listing cases of various levels of courts at suitable court premises such as West Kowloon Law Courts Building depending on the nature and number of defendants etc.; (c) more effective case management, including setting stricter procedural timetable; and (d) exploring the possibility of re-commissioning of the Tsuen Wan Law Courts Building. The Task Group is also gathering more information about practices adopted in other jurisdictions when faced with similar situation (such as the UK).

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<sup>2</sup> Appendix III of the Panel Clerk’s letter dated 9 April 2020 refers.

7. Regarding the suggestion to set up dedicated court(s) to handle SE cases, the Judiciary notes that for the criminal cases, they cover a wide range of offences (such as unlawful assembly, assault, arson and riots) that carry varying maximum sentence. The complexity (such as the number of charges, defendants and witnesses) and gravity also differ from case to case. Hence these cases would be tried in different levels of courts having regard to the sentence that may be imposed on conviction. For instance, the respective jurisdiction of the Magistrates' Courts ("MCs") and District Court ("DC") is generally 2 and 7 years of imprisonment while more serious cases attracting higher sentence are dealt with in the Court of First Instance. Similarly, for the civil cases, owing to the varying amount of claim and the different relief sought, they have to be brought and tried in different levels of court. Further, listing the expected high number of cases at different courts in accordance with usual listing practice is more preferable than centralizing them in few dedicated courts in terms of a more even distribution of workload and better deployment of judicial resources. In view of the above considerations, the Judiciary's initial view is that it may not be practicable to set up a dedicated court to handle all cases related to the recent social events. It may not be the best and most expeditious way to dispose of these cases either.

8. As the operation of the judicial system requires the support and co-operation of many other stakeholders, including the legal profession, the Department of Justice, law enforcement agencies, Correctional Services Department, Legal Aid Department and other organizations such as the Duty Lawyer Service, etc., the Judiciary is consulting them on the proposed measures. While the original plan of the Task Group was to complete the consultation in Q1 2020, in view of the public health situation, the Judiciary has been closely monitoring the situation and will try to complete the consultation as soon as practicable.

9. On resources, the Judiciary has been trying its best to increase its judicial manpower as necessary at the relevant court levels, primarily at the DC and the MCs at this stage. For example, additional deputy Judges and Judicial Officers will be appointed and additional support staff are being or will be engaged or deployed to deal with the caseload. The Judiciary would also assess whether any additional requirements for judicial and other staffing resources are required, and if so, would put forward such proposals to the Government according to the established mechanism of the budgetary arrangements between the Judiciary and the Government.

### **General Adjourned Period<sup>3</sup>**

10. For the two letters by Hon Dennis Kwok on the General Adjourned Period (“GAP”) dated 20 February and 20 March respectively, the Judiciary has taken note of the comments therein. The Judiciary has also noted the comments of your good self as relayed in the penultimate paragraph of the Clerk’s letter dated 9 April.

11. Since February 2020, the Judiciary has issued 8 letters to the AJLS Panel on GAP, including one of today’s date. In the letter of 25 March (LC Paper No. CB(4)436/19-20(01)), the Judiciary has enclosed an information paper which sets out the measures that the Judiciary has been taking to address and alleviate the impact on court business due to the GAP. The letter of today’s date informs Members of the arrangements upon the cessation of GAP after 3 May. Members are invited to refer to the various letters and the information paper for the relevant details and updates.

12. I, together with my colleagues, will be attending the AJLS Panel meeting on 27 April. We will be pleased to answer Members’ questions in relation to GAP and the arrangements upon the cessation of GAP on 3 May.

Yours sincerely,



(Miss Emma Lau)  
Judiciary Administrator

c.c. Mr Lemuel Woo  
Clerk to AJLS Panel

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<sup>3</sup> Appendix II and IV of the Panel Clerk’s letter dated 9 April 2020 refer.