

Courts (Remote Hearing) Bill

Debate and voting arrangements

- Object of the Bill:** Seeks to provide for:
- (a) the application for, and the operation and effect of, remote hearings;
 - (b) fair disposal of, and public access to, remote hearings;
 - (c) offences to protect the integrity of proceedings and offences relating to the prohibition of recording on court premises; and
 - (d) related matters.

Joint debate : Clauses and a Schedule with no amendment, and clauses and a Schedule with amendments and new clauses proposed by the Chief Secretary for Administration (“CS”)	— Clauses 1 to 74 and Schedules 1 and 2, and the proposed new clauses 41A, 41B and 42A
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Joint debate on the original clauses, the Schedules and the amendments (including the deletion of clauses 41 and 42, and the proposed new clauses 41A, 41B and 42A).

CS’s amendments

Definitions of “legal representative” and “participant”

Clause 2

- To amend the definitions of “legal representative” and “participant” in clause 2 to **clearly differentiate between a person qualified to practise law and any other person having a right of audience**; and make it clear in plainer terms that “participant”, in relation to a proceeding, includes a person who, **in that proceeding, is “an individual who is entitled to participate in that proceeding under an Ordinance or a practice direction issued by the court”**.

Variation or revocation of a remote hearing order by the court in the light of a material change of circumstances

Clause 8

- To amend clause 8 to the effect that **the court may impose any condition that it considers appropriate in varying or revoking a remote hearing order in the light of a material change of circumstances, and must inform the parties to the proceeding of its decision.**

Replacing the phrase “for all effects and purposes”

Clauses 10, 15, 19 and 21

- To amend clauses 10, 15, 19 and 21 to replace the phrase “for all effects and purposes” with **“for all intents and purposes”, which is more commonly used in other pieces of legislation in Hong Kong.**

Definition of “protected session”

Clause 26

- To amend the definition of “protected session” in clause 26(5) to make it clear that **“breaks”** referred to in paragraphs (a)(ii) and (b)(ii) of the definition **do not include the adjournment of proceedings to be heard on the following day or to another date to be fixed.**

Right of a defendant to be present at appeal-related hearings

Clauses 41 and 42, and the proposed new clauses 41A, 41B and 42A

- To delete clauses 41 and 42 for the purpose of **retaining the existing** provisions of **section 83U of the Criminal Procedure Ordinance (Cap. 221) and section 36 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484)** in relation to the right of a defendant to be present at the hearing of an application for leave to appeal and at the hearing of an appeal.
- To add the proposed new clauses 41A, 41B and 42A for the purpose of adding sections 83RA and 83Y(2)(bb) to the Criminal Procedure Ordinance and sections 33(2A), 33(2B) and 33(4) to the Hong Kong Court of Final Appeal Ordinance, so as to **empower the court to dispose of an application for leave to appeal on paper when the court considers it appropriate**, in addition to making a related amendment and specifying transitional arrangements.

Other drafting, technical or consequential amendments

Clauses 2, 6, 23, 24 and 26 and Schedule 2

To make drafting, technical or consequential amendments to the provisions.

- Voting order :**
1. Clauses and a Schedule with no amendment (i.e. clauses 1, 3 to 5, 7, 9, 11 to 14, 16 to 18, 20, 22, 25, 27 to 40, 43 to 74, and Schedule 1) standing part of the Bill
 2. CS’s amendments (to amend clauses 2, 6, 8, 10, 15, 19, 21, 23, 24, 26 and Schedule 2, and delete clauses 41 and 42)
 3. Clauses and Schedule 2 with or without amendments standing part of the Bill
 4. The proposed new clauses 41A, 41B and 42A be read the second time and added to the Bill

CS’s amendments

(set out in LC Paper No. CB(2)457/2025(01) issued on 13 March 2025)