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Replies to supplementary questions raised by Finance Committee Members in examining the Estimates of Expenditure 2020-21

Controlling Officer : Judiciary Administrator

Session No. : 2

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S-JA001

CONTROLLING OFFICER'S REPLY

(Question Serial No. S034)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

In respect of criminal cases, please provide information of:

- (1) The number of search warrants applied for by the Police for inspecting the mobile phones of arrested persons or suspects in the past three years (Please list the number of search warrants applied for and actually granted by month). Among those cases with warrants granted for inspecting mobile phones, the number of cases where the phone in question was eventually not produced as an exhibit.
- (2) The number of search warrants applied for by the Police for entering premises in the past three years (please list the number of search warrants applied for and actually granted by month). Among those cases with warrants granted, the number of cases where the items in the premises were eventually not produced as exhibits.
- (3) The number of cases where bail was not granted in the past three years. Please set out the figures by month. Among those cases, what is the average duration of custody? What is the case with the longest period of custody and what is the duration?

Asked by: Hon HUI Chi-fung

Reply:

Magistrates process applications for search warrants as their statutory duties in accordance with the relevant legislative provisions. The Judiciary does not maintain the statistics requested.

As regards the handling of bail applications which are judicial proceedings handled by Judges and Judicial Officers, similar to the other criminal proceedings, the Judiciary does not maintain the information requested either.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. S035)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide the following information regarding criminal cases :
The numbers of criminal cases handled by each judge in the District Court and each magistrate in the Magistrates' Courts in the past three years (in the form of the table below).

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
His Honour Judge KO			
His Honour Judge C K CHAN			
His Honour Judge Michael WONG			
His Honour Judge Stanley CHAN			
His Honour Judge LEUNG			
Her Honour Judge MELLOY			
His Honour Judge YIP			
Her Honour Judge LEVY			
His Honour Judge YIU			
His Honour Judge K W WONG			
His Honour Judge Douglas YAU			
His Honour Judge KWOK			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
His Honour Judge Josiah LAM			
His Honour Judge Anthony KWOK			
His Honour Judge DUFTON			
His Honour Judge SHAM			
Her Honour Judge WOODCOCK			
His Honour Judge HUI			
His Honour Judge Jack WONG			
Her Honour Judge LO			
His Honour Judge Johnny CHAN			
His Honour Judge Gary LAM			
His Honour Judge Andrew LI			
His Honour Judge AU-YEUNG			
His Honour Judge LEONG			
His Honour Judge YEE			
His Honour Judge YU			
His Honour Judge PANG			
His Honour Judge CASEWELL			
His Honour Judge Simon LO			
His Honour Judge TAM			
Her Honour Judge KOT			
His Honour Judge LAI			
His Honour Judge OWN			
Her Honour Judge Y F CHAN			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
His Honour Judge L W WONG			
His Honour Judge LIU			
His Honour Judge Edmond LEE			
Her Honour Judge TSUI			
His Honour Judge Clement LEE			
His Honour Judge LIN			
Her Honour Judge TSE			
His Honour Judge K K PANG			
His Honour Judge K C CHAN			
Her Honour Judge MAN			
Mr PANG Ho-chuen, Lawrence			
Mr NG Siu-lam, Alex			
Mr SO Wai-tak			
Ms CHAINRAI Bina			
Mr LAW Tak-chuen, Peter			
Mr LUI Kin-man, Simon			
Mr HO Chin-pang, Dick			
Miss YIM Shun-ye, Ada			
Mr MAK Kwok-cheung			
Mr TO Ho-shing			
Mr CHEANG Kei-hong			
Mr SO Man-lung, Don			
Mr WONG Kwok-fai, Raymond			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
Ms CHAN Wai-mun			
Miss CHOW Pok-fun, Josephine			
Mr YIP Sue-pui, Lawrence			
Mr WAN Siu-ming, Jason			
Miss CHUI Yee-mei, Ivy			
Mr LI Chi-ho			
Ms WONG Susan			
Ms LAU Yee-wan, Winnie			
Mr TANG Siu-hung, Daniel			
Mr CHEUNG Chi-wai, David			
Mr CHENG Lim-chi			
Ms LAM Mei-sze, Michelle			
Mr CHUM Yau-fong, David			
Mr SHUM Kei-leong, Timon			
Mr KO Wai-hung			
Miss HO Wai-yang			
Ms CHEUNG Kit-yee			
Ms CHEUNG Tin-ngan, June			
Ms WONG Sze-lai			
Miss NG Chung-yee, Debbie			
Ms HEUNG Shuk-han, Veronica			
Ms TO Kit-ling, Doris			
Ms SHUI Kelly			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
Ms CHENG Kam-lin, Catherine			
Mr CHAN Ping-chau, Kenneth			
Mr LEE Siu-ho			
Mr CHOW Chi-wei, Raymund			
Ms CHU Yuen-yee			
Mr CHAN David			
Ms WONG Nga-yan, Peony			
Mr WONG Sze-cheung, Colin			
Ms SO Ka-yin, Rita			
Miss LEE Kar-lok, Jacqueline			
Mr HO Chun-yiu			
Ms SOONG Wing-sum			
Ms LEUNG Ka-kie			
Ms TSUI May-har, Stephanie			
Ms LEUNG Siu-ling			
Mr IP Kai-leung, Jacky			
Mr PANG Leung-ting			
Ms CHUNG Ming-sun, May			
Miss CHAN Lo-yee, Louise			
Mr WONG Ching-yu, Edward			
Mr LAM Tsz-kan			
Mr LEUNG Man-liang, Matthew			
Miss LAU Suk-han			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
Mr MOK Tze-chung, Andrew			
Miss LEUNG Nga-yan, Frances			
Mr LAM Hei-wei, Arthur			
Mr YU Chun-pong			

Asked by: Hon HUI Chi-fung

Reply:

Criminal cases are assigned to Judges and Judicial Officers (“JJOs”) according to the workload, expertise, experience and availability of JJOs at different levels of court. The Judiciary does not maintain statistics regarding the number of cases handled by each JJO.

- End -

CONTROLLING OFFICER'S REPLY

S-JA003

(Question Serial No. S037)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

In relation to accusations involving the Police, please inform this Council:

- (1) among the criminal cases, of the number in which the defendant complained in Court of being subject to police violence;
- (2) of the approach adopted by the Court in these cases;
- (3) if the police officer involved in the complaint was a prosecution witness, whether the Court would take into account the statement/testimony of the officer before the complaint was dealt with.

Asked by: Hon HUI Chi-fung

Reply:

The Judiciary does not in general maintain any statistics on specific groups of accused or defendants. Hence, the Judiciary does not have the information requested.

In criminal proceedings, prosecutors and defendants may present evidence in support of their cases or arguments. If, in the course of court proceedings, there is any related allegation of the use of violence made against any law enforcement officers, the court will deal with the allegation strictly in according with the law to ensure a fair trial.

- End -

CONTROLLING OFFICER'S REPLY

S-JA004

(Question Serial No. S038)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Is the constitutional role of the Judiciary one of keeping a check and balance on the Government or complementing the Government?

Asked by: Hon HUI Chi-fung

Reply:

The Judiciary has the constitutional function of administering justice in Hong Kong in accordance with the law. Article 85 of the Basic Law provides that the courts of the Hong Kong Special Administrative Region (“HKSAR”) shall exercise judicial power independently, free from any interference. In the discharge of their duties, judges and judicial officers are to uphold the Basic Law, bear allegiance to the HKSAR, serve the HKSAR conscientiously, dutifully, in full accordance with the law, honestly and with integrity, safeguard the law and administer justice without fear or favour, self-interest or deceit.

- End -

CONTROLLING OFFICER'S REPLY

S-JA005

(Question Serial No. S041)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Since the start of the social events arising from the opposition to the proposed legislative amendments, many members of the public have questioned the way the Hong Kong Police handled dead body found cases, as well as their hasty conclusion in some of these cases that the deaths were “not suspicious”. Regarding the dead body found cases concluded to be “not suspicious” by the police based on investigations at the scene since the starting of such social events:

1. How many of them had the police subsequently (A) continued with follow-up investigations; (B) ceased follow-up investigations?
2. Regarding the two types of “not suspicious” cases in Question 1, please provide, with breakdown by these two types, the number of cases that the Coroner had directed that (A) further investigation be conducted; (B) a date be fixed for holding a death inquest;
3. Among the cases in which (A) the police had ceased follow-up investigation and (B) the Coroner had directed that no further investigation was required, is there any case in which an inquiry was reopened as a result of an objection from properly interested persons (including relatives of the deceased or legal representative)? If yes, what are the details?
4. Concerning deaths for which no direction had been given by the Coroner for further investigation, what are the records that have been kept by the Coroner's Court?
5. Many members of the public have questioned the police's approach as well as the relevant procedures as a whole. In view of this, will the Judiciary review the existing procedures, such as allowing forensic pathologists to get involved in the investigation as early as possible?

Asked by: Hon WU Chi-wai

Reply:

The Judiciary does not maintain statistics on the number of reportable death cases where the Police concluded to be “not suspicious”. Hence, the Judiciary does not have the information requested.

In general, for every reportable death, a public hospital clinical pathologist or a Department of Health forensic pathologist will have examined the medical records of the deceased and the course of events leading to his death. The pathologist will have also carried out an external examination of the body. If he is still unable to determine a cause of death, he would advise the Coroner that it is necessary to perform an autopsy to ascertain the cause.

Every reportable death, supported by relevant reports such as the investigation report by the Police and the post mortem report by the clinical or forensic pathologist, would be considered by the Coroner. After considering all relevant information, including the expert opinions of the pathologists and medical practitioners, medical history of the deceased, the course of events leading to the death and the findings of police investigation, the Coroner will determine whether there is sufficient information to enable him to conclude the case or to order the Police to carry out further investigation and to seek for independent opinion from expert, where appropriate.

When the Coroner considers that there is sufficient information and upon considering all the circumstances of the case, the Coroner shall decide whether to hold an inquest into the death.

Relevant records are kept in case files in the Coroners’ Court.

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