

LC: Opening remarks by CS for proposed resolution under Costs in Criminal Cases Ordinance

Following is the opening remarks (translated from Chinese) made by the Chief Secretary for Administration, Mr John Lee, for the proposed resolution of the Costs in Criminal Cases (Amendment) Rules 2021 under section 22 of the Costs in Criminal Cases Ordinance (Cap. 492) in the Legislative Council today (September 1):

Mr President,

I move that the Resolution standing in my name on the Agenda be passed to seek the approval of the Legislative Council (LegCo) for the Costs in Criminal Cases (Amendment) Rules 2021 made by the Chief Justice of the Court of Final Appeal under section 22 of the Costs in Criminal Cases Ordinance (Cap. 492).

The Judiciary has been proactively developing by phases an integrated court case management system (iCMS) under the Information Technology Strategy Plan (ITSP) so as to provide court users with an option to transact court business by electronic means. The ITSP is being implemented in two phases. The first phase consists of two stages. In Stage 1 of Phase I, the iCMS is being implemented in the District Court as well as the Summons Courts of the Magistrates' Courts. For the remaining courts and tribunals, the iCMS is planned to be implemented under Stage 2 of Phase I, and also Phase II.

The Court Proceedings (Electronic Technology) Ordinance (Cap. 638) was enacted on July 17, 2020 to provide an overall legislative framework to enable court-related documents to be handled in electronic form, eventually covering all levels of court. Cap. 638 also provides that the Chief Justice of the Court of Final Appeal may specify by subsidiary legislation the detailed court and operational procedures for the use of electronic mode.

The Judiciary tabled nine sets of subsidiary legislation relating to Stage 1 of Phase I of the ITSP at the LegCo in June 2021. They were passed by the LegCo on July 7, 2021. In particular, the Judiciary has expanded the scope of the District Court Civil Procedure (Fees) Rules (Cap. 336C) to cover fee items relating to criminal proceedings, which are currently charged on an administrative basis. The title of Cap. 336C is also amended to "District Court (Fees) Rules" accordingly. These amendments will come into operation on October 1, 2021.

Since the title of Cap. 336C is referred to in the Costs in Criminal Cases Rules (Cap. 492A), in the light of the aforesaid amendment to the title of Cap. 336C, minor amendments are proposed in the Costs in Criminal Cases (Amendment) Rules 2021 made by the Chief Justice of the Court of Final Appeal

to incorporate the new title of Cap. 336C into Cap. 492A for the sake of clarity.

I invite Members to approve the Resolution. Thank you, President.