

LCQ4: Sign language interpretation service of Judiciary

Following is a question by the Hon Shiu Ka-chun and a reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (November 11):

Question:

Currently, the Judiciary maintains a register of sign language interpreters, and engages on a freelance basis the interpreters on the register to provide interpretation service in court proceedings for people with hearing or speech impairment. Such service has been subjected to criticism from time to time in recent years. For instance, a sign language interpreter was alleged to have breached the codes of professional conduct by requesting on one's own volition the defendant to plead guilty, a defendant was in need of sign language interpretation service but such service was not arranged, and the court did not permit a sign language interpreter who was not on the register to provide interpretation service for a defendant. In this connection, will the Government inform this Council if it knows:

(1) whether the Judiciary has regularly updated the register of sign language interpreters; if the Judiciary has, of the details; if not, the reasons for that;

(2) whether sign language interpretation service provided on a freelance basis is sufficient to cope with the service demand, and whether the Judiciary has plans to engage full-time sign language interpreters; if the Judiciary does, of the details; if not, the reasons for that; and

(3) whether the Judiciary has put in place a mechanism for handling complaints about the quality of sign language interpretation service; if the Judiciary has, of the details; if not, whether the Judiciary will establish such mechanism?

Reply:

President,

Based on the information provided by the Judiciary, the Government's consolidated reply is as follows:

To facilitate administration of justice, sign language interpretation service is provided to a witness or a party who has such a need in any court proceedings or part of any proceedings. For this purpose, the Judiciary Administration maintains a list of registered sign language interpreters who may be engaged to provide interpretation services on a freelance basis as and when necessary. These freelance interpreters are not employees of the

Judiciary. They will provide the necessary services to the courts on a freelance basis for a period of time (such as a half day) in the capacity of a service provider as and when necessary. At present, there are 17 registered sign language interpreters on the Judiciary Administration's list.

Over the past five years, the total number of proceedings requiring sign language interpretation services remained steady at about 100 cases per annum on average (i.e. some eight to nine cases per month) at all levels of courts. The current pool of registered sign language interpreters is adequate in meeting the service needs. As such, the Judiciary Administration sees no imminent need to enlarge its pool of freelance sign language interpreters at this stage, and does not consider it cost-effective to employ any full-time sign language interpreters.

Court interpretation is not an easy task, as it involves court cases and bears legal consequences. The Judiciary Administration will engage duly experienced interpreters to provide interpretation services according to the complexities of the court proceedings involved. To ensure the quality of interpretation services in court proceedings, the Judiciary requires that registered sign language interpreters meet certain requirements, including passing the sign language proficiency tests and interviews and possessing considerable experience in providing court interpretation service (such as the interpreter concerned has the ability and experience to perform sign language interpretation work of different complexities at different levels of courts). Besides, the Judiciary Administration has put in place a performance monitoring mechanism to ensure the quality of service provided by the freelance interpreters to the courts. The Judiciary collects feedback and views on the performance of such interpreters from court users and the Judiciary's full-time court interpreters, and also reviews this mechanism from time to time.

Any complaints against the freelance sign language interpreters engaged by the Judiciary Administration will be dealt with in accordance with the established procedures of the Judiciary Administration. Specifically, the Judiciary Administration will conduct an investigation upon receipt of the complaint having regard to all relevant facts surrounding the allegations. Where the complaint is found substantiated, appropriate management actions, including warning, suspension of service and delisting, will be taken. This will also be duly taken into account in engaging the service of the freelance interpreter concerned for court proceedings in future. Over the past five years, one such complaint, which involved the service performance of a freelance sign language interpreter at court, was received. The Judiciary Administration looked into the case in accordance with the established mechanism and found it not substantiated.

Apart from the above procedures of handling complaints, all parties to the court proceedings may bring it up to the court if there is any allegation or concern that a fair trial may be undermined by the quality of the interpreter in the court proceedings. The court may deal with it on its own should any interpretation problem be noted. The matter concerned can also be raised on appeal as and when necessary. The court will handle the relevant

allegation strictly in accordance with the law to ensure that a fair trial takes place.

While the Judiciary Administration does not see an imminent need to enlarge its pool of sign language interpreters, it will from time to time take in new interpreters who meet the relevant requirements to ensure the sustainability of the sign language interpretation service. In this regard, the Judiciary Administration is considering the introduction of an enhanced mechanism whereby relevant professionals from local universities and veteran sign language interpreters with practical court experience may be invited to assess the proficiency of the candidates concerned.