

Report of the Committee on Criminal Law & Procedure 2024

This report outlines the work undertaken by the Committee on Criminal Law & Procedure (“**the CCrimLP**”) in 2024.

Legislative Proposals

1. In April 2024, the Judiciary invited the Bar Association to comment on a proposed new Practice Direction on Coronial Proceedings, following a review of the proceedings in the Coroner’s Court to facilitate it to deal with cases in a more efficient, expeditious and timely manner. A taskforce led by vice-chairperson Ms Vinci Lam SC and comprising CCrimLP members Mr Joe Chan, Mr Tien Kei Rui, and Mr Gordon Chan was formed to collect views and consider the proposed practice direction. On 3 June 2024, the Bar Council provided the views collated by the CCrimLP to the Judiciary.
2. As covered by the CCrimLP report in 2023, the CCrimLP had provided input and raised concerns about the draft Criminal Procedure (Amendment) Bill 2023. The Criminal Procedure (Amendment) Ordinance 2023 (“**2023 Amendment Ordinance**”) was passed in the Legislative Council on 12 July 2023. Following the passage of the ordinance, the Department of Justice (“**DoJ**”), on 23 May 2024, invited the Bar Association to provide comments on the draft Criminal Procedure (Appeal against Ruling of No Case to Answer) Rules (“**Draft Rules**”), which seeks to implement the new prosecution appeal mechanism against “no case to answer” ruling in Court of First Instance jury trials under the 2023 Amendment Ordinance.
3. On 20 June 2024 CCrimLP prepared a note on behalf of the Bar Association after collecting views from members, raising concerns over issues with the service of notice of appeal and method of service by the prosecution. The note was endorsed by the Bar Council and was provided to the DoJ. The DoJ replied on 10 July 2024, accepting in part the views expressed by the Bar Council and incorporating the suggested amendments to the Draft Rules accordingly.

Other Matters

4. The Biennial Review of Criminal Legal Aid Fees, Prosecution Fees and Duty Lawyer Fees (“**the Biennial Review**”) was due for review in 2024 by the Administration. A meeting was held on 26 August 2024 among representatives from the DOJ, the Law Society of Hong Kong and the Bar Association. CCrimLP member Mr Gordon Chan attended the meeting after collating the views from other members of the CCrimLP and providing the Bar’s view on the issues over the current fees. The 2024 Biennial Review has now been completed, and the administration published the results in October 2024.

5. On 15 November 2024, members of the CCrimLP attended a talk titled “Observations from the bench: The Handling of District Court cases” delivered by the Hon Mr Justice Douglas Yau, Her Honour Judge Lily Wong and Her Honour Judge Kathie Cheung, and organised by the Prosecutions Division of the DoJ. During the talk, the speakers shared their observations from the bench on conducting criminal trials at the District Court on both prosecution and defence.

Membership

Martin S.T. Hui, SC (Chairperson)
Edwin W.B. Choy, SC (Vice-Chairperson)
Vinci W.S. Lam, SC (Vice-Chairperson)
Adonis K.W. Cheung
Albert S.K. Ho
David Rex Boyton
Charles J. Chan
Priscila T.Y. Lam
Lawrence Cheuk Lun Hui
Lee Shu Wun
Kelvin K.W. Lai
Joseph J.E. Lee
Kay K.W. Chan
Joe W.Y. Chan
Randy Shek
Wilson W. S. Tam
Tien Kei Rui
Mavis C.H. Lam
Lawrence H.Y. Pang
Dick Chun Man Wong
Peggy P.Y. Pao
Gordon W.C. Chan
Kelly H.K. Cheng
Michelle Y.Y. Lin

Martin Hui, SC
Chairperson
Committee on Criminal Law and Procedure

2 January 2025