

Transcript of remarks by SJ at media session

Following is the transcript of remarks by the Secretary for Justice, Mr Paul Lam, SC, at a media session at the "Mediate First" Pledge Event 2023 with the theme "Mediate First - Let's Do This Together" this morning (May 5):

Reporter: Mr Lam, so how will the District Council reform restore its function as non-political bodies while at the same time ensuring its consultative function? And secondly about remote hearing in courts, some said the registration requirement may not fit the open court principle, so would there be any adjustments to this? Thank you.

Secretary for Justice: Firstly, I will try to answer your second question first. The Judiciary has just introduced a bill in relation to remote hearing. I think it is a proposal that should be welcomed. I think the whole purpose of the remote hearing mechanism is to facilitate hearings or court hearings to be conducted in a more efficient manner. Based on the experience that we had during COVID, many court hearings for different practical reasons were unable to be held in the usual manner, and many hearings were successfully held in a fair and proper manner by way of remote hearing. So, there are a lot of merits to formalise the system and to ensure that system can further develop. In so far as remote hearing is concerned, I am sure that some of you who had attended remote hearing will recognise that although witnesses or even counsel may not be physically present in court, the trial is still conducted openly in a sense that people can still hear witnesses giving evidence and counsel making submission. So it is entirely consistent with important principles, for example open justice and other important principles that you have mentioned.

Returning to your first question. As I said earlier, it is very important to bear in mind that Article 97 of the Basic Law sets out very clearly the two functions of district organisations, namely to be consulted by the government on matters in relation to district administration and secondly to provide services in various areas. Under our proposal, firstly we have introduced various requirements which you are very familiar with, and then of course we are in the cause of drafting or amending the relevant legislations. We have mentioned that we are in the cause of amending or trying to reform six pieces of principle ordinances plus 14 subsidiary legislations. These details will be announced when the drafting exercise is completed and I can reassure you that when we draft the proposed amendments, we will certainly bear the important principles that were highlighted in mind to ensure that these legislative

provisions will reflect the true spirit and intention of Article 97.

(Please also refer to the Chinese portion of the transcript.)

Ends/Friday, May 5, 2023