

總裁判官內庭用箋



CHIEF MAGISTRATE'S CHAMBERS
KOWLOON CITY LAW COURTS BUILDING
147M ARGYLE STREET
KOWLOON CITY
KOWLOON

Our Ref. : SC 500/3/5

Tel. No. : 2767 3241

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22 November 2002

Ms Christine Chu
AD of Practitioners Affairs
The Law Society of HK

Dear Ms. Chu,

Accessibility of Plea Court Record

Thank you for your letter dated 17 October 2002. I have consulted my colleagues in the plea courts.

In our experience, the conviction records of the accused are most frequently disclosed in bail applications in the plea courts. Colleagues will not keep this in our court files. As to other types of information mentioned in your letter, they are rarely recorded in detail in the file. In case there is prejudicial information produced in the plea court, the magistrate will keep them in a separate envelope and mark it as "not to be seen by the trial magistrate". We have a special procedure, the "Sivan procedures", for handling of the sensitive information in relation to informant/defendant.

In reality, it is not possible to shunt all prejudicial information from the trial court. All magistrates are professional officers. They are well aware of the precautions needed in handling this kind of information. At present, there is no case that causes me any concern.

In case you have doubt, I am pleased to discuss further.

Yours sincerely,

(Patrick Li)
Chief Magistrate