

**Analysis of the Processing Time
for Cases Related to “Anti-extradition Amendment Bill
Incidents” Concluded in the District Court**

With reference to around 90 of the above cases concluded in the District Court (DC) in the past two years (i.e. by end of September 2021), before a criminal case (including cases related to “anti-extradition amendment bill incidents” (anti-EAB cases) and the National Security Law (NSL cases)) is eventually listed for trial at the DC, it normally has to undergo the three stages set out below for it to proceed and be concluded at the DC -

**(a) Stage 1: Magistrates’ Courts (MC) Stage
(Median time taken : about 100 days)¹**

Like other criminal cases, anti-EAB/NSL cases are first dealt with by the MC. Some of the cases may be transferred to the higher courts for disposal in accordance with the relevant judicial procedures. At the MC stage :

- (i) the Police (and/or other law enforcement agencies) may need to conduct further investigation and seek legal advice; and
- (ii) the MC proceeding will be conducted. The prosecution will also need to make an application to the court and prepare documents to transfer the case to the DC (including a list of witnesses whom the prosecution intends to call and copies of their statements, as well as copies of documentary exhibits which the prosecution intend to rely upon at trial);

**(b) Stage 2: Transfer of case from MC to DC (Transfer Stage)
(Median time taken : 21 days)**

It refers to the time required from the date of transfer of a case to the DC to the first appearance date in DC. According to the law, the first appearance in DC should generally be within 21 days

¹ The processing time of these cases at the Magistrates’ Courts has also been affected by the adjustments to court business in light of the changing public health situation during this period.

from the date of transfer order made regarding remanded defendants.

(c) **Stage 3: DC Stage**

(Median time taken :

- **Cases without trial (i.e. with the defendant(s) pleading guilty early) : about 200 days;**
- **Cases with trial (i.e. with the defendant(s) pleading not guilty) : about 380 days)**

After transfer to the DC, in general a case can only proceed to trial after completion of the following procedures:

- (i) the defendant(s) to apply for legal aid or arrange private legal representatives;
- (ii) discovery of evidence, i.e. for the prosecution to serve additional evidence (if any) on the defence and for the defence to request further evidence from the prosecution. This may be time-consuming given the large volume of video evidence and number of witnesses, etc. for such cases in general;
- (iii) providing legal advice to the defendant(s). This is critical as the timeliness of a guilty plea determines the amount of discount in sentencing, i.e. if a defendant pleads guilty at the earliest opportunity, he/she will get the maximum discount (as much as one-third) in sentencing; and
- (iv) case management procedure. The court may need to consider applications for consolidation of cases where defendants are charged with charges founded on the same facts, or severance of cases for practical reasons if such cases involve a large number of defendants. If the severed cases involve common witnesses and/or evidence, the trials may have to be arranged sequentially over a relatively long period of time.