

JUDICIARY

GUIDELINES FOR CERTIFICATION OF DOCUMENTS **CRIMINAL CASES**

Introduction

1. The Guidelines aim at assisting court users in the preparation of translations for certification and application for certification of translations.
2. The Court Interpreters of the Court Language Section are authorized under the Official Languages (Translation) Rules to certify as true and correct, translations of documents provided by law enforcing agencies, law firms and individual members of the public for use in court proceedings.
3. The contents of the Guidelines will be revised from time to time to incorporate new practices as directed by judges and judicial officers.

Documentation

4. The Court Language Section only accepts documents handed in by hand. Documents sent by post or fax will not be accepted.
5. **HAND IN ONLY CERTIFIED TRUE COPY OF THE SOURCE LANGUAGE DOCUMENT** for certification together with an application form signed at the designated section by an Inspector of the Hong Kong Police Force or an officer of similar rank in other government departments, or relevant officer of a law firm (“subject officer”), or a litigant in person, as appropriate for confirming that the document submitted is a certified true copy of the source document.
6. For avoidance of doubt, a certified true copy here means a photostat made from the original document and verified by the subject officer or a litigant in person as identical to the original document. The subject officer or litigant in person should sign on the upper right corner on the first page of such photostat to confirm that it is a true copy, with information including his/her full name and the total number of pages of that particular document as illustrated in the box below.

<p>I, _____, confirm that this document, consisting of (_____) pages in total, is a true copy of the original document.</p> <p>Signature: _____ (Name: _____)</p>	<p>Remarks: Full name of the subject officer in English</p>
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7. The steps stated in paragraphs 5 and 6 should all be completed before the certified true copy and its translation are brought to the Certification Counter of the Court Language Section for making an application for certification of translation. There is **NO NEED TO BRING ALONG THE ORIGINAL DOCUMENTS.**
8. Where only the original of the source language document(s) can be handed in, it would be necessary to provide at the time of the application a letter* stating why a certified true copy cannot be provided.
9. The steps and requirement stated above for confirming the source language document as certified true copy **DO NOT APPLY TO TRANSCRIPTS OF AUDIO AND/OR VIDEO RECORDINGS, INCLUDING TRANSCRIPTS OF VIDEO RECORDED INTERVIEWS.**
10. Specify in the Application Form whether the document has been handed in for the purpose of certification by the other party to the case.
11. Hand in translations prepared according to the format stipulated in the Annex. For audio/video tape transcripts, please refer to “Guidelines for the Preparation of Audio/Video Tape Transcripts and their Translations”.
12. In an application for certification of the translation of a witness’s statement, provide a letter* stating that such statement will be produced in court.

* The letter should preferably be signed by a Superintendent of the Hong Kong Police Force or an officer of equivalent rank in other government departments.

13. If only a portion of the translation requires certification, please:
- (i) underline the relevant part in the TRANSLATION of the source document; and
 - (ii) provide a letter* at the time of the application stating such request.
14. Fair copies of certified translation (normally prepared by the Applicant) are required for proceedings in the Court of First Instance of the High Court.

Time needed

15. The time required for certification of any translation of documents varies depending on the court levels and the volume of the translations.

<u>Court for which documents are required</u>	<u>Working days</u>
Magistrate's Court	7
District Court	14
Court of First Instance of the High Court	21
Court of Appeal and the Court of Final Appeal	21

16. The number of days above is exclusive of the day when application is made and the day for collection.
17. Where urgent certification is required, a letter† stating the reason for such urgency should be provided at the time of the application. Consideration will then be given on a case-by-case basis.
18. If the collection date falls on a Saturday, a Sunday or a public holiday, the actual collection date shall be the following working day.
19. When the certified translations have to be re-typed for production in court, extra time will be needed.

* The letter should preferably be signed by a Superintendent of the Hong Kong Police Force or an officer of equivalent rank in other government departments.

20. The time required for certification of the following documents will be considered on a case-by-case basis:
- (i) translations of over 50 pages;
 - (ii) translations with format irregularities (i.e. deviate from the format at the Annex)

Poor quality translations

21. The Court Language Section is tasked to certify the translations as true and correct. Any translation of poor quality will be returned to the applicant to redo the translation. The Court Language Section is not responsible for any delay in the court proceedings caused by re-translation.

Documents containing a language other than Chinese or English

22. The time required for certification will be considered on a case-by-case basis.
23. For certification of a tape/DVD transcript, hand in the corresponding tape/DVD at the time of application so that certification can be arranged. If certification of the tape/DVD transcript in the source language is not required, provide a letter* at the time of the application stating the same.
24. For details on format, please refer to “Guidelines for Translation of Documents Involving Foreign Language(s) in Criminal Cases”.

Judiciary Administration
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* The letter should preferably be signed by a Superintendent of the Hong Kong Police Force or an officer of equivalent rank in other government departments.

Format of Translation

1. Type out all translations in double-line spacing to facilitate amendments and corrections, where necessary.
2. Type out all English translations in font size not smaller than 13, and Chinese translations not smaller than 14 to achieve the best possible reading performance.
3. Allow at least 3 cm margin space for all four margins.
4. Show all amendments (e.g. insertions, deletions, corrections, etc.), signatures, wrong characters, homonyms, etc. in their corresponding places in the translation.

e.g. 陳 PC 12345 DA 粉係我~~今~~琴日响公遠買。

(sd) CHAN I bought the (insertion) powder at a park
PC 12345 (homonym) (deletion) yesterday.

5. Put the translated word(s) in quotes and add the word ‘(sic)’ when a certain word or phrase does not fit into its contents.

e.g. 我用左\$300 賣D 白粉。

I ‘sold’ (sic) the white powder for \$300.

6. Add the word ‘(transliteration)’ when a transliteration is used.

e.g. 呢D 碟係4 仔。

These discs are ‘sei chai’ (transliteration).

7. Put the translator’s note (including those mentioned in para. 4, 5 and 6) in round brackets and the round brackets in the original text in square brackets.
8. Put the name of the translator and /or that of the translation agency at the end of the last page of the translation.