

JUDICIARY

GUIDELINES FOR CERTIFICATION OF DOCUMENTS

CRIMINAL CASES

Introduction

1. The Guidelines aim at assisting court users in both the preparation of translations for certification and the application for certification of translations.
2. The Court Interpreters of the Court Language Section (“CLS”) are authorized under the Official Languages (Translation) Rules to certify as true and correct, translations of documents provided by law enforcement agencies, law firms and individual members of the public for use as evidence 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. In general, the CLS only accepts documents handed in by hand. However, for cases that are covered by the integrated Court Case Management System (iCMS), we also accept documents submitted via online application for certification. Please refer to “Points to Note for Using the iCMS Function of Certification of Translation Service” on the Judiciary’s website (https://www.judiciary.hk/en/court_services_facilities/cts.html) for details.

Under NO circumstances will documents sent by post or fax for certification 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 CLS 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 certification by the other party/other parties to the case.
11. Specify in the Application Form whether there are other documents of the same case yet to be submitted for certification.

* 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.

12. Translations handed in for certification should be prepared according to the format stipulated in **Annex I**. For textual contents extracted from any instant messaging applications, please refer to **Annex II** for suggested format. For audio/video tape transcripts, please refer to “Guidelines for the Preparation of Audio/Video Tape Transcripts and their Translations” on the Judiciary’s website (https://www.judiciary.hk/en/court_services_facilities/cts.html).

Documents of irregular format will NOT be accepted.

13. Any application for certification of the translation of a statement of a witness **MUST** come with a letter* confirming that the witness statement is intended to be produced in court as evidence.
14. Where 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.
15. 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 for certification

16. The time required for certification of any translation of documents varies with each court level and the volume of the translations within a batch of applications. In general, for a translation of up to 50 pages:

<u>Level of court for which the documents are to be used</u>	<u>Working days</u>
Magistrate’s Court	7
District Court	14
Court of First Instance of the High Court	21
Court of Appeal of the High Court and the Court of Final Appeal	21

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For every 50 succeeding pages of translation or part thereof, 7 working days will be counted towards the days required for certification regardless of the level of court. For instance, the processing time for a 120-page translation for a Court of First Instance case will be 35 days (21 days + 7 days + 7 days). The number of days are to be counted by excluding the day of application and the day for collection.

The opening hours of the CLS Certification Counter may be affected under inclement weather conditions (i.e. when Tropical Cyclone Signal No. 8 or above / Black Rainstorm Warning / government-announced “Extreme Conditions” is in force). If the collection date coincides with such conditions, Applicants are advised to ascertain the opening hours before visiting the Counter.

17. Applicants for certification are advised to take into account of the number of working days needed for certification as prescribed by the CLS in the Guidelines, and to submit their applications well in advance of the day on which the certified translations are to be ready for the purpose of a court hearing or other purposes (“the designated day”). Applications that leave the CLS less time than the prescribed one for processing are regarded as late applications. The CLS shall not guarantee the certified translations of any late applications will be ready on or before the designated day.
18. 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.
19. In the case of an urgent application for certification involving a voluminous amount of source documents (i.e. 1 500 pages or more), the documents **should be submitted in batches** to ensure that the relevant documents with due certification will be ready before the hearing(s) scheduled.
20. Applicants are required to fill out the “Attachment Form” available at the CLS Certification Counter setting out the timetable for the subsequent submission of documents for certification. Applicants are also advised to provide the CLS with the hearing date(s) of any associated proceedings in the “Attachment Form”.
21. When a fair copy of the certified translations is required for production in court, Applicants should make a soft copy of the translation available to

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the CLS at the time of the application; otherwise, a fresh application for the purpose of having the certified translation retyped shall be submitted and further time will be needed for processing.

Poor quality translations

22. The CLS is tasked to certify the translations as true and correct. All translations submitted for certification must include the names of translators and/or translation agencies. Any translation of poor quality will be returned to the applicant to redo the translation. The Applicants should ensure timely submission of translations in right format and fair quality to the CLS for certification, failing which, would be held responsible for any delay in the court proceedings so caused.

Documents containing a language other than Chinese or English

23. The time required for certification will be considered on a case-by-case basis.
24. For certification of transcript reproduced from a tape/DVD, Applicants should hand in the corresponding tape/DVD at the time of application. If certification of the tape/DVD transcript in the source language is not required, Applicants should provide a letter* at the time of the application stating the same.
25. For details about the format, please refer to “Guidelines for Translation of Documents Involving Foreign Language(s) in Criminal Cases” on the Judiciary’s website (https://www.judiciary.hk/en/court_services_facilities/cts.html).

Judiciary Administration
June 2020 (updated in August 2024)

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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.

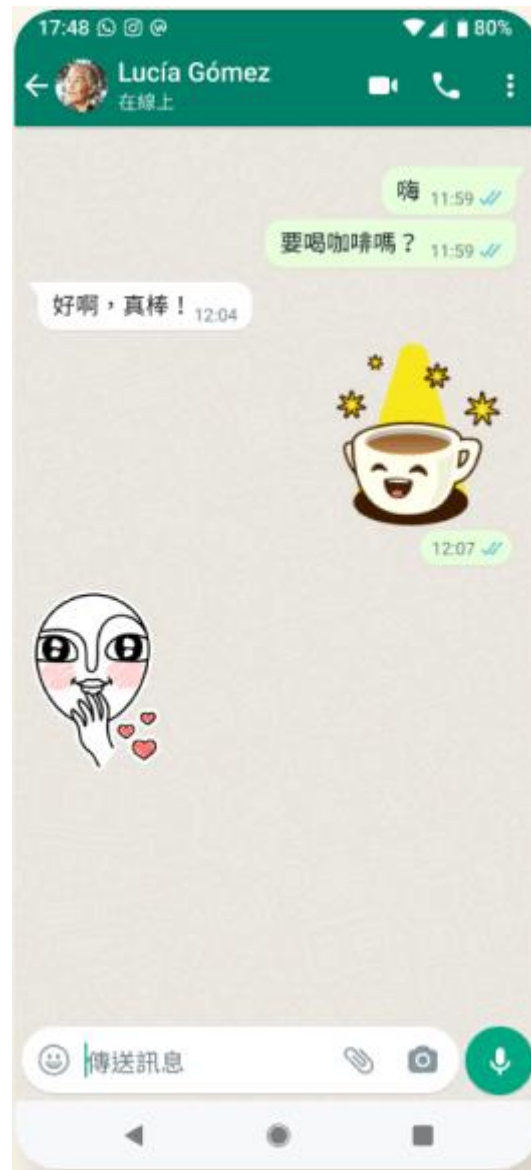
e.g. 呢D 碟係4 仔。

These discs are ‘sei chai’ (transliteration).

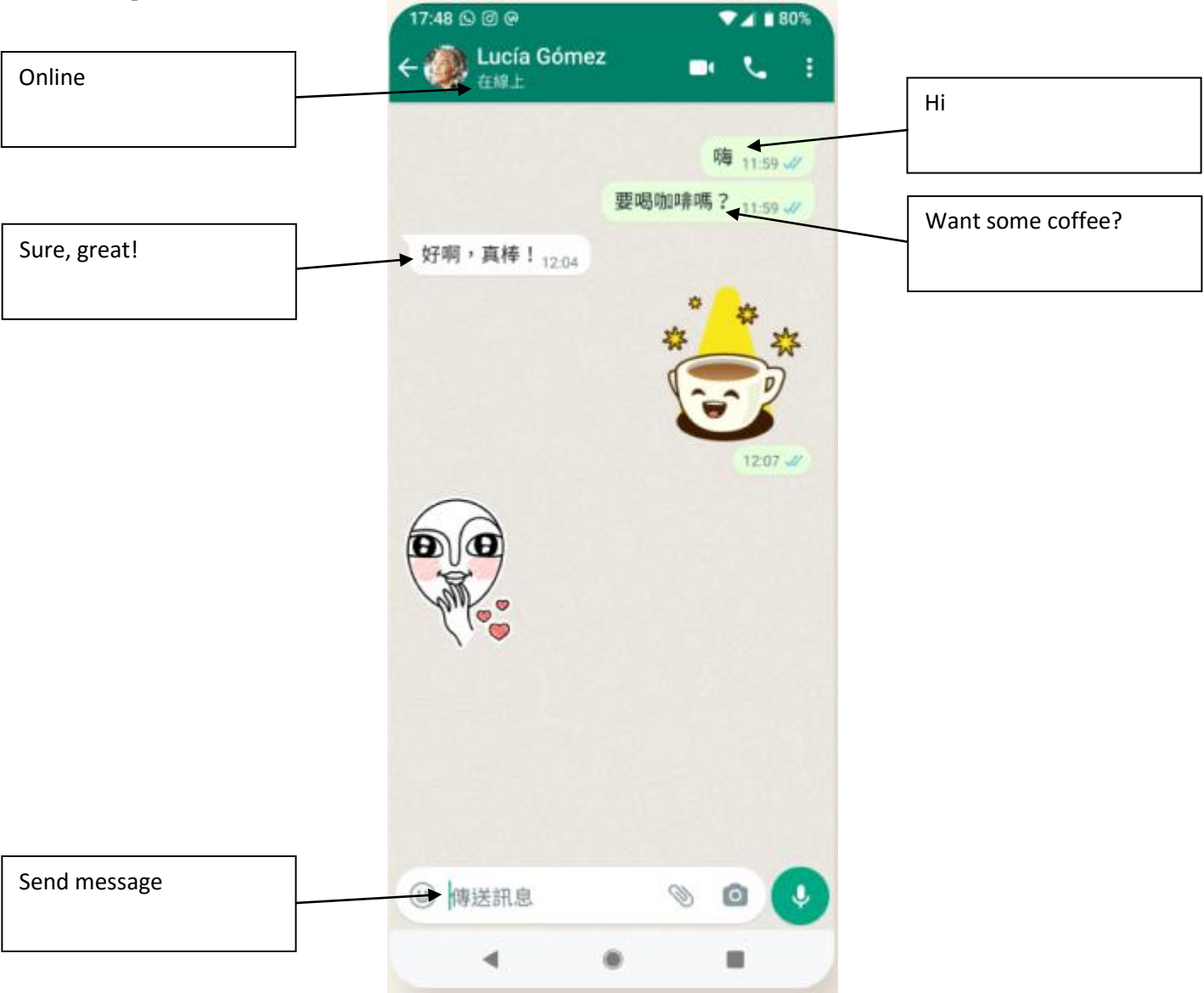
7. Put the translator’s note (including those mentioned in para. 4, 5 and 6) in round brackets and the round brackets in the original text in square brackets.
8. Put the name of the translator and /or that of the translation agency at the end of the last page of the translation.

(Source text for certification)

Annex II



(Translation text for certification) Option 1



(Translation text for certification) Option 2

17:48 (3 icons)
(1 icon) (profile picture) *Lucía Gómez*
Online

(3 icons) 80%
(3 icons)

	Hi ticks)11:59 (2 blue
	Want some coffee? ticks)11:59 (2 blue
Sure, great! 12:04	
	(1 emoji sticker)12:07 (2 blue ticks)
(1 emoji sticker)	

(1 icon) Send message
(1 icon)

(2 icons)

(3 icons)