

**Replies to questions raised by Finance Committee Members in examining
the Draft Estimates of Expenditure 2001-02**

**[Bureau Secretary/Controlling Officer : Judiciary Administrator]
[Session No. : 10]**

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Examination of draft Estimates of Expenditure 2001-02
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Bureau Serial No.

JA001

Question Serial No.

0582

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question:

In respect of the need for an increase in provision as required by the Judiciary due to the increase in the number of cases and hence in manpower, please elaborate on each of the following two aspects:

- (a) In 01-02, it is expected that following the increase in the civil jurisdictional limit of the District Court, there will be a close-to-60% increase in the number of civil cases, i.e. the number of those cases will go up to 51,000. How much will be earmarked by the Judiciary and what will be the increase in size of manpower or the extent of staff redeployment in order to deal with the expected increase in the number of cases and workload?
- (b) Comparing the figures in 99-00 and 00-01, the number of cases handled by the Small Claims Tribunal indicates an increase of more than 12% and it is expected that there will be a further increase of close to 9% in 01-02. How much will be earmarked by the Judiciary and what will be the increase in size of manpower or the extent of staff redeployment in order to deal with the expected increase in the number of cases and workload?

Asked by: Hon Albert HO Chun-yan

Reply:

- (a) With the increase in the civil jurisdictional limit of the District Court in September 2000, one post of Registrar, District Court and two posts of Deputy Registrars, District Court were created at a notional annual mid-point salary of \$3.76 million. Eight supporting staff posts were created for the District Court at a notional annual mid-point salary of \$1.60 million in addition to 20 supporting staff redeployed thereto.
- (b) One Adjudicator and one Tribunal Officer were added to the Small Claims Tribunal when its jurisdiction was increased to \$50,000 in October 1999. To cope with the continued increase in caseload in the Small Claims Tribunal, one additional court, presided by an Adjudicator and supported by a Tribunal Officer, was set up in January 2001. This measure was implemented through re-deployment of existing resources.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title	Judiciary Administrator
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Date	19 March 2001
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Examination of draft Estimates of Expenditure 2001-02
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Bureau Serial No.

JA002

Question Serial No.

0583

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

In 2001-02, what kinds of court services will be accessible to the public through the network after the Judiciary Information Systems Strategy Phase III projects are completed?

Asked by : Hon Albert HO Chun-yan

Reply :

Members of the public can make their payments of certain penalties and fines, such as fixed penalties for traffic contraventions and fines imposed by the court after they have pleaded guilty by letter, through the internet and Automatic Teller Machines of the bank's network. Through the Judiciary homepage, members of the public can download court forms, obtain daily cause lists, judgments, practice directions, guides to court services, and interest rate on judgment debts, besides access to other court information.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 19 March 2001

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**CONTROLLING OFFICER'S REPLY TO
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Bureau Serial No.

JA003

Question Serial No.

0584

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

In 2001-02, how much will the Judiciary allocate to provide necessary support services for conducting trials in Chinese at various levels of courts and how will the provisions be used specifically?

Asked by : Hon Albert HO Chun-yan

Reply :

The Judiciary set up a Judgment Translation Unit in the Court Interpreters Office in September 1999. It is staffed by six additional Senior Court Interpreters at a notional annual mid-point salary of \$4.33 million. The Unit translates all judgments of the Court of Final Appeal from English into Chinese, as well as selected judgments delivered by the Court of Appeal and the Court of First Instance. The same level of staffing will be maintained for this Unit in 2001-02.

The Judiciary is also developing an electronic bi-lingual legal corpus system with the assistance of the City University of Hong Kong. The system will provide search functions to facilitate the writing of judgments in Chinese. The project, expected to be completed in July this year, will cost \$2.1 million over two financial years. The remaining portion to be paid out in 2001-02 will be about \$700,000.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 19 March 2001

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Bureau Serial No.

JA004

Question Serial No.

0651

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Regarding the subject of ensuring that both English and Chinese can be used in the courts of various levels, please supply the figures on the ratio of hearings in English to hearings in Chinese at the following levels of courts respectively?

- (1) Court of Final Appeal;
- (2) Court of Appeal;
- (3) Court of First Instance;
- (4) District Court; and
- (5) Magistracy.

Asked by : Hon Cyd HO Sau-lan

Reply :

The ratios between English and Chinese hearings at the different levels of courts in 2000 were:

	<u>Trials in English</u>	<u>Trials in Chinese</u>
Court of Final Appeal	100%	0%
Court of Appeal		
Criminal cases	79.1%	20.9%
Civil cases	78.0%	22.0%
Court of First Instance		
Criminal cases	85.3%	14.7%
Civil cases	90.6%	9.4%
Appeals from lower courts	59.5%	40.5%
District Court		
Criminal cases	87.5%	12.5%
Civil cases	91.1%	8.9%

Magistrates' Courts

Charge cases	45%	55%
Summonses	6.3%	93.7%

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Bureau Serial No.

JA005

Question Serial No.

0706

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

As mentioned under “Matters Requiring Special Attention in 2001-02”, the Judiciary will redeploy its resources to cope with the workload of the Labour Tribunal arising from the economic situation. What are the expenditures involved in this respect? Consequently, what departments or types of service will undergo an adjustment of expenditures by the Judiciary.

Asked by : Hon Ambrose LAU Hon-chuen

Reply :

The current level of resource deployment is considered appropriate for the projected workload. We would monitor the trend of incoming cases closely and redeploy resources within the Judiciary to cope with any changes from the projected caseload. Priorities in other service areas will be taken into consideration.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 19 March 2001

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**CONTROLLING OFFICER'S REPLY TO
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Bureau Serial No.

JA006

Question Serial No.

0709

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Under the item of "Matters requiring special attention in 2001-02", the Judiciary will build the first Technology Court. Please elaborate on the progress of this project, the expenditure involved and its percentage in the total expenditure.

Asked by : Hon Ambrose LAU Hon-chuen

Reply :

The Judiciary is working with the Architectural Services Department and Information Technology Services Department on the design of the Technology Court with a view to having the Technology Court built by the end of the year. The estimated cost of this project is \$9M, which represents 0.87% of the total expenditure of the Judiciary for 2001-02.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 19 March 2001

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**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Bureau Serial No.

JA007

Question Serial No.

0768

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Please answer the following questions concerning the caseload.

- (a) The estimated number of cases to be handled by the Lands Tribunal in 2001 is only about 400 more than the actual figure of year 2000, why the estimated average waiting time has to be increased by more than threefold?
- (b) It is estimated that the number of civil cases to be handled by the High Court will reduce substantially. What is the reason for that? Is it because the Administration estimates that there will be a considerable decrease on the number of judicial reviews involving right of abode cases in the coming year?

Asked by : Hon Jasper TSANG Yok-sing

Reply :

- (a) In the Lands Tribunal, the target waiting time for compensation and building management cases is 100 days. Given that the actual waiting time achieved last year ranged from 26 to 29 days, which was an improvement on the actual waiting time of 33 to 44 days for the years 1998 and 1999, we feel confident that we could set the planned waiting time for 2001 for a shorter period at 80 days. The planned waiting time is the target performance pledge and we would try to achieve as short an actual waiting time as possible without compromising quality.
- (b) We estimate that the number of civil actions in the High Court would decrease mainly due to the increase in the civil jurisdictional limit of the District Court. Since September 2000, when the civil jurisdiction of the District Court was increased from \$120,000 to \$600,000, the number of civil cases filed at the High Court decreased from an average of 3112 to 2506 per month. Meanwhile, for the period from 1 September 2000 to 31 January 2001, 6299 civil actions were filed in the District Court, compared with 3076 cases for the same period a year ago.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

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**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Bureau Serial No.

JA008

Question Serial No.

0870

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Please give the distribution of number of cases versus the time taken between the filing of a case by a claimant and the delivery of judgment by the Labour Tribunal over the past three years.

Asked by : Hon. NG Margaret

Reply :

The number of trials and the average time taken from filing of a case to delivery of judgment for the past three years were:

<u>Year</u>	<u>Trial Cases</u>	<u>Time taken from appointment to delivery of judgment</u>
1998	4118	91 days
1999	4213	108 days
2000	2694	114 days

Factors affecting length of trial of a case include the number of claimants, the number of defendants and the number of claims in each case. The cases have also become more complicated since October 1999 when the claim period was extended from 1 year to 6 years.

However, most of the cases filed at the Labour Tribunal were either settled or withdrawn before trial, and the claimants would thus obtain their claims much earlier. The percentages of cases actually proceeded to trial were 43.5%, 36.3% and 28% for 1998, 1999 and 2000 respectively.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 19 March 2001

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**CONTROLLING OFFICER'S REPLY TO
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Bureau Serial No.

JA009

Question Serial No.

1109

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Please answer the following questions about the Labour Tribunal:

- (a) The actual number of cases heard by the Labour Tribunal in 2000, being 9,611, decreased by nearly 1000 when comparing to the estimate of 10,560 for last year. What was the reason? Why is it estimated that the number of cases to be heard in 2001 will rise again to 10,100?
- (b) The Judiciary has planned to cope with the workload of the Labour Tribunal arising from the economic situation through redeployment of resources. What are the details of the plan? How much increase or decrease in manpower and expenditure will be involved?

Asked by : Hon Andrew CHENG Kar-foo

Reply :

- (a) The Asian financial turmoil in late 1997 and 1998 led to a rapid upsurge of employment disputes and resulted in the Labour Tribunal handling a record high of 11,594 cases in 1999. The estimate of 10,560 cases for 2000 was made on the basis of the historical trend of the numbers of claims filed in the past 10 years. Notwithstanding a decrease in 2000, the estimated number of 10,100 cases for 2001 was made with the same methodology on trend projection.
- (b) The current level of resource deployment is considered appropriate for the projected workload. The plan is to monitor the trend of incoming cases closely and redeploy resources within the Judiciary to cope with any changes from the projected caseload, taking into account priorities in other service areas.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date 19 March 2001

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**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Bureau Serial No.

JA010

Question Serial No.

1286

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Regarding the subject of claiming for maintenance, please supply the followings for the years 1999 and 2000,

- (1) How many judgement summons did the court issue in relation to maintenance due?
- (2) How many applications for attachment of income to satisfy order did the court receive?
- (3) How many attachments of income to satisfy order were issued as approved by the Court? And
- (4) What is the average time span from the time the application was made to the time the application was approved in relation to each case of attachment of income to satisfy order?

Asked by : Hon Cyd HO Sau-lan

Reply : The information is as follows:

	<u>1999</u>	<u>2000</u>
(1) Judgment summonses issued in relation to maintenance due	436	468
(2) Applications for Attachment of Income Order	29	60
(3) Attachment of Income Orders approved by court	12	23
(4) Average time from filing of application to approval in respect of Attachment of Income Order	214 days	121 days

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Bureau Serial No.

S-JA001

Question Serial No.

S085

Head : 80 Judiciary

Subhead (No. & title) :

Programme :

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

- (a) What is the number of directorate grade staff? How many of them are judicial posts? How many of them are non-judicial posts?
- (b) What is the directorate level staff cost? How much of them is for judicial posts? How much of them is for non-judicial posts?

Asked by : Hon Margaret NG

Reply :

- (a) As at 23 March 2001, there are 179 directorate grade staff, of which 174 are judicial and 5 are non-judicial posts.
- (b) The notional annual mid-point salary of the directorate level staff is \$280,947,000, made up of \$272,957,400 for judicial posts and \$7,989,600 for non-judicial posts.

Signature _____

Name in block letters _____ Wilfred Tsui

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Date _____ 19 March 2001

Examination of draft Estimates of Expenditure 2001-02

**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Bureau Serial No.

S-JA002

Question Serial No.

S093

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

This is a follow up question to Question Serial No. 651 Bureau Serial No. JA004 on the use of Chinese and English in the courts of various levels, the statistics contained in the answer do not seem to tally with similar statistics provided by the Department of Justice in answer to Question Serial No. 617, Bureau Serial No. SJ001. Please compare the figures and explain the differences. Please also confirm that interpreters will always be available at whatever level of court so that no lawyer will be forced to use Chinese due to the lack of interpreters. Please also indicate the number of occasions in 2000 the court was forced to use Chinese or English due to the unavailability of interpreters.

Asked by : Hon Emily LAU Wai-hing

Reply :

The differences could be attributed to the following reasons:

- (a) the Judiciary counts all cases heard in the courts, while the Department of Justice only counts cases handled by the department;
- (b) the Judiciary counts cases at the end of trial, while the Department of Justice counts cases as soon as they commence;
- (c) as regards appeals from lower courts in the Court of First Instance of the High Court, the Judiciary counts all appeals from magistrates' courts and tribunals, while the Department of Justice only counts appeals from magistrates' courts; and
- (d) the Judiciary counts plea hearings separately from trials, while the Department of Justice does not count plea hearings.

The court decides whether Chinese or English will be used for the proceedings, guided by the principle of just and expeditious disposal of the cause or matter before the court and having regard to factors such as the language ability of the litigants, the witnesses and the lawyers representing them, the factual and legal issues in dispute and the wishes of the litigants. Interpretation will always be available if the court so directs. On no occasion in 2000 was the court forced to use Chinese or English due to the unavailability of interpreters.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title	Judiciary Administrator
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Date	19 March 2001
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