

**Replies to written questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2002-03**

**Bureau Secretary : Judiciary Administrator
Session No. : 7 File name : JA-e1.doc**

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**Replies to written questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2002-03**

**Bureau Secretary : Judiciary Administrator
Session No. : 7 File name : S-JA-e.doc**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
<u>S-JA001</u>	S029	LEE Cheuk-yan	80	Courts and Tribunals
<u>S-JA002</u>	S064	LAU Wai-hing, Emily	80	Support Services for Courts' Operation

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA001

Question Serial No.

0018

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question:

Regarding consultancy studies for policy making and assessment under the above programme commissioned by your department,

- (1) Please provide the following details of the consultancy studies for which financial provision has been allocated in 2001-02:

Names of consultants (if available)	Contents of Studies	Consultancy fees	Progress and follow-up action (in plan/ in progress/ finished)	Government's follow-up action (if available)

- (2) Will there be any financial provision allocated for commissioning consultancy studies in 2002-03? If yes, please provide the following details:

Names of consultants (if available)	Contents of Studies	Consultancy fees	Status of consultancy studies (in plan/ in progress/ finished)

Asked by: Hon. HO Sau-lan, Cyd

Reply:

The department has not commissioned any consultancy studies for policy making and assessment in 2001- 02. Nor has it allocated financial provision for such studies in 2002- 03.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA002

Question Serial No.

0033

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

- (a) As given in paragraph 5 under the 2002 (Plan) column, it is expected that there will be a sharp increase in average waiting time for appeals to be heard in the Court of Final Appeal with waiting time for criminal appeals increased to 100 days from 75 days on average in 2001 and that for civil appeals to 120 days from 76 days on average in 2001. What is the reason for this? Is it due to lack of resources? How much will need to be spent if the actual waiting time for 2001 is to be maintained?
- (b) As given in paragraph 5 under the 2002 (Plan) column, it is expected that there will be a sharp increase in average waiting time for all types of cases to be heard in the Lands Tribunal where there will be a more than fourfold increase in waiting time with regard to compensation cases and building management cases. What is the reason for this? Is it due to lack of resources? How much will need to be spent if the actual waiting time for 2001 is to be maintained?

Asked by : Hon. TO Kun-sun, James

Reply :

- (a) I have included in the Controlling Officer's Report target waiting times for cases at the various levels of courts and tribunals. They are the Judiciary's performance pledges set in accordance with recommendations of the Court Users' Committees or respective legislative provisions. Where the figures shown under the 2002 (Plan) column are the same as those in the Target column, we have full confidence that the pledges will be met. Having said that, in the light of the actual number of cases received, we will continue to strive to keep the actual waiting time as short as practicable.

In the Court of Final Appeal, although the actual waiting times in 2001 were very much shorter than the target waiting times, those achieved in 2000 were close to the target waiting times, with applications for leave to appeal in civil cases exceeding the target slightly. Taking the experience in the last two years together, it would be prudent to set the planned waiting times for 2002 at the same level as the target waiting times.

- (b) In the Lands Tribunal, the target waiting times from setting down to hearing for appeal, compensation and building management cases are 100 days each. The actual waiting times achieved for the past two years were indeed much better than the targets set. We therefore feel confident that we could set the planned target time for 2002 for a shorter period at 80 days.

In planning the target for 2002, we have taken into consideration that there would be

many compensation cases arising from the West Rail Project. These cases are comparatively more complex and require a longer trial period. To cope with the increased workload, the Lands Tribunal has set up an additional court since September 2001 and would soon appoint another Member to assist in dealing with the compensation cases.

As explained in (a) above, the planned waiting time is only the performance pledge and we would continue to try to achieve as short an actual waiting time as possible without compromising quality.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA003

Question Serial No.

0035

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

May the Judiciary Administrator provide figures on how much resource in total is allocated to ensure that the target of Use of Chinese at all court levels can be reached? Please list the resource allocated to each court level for ensuring that litigants can use Chinese in the hearings.

Asked by : Hon. TO Kun-sun, James

Reply :

The Judiciary maintains a bilingual court system through enhancing the bilingual capability of the judges and judicial officers and the provision of an interpretation service in court.

Without undermining judicial and professional quality, the policy of the Judiciary is to strive to increase the number of bilingual judges and judicial officers. About 60% of our existing judges and judicial officers are fully bilingual and their spread is as follows :

<u>Court</u>	Bilingual Judges and Judicial Officers
Court of Appeal	3
Court of First Instance	16
District Court, Family Court and Lands Tribunal	19
Magistrates' Courts and other Tribunals	60

With this number, we have sufficient judges and judicial officers to conduct hearings which are considered suitable to be heard in Cantonese. At the same time, language training courses are provided to enhance the use of Chinese amongst Judges and Judicial Officers at all levels. From 1999 to 2001, twenty-three courses have been organised, including four 20-days Chinese Judgment Writing Courses held at the Tsinghua University, Beijing.

Court Interpreters are deployed at various levels of courts to provide interpretation services when needed. The deployment of resources for such services is as follows :

<u>Court</u>	<u>No. of Court Interpreters</u>
Court of Final Appeal and High Court	34
District Court, Family Court and Lands Tribunal	35
Magistrates' Courts and other Tribunals	47

In response to the increasing demand of Chinese hearings, the Judiciary has also taken the following measures :

- (a) in July 1999, a Judgment Translation Unit was established to translate all judgments of the Court of Final Appeal and selected judgments delivered in the Court of Appeal and the Court of First Instance for reference by judges and court users;
- (b) in April 2000, the Judiciary started with the City University the development of an Electronic Legal Documentation/Corpus System which, when completed, will provide glossary search to assist judges and support staff in preparing Chinese judgments and documents;
- (c) in July 2000, the North Kowloon Magistracy started a Pilot Scheme on Punti Trial Court (i.e. trials conducted in Cantonese with documents submitted to court all in Chinese). The Scheme has proved to be successful and similar arrangements have been adopted by all Magistrates' Courts since February 2002.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA004

Question Serial No.

0036

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

May the Judiciary Administrator provide actual figures on the cost for upgrading the Legal Reference System? What are the areas covered in the proposed upgrade? Apart from judicial officers, who else is eligible for using the system?

Asked by : Hon. TO Kun-sun, James

Reply :

The Judiciary's Legal Reference System, set up in April 1998, included judgments delivered at the District Court and above since 1993 and Practice Directions. It has, up to the last year, been an internal system serving only judges and judicial officers. Since September 2001 such reference materials are accessible by the legal profession and the public through the internet.

We are in the process of upgrading the judgment database by including judgments delivered since 1982. The work, costing \$800,000, would be completed in early 2003.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA005

Question Serial No.

0536

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

For criminal appeals and civil appeals to the Court of Final Appeal, all the actual average waiting times in 2001 were at a level below the targets set by the Judiciary. Why does the Judiciary still refer to the targets concerned in relation to the project forecast for 2002?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

In the Court of Final Appeal, although the actual waiting times in 2001 were very much shorter than the target waiting times, those achieved in 2000 were close to the target waiting times, with applications for leave to appeal in civil cases exceeding the target slightly. Taking the experience in the last two years together, it would be prudent to set the planned waiting times for 2002 at the same level as the target waiting times.

Having said that, in the light of the actual number of cases received, we will continue to strive to keep the actual waiting time as short as practicable.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA006

Question Serial No.

0537

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

For all Lands Tribunal's cases, all the actual average waiting times in 2000 and 2001 were at a level below the targets set by the Judiciary. Why does the Judiciary still refer to the targets concerned in drawing up plans for 2002?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

In the Lands Tribunal, the target waiting times from setting down of a case to hearing for appeals, compensation and building management cases are 100 days each. The actual times achieved for the past two years were indeed much better than the targets set. In planning for 2002, we have taken into consideration that there would be many compensation cases arising from the West Rail Project. These cases are comparatively more complex and require a longer trial period. On balance, we feel confident that we could set the planned target time for 2002 for a shorter period at 80 days.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA007

Question Serial No.

0538

Head : 80 Judiciary Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Under what circumstances will the Judiciary make or propose any amendments to the targets set in accordance with recommendations of the Court Users' Committees or relevant legislations or court rules?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

The Judiciary will consider revising a target waiting time in the following circumstances :

- (a) when a shorter or longer waiting time than the target has been consistently achieved;
- (b) when there is a clear pattern that the caseload concerned would stabilise at a certain level;
- (c) when there is a demonstrated and proven need to readjust the priority due to changing demand; and
- (d) when the workload and complexity of cases have increased and the targets have proven to be unrealistic.

In revising the target waiting time, we shall need to seek the advice of the relevant Court Users' Committee or pursue legislative changes.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA008

Question Serial No.

0539

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Will there be any serious misallocation of resources in situations where the standards with regard to average waiting times set by the Courts and Tribunals are too lax?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

The Judiciary is always mindful that access to justice should be achieved without unnecessary delay. Waiting times are monitored closely with a view to keeping them within reasonable limits, and we will strive to achieve as short our actual waiting time as possible at the various levels of courts.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA009

Question Serial No.

0540

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Will the Judiciary, for the purpose of encouraging wider use of Cantonese in court, consider setting waiting time targets for cases having to wait again because they are being transferred to another court where hearing in Cantonese can be conducted?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

Chinese and English are the official languages of the court. The decision as to which language to be used is a matter for the judge hearing the case. According to the guidelines of the Judiciary, the factors which may be taken into consideration include the language ability and wishes of the accused or litigants; the language ability of the legal representatives; the language ability of the witnesses; the factual and legal issues in dispute; the volume of documents which may be required to be translated into the other official language; and the language ability of the judge or judicial officer concerned.

In deciding which one of the official languages is to be used by the court, the paramount consideration is the just and expeditious disposal of the cause or matter before the court, having regard to all the circumstances of the case.

About 60% of our judges and judicial officers are fully bilingual. With this number, we have sufficient judges and judicial officers to conduct hearings which are considered suitable to be heard in Cantonese.

In cases where the accused, litigant or witness is not conversant with the language in which the trial is conducted, interpretation services are provided by court interpreters. I therefore do not envisage any barriers to court proceedings in terms of language.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA010

Question Serial No.

0544

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

The estimative number of Civil Appeal Cases for 2002 is similar to that of the actual figures in 2001. When making the Estimate, did the authority take into consideration that there would be changes in the number of judicial reviews on right of abode cases following the final judgement on the issue given by the Court of Final Appeal on 9 Jan 2001?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

The Court of Final Appeal delivered its judgment on the Right of Abode cases on 9 January 2002. The estimated number of civil appeals to the Court of Appeal was made before that. Since then, only one appeal related to Right of Abode has been filed at the Court of Appeal. If this situation continues, we anticipate that the number of civil appeals to the Court of Appeal in 2002 will be about 1,200, which is similar to the level in 2000.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA011

Question Serial No.

0545

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

How come the average waiting time in the Obscene Articles Tribunal did not have any significant increase in 2001 whereas the number of articles referred to the Tribunal for determination increased drastically? Are those cases mostly trivial ones or even arising from false allegations? The articles referred to the Obscene Articles Tribunal for determination mainly fall into which categories? What media are involved mainly?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

Most of the articles referred to the Obscene Articles Tribunal for classification or determination in 2001 were VCDs seized by the Police and the Customs & Excise Department. They were not frivolous or unreasonable submissions.

The waiting times were not affected despite the significant increase in the number of articles submitted in 2001 because many were submitted in batches of identical articles and could be conveniently dealt with by the Tribunal in groups.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA012

Question Serial No.

0546

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Does the Judiciary predict that the reasons for the pressure of work put by caseload on Obscene Articles Tribunal in 2002 will be similar to those in 2001? If not, why does it still estimate that the number of cases the tribunal has to deal with in 2002 will be similar to that in 2001?

Asked by : Hon. TSANG Yok-sing, Jasper

Reply :

We expect that the workload of the Obscene Articles Tribunal in 2002 would be similar, in terms of number and pattern of submissions, to that of 2001.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA013

Question Serial No.

0553

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Regarding the average waiting time of court cases in 2002, since there is no significant increase in the estimative number of cases, and there is even decrease in some cases, may the Judiciary inform this Council, as to why the waiting time indicators of the following levels of courts show no improvement?

- 1) Court of Final Appeal
- 2) High Court (Criminal cases of Court of Appeal)
- 3) District Court (Criminal cases)
- 4) District Court (Jurisdiction over matrimonial causes)
- 5) Magistrates Courts
- 6) Small Claims Tribunal

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

I have included in the Controlling Officer's Report target waiting times for cases at the various levels of courts and tribunals. They are the Judiciary's performance pledges set in accordance with recommendations of the Court Users' Committees or respective legislative provisions. Where the figures shown under the 2002 (Plan) column are the same as those in the Target column, we have full confidence that the pledges will be met. Having said that, in the light of the actual number of cases received, we will continue to strive to keep the actual waiting time as short as practicable.

In the Court of Final Appeal, although the actual waiting times in 2001 were very much shorter than the target waiting times, those achieved in 2000 were close to the target waiting times, with applications for leave to appeal in civil cases exceeding the target slightly. Taking the experience in the two years together, it would be prudent to set the planned waiting times for 2002 at the same level as the target waiting times.

In the Court of Appeal of the High Court, although we expect that the number of criminal appeals for 2002 would remain at the same level as that for the past two years, it is unrealistic to plan for a shorter waiting time, given the Court of Appeal will still have to deal with over 4,500 Right of Abode appeals in the pipeline.

For criminal cases in the District Court, we keep the planned waiting time for 2002 the same

as the target waiting time because the number of criminal cases is not expected to be reduced significantly and experience has shown that cases have been more complicated and required lengthy trials.

As regards the divorce jurisdiction of the District Court (i.e. the Family Court), with the implementation of the Matrimonial Causes (Amendment) Rules in January 2002, appearances of the parties can be dispensed with for cases in the Special Procedure List. These are cases in which both parties agree to divorce and involve no dispute. The new arrangement will enable the Family Court to deal with more such cases each day. We have therefore shortened the planned waiting time in 2002 to 30 days as against the target waiting time of 35 days and the waiting time of 33 days actually achieved in 2001.

The waiting times planned for 2002 for the Magistrates' Courts are close to the actual waiting times achieved for the past two years. It would not be prudent to plan for shorter waiting times when we do not expect a substantial decrease in caseload.

As regards the Small Claims Tribunal, we expect that the caseload would increase, but we shall be able to meet the target waiting time.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA014

Question Serial No.

0554

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

In 2002-03, what are the Judiciary's concrete measures or strategies to keep the waiting time for court cases as short as possible?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

The Judiciary closely monitors the waiting times in all levels of courts and tribunals. If necessary, resources would be re-deployed to relieve pressure in any particular area, including the appointment of Deputy Judges and Judicial Officers.

In addition, the following arrangements/measures would help to keep waiting times within reasonable limits :

- (a) The increase in the civil jurisdictional limit of the District Court with effect from 1 September 2000 would help the waiting time for civil cases in the Court of First Instance of the High Court. The positive effect on the waiting time would be felt later.
- (b) Recruitment for an additional Member for the Lands Tribunal has largely been completed. He would assist in dealing with the increased number of compensation claims arising from the West Rail Project.
- (c) We seek to strengthen the Master's Office of the High Court and the Labour Tribunal. The 2002- 03 Estimates have included provisions for a Senior Deputy Registrar and a Presiding Officer. We shall create these posts through the usual procedure.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA015

Question Serial No.

0611

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

May the Judiciary inform this Council the estimated number of bankruptcy petitions to be received by the High Court for 2002-03? What are the observations when comparing it with the number of petitions in 2001-02.

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

For the first two months of 2002, there was an average of 1,873 bankruptcy petitions per month, compared with a monthly average of 1,099 in 2001. On this basis, we estimate that the number of bankruptcy petitions in 2002 would be about 22,400, an increase of 70% over 2001.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA016

Question Serial No.

0612

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

What are the Judiciary's specific measures and whether resources will be allocated to cope with the increasing bankruptcy petitions and to avoid the increase affecting the overall waiting time for High Court cases?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

In June 2001, the Masters Office had set aside three half days each week to deal with the increasing number of bankruptcy petitions. This has recently been increased to five half-days a week in response to the heavier caseload. The waiting time has been reduced from 20 weeks in January 2002 to 14 weeks at present.

We also have plans to strengthen the Master's Office. There are provisions in the 2002-03 draft Estimates for a supernumerary post of Senior Deputy Registrar, High Court. We shall seek to create this post through the usual procedure.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA017

Question Serial No.

0613

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

May the Judiciary inform this Council, in 2002-03 how much manpower or fund is reserved for the implementation of measures assisting litigants without legal representation? What are the details on those measures?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

A Steering Committee on the Resource Centre for Unrepresented Litigants has been appointed by the Chief Justice. The Committee is chaired by a High Court Judge. It comprises judges, legal professionals, a social worker and a representative of the Duty Lawyer Service.

The Steering Committee is to advise on the establishment and operation of the resource centre for unrepresented litigants appearing in civil proceedings in the High Court and District Court.

It will also explore with the legal profession, non-government organizations and other interested bodies opportunities for them to provide assistance at or through the resource centre.

The Steering Committee held its first meeting on 16 March 2002. It aims to complete its deliberation and submit a report to the Chief Justice in six to nine months' time.

At this point in time, we do not have an estimate on the expenditure required for setting up the resource centre.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA018

Question Serial No.

0614

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

May the Judiciary inform this council, in 2002-03 how much fund is reserved for implementing the Civil Justice Reform and the relevant consultation?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

As an initial step, we have reserved \$500,000 in the estimate for 2002-03 for the Working Party on Civil Justice Reform for the preparation of its final report.

It is expected that the final report and the reform proposals will be submitted to the Chief Justice in early 2003. Since the proposals are not planned for implementation in 2002-03, there is no need for us to reserve funds to cover expenditure in this area.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA019

Question Serial No.

0615

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

- (a) Regarding the on-going Pilot Scheme on Family Mediation, may the Judiciary inform this Council, the estimative number of cases to be dealt with in 2002-03? What are the observations when comparing it with the number of cases in 2001-02?
- (b) What are the specific measures of the Judiciary on promoting the awareness of this scheme among the public, and on encouraging members of the public with such a need to use this service?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

- (a) The Judiciary launched a three-year Pilot Scheme on Family Mediation on 2 May 2000. The Scheme seeks to cover 1,000 cases over three years, or about 330 cases a year. In 2001-02, 338 cases were referred to mediators and we estimate that the Scheme would cover the same number of cases in 2002- 03.
- (b) The Scheme provides mediation service to separating/divorcing couples. A Practice Direction has been issued to all legal practitioners requiring them to inform clients approaching them for matrimonial matters of the Scheme. The decision to seek mediation or not has to be submitted to the Family Court in terms of a Certificate as to Mediation.
- (c) Information on the Scheme is provided in the booklet "Pilot Scheme on Family Mediation" which is widely distributed at all court premises, District Offices, Social Welfare Department, Legal Aid Department, family counselling organisations and law firms.
- (d) The Mediation Co-ordinator helps to publicise the Scheme by giving presentations at seminars organised by the Social Welfare Department and the Home Affairs Department. She regularly gives interviews to the media on the Scheme.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA020

Question Serial No.

0616

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Will the Judiciary adopt any specific measures in 2002-03 to promote alternative dispute resolution among the public, so as to reduce the workload of the court? If so, what are the details? How much is the estimated expenses? If no, what are the reasons behind?

Asked by : Hon. EU Yuet-mee, Audrey

Reply :

In May 2000, the Judiciary launched a three-year Pilot Scheme on Family Mediation. It provides mediation service to separating/divorcing couples. It is a voluntary process in which a trained mediator will assist both parties to communicate and negotiate issues with a view to reaching a settlement that is responsive to their needs, as well as the needs of their children.

The approved provision for the whole Pilot Scheme is \$15.07 million, with \$6 million earmarked for mediation fee, \$1.5 million for evaluation and publicity and the balance for the establishment of 1 Senior Social Work Officer, 2 Social Work Officers, 1 Clerical Officer and 1 Assistant Clerical Officer. The plan is to cover 1,000 cases over three years. As at the end of 2001, 584 cases have been referred to mediators for service.

Information on the Scheme is provided in the booklet "Pilot Scheme on Family Mediation" which is widely distributed at all court premises, District Offices, Social Welfare Department, Legal Aid Department, family counselling organisations and law firms.

The Mediation Co-ordinator helps to publicise the Scheme by giving presentations at seminars organised by the Social Welfare Department and the Home Affairs Department. She regularly gives interviews to the media on the Scheme.

In addition, in the Interim Report and Consultative Paper on the Civil Justice Reform issued by the Chief Justice's Working Party, a range of proposals regarding using Alternative Dispute Resolution (ADR) as an alternative or adjunct to civil proceedings have been put forward for consultation purpose. The consultation period will expire on 30 April 2002. The Working Party will then study the submissions received and submit recommendations for reform to the Chief Justice in early 2003. No additional resources are required in 2002-03.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA021

Question Serial No.

0839

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

The Chief Justice announced in the speech for the Opening of the Legal Year (14 January 2002) that a resource centre would be established to help unrepresented litigants in civil proceeding in the High Court and District Court, so as to provide facilities to enable them to deal with the rules and procedure and in the conduct of cases. A Steering Committee would be appointed to advise on the establishment and operation of the resource centre:

What is the schedule and work plan for the development of this resource centre? What is the breakdown of estimated expenditure for the study and development of this resource centre? What is the planned staffing arrangement, their grading and the expenditure?

Asked by : Hon. NG Margaret

Reply :

A Steering Committee on the Resource Centre for Unrepresented Litigants has been appointed by the Chief Justice. The Committee is chaired by a High Court Judge. It comprises judges, legal professionals, a social worker and a representative of the Duty Lawyer Service.

The Steering Committee is to advise on the establishment and operation of the resource centre for unrepresented litigants appearing in civil proceedings in the High Court and District Court.

It will also explore with the legal profession, non-government organizations and other interested bodies opportunities for them to provide assistance at or through the resource centre.

The Steering Committee held its first meeting on 16 March 2002. It aims to complete its deliberation and submit a report to the Chief Justice in six to nine months' time.

At this point in time, we do not have an estimate on the expenditure required for setting up the resource centre.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03

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

Reply Serial No.

JA022

Question Serial No.

0840

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

In the establishment of the Judiciary:

- A) For the directorate posts, how many of them are judicial posts? How many of them are non-judicial posts? 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. NG Margaret

Reply :

There are 177 directorate posts in the approved establishment of the Judiciary, of which 172 are judicial posts and 5 are non-judicial posts. Their Notional Annual Mid-point Salary (NAMS) values are as follows:-

Directorate Posts	NAMS Value
(a) 172 judicial posts	\$283 m
(b) 5 non-judicial posts	\$8.3 m

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA023

Question Serial No.

0992

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Please provide information including justification, title/s, function/s, rank/s etc. in connection with the creation of the directorate post/s as given in the 2002-03 estimate.

Asked by : Hon. LI Ka-cheung, Eric

Reply :

The proposed three additional Directorate posts to be created in 2002-2003 comprise two judicial officer posts and one senior management post. The justifications for their creation are as follows:-

- a) One permanent post of Presiding Officer, Labour Tribunal: Resources from within the Judiciary have been redeployed to the Labour Tribunal for the setting up of two night courts and four additional day courts to cope with increasing caseload since 1998. It is increasingly obvious that the increase in caseload is not short-term as reflected in the following statistics:

	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
Claims filed	6319	9476	11594	9611	10450

The continued redeployment of resources to the Labour Tribunal from the Magistrates Courts and other Tribunals has affected the efficient operation of the latter. At least one additional permanent post of Presiding Officer is required over the current establishment of the Labour Tribunal, which was last reviewed in 1995.

- b) One supernumerary post of Senior Deputy Registrar, High Court: A substantial increase in bankruptcy and company winding-up cases and civil appeals in the last few years together with an increasing trend for litigants to conduct their own cases without legal representation have brought about significant pressure on the work of the Masters' Office of the High Court. The following statistics are relevant:

<u>Cases filed</u>	<u>1997</u>	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>
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Bankruptcy	2558	2178	3879	5487	13191
Company winding-up	662	942	1161	1242	1403
Civil appeals	265	347	375	1125	4154

There is the need to provide temporary reinforcement to the Masters' Office of the High Court to enable it to cope with the increased workload and shorten waiting times in interlocutory applications. Creation of a supernumerary post of Senior Deputy Registrar, High Court for two years is proposed.

- c) One permanent post of Senior Principal Executive Officer: On the basis of an internal management review, a new function-oriented structure for the Judiciary Administration was introduced in 2000. The directorate team was re-organised and strengthened, with the creation of two supernumerary directorate posts through internal redeployment of resources. The new structure has proved to be effective and it is proposed to make it permanent. The net requirement in terms of resources is the creation of one additional permanent post of Senior Principal Executive Officer to take charge of the Corporate Services Division and be accountable for the management of human and financial resources, planning and provision of accommodation and general administration of the Judiciary.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA024

Question Serial No.

1153

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

A worsening in 2002 (plan) against 2000 (actual) and 2001 (actual) in average waiting time is indicated; what provisions are being made to address the problem?

Asked by : Hon. NG Margaret

Reply :

I have included in the Controlling Officer's Report target waiting times for cases at the various levels of courts and tribunals. They are the Judiciary's performance pledges set in accordance with recommendations of the Court Users' Committees or respective legislative provisions. Where the figures shown under the 2002 (Plan) column are the same as those in the Target column, we have full confidence that the pledges will be met. Having said that, in the light of the actual number of cases received, we will continue to strive to keep the actual waiting time as short as practicable.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA025

Question Serial No.

1154

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

Please provide the figures on the establishment and strength respectively of the judicial and non-judicial staff respectively, and the breakdown of directorate and non-directorate rank in each grade.

Asked by : Hon. NG Margaret

Reply :

The establishment and strength in respect of judicial officers and support staff in the Judiciary as at 1 March 2002 are as follows:-

	<u>Establishment</u>	<u>Strength</u>
<u>Directorate</u>		
Judicial	172	144
Non-judicial	5	5
<u>Non-directorate</u>		
Judicial	11	11
Non-judicial	1,674	1,570

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA026

Question Serial No.

1155

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

What provisions are made:

- (a) to allow for judicial training?
- (b) to increase the capacity for Chinese language trials?

Asked by : Hon. NG Margaret

Reply :

(a) A provision of \$3.2 million has been set aside for judicial training.

(b) About 60% of our existing judges and judicial officers are fully bilingual. With this number, we have sufficient judges and judicial officers to conduct hearings which are considered suitable to be heard in Cantonese.

Out of the provisions in (a) above, \$0.85m is to provide language training courses to enhance the use of Chinese amongst Judges and Judicial Officers. From 1999 to 2001, a total of 23 Chinese Language Courses have been organised for Judges and Judicial Officers at all levels, including four 20-days Chinese Judgment Writing Courses at the Tsinghua University, Beijing.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

JA027

Question Serial No.

1156

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (1) Courts and Tribunals

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

What are the respective numbers of permanent and temporary (deputy) judges in 2000, 2001 and 2002 respectively, and the implication, if any, on

- (a) performance target;
- (b) expenditure?

Asked by : Hon. NG Margaret

Reply :

The respective numbers of permanent judges and judicial officers in the Judiciary and temporary judges (Deputy Judges and Recorders) appointed from outside in 2000, 2001 and 2002 and the expenditure incurred are as follows:

	Permanent judges & judicial officers		Deputy Judges & Recorders	
	Strength	Salaries & allowances (\$'M)	No. of man-months	Honorarium (\$'M)
1999-2000	155	250.2	205	22.3
2000-2001	157	248.3	234	23.3
2001-2002	155	265.1	254	27.0

Appointments of Deputy Judges and Recorders which are generally for meeting the operational needs of the Judiciary have helped us cope with the increasing caseload.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

S-JA001

Question Serial No.

S029

Head : 80 Judiciary

Subhead (No. & title) :

Programme :

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

For Labour Tribunal cases which are not settled or withdrawn, how long do they take to proceed from the first hearing to the end of trial? Please illustrate in terms of within 3 months, 3-6 months, 7-9 months, 9-12 months, 13-15 months and over 15 months.

Asked by : Hon. LEE Cheuk-yan

Reply :

In 2001, there were 10 450 cases filed at the Labour Tribunal, of which 2 955 cases were heard and concluded.

The distribution of time taken from first hearing to conclusion for such cases is as follows :

<u>Time</u>	<u>Number of Cases</u>
Within 3 months	2,379
4 – 6 months	439
7 – 9 months	119
10 – 12 months	18
Over 12 months	0
	2,955

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002

Examination of Estimates of Expenditure 2002-03
**CONTROLLING OFFICER'S REPLY TO
WRITTEN/SUPPLEMENTARY QUESTION**

Reply Serial No.

S-JA002

Question Serial No.

S064

Head : 80 Judiciary

Subhead (No. & title) :

Programme : (2) Support Services for Courts' Operation

Controlling Officer : Judiciary Administrator

Bureau Secretary : Judiciary Administrator

Question :

How much money was spent on the "Opening of the Legal Year" earlier this year and how much has been earmarked for the following year? Are there plans to economise on this annual activity by organizing a less elaborate and glitzy gathering?

Asked by : Hon. LAU Wai-hing, Emily

Reply :

The opening of the Legal Year is a prominent annual event of the Judiciary. It serves to reinforce the mission of the Judiciary to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands domestic and international confidence. It presents the commitment and determination of the Judiciary to fulfill its duty to Hong Kong.

Participants at the ceremony include members of the Judiciary and the legal profession, Consuls-General, academics, prominent members of the community, as well as University and secondary school students.

A total of \$1.46M was spent on organising the Ceremonial Opening of Legal Year in January this year. We have provisionally earmarked a similar amount for next year's event. We shall continue to exercise the utmost prudence in its planning and to ensure that public funds will be expended cost-effectively.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 22 March 2002