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Session No. : 5
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**Replies to supplementary questions raised by Finance Committee Members
in examining the Estimates of Expenditure 2009-10**

**Controlling Officer: Judiciary Administrator
Session No. : 5**

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

S-JA01

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S021

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

With regard to the Resource Centre for Unrepresented Litigants, please give the number of litigants seeking legal support through the Centre, the size of the establishment, and the actual expenditure for the year 2008-09. What are the projected number of litigants, size of the establishment, and expenditure for the year 2009-10?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information for the years 2008 and 2009 is as follows –

	<u>2008</u>	<u>2009</u> (Estimate)
Number of use		
Visits	10 100	10 500
Telephone enquiries	2 900	3 000
Access to webpage	242 000	250 000
	<u>2008-09</u>	<u>2009-10</u> (Draft Estimate)
Approximate expenditure	\$1,800,000	\$2,880,000
Staff strength	5	6

It should be noted that to maintain the impartiality of the Judiciary, the Resource Centre does not provide legal advice. It provides information and assistance on court rules and procedures in relation to civil proceedings in the High Court or the District Court except matrimonial, lands, employees' compensation and probate matters. Although the Judiciary Administration has no available information as to whether the users of the services of the Resource Centre are litigants or would-be litigants, it is believed that they are likely to be.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

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

S-JA02

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

Question Serial No.

S022

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Under this programme, please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers and staff of the Lands Tribunal, Labour Tribunal, Small Claims Tribunal, Obscene Articles Tribunal and Coroner's Court are as follows –

Tribunal/Court	Establishment	No. of posts	Annual salary at mid-point * (\$)
Lands Tribunal	24	2 – District Judge 1 – Member 5 – Judicial Clerk grade staff 15 – Clerical Staff 1 – Office Assistant	10.4 million
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 38 – Clerical Staff 8 – Secretarial Staff 6 – Office Assistant 1 – Workman II	39.4 million

Tribunal/Court	Establishment	No. of posts	Annual salary at mid-point * (\$)
Small Claims Tribunal	46	1 – Principal Adjudicator 7 – Adjudicator 9 – Judicial Clerk grade staff 27 – Clerical Staff 2 – Office Assistant	20.3 million
Obscene Articles Tribunal	7	2 – Magistrates 4 – Clerical Staff 1 – Office Assistant	3.4 million
Coroner's Court	11	3 – Coroner 6 – Clerical Staff 1 – Secretarial Staff 1 – Office Assistant	5.5 million

* The estimates have included any acting allowances payable in individual cases where acting appointments are necessary.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

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

S-JA03

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S023

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

- (1) Please provide information on the establishment, strength and the expenditures of family mediators for the years 2006-07, 2007-08 and 2008-09 respectively.
- (2) Please give the number of cases handled by family mediators for the year 2008.

Asked by: Hon. HO Chun-yan, Albert

Reply:

- (1) The role of the Mediation Co-ordinator's Office is to act as a focal point for family mediation enquiries. The Office conducts information sessions on family mediation and reports the attendance of the parties concerned to the court. It also provides pre-mediation consultation and facilitates those parties willing to receive mediation service in selecting their mediators. The Office also acts generally as a liaison office and answers public enquiries. Mediation services are conducted by mediators outside the Judiciary.

The Mediation Co-ordinator's Office is staffed by a Mediation Co-ordinator and clerical staff. There are no Family Mediators on the establishment of the Mediation Co-ordinator's Office. The Office's salary expenditures for the recent three years are approximately as follows –

	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u> (Revised Estimate)
Strength	1 Mediation Co-ordinator	1 Mediation Co-ordinator	1 Mediation Co-ordinator
	1 Clerk	1.5 Clerk	2 Clerks
Salary expenditure	\$920,000	\$980,000	\$1,250,000

The change in salary expenditure in 2008-09 over 2007-08 is mainly due to salary adjustments in 2008-09 and the effect of additional clerical support since April 2008.

- (2) In 2008-09, the Mediation Co-ordinator's Office has organized 225 information sessions (including pre-mediation consultations) for 445 participants, and referred 90 cases (involving 180 parties) to the mediators in the private sector for mediation service. It is noted that some parties may choose to directly approach private mediators without referral.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

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

S-JA04

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

Question Serial No.

S024

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide the number of the applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decisions in 2008, and their respective average waiting times? How many of those judicial review cases were legally aided?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information requested is as follows –

Judicial Review Cases

	2008
(a) No. of leave applications	147
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	25
(c) Average waiting time from listing to hearing of leave application*	15 days
(d) No. of appeals against refusal of leave	23
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	48 days
(f) No. of substantive judicial review cases	63
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	19

	2008
(h) Average waiting time from listing to hearing of substantive case	98 days
(i) No. of appeals against judicial review decisions	18
(j) Average waiting time from listing to appeal hearing	112 days

* A great majority of cases are disposed of on paper. While there are no available figures, it is our experience that they are normally disposed of on paper in about three days.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

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

S-JA05

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S025

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide the numbers of inquests held in the Coroner's Court for the years 2006, 2007 and 2008.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The numbers of death inquests concluded over the past three years are as follows –

<u>2006</u>	<u>2007</u>	<u>2008</u>
210	185	145

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

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

S-JA06

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S026

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide the number of inquests which commenced upon request of the Secretary for Justice for the years 2006, 2007 and 2008.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The Judiciary does not have available statistics of the number of death inquests which commenced upon request of the Secretary for Justice.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

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

S-JA07

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

Question Serial No.

SV006

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Judiciary was requested to provide information on a breakdown, by types of offences involved and the enforcement departments concerned, of the summons cases from 2005 to 2008.

Asked by: Hon. LAU Kin-yee, Miriam

Reply:

The summons cases are made up of departmental summonses, driving-offence points summonses, fixed penalty summonses (traffic), fixed penalty summonses (public cleanliness offences) and private summonses. A breakdown is provided at **Annex 1**.

The departmental summonses involve 38 enforcing departments/agencies involving various offences under different ordinances. A list of these departments/agencies is at **Annex 2**.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

Caseload of Summonses

Types of Summons	Caseload			
	2005	2006	2007	2008
Departmental Summonses ¹	153 889	149 725	158 009	183 280
Driving-Offence Points Summonses ²	3 258	4 114	4 460	5 094
Fixed Penalty Summonses (Traffic) ³	855	1 004	1 103	1 202
Fixed Penalty Summonses (Public Cleanliness Offences) ⁴	499	532	426	458
Private Summonses ⁵	3	6	0	2
Total	158 504	155 381	163 998	190 036

¹ The departmental summonses include summonses taken out by 38 enforcing departments/agencies other than driving-offence points summonses, fixed penalty summonses (traffic) and fixed penalty summonses (public cleanliness offences).

² For offences involved in the driving-offence points summonses, they are disqualification applications taken out by the Commissioner for Transport against persons from holding or obtaining a driving licence under the Road Traffic (Driving-offence Points) Ordinance, Cap. 375.

³ For offences involved in the fixed penalty summonses (traffic), they are offences taken up by the Commissioner of Police and Director of Housing under the following ordinances:

- Fixed Penalty (Traffic Contraventions) Ordinance, Cap. 237;
- Fixed Penalty (Criminal Proceedings) Ordinance, Cap. 240; and
- Housing (Traffic Contraventions) (Fixed Penalty) Bylaw, Cap. 283C.

⁴ For offences involved in the fixed penalty summonses (public cleanliness offences), they are offences under the Fixed Penalty (Public Cleanliness Offences) Ordinance, Cap. 570. Pursuant to the Schedule to the Ordinance, the power to take out the summonses is rested with the following authority:

- Commissioner of Police
- Director of Agriculture, Fisheries and Conservation
- Director of Environmental Protection
- Director of Food and Environmental Hygiene
- Director of Housing
- Director of Leisure and Cultural Services
- Director of Marine

⁵ Private summonses are taken out by individuals.

**Departmental Summonses taken out by
Enforcement Departments/Agencies**

Enforcing Departments/Agencies	Number of Departmental Summonses			
	2005	2006	2007	2008
Agriculture, Fisheries and Conservation Department	1 398	1 563	1 493	1 565
Buildings Department	3 012	3 077	3 039	3 124
Customs and Excise Department	2 562	4 123	2 858	2 806
Companies Registry	3 464	6 029	6 127	5 442
Central Traffic Prosecutions Division, Hong Kong Police Force	65 921	52 743	56 166	68 863
Department of Health	0	11	2 929	5 945
Electrical and Mechanical Services Department	506	511	412	962
Environmental Protection Department	286	337	487	471
Food and Environmental Hygiene Department	17 392	22 809	25 661	26 951
Fire Services Department	603	510	654	477
Home Affairs Department	34	41	66	74
Housing Department	90	157	158	345
Hospital Authority	80	60	28	16
Hong Kong Police Force ¹	8 812	6 902	6 860	6 931
Highways Department	119	110	120	84
Immigration Department	605	720	635	540
Inland Revenue Department	30 829	31 417	31 193	43 134
Kowloon-Canton Railway Corporation ²	1 097	1 555	1 576	271
Leisure and Cultural Services Department	203	139	124	48

¹ Cases involved offences other than traffic summonses.

² Summonses involved offences committed before the Rail Merger on 2 December 2007.

Enforcing Departments/Agencies	Number of Departmental Summonses			
	2005	2006	2007	2008
Labour Department	5 568	5 008	5 277	5 142
Lands Department	20	30	19	26
KCRC - Light Rail Division ²	1 428	1 920	1 855	220
Marine Department	1 262	1 127	924	867
MTR Corporation Limited ³	239	307	151	1 218
New Hong Kong Tunnel Co. Ltd.	586	503	317	420
Official Receiver's Office	444	730	700	618
Office of The Telecommunications Authority	377	414	271	300
Planning Department	92	154	190	237
Route 3 (CPS) Company Ltd	1 205	844	878	655
Rating and Valuation Department	0	0	15	1
Securities and Futures Commission	237	150	373	198
Social Welfare Department	6	17	11	23
Tate's Cairn Tunnel Co. Ltd.	327	319	295	223
Transport Department	3 620	3 959	4 959	4 260
Television and Entertainment Licensing Authority	206	234	78	26
Western Harbour Tunnel Company Limited	406	340	437	595
KCRC - West Rail ²	640	633	505	52
Water Supplies Department	213	222	168	150
Total	153 889	149 725	158 009	183 280

³ Summonses included offences committed after the Rail Merger on 2 December 2007.

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

S-JA08

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

SV008

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Judiciary was requested to provide information on the basis on which the user satisfaction rating of 90% was obtained in respect of the Resource Centre for Unrepresented Litigants, and the report of the relevant user satisfaction survey.

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

The Judiciary Administration had conducted a user satisfaction survey in 2005 to gauge feedback and views from the users of the Resource Centre. Regarding services provided by the Resource Centre, the key findings of the survey are as follows –

- (i) Over 90% of the respondents were satisfied with the services provided by the Resource Centre; and
- (ii) Over 95% of the respondents were satisfied with the performance of the staff of the Resource Centre.

For details, please refer to the attached paper, which was submitted to the Bills Committee on Civil Justice (Miscellaneous Amendments) Bill 2007 in May 2007.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

**Bills Committee on
Civil Justice (Miscellaneous Amendments) Bill 2007**

Resource Centre for Unrepresented Litigants

Purpose

This paper provides Members with information concerning the Resource Centre for Unrepresented Litigants (“the Resource Centre”).

Background

2. At the Bills Committee meeting on 15 May 2007, Members asked the Judiciary Administration to provide the following information:

- (a) results of the user satisfaction survey conducted by the Judiciary Administration on the Resource Centre; and
- (b) nature of questions/information frequently asked/sought by users of the Resource Centre.

The Resource Centre

3. The Resource Centre was set up by the Judiciary on 22 December 2003 to provide unrepresented litigants with advice on court rules and procedural matters in civil proceedings in the High Court and the District Court. Given the importance of maintaining the impartiality and neutrality of the Judiciary, the Resource Centre does not provide legal advice. As regards procedural matters relating to matrimonial, lands, employees’ compensation and probate matters, assistance will continue to be provided by the staff of the respective registries.

User Satisfaction Survey

4. In the summer of 2005, the Judiciary Administration conducted a user satisfaction survey (“the survey”) to gauge feedback and views from the users of the Resource Centre. Face-to-face interviews with the users of the

Resource Centre were carried out throughout the month of July 2005. The same questionnaire was also posted on the website of the Resource Centre for online completion. There were 185 respondents. Among them, 171 were users of the Resource Centre and 14 were online responses.

5. The key findings of the survey are as follows:

(a) Regarding services provided by the Resource Centre:

- (i) Over 90% of the respondents were satisfied with the services provided by the Resource Centre;
- (ii) Over 95% of the respondents were satisfied with the performance of the staff of the Resource Centre; and
- (iii) Over 70% of the respondents found the information provided in the pamphlets in the Resource Centre useful.

(b) Regarding demand for extended scope and services:

- (i) A majority of the respondents considered that it would be helpful if assistance could be provided by social workers or law students to help them understand what happened during the court proceedings; and
- (ii) A majority of the respondents also suggested that free legal advice and Duty Lawyers Service should be made available at the Resource Centre.

6. The survey results were examined by the Consultative Committee on the Resource Centre for Unrepresented Litigants, which was appointed by the Chief Justice to consider firstly the extent to which the Resource Centre had achieved its objectives and secondly what further improvements could be made. A report is being compiled for submission to the Chief Justice in the third quarter of the year.

Usage of Facilities and Services

7. Since the establishment of the Resource Centre, the usage of its facilities and services has been increasing steadily. The following statistics are relevant:

Facility / Service	No. of Users		
	2004	2005	2006
General Counter enquiries	4 268	3 877	4 784
Collection of brochures on civil proceedings	517	265	347
Collection of court forms	884	963	1 863
Computer facilities for legal information	90	190	617
Viewing of videos on court procedure	74	27	31
Photocopying service	6 609 pages	5 974 pages	10 396 pages
Telephone enquiries	2 591	2 746	2 979
Access to website	174 968 hits	154 404 hits	266 866 hits

8. Based on experience, the Resource Centre has drawn up a set of frequently asked questions (at the **Annex**) raised by the users. Such questions, with brief answers, are uploaded to the Resource Centre website for general information.

Judiciary Administration
May 2007

**Frequently Asked Questions
Raised by Users of the Resource Centre
for Unrepresented Litigants**

- Q1: Do I have to appear in Court if I apply for default judgment?
- Q2: If I lost the case, is it necessary for me to pay the solicitors fee of the other side? If yes, how much?
- Q3: My claim is allowed by the Labour Tribunal, but my employer has not paid the wages due for work done or made the payment. I have already got a Certificate of Award from the Labour Tribunal and I am required to pay a fee when I register the certificate with the District Court. I want to know for what purpose such a fee is paid and whether I am required to pay an additional fee on application for a writ of execution (a writ of fieri facias).
- Q4: What steps have to be taken if I want to have a stay of execution of the judgment/order pending appeal in the Court of Appeal?
- Q5: Why does the judgment creditor still enforce the judgment/order entered against me when I have already lodged an appeal against it?
- Q6: What would happen if the Bailiff is denied admittance to a building or if no person answers or is in the building in respect of which he has a warrant to distrain?
- Q7: If the bailiff finds the premises in respect of which he has a warrant to distrain is deserted, can the landlord regain possession of the premises?
- Q8: Can I appeal against the decision of the Registrar of the High Court on an appeal from the refusal of legal aid?
- Q9: Can I appeal to the Court of Appeal against the refusal of leave to appeal against the award of the Labour/Small Claims Tribunal?
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**Replies to initial written questions raised by Finance Committee Members
in examining the Estimates of Expenditure 2009-10**

**Controlling Officer: Judiciary Administrator
Session No. : 5**

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**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA001

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

Question Serial No.

0455

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

With regard to the Labour Tribunal, will the Administration provide information on the following –

- (a) What are the respective number of cases that the Labour Tribunal dealt with in 2006, 2007 and 2008?
- (b) The reason that attributes to the lengthening of waiting time from appointment to filing of a case in 2008 when compared to that in 2007?
- (c) The reason that attributes to the shortening of waiting time from filing of a case to first hearing in 2008 when compared to that in 2007?

Asked by: Hon. IP Wai-ming

Reply:

- (a) The numbers of cases that the Labour Tribunal dealt with in 2006, 2007 and 2008 are 6 543, 6 066 and 4 867 respectively.
- (b) The caseload of the Labour Tribunal is closely related to the economic condition in Hong Kong. There was influx of cases in the last few months of 2008 due to economic downturn. The Tribunal also received a large number of appointments for filing of claims by employees of the same company in 2008. These attributed to the lengthening of waiting time from appointment to filing.

- (c) In 2008, there were many cases filed against the same defendant. Parties concerned applied to adjourn the cases sine die pending the outcome of a test case. This attributed to the slight shortening of waiting time from filing to first hearing.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA002

Head: 80 Judiciary Subhead: 000 Operational expenses

Question Serial No.

0621

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In 2009-10, there will be an increase of 16 non-judicial posts in the Judiciary. In this connection, will the Administration inform this Council as to –

- (a) What is the reason for the increase of the 16 non-judicial posts? What specifically are the duties of these non-judicial posts?
- (b) Are these non-judicial posts permanent posts? If not, what is the nature of these posts?
- (c) At present, how many non-judicial posts are there in the Judiciary? What proportion does it represent in the total number of staff in the Judiciary?

Asked by: Hon. WONG Kwok-kin

Reply:

- (a) The net increase of 16 non-judicial posts in 2009-10 is to meet service needs arising from three major initiatives in the Judiciary –
 - (i) First, the implementation of the Civil Justice Reform (“CJR”), which requires extensive work in various areas to provide support to Judges and Masters, and to implement revised procedures and practices at court registries. With the implementation of the CJR in April 2009, seven additional posts will be created to strengthen the support to Judges and Judicial Officers (“JJOs”) and in various offices and registries of the High Court, District Court and Lands Tribunal to cope with the work arising from the changes in court rules and procedures;
 - (ii) Secondly, mediation has increasingly been accepted in recent years as an effective alternative for dispute resolution. The Judiciary has been promoting the use of mediation in court proceedings. Apart from operating

a Mediation Coordination Office (“MCO”) in the Family Court and another one in the Lands Tribunal under the Pilot Scheme on Mediation for Building Management, the Judiciary is also preparing to enhance enquiries and information services to support the implementation of the new Practice Direction 31 on Mediation with effect from 1.1.2010. Two additional posts will be created to strengthen the various offices promoting mediation services to enable them to cope with the increasing and expanding workload; and

- (iii) Thirdly, the demand for the services of the Resource Centre for Unrepresented Litigants has been growing steadily over the past years. There is also great demand for the Judiciary to enhance the enquiry/counter service for litigants at various registries, particularly the High Court Registry and the Small Claims Tribunal (“SCT”) Registry. Five additional posts will be created to reinforce the support in these offices to enable them to provide enhanced counter/enquiry services to the court users, including litigants in person.

In addition, two additional posts will be created in the registries of the SCT and the Probate Registry to help handle the much increased workload of the offices; and one post for the officer-in-charge of the registry and court offices of the SCT will be upgraded to a higher rank to properly reflect the complexity and level of responsibilities of the post. The upgrading of the post will not affect the existing number of posts.

- (b) Of the 16 additional new posts, 15 are permanent posts and one is a time-limited post. The time-limited post, to be created for three years from 2009-10 to 2011-12, will support the implementation of the Pilot Scheme on Mediation for Building Management.
- (c) As at 1.3.2009, there were 1 438 non-JJO posts in the Judiciary which represent 88% of the total establishment of 1 628.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 19.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA003

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

0622

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the Obscene Articles Tribunal, the actual number of cases dealt with is 70 212 in 2007 and 44 464 in 2008. Please provide information on –

- (a) The reason for the decrease in the actual number of cases dealt with in 2008 as compared with that of 2007;
- (b) The reason for the slight decrease in 2009 (Estimate) against 2008 (Actual) in the number of cases; and
- (c) The number of staff of the Obscene Articles Tribunal in the past 3 years (i.e. 2006-07 to 2008-09). What proportion of the total number of Judiciary staff does it represent?

Asked by: Hon. WONG Kwok-hing

Reply:

- (a) The Obscene Articles Tribunal (OAT) carries out two main functions with respect to articles and matter – classification and determination. Majority of its cases are determination cases which are referred by the Magistrates' Courts. The decrease in the actual number of cases in 2008 was mainly caused by the reduction in the number of determination cases, which had decreased by 37% from 69 055 in 2007 to 43 533 in 2008.
- (b) The caseload figures of OAT for the past three years from 2006 to 2008 were 78 714, 70 212 and 44 464 respectively. Having regard to the experience in the past few years, it would be prudent to set the estimate for 2009 at the same level as the actual number of cases in 2008, with the figure rounded off to 44 460.

/2...

(c) As at 1.3.2009, there were 1 438 non-Judges and Judicial Officers (“JJO”) posts in the Judiciary. Apart from the one Chief Judicial Clerk who oversees the operation of the OAT, there are five support staff in the General Office of OAT in the past three years. They represent about 0.4% of the total number of non-JJO staff in the Judiciary.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA004

Question Serial No.

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

0760

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In the review of the Control of Obscene and Indecent Articles Ordinance, it is proposed that the functions of the OAT might be taken over by the jury. In this regard, please provide information on the following –

- (a) Has the Judiciary conducted any research on the said proposal?
- (b) How much resources does the Judiciary need to put the said proposal in place? How will these resources be used? And has the Judiciary made any financial provision in 2009-10 for this purpose?
- (c) What implications would the implementation of the said proposal have on the operation of the Judiciary?

Asked by: Hon. HO Sau-lan, Cyd

Reply:

- (a) In response to the consultation exercise launched by the Administration on the review of the Control of Obscene and Indecent Articles Ordinance (Cap. 390), the Judiciary has considered the matter in the light of its operational experience and submitted its response to the Administration. In the Judiciary's response, one of the proposals is that the system of the Obscene Articles Tribunal ("OAT") adjudicators should be replaced by the jury system, similar to that adopted in the High Court and the Coroner's Court. Under the revamped system, the presiding magistrate would not take part in the determination of whether an article is obscene, indecent or neither, but will only be responsible for guiding the panel of jurors by appropriate directions to reach a decision in accordance with the law and the evidence. The determination of whether an article is obscene, indecent or neither will be entirely a matter for the jury.

- (b) Additional resources in terms of manpower and office space may be required if the jury system is extended to the OAT. The Judiciary has not set aside any financial provision in 2009-10 for this purpose as the Administration is still reviewing the Control of Obscene and Indecent Articles Ordinance.

- (c) The Judiciary has already been administering the jury system in the High Court and the Coroner's Court. With the benefit of such experience, the system could be extended to the OAT, though additional resources would be involved.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA005

Question Serial No.

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

1086

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the Analysis of Financial and Staffing Provision, it is stated therein "increased provision for more judicial resources with a view to shortening the court waiting time". Will the Administration provide information on the following –

- (a) The target and planned average waiting times for most types of cases in 2009 are longer than those for 2007 (Actual) and 2008 (Actual). Why have longer waiting times instead of shorter waiting times been set, given that the overall provision has increased by \$111 million (15.1%)?
- (b) In setting the waiting time targets, what data do the Court Users' Committees take into account?

Asked by: Hon. TSE Wai-chun, Paul

Reply:

- (a) The target waiting times for cases at the various levels of courts and tribunals are the Judiciary's targets set in accordance with recommendations of the Court Users' Committees or relevant legislative provisions. We have been able to achieve lower than target waiting time for 2007 and 2008 for most types of cases but since there is no evidence that the number of cases will come down in 2009-10, it is prudent to set the planned waiting times in 2009 at the same level as our targets. We shall, however, continue to strive to shorten the actual waiting times as much as practicable.

- (b) In setting the waiting time targets, reference is made to a wide range of factors, including the waiting time statistics, caseload and complexity of cases, the time required by parties to prepare their cases and the time required by the court to process the cases.

Signature _____
Name in block letters EMMA LAU
Post Title Judiciary Administrator
Date 18.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA006

Question Serial No.

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

1109

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Since 2004, the waiting times for summons cases have not met the 50-day target. In the years from 2005 to 2007, the actual waiting times were as long as 94 days or 95 days. Over the years, the Judiciary Administrator mentioned in the budget estimates that additional resources would be deployed to address the problem, yet the actual waiting time in 2008 still stood at 78 days. Why is it that the problem still remains unsolved after all these 5 years? What provision is made for such purpose in 2009-10? Are the resources currently allocated sufficient to solve the problem?

Asked by: Hon. NG Margaret

Reply:

The Judiciary has indeed put in additional judicial resources in the past few years with a view to shortening the waiting time for summons cases. The number of Special Magistrates/Deputy Special Magistrates has increased from 10 as at 1.4.2005 to 14 as at 1.4.2008. However, the number of summons cases has also increased from 158 504 in 2005 to 190 036 in 2008, i.e. by about 20%. Due to the increase in caseload, the additional resources have only managed to reduce the waiting times from over 90 days to 78 days.

The Judiciary will continue to monitor the situation closely and will make every effort to further improve the waiting time.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA007

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

1110

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

What budgetary provisions are being allocated to the Resource Centre for Unrepresented Litigants in 2009-10? Has the Judiciary conducted any review to ascertain whether the support/assistance currently provided to the unrepresented litigants is sufficient? And what publicity has the Judiciary launched for such services so as to inform the public that support/assistance from the court is accessible to the unrepresented litigants?

Asked by: Hon. NG Margaret

Reply:

In 2009-10, \$2.88 million will be allocated for the operation of the Resource Centre –

Staff salaries	\$2,400,000
Other operating expenses	\$ 480,000
Total	<u>\$2,880,000</u>

A user satisfaction survey had been conducted in 2005. Over 90% of the respondents were satisfied with the services provided by the Resource Centre. To prepare for the implementation of the Civil Justice Reform on 2 April 2009, the facilities and services in the Resource Centre would be enhanced as follows –

- (a) intensive and dedicated training has been conducted for the counter staff to strengthen the support at the reception and general enquiries counters;
- (b) new leaflets will be produced to give procedural guidelines to litigants in person (LIPs) on the proper conduct of the proceedings and the manner in which the parties should present their cases, evidence and other materials to court;
- (c) sample court forms will be updated;

- (d) the Resource Centre’s website will be suitably updated to take note of the features of the Civil Justice Reform ; and
- (e) the “Frequently Asked Questions” on court procedure on the Resource Centre’s website will be updated as appropriate.

As far as such publicity is concerned, there are –

- (a) posters displayed at the High Court and District Court registries;
- (b) leaflets for distribution at the Resource Centre and court premises, relevant departments and non-government organizations; and
- (c) dedicated website.

Signature _____
Name in block letters EMMA LAU
Post Title Judiciary Administrator
Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA008

Question Serial No.

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

1326

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

During the past three years, i.e. from 2006 to 2008, did the Judiciary allocate any financial provisions for undertaking research on how to enhance the effectiveness of the supporting services provided by the Resource Centre for Unrepresented Litigants and on whether additional items of services should be provided by the Centre? If yes, what are the findings? And have any follow-up actions been taken?

Asked by: Hon. LAU Kong-wah

Reply:

To facilitate the provision of services to the unrepresented litigants, a revamped Steering Committee on Resource Centres for Unrepresented Litigants ("Steering Committee") was set up in the Judiciary in February 2008 to consider matters relating to the Resource Centre at the strategic level, devise policies and general practices which cut across different levels of courts, co-ordinate training of staff, facilitate cross-fertilization of experiences and act as a focal point of contact between the Judiciary and other non-judiciary players on matters relating to the provision of services to unrepresented litigants.

The facilities and services at the Resource Centre would be subject to regular updating and review to meet the needs of the unrepresented litigants. The Steering Committee would also closely monitor the situation to ensure that adequate and suitable assistance is provided at the Resource Centre. The Judiciary, with advice from the Steering Committee, would continue to provide appropriate assistance to unrepresented litigants, whilst upholding the fundamental principle that it must be and must be seen to be fair and impartial in adjudicating disputes. Lately, under the guidance of the Steering Committee, the facilities/services at the Resource Centre would be enhanced in preparation for the Civil Justice Reform. These include –

- (a) Intensive and dedicated training has been conducted for the counter staff to strengthen the support at the reception and general enquiries counters;
- (b) New leaflets will be produced to give procedural guidelines to litigants in person (LIPs) on the proper conduct of the proceedings and the manner in which the parties should present their cases, evidence and other materials to court;
- (c) Sample court forms will be updated;
- (d) The Resource Centre's website will be suitably updated to take note of the features of the Civil Justice Reform ; and
- (e) The "Frequently Asked Questions" on court procedure on the Resource Centre's website will be updated as appropriate.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA009

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2065

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the “net increase of 16 non-judicial posts” stated in the 2009-10 Analysis of Financial and Staffing Provision, will the Administration provide information on the following –

- (a) What are the ranks of these non-judicial posts? Please set out in detail their respective remuneration and responsibilities.
- (b) With the net increase of the 16 posts as planned, will the waiting time for court cases be improved? If yes, please give details.

Asked by: Hon. TSE Wai-chun, Paul

Reply:

- (a) The net increase of 16 non-judicial posts in 2009-10 is to meet service needs arising from three major initiatives in the Judiciary –
 - (i) First, the implementation of the Civil Justice Reform (“CJR”), which requires extensive work in various areas to provide support to Judges and Masters, and to implement revised procedures and practices at court registries. With the implementation of the CJR in April 2009, seven additional posts will be created to strengthen the support to Judges and Judicial Officers (“JJOs”) and in various offices and registries of the High Court, District Court and Lands Tribunal to cope with the work arising from the changes in court rules and procedures;
 - (ii) Secondly, mediation has increasingly been accepted in recent years as an effective alternative for dispute resolution. The Judiciary has been promoting the use of mediation in court proceedings. Apart from operating a Mediation Coordination Office (“MCO”) in the Family Court and another one in the

Lands Tribunal under the Pilot Scheme on Mediation for Building Management, the Judiciary is also preparing to enhance enquiries and information services to support the implementation of the new Practice Direction 31 on Mediation with effect from 1.1.2010. Two additional posts will be created to strengthen the various offices promoting mediation services to enable them to cope with the increasing and expanding workload; and

- (iii) Thirdly, the demand for the services of the Resource Centre for Unrepresented Litigants has been growing steadily over the past years. There is also great demand for the Judiciary to enhance the enquiry/counter service for litigants at various registries, particularly the High Court Registry and the Small Claims Tribunal (“SCT”) Registry. Five additional posts will be created to reinforce the support in these offices to enable them to provide enhanced counter/enquiry services to the court users, including litigants in person.

In addition, two additional posts will be created in the registries of the SCT and the Probate Registry to help handle the much increased workload of the offices; and one post for the officer-in-charge of the registry and court offices of the SCT will be upgraded to a higher rank to properly reflect the complexity and level of responsibilities of the post. The upgrading of the post will not affect the existing number of posts.

The ranks and the annual mid-point salary values of the net additional 16 posts are –

<u>Rank</u>	<u>No. of Posts</u>	<u>Annual Mid-point Salary</u> (for each post) \$
Chief Judicial Clerk (MPS Pt 40-44)	2	862,560
Senior Judicial Clerk II (MPS Pt 27-33)	9	506,100
Judicial Clerk (MPS Pt 8-26)	5	289,440
Total	<u>16</u>	

- (b) It is expected that by enhancing the services to court users and strengthening the support to JJOs and various court registries, there should be a positive impact on the waiting times of cases. Nonetheless, it should be noted that other factors such as caseload, judicial resources and the complexity of cases may also affect the actual waiting times.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 19.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA010

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

Question Serial No.

2108

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the establishment of the High Court, the Legislative Council approved the creation of additional High Court Judge posts last year. Please provide information on the following –

- (a) What was the number of High Court Judges (excluding Deputy High Court Judges) as at 1 March 2009? As compared with 1 March 2008, what is the increase/decrease in the number of Judges? What is the reason for such increase/decrease?
- (b) What was the number of Deputy High Court Judges as at 1 March 2009? As compared with 1 March 2008, what is the increase/decrease in the number of Judges? What is the reason for such increase /decrease?

Asked by: Hon. NG Margaret

Reply:

- (a) The strength of High Court Judges as at 1.3.2008 and 1.3.2009 was 37 and 35 respectively. The decrease was due to the retirement of two Judges of the Court of First Instance in the past year.

The Judiciary obtained approval from the Finance Committee of the Legislative Council in 2008 to create one additional post of Justice of Appeal of the Court of Appeal and five additional posts of Judge of the Court of First Instance. The new post of Justice of Appeal of the Court of Appeal was filled in September 2008. A recruitment exercise for Judges of the Court of First Instance is now in progress.

- (b) The number of Deputy High Court Judges as at 1.3.2008 and 1.3.2009 was 10 and 13 respectively. The increase was due to the deployment of extra temporary judicial resources to keep the waiting times of cases in the High Court within targets.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA011

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

Question Serial No.

2109

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

For the purpose of performing the functions under the Interception of Communications and Surveillance Ordinance, some judges have to be deployed from the High Court to discharge the duties of the panel Judge. In this regard, what is its implication on judicial resources in the High Court?

Asked by: Hon. NG Margaret

Reply:

When serving judges are appointed to outside offices, the Judiciary is usually provided with extra resources to deal with the additional work in the form of extra judicial posts or resources for employing deputy judges. Furthermore, the judicial work of the concerned judges is appropriately reduced to enable them to cope adequately with both kinds of work. For the case in question, to cope with the additional responsibilities arising from the implementation of the new regulatory regime for interception of communications and covert surveillance conducted by law enforcement agencies after the enactment of the Interception of Communications and Surveillance Ordinance (Cap. 589), two posts of Judge of the Court of First Instance of the High Court were created, with funding for the posts provided to the Judiciary in 2006.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA012

Question Serial No.

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

2110

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the establishment of the District Court, please provide information on the following –

- (a) What was the number of District Court Judges (excluding Deputy District Court Judges) as at 1 March 2009? As compared with 1 March 2008, what is the increase/decrease in the number of Judges? What is the reason for such increase/decrease?
- (b) What was the number of Deputy District Court Judges as at 1 March 2009? As compared with 1 March 2008, what is the increase/decrease in the number of Judges? What is the reason for such increase/decrease?

Asked by: Hon. NG Margaret

Reply:

- (a) The strength of District Judges as at 1.3.2008 and 1.3.2009 was 32 and 31 respectively. The decrease was due to the retirement of one District Judge in the past year.

A recruitment exercise for District Judges is now in progress.

- (b) The number of Deputy District Judges as at 1.3.2008 and 1.3.2009 was 14 and 15 respectively. The increase was due to the deployment of extra temporary judicial resources to help reduce the waiting times of cases in the District Court.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA013

Question Serial No.

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

2111

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the number of Judges and Judicial Officers at various levels of courts as at 1 March 2009, please set out –

- (a) The establishment ceiling of Judges and Judicial Officers at various levels of courts;
- (b) The actual number of Judges and Judicial Officers at various levels of courts; and
- (c) The actual number of Temporary/Deputy Judges and Judicial Officers at various levels of courts.

Asked by: Hon. NG Margaret

Reply:

As at 1 March 2009, the establishment and the number of Judges and Judicial Officers (“JJOs”) and Temporary/Deputy JJOs are as follows –

<u>Level of Court</u>	(a) <u>Establishment of JJOs</u>	(b) <u>Number of JJOs (Including those appointed as Temporary/ Deputy JJOs)</u>	(c) <u>Number of Temporary/Deputy JJOs appointed from outside the Judiciary</u>
Court of Final Appeal	6 <small>Note 1</small>	7 <small>Note 2</small>	-
High Court	43	46	2
Masters' Office, High Court	9	10	1

<u>Level of Court</u>	(a) <u>Establishment of JJOs</u>	(b) <u>Number of JJOs (Including those appointed as Temporary/ Deputy JJOs)</u>	(c) <u>Number of Temporary/Deputy JJOs appointed from outside the Judiciary</u>
District Court (Including Family Court and Member, Lands Tribunal)	36	34	1
Masters' Office, District Court	4	4	0
Magistrates' Courts/ Specialist Court/ Other Tribunals	92	54	22

Note 1: Including one post created for a Non-Permanent Judge.

Note 2: Two Non-Permanent Judges are invited to sit in the Court of Final Appeal under Section 5 and Section 16 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484).

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA014

2112

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

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the civil cases in the District Court, the waiting time from date of listing to hearing –

- (a) The target is set at 120 days, which in fact, is too long. What is the reason for that?
- (b) For the years from 2007 to 2009, both the actual number of days and the projected number of days has gone up drastically. What is the reason for that?

Asked by: Hon. NG Margaret

Reply:

- (a) In setting the waiting time targets, reference is made to a wide range of factors, including the waiting time statistics, caseload and complexity of cases, the time required by parties to prepare their cases and the time required by the court to process the cases. The target of 120 days was endorsed by the Civil Court Users' Committee. We will monitor the situation and, in the light of the actual number of cases filed, strive to keep the actual waiting time as short as practicable.
- (b) The actual waiting time for civil cases increased slightly in 2008 because some resources were deployed to help reduce the waiting time for criminal cases. Nonetheless, it was still well within target of 120 days. Given that there is no evidence that the number of cases will come down in 2009-10, it is prudent to set the planned waiting time in 2009 at the same level of our target.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA015

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2113

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

For Building Management cases in the Lands Tribunal, despite the fact that the waiting times from setting down of a case to hearing in both 2007 and 2008 were approximately one half shorter than the target (100 days), and in particular, the actual waiting time in 2008 was even 60 days less than the target, the planned waiting time for 2009 is still set at 100 days. What is the reason for that?

Asked by: Hon. NG Margaret

Reply:

The target waiting time is the Judiciary's target set in accordance with the recommendation of the Civil Court Users' Committee. The lower than target waiting time reported for 2007 and 2008 actually reflected over-achievement. Given that there is no evidence that the number of cases will come down in 2009-10, it is prudent to set the planned waiting time in 2009 at the same level as the target. We shall, however, continue to strive to shorten the actual waiting time as much as possible in practice.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA016

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2114

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

For cases handled by the Small Claims Tribunal, how long does it take on average from first hearing to conclusion of cases?

Asked by: Hon. NG Margaret

Reply:

The Small Claims Tribunal does not keep the statistics on the average time from first hearing to conclusion of a case.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA017

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2115

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Civil Justice Reform will be implemented in April 2009. What is Judiciary's assessment of the implications of the Reform on the number of days required for handling civil actions at various levels of courts?

Asked by: Hon. NG Margaret

Reply:

The Civil Justice Reform (CJR) aims to give the courts concerned greater case management powers, streamline and improve civil procedures, encourage and facilitate settlement, and enable judicial resources to be better distributed and utilised. The Judiciary believes that these measures would facilitate cases to be dealt with as expeditiously as is reasonably practicable. It would likely take time to have the implications of the CJR fully reflected in the reformed system. The Judiciary would closely monitor the implementation of the CJR, and keep the Legislative Council Panel on Administration of Justice and Legal Services informed in about a year's time.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA018

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

2116

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Civil Justice Reform will be implemented in April 2009. How much resources will Judiciary earmark for monitoring the working of the reformed civil justice system in the High Court and District Court? What will be done specifically?

Asked by: Hon. NG Margaret

Reply:

The Chief Justice has established a Monitoring Committee on Civil Justice Reform to monitor the working of the reformed civil justice system. The Monitoring Committee would have an informal meeting within March 2009 to discuss how to monitor the various aspects of the implementation of the Civil Justice Reform (CJR), such as the gathering and receiving of feedback from all parties concerned including the legal profession and other court users. It would therefore be premature to determine the specific monitoring work at this stage.

The Judiciary has earmarked sufficient resources in the Draft Estimates 2009-10 to engage additional temporary judicial manpower to implement and monitor the work of the CJR. Since March 2009, one additional temporary Master has been engaged for each of the High Court and the District Court respectively. Separately, we have proposed to create seven civil service posts (including one Chief Judicial Clerk, four Senior Judicial Clerk IIs and two Judicial Clerks) in the Draft Estimates 2009-10 to strengthen the manpower to implement and assist in monitoring the work of the CJR.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA019

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2117

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Insofar as the civil jurisdiction in the Court of First Instance of the High Court is concerned, the planned number of cases for 2009 goes up significantly by 4 506 compared with the actual number of cases in 2008. What is the reason for that? What are the staffing arrangement and the deployment of resources in this regard?

Asked by: Hon. NG Margaret

Reply:

The civil caseload in the Court of First Instance is estimated to increase from 21 514 in 2008 by about 20% to 26 020 in 2009. The estimate takes account of the increased caseloads, particularly those of bankruptcy, company winding up and High Court Actions, in the last quarter of 2008.

The Judiciary will arrange internal redeployment to cope with the increased caseload and will review in due course whether additional resources are required on a longer-term basis.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA020

Question Serial No.

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

2118

Programme: (1) Courts, Tribunals and Various Statutory Functions
(2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The provision under Subhead 000 Operational expenses in the 2009-10 Estimate is \$142,388,000 more than that in the 2008-09 Revised Estimate. Please set out –

- (a) The additional number of Judges/Judicial Officers and administrative staff to be recruited by using the additional sum of money; and
- (b) The amount of funds out of the additional sum of money to be spent for recruiting the additional Judges/Judicial Officers and administrative staff.

Asked by: Hon. NG Margaret

Reply:

The total increase in provision of \$142.388 million under *Subhead 000 Operational expenses* is divided into two parts. One part is the increased provision (about \$84 million) under *Personal Emoluments* and *Personnel Related Expenses* for the filling of vacancies, the full-year effect of judicial posts created in 2008-09 and the net increase of 16 non-judicial posts to meet operational needs. The other part is the increased provision (about \$58 million) under *Departmental Expenses* and *Other Charges* for additional operating expenses to support courts' operation.

Out of the \$84 million increased provision under *Personal Emoluments* and *Personnel Related Expenses*, about \$21 million is earmarked for filling six additional Judges/Judicial Officer ("JJO") posts and 16 additional non-judicial posts.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2009

Examination of Estimates of Expenditure 2009-10

Reply Serial No.

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA021

Question Serial No.

2119

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

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

As regards the Magistrates poor box, what is it used for? Why is the amount concerning this item, both the actual expenditure and the estimated expenditure have remained relatively small?

Asked by: Hon. NG Margaret

Reply:

The purpose of the Magistrates' poor box is for the relief of real need and distress of the defendants in appropriate cases. There were four cases involving a total sum of \$3,250 paid out of the poor box in 2008-09. The allocation has remained at the level of \$8,000 per annum over the years having regard to the low actual spending.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2009

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA022

Question Serial No.

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

2318

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the support/assistance provided to the unrepresented litigants in the High Court and the District Court by the Resource Centre for Unrepresented Litigants, please state the number of litigants requiring assistance of the Centre as well as the categories of supporting services in 2008-09. What is the estimated amount of resources involved in this regard in 2009-10?

Asked by: Hon. LAU Kin-ye, Miriam

Reply:

In 2008, the Resource Centre for Unrepresented Litigants had provided the following facilities/services to users –

<u>Services/facilities</u>	<u>No. of users</u>
General counter enquiries	10 108
Collection of brochures on civil proceedings	495
Collection of court forms	7 358
Telephone enquiries	2 908
Access to website	241 647 hits
Viewing of videos on court procedure	15
Computer facilities for legal information	1 048
Photocopying service	43 090 pages

In 2009-10, \$2.88 million will be allocated for the operation of the Resource Centre –

Staff salaries	\$2,400,000
Other operating expenses	\$ 480,000
Total	<u>\$2,880,000</u>

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2009