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Controlling Officer : Judiciary Administrator

Session No. : 13

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Controlling Officer : Judiciary Administrator

Session No. : 13

File name : S-JA-e1.doc

Reply Serial No.	Question Serial No.	Reply Serial No.	Question Serial No.	Reply Serial No.	Question Serial No.
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**Replies to initial written questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2011-12**

**Controlling Officer : Judiciary Administrator
Session No. : 13**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
JA001	0984	Hon. TSE Wai-chun, Paul	80	Support Services for Courts' Operation
JA002	0985	Hon. TSE Wai-chun, Paul	80	Support Services for Courts' Operation
JA003	2020	Hon. HO Sau-lan, Cyd	80	Courts, Tribunals and Various Statutory Functions Support Services for Courts' Operation
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Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
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Replies to supplementary questions raised by Finance Committee Members in examining the Estimates of Expenditure 2011-12

**Controlling Officer : Judiciary Administrator
Session No. : 13**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-JA01	SV026	Hon. EU Yuet-mee, Audrey	80	Courts, Tribunals and Various Statutory Functions
S-JA02	SV028	Hon. HO Chun-yan, Albert	80	Support Services for Courts' Operation
S-JA03	SV029	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions

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

JA001

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

0984

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

During the past 10 years since the Pilot Scheme on Family Mediation was launched in 2000, apart from the evaluative study on the effectiveness of the Scheme that the Hong Kong Polytechnic University was commissioned to conduct in 2001-02, was there any further evaluative study conducted on the progress made? And were the expenditures on publicity of the Scheme cost-effective?

Asked by: Hon. TSE Wai-chun, Paul

Reply:

The Hong Kong Polytechnic University was commissioned to conduct a 3-year evaluative study on the effectiveness of the Pilot Scheme on Family Mediation from 2000 to 2003. Because of the positive findings of the study, the Pilot Scheme was formalized since 1 August 2003.

Under the present arrangement, the Family Mediation Co-ordinator's Office ("FMCO") would hold information sessions on family mediation and offer pre-mediation consultations for the separating/divorcing couple. The actual mediation will be conducted by family mediators outside the Judiciary. Although no further survey has been conducted after the evaluative study, the FMCO would collect information of the family mediation cases referred to the mediators outside the Judiciary. The successful rate of family mediation is generally around 70%.

Matters relating to family mediation are monitored by the Steering Committee on Family Mediation which is now chaired by a High Court Judge and comprises members from the legal profession, concerned government departments and other non-governmental organizations.

In order to promote mediation and assist parties to understand the nature of family mediation, leaflets on family mediation are periodically updated and widely distributed at all court premises, District Offices of Home Affairs Department, Social Welfare Department, Legal Aid Department, family counseling organizations and law firms, which can be collected by the public for free.

A Mediation Website and three videos promoting mediation (including family mediation) have also been launched since January 2010. The videos can be viewed online in the Mediation Website. Both facilities aim to promote mediation in the community and assist the litigants and the public to seek mediation in order to resolve their disputes in a non-adversarial way.

It is noted that more people are making use of the services of FMCO:

	<u>2008</u>	<u>2009</u>	<u>2010</u>
No. of information sessions held	215	294	331
No. of attendees	426	614	931
No. of pre-mediation consultations conducted	335	500	705
No. of cases referred to mediators through FMCO	92	138	259

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA002

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

0985

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Will the Judiciary provide the number of cases in which family mediation was used over the past 3 years? And what is the percentage of the cases benefited from family mediation among the total number of cases handled by the Family Court in each of the past 3 years?

Asked by: Hon. TSE Wai-chun, Paul

Reply:

It should be noted that mediation is a voluntary process which could not take place without both parties' consent. There were also cases involving child abuse and domestic violence which were not suitable for mediation. Other cases may also be settled at an early stage such as those opting to proceed with financial dispute resolution without proceeding further with the proceedings. Hence, it would be more meaningful to provide the number of cases where the parties had made an application to attend the information sessions conducted by the Family Mediation Co-ordinator's Office ("FMCO") and the number of cases which had eventually been referred to mediators through FMCO:

	<u>2008</u>	<u>2009</u>	<u>2010</u>
No. of cases where parties had made an application to attend information session	512	703	1 067

	<u>2008</u>	<u>2009</u>	<u>2010</u>
No. of cases eventually referred to mediators through FMCO	92	138	259

It should also be noted that many mediators are offering mediation services in the community through non-governmental organizations ("NGOs") or private practice. The parties may seek the mediation service directly from these NGOs or private practitioners without going through the FMCO. Hence, the number of cases eventually referred through the FMCO may not give the full picture.

Signature

Name in block letters

EMMA LAU

Post Title

Judiciary Administrator

Date

17.3.2011

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

JA003

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

2020

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In regard to the implementation of the Framework Agreement on Hong Kong/Guangdong Co-operation (the Framework Agreement) and growing co-operation between Hong Kong and the Mainland in recent years, please provide relevant information on Hong Kong/Mainland cross-boundary projects or programmes in which the Judiciary is or has been involved.

- 1) For Hong Kong/Mainland cross-boundary projects or programmes from 2008-09 to 2010-11, please provide information in the following format:

Project/ programme title	Details, objective and whether it is related to the Framework Agreement	Expenditure involved	Name of Mainland department / organisation involved	Progress (% completed, start date, anticipated completion date)	Have the details, objective, amount involved or impact on the public, society, culture and ecology been released to the public? If yes, through which channels and what were the manpower and expenditure involved? If no, what are the reasons?
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- 2) For Hong Kong/Mainland cross-boundary projects or programmes in 2011-12, please provide information in the following format:

Project/ programme title	Details, objective and whether it is related to the Framework Agreement	Expenditure involved	Name of Mainland department / organisation involved	Progress (% completed, start date, anticipated completion date)	Will the details, objective, amount involved or impact on the public, society, culture and ecology be released to the public? If yes, through which channels and what will be the manpower and expenditure involved? If no, what are the reasons?
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- 3) Apart from the projects or programmes listed above, are there any other modes of cross-boundary co-operation? If yes, what are they? What were the manpower and expenditure involved in the past 3 years, and how much financial and manpower resources are earmarked in the 2011-12 Estimates?

Asked by: Hon. HO Sau-lan, Cyd

Reply:

The Framework Agreement on Hong Kong/Guangdong Co-operation was signed between the Administration and the Guangdong Provincial Government. The Judiciary is not involved.

As regards co-operation between Hong Kong and Mainland in the recent years, the High Court of the Hong Kong Special Administrative Region (“HKSAR”) and the Supreme People’s Court of the Mainland entered into an arrangement to provide an official channel through which judicial documents in civil and commercial matters can be served between the Mainland and the HKSAR. The arrangement has been implemented since 1999. The Judiciary does not have breakdown for resources specifically for implementing this arrangement.

Signature	_____
Name in block letters	EMMA LAU
Post Title	Judiciary Administrator
Date	17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA004

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2372

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Has the Judiciary Administration conducted any review to find out whether or not the existing number of Judiciary staff is sufficient?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The establishment of the Judiciary is reviewed regularly having regard to the operational needs of the Judiciary. Proposals for the creation of additional judicial and support staff posts will be made where considered necessary.

The Judiciary is now looking into the judicial manpower situation at all levels of court. We aim to present a paper to the Legislative Council Panel on Administration of Justice and Legal Services in June 2011.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

JA005

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2373

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Has the Judiciary Administration conducted any review to find out whether or not the workload of judges is too heavy?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The establishment of the Judiciary is reviewed regularly having regard to the operational needs of the Judiciary. Proposals for the creation of additional judicial and support staff posts will be made where considered necessary.

The Judiciary is now looking into the judicial manpower situation at all levels of court. We aim to present a paper to the Legislative Council Panel on Administration of Justice and Legal Services in June 2011.

Signature _____

Name in block letters _____ EMMA LAU _____

Post Title _____ Judiciary Administrator _____

Date _____ 17.3.2011 _____

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

JA006

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

2374

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the Criminal Fixture List in the Court of First Instance of the High Court, the average waiting time from Filing (of Indictment) to Hearing was 166 days (in 2010). Is it due to manpower shortage? What measures will be taken in 2011 to achieve the target waiting time of 120 days?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The average waiting time of the Criminal Fixture List in the Court of First Instance of the High Court exceeded the target due to more complex and lengthy cases as well as more refixed cases.

With the installation of 3 more courtrooms at the High Court Building towards the end of 2011, the Judiciary will be able to deploy additional judicial resources with a view to improving the waiting time in the High Court.

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

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

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

JA007

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2375

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

As regards a substantial number of criminal appeal cases, the waiting time is normally around 3 months. Are there any plans to increase the number of the relevant posts in order to speed up the handling of the cases?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The average waiting time of the criminal appeals in the Court of Appeal in 2010 was 50 days, which was within the target.

The average waiting time of the appeals from Magistrates' Courts in 2010 was 95 days, which had slightly exceeded the target of 90 days. The average waiting times for both the criminal fixture list and the appeals from Magistrates in Court of First Instance exceeded the targets due to more complex and lengthy cases as well as more refixed cases.

With the installation of 3 more courtrooms at the High Court Building towards the end of 2011, the Judiciary will be able to deploy additional judicial resources with a view to improving the waiting time in the High Court.

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

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

JA008

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2376

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the Financial Applications in Family Court cases, the average waiting time from Filing of Summons to Hearing was approximately 3 months. Are there any plans to strengthen the manpower in order to shorten the waiting time?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The average waiting time of the Financial Applications in Family Court at 88 days was within target. There are however other pressure areas in the Family Court. An additional judge will be deployed to the Family Court starting from April 2011 to help improve the waiting times of the Family Court, particularly with regard to hearings on the Defended List.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA009

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2377

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Is there any plan for raising the amount of expenses of witnesses?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The rates of allowances for witnesses are subject to review every two years. The existing rates were last revised in January 2009 as a result of the review in 2008. According to the result of the last review in 2010, there will be no change to the existing rates in 2011.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA010

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2378

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Is there any plan for raising the amount of expenses of jurors?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The rates of allowances for jurors are subject to review every two years. The existing rates were last revised in January 2009 as a result of the 2008 review. According to the result of the last review in 2010, there will be no change to the existing rates in 2011.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA011

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

2379

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

It is stated in the Estimates that 3 additional judicial posts and some other non-judicial posts will be created in 2011-12. Which courts will these additional posts be allocated to or what type of court cases will be handled by the holders of these additional posts?

Asked by: Hon. LEUNG Kwok-hung

Reply:

In 2011-12, there will be a net increase of 3 judicial posts and 28 non-judicial posts in the establishment of the Judiciary. The creation of these posts is to meet service needs arising from :

- (a) The establishment of the Competition Tribunal, subject to the passage of the Competition Bill. To handle cases to be brought before the Competition Tribunal, a Judge of the Court of First Instance of the High Court, a Deputy Registrar, High Court and 9 non-judicial posts will be created;
- (b) The implementation of the Mandatory Building Inspection Scheme and Mandatory Window Inspection Scheme under the Buildings (Amendment) Bill 2010. Subject to the passage of the Bill, a Special Magistrate and 2 non-judicial posts will be created in the Magistrates' Courts to handle cases to be brought before the Magistrates' Courts under the relevant legislation;
- (c) The implementation of the relevant legislative amendments to combat drug driving. Subject to the passage of the relevant legislative amendments, 1 non-judicial post will be created in the Magistrates' Courts to handle the increasing workload arising from drug driving cases;
- (d) The operation of the Mediation Information Office ("MIO"). The MIO has been set up to provide litigants with relevant information on mediation, so as to assist them in considering whether and how they should attempt mediation in resolving their disputes. At present, the MIO is mainly staffed by non-civil service contract staff. 3 non-judicial posts will be created in the MIO to support its operation; and

(e) The need to provide or enhance manpower for various sections supporting courts' operations. 13 non-judicial posts will be created for this purpose of which 6 are time-limited in nature.

Signature	_____
Name in block letters	<u>EMMA LAU</u>
Post Title	<u>Judiciary Administrator</u>
Date	<u>17.3.2011</u>

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA012

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2380

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Is there any plan for training and increasing the number of Judiciary staff in order to shorten listing/waiting time?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The establishment of the Judiciary is reviewed regularly having regard to the operational needs of the Judiciary. Proposal for the creation of additional judicial and support staff posts will be made where considered necessary.

The Judiciary is now looking into the judicial manpower situation at all levels of court. We aim to present a paper to the Legislative Council Panel on Administration of Justice and Legal Services in June 2011.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

JA013

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

Question Serial No.

2381

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Does the Judiciary have any plans to increase the number of courtrooms?

Asked by: Hon. LEUNG Kwok-hung

Reply:

Upon completion of the works project "Construction of Additional Courtrooms and Associated Facilities in the High Court Building" projected to be by the end of 2011, the number of courtrooms at the High Court will be increased by three, bringing the total number of courtrooms from 43 to 46.

Upon completion of the proposed works project "Construction of the West Kowloon Law Courts Building ("WKLCB") which is under active planning, 12 additional courtrooms will be provided at the magistracy and tribunal level.

Consequential from the WKLCB project, there would be vacated space from the relocation of the Small Claims Tribunal out of the District Court, and the relocation of the Coroner's Court and Obscene Articles Tribunal out of the Eastern Magistrates' Courts. The vacated space would provide the much needed space for additional courtrooms and associated facilities at the District Court and the magistracy level. We will be planning on how best to make use of the vacated space in due course.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

JA014

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2382

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Apart from criminal cases, there is also a trend towards using VCD/DVD for evidence purpose in civil cases now, is there any plan for installing equipment for playing VCD/DVD in more courtrooms?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The Technology Court in the High Court Building is available for use for both civil and criminal proceedings at all levels of court. It is equipped with VCD/DVD and other facilities for multi-media presentation.

Besides, there are courtrooms in the High Court, District Court and Magistrates' Courts where audio visual ("AV") presentation system is installed. In addition, mobile AV set can also be arranged upon request.

In the coming two years, AV presentation system will be installed for another 8 courtrooms in the High Court, District Court and Magistrates' Courts. The installation plan is subject to regular review to ensure that the need is suitably met.

The requirement for AV equipment has also been taken into account in planning for the new law courts building such as the West Kowloon Law Courts Building.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

- (a) In criminal appeal cases, are the transcripts prepared upon the request of judges different from those that are produced upon the request of and the payment by defendants? Is there any possibility that the transcripts provided to the former are only partial transcripts?
- (b) If the replies are "yes", do the courts have the responsibility to supply appellants of criminal appeals with complete transcripts? If yes, what is the expenditure involved?

Asked by: Hon. LEUNG Kwok-hung

Reply:

Criminal appeals include appeals (i) from the District Court and the Court of First Instance to the Court of Appeal; or (ii) from the Magistrates' Courts to the Court of First Instance.

Criminal Appeals from the District Court and the Court of First Instance to the Court of Appeal

In relation to such criminal appeals, as provided in the relevant Practice Direction, the court registry would prepare the appeal bundle and send it to the parties. The bundle would include the transcript of the summing up and of sentencing (in the case of the Court of First Instance) and the transcript of the reasons for verdict and sentence (in case of the District Court); and the transcript of other parts of the proceedings (e.g. evidence) where the court considers necessary for the purpose of handling the appeal.

If the appellant or his solicitor considers that additional transcripts are necessary, he should apply in writing to the Registrar, High Court for approval under the relevant rules of the Court.

Under the existing legislative provisions, the position as regards the fees for transcripts included in this type of appeal bundle is as follows:

- (i) Where the appellant is unrepresented or legally aided, the Registrar has discretion to waive the fees and must do so on the direction of a judge. In practice, all unrepresented and legally aided appellants are provided with such transcripts without charge.
- (ii) Where the appellant is not legally aided but is represented, a fee of \$17 per page as prescribed in rule 63 of the Criminal Appeal Rules, Cap 221A is charged for such transcripts. Where the Registrar deems appropriate, he has the discretion to waive the fees on the direction of a judge.

It should be noted that cases in (i) above already make up about 90% of all criminal appeals. Currently, we are reviewing the fee-charging arrangement to see whether any further changes are required.

Criminal Appeals from the Magistrates' Courts to the Court of First Instance

Magisterial appeals are usually lodged under section 113 of the Magistrates Ordinance, Cap 227. For such appeals, the Magistrate is required by section 114(b) to prepare a statement of his findings on the facts and other grounds of his decision and must give a copy of such statement to both the appellant and the respondent.

In relation to such appeals, as provided for in the relevant Practice Direction, the Magistrates' Courts registry would prepare the appeal bundle. The bundle would include Magistrate's statement of findings and the transcript of the proceedings relating to the plea, oral closing submissions, verdict, reasons for verdict, mitigation, sentence and reasons for sentence; and the transcript of other parts of the proceedings (e.g. evidence) where the court considers necessary for the purpose of dealing with the appeal.

If the appellant or his solicitor considers that additional transcripts are necessary, he should apply in writing to the Registrar, High Court for approval under the relevant Practice Direction.

This type of appeal bundle is supplied to the parties without charge.

Signature	_____
Name in block letters	EMMA LAU
Post Title	Judiciary Administrator
Date	17.3.2011

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

JA016

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

2384

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

At times, there is insufficiency in the number of court interpreters and registered court translators. Is there any plan for training and increasing the number of these posts/positions?

Asked by: Hon. LEUNG Kwok-hung

Reply:

As at 1 March 2011, there were a total of 136 Court Interpreters ("CIs") in the Judiciary. They are deployed to various levels of court to provide interpreting, translation and certification services. In addition, there are 438 registered part-time interpreters providing interpreting and translation services involving foreign languages and Chinese dialects. The Judiciary will review the manpower situation of CI regularly and will conduct recruitment exercises as and when necessary. In fact, a recruitment exercise for CIs was conducted in late 2010.

To enhance the language competency and professional skills of CIs, the Judiciary has been arranging a series of training programmes for them. In the year 2010-11, a total of 66 training programmes were provided for 125 CIs, of which 5 were overseas programmes with 12 CIs attended.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

With regard to Support Services for Courts' Operation, it is stated in Paragraph 10 under the Brief Description that the Judiciary will provide efficient bailiff services for enforcement of court orders. In this connection, please provide information on the following:

- (a) The establishment and strength of Bailiff for the past three years, i.e. from 2008-09 to 2010-11 and the projected establishment and strength for 2011-12.
- (b) The establishment and strength of Bailiff's Assistant for the past three years, i.e. from 2008-09 to 2010-11 and the projected establishment and strength for 2011-12.

Asked by: Hon. LI Fung-ying

Reply:

- (a) The establishment and strength in respect of Bailiff for the past three years and the projected establishment and strength for 2011-12 are as follows:

Year	Establishment	Strength (as at 1 April)
2008-09	27	22
2009-10	27	26
2010-11	27	24
2011-12	27	27

- (b) The establishment and strength in respect of Bailiff's Assistant for the past three years and the projected establishment and strength for 2011-12 are as follows:

Year	Establishment	Strength (as at 1 April)
2008-09	43	38
2009-10	43	37
2010-11	43	36* ^{Note}
2011-12	43	33 ^{Note}

* Including one officer on trial in another grade but reverted to the Bailiff's Assistant grade on 1.4.2010.

Note: In addition, non-civil service contract Bailiff's Assistants ("Contract BAs") have been engaged since May 2010 to handle the workload. By December 2010, 5 Contract BAs have been engaged and are currently serving.

Signature _____

Name in block letters _____ EMMA LAU _____

Post Title _____ Judiciary Administrator _____

Date _____ 17.3.2011 _____

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

JA018

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2671

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

For Criminal Fixture List in the Court of First Instance of the High Court, the actual average waiting time from Filing of Indictment to Hearing in 2010 was 166 days, which went up significantly to the extent of 46 days longer than the target of 120 days. What is the reason? At the same time, the 2011 (plan) average waiting time is still set at 120 days. How is the Administration going to achieve the average waiting time (from Filing of Indictment to Hearing) of 120 days in 2011?

Asked by: Hon. NG Margaret

Reply:

The average waiting time for the Criminal Fixture List of the Court of First Instance of the High Court exceeded the target due to more complex and lengthy cases as well as more re-fixed cases.

With the installation of 3 more courtrooms at the High Court Building towards the end of 2011, the Judiciary will be able to deploy additional judicial resources with a view to improving the waiting time in the High Court.

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

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

JA019

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2672

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

For appeal/compensation cases in the Lands Tribunal, the average waiting times from Setting Down of a case to Hearing in 2009 and 2010 were respectively 47 days/64 days (for 2009) and 37 days/42 days (for 2010), which were both much shorter than the target of 100 days. The planned average waiting time for 2011, however, is still set at 100 days. Is it not a departure from the actual situation? Or, is it because the Administration anticipates a substantial increase in the number of "compulsory auction" cases that the planned waiting time for the Lands Tribunal is specifically maintained at 100 days?

Asked by: Hon. NG Margaret

Reply:

The lower than target waiting times reported for 2009 and 2010 actually reflected over-achievement. Given that there can be fluctuation in caseload, it is prudent to set the planned waiting times in 2011 at the same level as the targets. We shall, however, continue to strive to shorten the actual waiting times as much as possible in practice. We will also consider whether there is a case to review the existing targets for Lands Tribunal cases.

It should be noted that the target waiting times of the Lands Tribunal do not apply to compulsory sale cases. Consideration will be given as to whether a target waiting time should be set for such kind of cases.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

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

JA020

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2673

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, notwithstanding that the average waiting times from Setting Down of a Case to Hearing in 2009 and 2010 were 33 days and 30 days respectively, which were considerably shorter than the target of 100 days, the 2011 (plan) average waiting time is still set at 100 days. Is it not a departure from the actual situation? Why does the Administration still set the average waiting time at 100 days?

Asked by: Hon. NG Margaret

Reply:

The lower than target waiting time reported for 2009 and 2010 actually reflected over-achievement. Given that there can be fluctuation in caseload, it is prudent to set the planned waiting time in 2011 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. We will also consider whether there is a case to review the existing targets for Lands Tribunal cases.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

JA021

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2674

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

For tenancy cases in the Lands Tribunal, notwithstanding that the average waiting times from Setting Down of a Case to Hearing in 2009 and 2010 were 23 days and 27 days respectively, which were considerably shorter than the target of 60 days, the 2011 (plan) average waiting time is still set at 60 days. Is it not a departure from the actual situation? Why does the Administration still set the average waiting time at 60 days?

Asked by: Hon. NG Margaret

Reply:

The lower than target waiting time reported for 2009 and 2010 actually reflected over-achievement. Given that there can be fluctuation in caseload, it is prudent to set the planned waiting times in 2011 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. We will also consider whether there is a case to review the existing targets for Lands Tribunal cases.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

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

JA022

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2675

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

For cases in the Small Claims Tribunal, notwithstanding that the average waiting times from Filing of a Case to First Hearing in 2009 and 2010 were 40 days and 35 days respectively, which were considerably shorter than the target of 60 days, the 2011 (plan) average waiting time is still set at 60 days. Is it not a departure from the actual situation? Why does the Administration still set the average waiting time at 60 days?

Asked by: Hon. NG Margaret

Reply:

The target waiting time is the Judiciary's target set in accordance with the relevant legislative provision. The lower than target waiting time reported for 2009 and 2010 actually reflected over-achievement. Given that there can be fluctuation in the caseload, it is prudent to set the planned waiting time in 2011 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 and monitor the situation as to whether any follow-up action is required.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA023

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2743

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

With regard to the Obscene Articles Tribunal, please list the expenditure and the numbers of articles handled for the past three financial years, and the projected expenditure for 2011-12.

Asked by: Hon. LAU Wai-hing, Emily

Reply:

The caseload figures of the Obscene Articles Tribunal (OAT) for the past three years are as follows:

<u>2008</u>	<u>2009</u>	<u>2010</u>
44 464	13 507	38 348

The approximate expenditures for the past three financial years and the projected expenditure for 2011-12 are as follows:

<u>2008-09</u>	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u> (Estimate)
\$4.07 million	\$4.13 million	\$4.13 million	\$4.14 million

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

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

JA024

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2850

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

- (a) Please provide the numbers of inquests held in the Coroner's Court for the years from 2008 to 2010, and
- (b) The number of inquests which commenced upon the request of the Secretary for Justice.

Asked by: Hon. HO Chun-yan, Albert

Reply:

- (a) The numbers of death inquests concluded over the past three years are as follows:

<u>2008</u>	<u>2009</u>	<u>2010</u>
145	193	172

- (b) The Judiciary does not have available statistics of the number of death inquests which commenced upon the request of the Secretary for Justice before 2009. For 2009 and 2010, no inquest was commenced upon the request of the Secretary for Justice.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

JA025

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

Question Serial No.

2851

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide information on the establishment, strength and the expenditures of family mediators for the years from 2008-09 to 2010-11 respectively.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The role of the Family 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. Mediations are conducted by mediators outside the Judiciary.

The Family 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>2008 - 09</u>	<u>2009 - 10</u>	<u>2010 - 11</u>
Strength	1 Mediation Co-ordinator	1 Mediation Co-ordinator	1 Mediation Co-ordinator
	2 Clerks	2 Clerks	1.5 Clerks
Salary expenditure	\$1,250,000	\$1,280,000	\$1,210,000

The change in salary expenditure in 2010-11 over 2009-10 is mainly due to staff changes and salary adjustment in 2010-11.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

JA026

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

Question Serial No.

2852

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please give the number of cases handled by family mediators for the year 2010-11.

Asked by: Hon. HO Chun-yan, Albert

Reply:

In 2010-11, the Family Mediation Co-ordinator's Office has organized 323 information sessions for 917 participants, conducted 698 pre-mediation consultations and referred 255 cases (involving 510 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. Mediation is conducted by mediators outside the Judiciary.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

JA027

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

Question Serial No.

2917

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In criminal cases handled in Magistrates' Courts, some defendants may elect to act in person. Has the Judiciary considered allocating/injecting resources for providing support to defendants who elect to act in person in criminal cases so that they will not come to know about trial procedures only at the moment when they attend court hearing? If yes, what is the result? If no, will consideration be given to allocating some of the financial provision and manpower for the above purpose in the coming financial year?

Asked by: Hon. TSE Wai-chun, Paul

Reply:

To maintain the impartiality of the courts, the Judiciary would not provide any legal advice in respect of court proceedings. Currently, the Duty Lawyer Scheme provides legal representation by qualified lawyers in private practice to eligible defendants appearing in all Magistrates' Courts. This is a matter for the Administration.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17.3.2011

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

JA028

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2920

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

As given under the Indicators in paragraph 6 of the Programme, the number of cases handled by the Obscene Articles Tribunal increased considerably from 13 507 in 2009 to 38 348 in 2010. What is the reason? Does it have anything to do with the enforcement policies of the law enforcement bodies?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The Obscene Articles Tribunal (OAT) carries out two main functions with respect to articles and matter i.e. classification and determination. Majority of its cases are determination cases which are referred by the Magistrates' Courts. The increase in the actual number of cases in 2010 was mainly caused by the increase in the number of determination cases, which had increased by 196% from 12 746 in 2009 to 37 677 in 2010.

The number of articles referred to OAT by the Magistrates' Courts is related to the number of prosecutions involving articles requiring OAT's determination. It is inappropriate for the Judiciary to comment on the enforcement policies of the law enforcement bodies.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

JA029

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

Question Serial No.

3201

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the estimates of expenditure of the Information Technology Management Section of the Judiciary:

- a. What is the estimated expenditure for 2011-12? What is the percentage change compared with the actual expenditure for 2010-11? What account for this percentage change in expenditure?
- b. What specific initiatives are involved in the estimates of expenditure for 2011-12? Which of them are ongoing and new initiatives respectively? What are the staff number, cost and implementation timetable of each initiative? Among the staff involved, how many of them are civil servants, non-civil service contract staff and staff of outsourced services respectively?
- c. Whether funds have been reserved for promoting electronic civic participation and public sector information access? If yes, what are the specific details, including the titles and particulars of the initiatives, the manpower and cost involved, and the implementation timetable? If not, what are the reasons and will consideration be given to introducing the initiatives in the future?
- d. What are the permanent establishment and the number of existing staff and vacancies of the information and technology unit? Is manpower expected to increase in the coming year? If yes, how many additional posts will be created? What ranks will be involved? Will they be permanent posts? Will they be appointed on civil service terms? If there will be no increase in manpower, what are the reasons?
- e. Has there been any comprehensive review of the effectiveness of the information and technology unit? If yes, what are the results and the specific improvement measures involved? If not, what are the reasons and will a review be conducted in the future?

Asked by: Hon. TAM Wai-ho, Samson

Reply:

The estimated expenditure of the Information Technology Management Section ("ITMS") of the Judiciary under Head 80 is made up of three major elements:

- (i) Expenditure for civil service and contract staff in the ITMS;
- (ii) Payment for IT infrastructure support and application maintenance services which are provided by the outsourced contractor; and
- (iii) Departmental Expenses (“DE”) for procurement of hardware, software and other support services.

Regarding (i), the staffing and expenditure positions for 2010-11 and 2011-12 are as follows:

Staffing	2010-11			2011-12	
	Establishment	Strength	Vacancies	Proposed Establishment	Changes compared to 2010/11
I. Civil Service Staff					
Analyst / Programmer	5	5	0	7	+2
Judicial Clerk	7	7	0	7	0
Executive Officer	1	1	0	1	0
Clerical Officer	4	4	0	4	0
Sub-total	17	17	0	19	+2
II. Contract staff	<u>Number</u>			<u>Number</u>	<u>Changes compared to 2010/11</u>
	10			11	+1
III. Total Manpower	27			30	+3
IV. Expenditure	\$13.93M			\$16.80M	+\$2.87M

The formulation of IT policies and the on-going functions of contract management are taken up by the ITMS. A review of its manpower provision has been conducted. It is proposed to increase the permanent establishment by 1 Systems Manager and 1 Analyst/Programmer I in 2011-12.

The increase in manpower is to enhance the professional support to the ITMS to strengthen its capability in IT policy formulation and to enhance the effectiveness in contract management.

As regards (ii), the actual and estimated expenditure for payment for IT infrastructure support and application maintenance services to be provided by the IT outsourced contractor in 2010-11 and 2011-12 are as follows:

	2010-11	2011-12	Estimated Change
Payment for outsourced IT services	\$14.06M	\$15.60M	+\$1.54M

The increase in expenditure is to cater for adequate resources for providing IT support to fully meet the operational needs of the Judiciary.

As regards (iii), the actual and estimated expenditure for procurement of hardware, software and other support services in 2010-11 and 2011-12 are as follows:

	2010-11	2011-12	Estimated Change
DE for hardware, software and other services	\$31.99M	\$20.60M	-\$11.39M

In this regard, it should be noted that the spending of DE for 2010-11 at \$31.99M was exceptionally high due to the launch of a Personal Computer (“PC”) upgrading exercise for all users of the Judiciary, which will be completed by April 2011. The actual expenditure in 2010-11 for this upgrading exercise alone is estimated to be about \$11M.

Hence, the total estimated expenditure of the ITMS for 2011-12 at \$53M represents an overall decrease of 11.6% when compared with the actual expenditure of the section for 2010-11 at \$59.98M, which is mainly due to the completion of the PC upgrading exercise.

The Judiciary is now conducting a review of the use of IT in its court and support services. The issues of electronic service delivery and public sector information access are being considered in the context of such review. In this regard, the Judiciary is making reference to the experiences of judiciaries in other overseas jurisdictions.

Signature	_____
Name in block letters	EMMA LAU
Post Title	Judiciary Administrator
Date	17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA030

Question Serial No.

3307

Head: 80 Judiciary

Subhead (No. & title):

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 support staff of the Lands Tribunal, Labour Tribunal, Small Claims Tribunal, Obscene Articles Tribunal and Coroner's Court are as follows:

Tribunal/Court	Establishment	Number of posts	Annual salary at mid-point * (\$)
Lands Tribunal	25	2 – District Judge 1 – Member 6 – Judicial Clerk grade staff 15 – Clerical Staff 1 – Office Assistant	10.9 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	38.7 million

Tribunal/Court	Establishment	Number of posts	Annual salary at mid-point * (\$)
Small Claims Tribunal	49	1 – Principal Adjudicator 7 – Adjudicator 12 – Judicial Clerk grade staff 27 – Clerical Staff 2 – Office Assistant	21.8 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 **17.3.2011**

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA031

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

3308

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 2010, and their respective waiting times? How many of those judicial review cases were legally aided?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information requested on judicial review cases in 2010 is as follows:

Judicial Review Cases

	2010
(a) No. of leave applications	134
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	31
(c) Average waiting time from listing to hearing of leave application*	35 days
(d) No. of appeals against refusal of leave	24
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	63 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
(h) Average waiting time from listing to hearing of substantive case	119 days
(i) No. of appeals against judicial review decisions	30
(j) Average waiting time from listing to appeal hearing	104 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 _____

17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

JA032

Question Serial No.

3309

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

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 Resource Centre, the size of the establishment, and the actual expenditure for 2010 and 2011. What are the projected number of such litigants, size of the establishment and expenditure for the year 2011-12?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information for the years 2010 and 2011 is as follows:

	<u>2010</u>	<u>2011</u> (Estimate)
Number of use		
Visits	11 100	11 500
Telephone enquiries	3 200	3 400
Access to webpage	306 000	315 000
	<u>2010-11</u>	<u>2011-12</u> (Draft Estimate)
Approximate expenditure	\$2,520,000	\$2,520,000
Staff strength	6	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 17.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

S-JA01

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

SV026

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Administration is requested to:

In respect of Question Serial No. 2496, Reply Serial No. SJ018, provide information on the number of applications for injunctions under the Domestic and Cohabitation Relationship Violence Ordinance, if available.

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

The information is not readily available as the Judiciary does not normally keep these statistics. However, having regard to the relatively small number of cases involved, the Judiciary has managed to collate manually the figures by going through the relevant case files.

The required figures are as follows:

	2008	2009	2010
(i) Number of applications for injunction	22*	28*	38*
(ii) Number of cases where injunction was granted	18	26	23
(iii) Number of cases where the application for injunction was refused	0	1	3
(iv) Number of cases where the application for injunction was abandoned in the process	1	1	3
(v) Number of cases where legal aid was granted	8	14	12
(vi) Number of applications made by the parties themselves	6	5	8

* Cases other than (ii) – (iv) are either adjourned sine die, discharged, transferred to higher level of court or where undertakings have been given by parties concerned.

Signature	_____
Name in block letters	<u>EMMA LAU</u>
Post Title	<u>Judiciary Administrator</u>
Date	<u>31.3.2011</u>

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

S-JA02

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

SV028

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Administration is requested to:

Provide a response on measures to speed up the provision of transcripts of court proceedings to improve the efficiency and accuracy of court trials, including whether the Administration/Judiciary would explore the feasibility of providing simultaneous transcribing service.

Asked by: Hon. HO Chun-yan, Albert

Reply:

First of all, it should be pointed out that generally, for criminal proceedings, a party interested can have access to a copy of the record of proceedings in the form of audio tape, CD or DVD produced from the Digital Audio Recording and Transcription Services ("DARTS") without charge pursuant to the relevant legislative provisions. Provision of such tape, CD and DVD could be processed in a speedy manner.

Based on the record of proceedings, a party may decide whether and which parts of the proceedings need to be transcribed, thus ensuring that resources to be deployed for transcripts would be utilized in the most cost-effective manner. The time required for the production of transcript depends on the length of proceedings concerned.

If the court considers it necessary to play back the audio records of an earlier part of the proceedings, the existing DARTS system is able to do so.

Subject to the consent of the court, simultaneous transcription services are only used in certain special, complex or long cases. It is doubtful that it is necessary to provide simultaneous transcription for all cases. If simultaneous transcription service is to be provided for all cases, the costs involved would be prohibitive.

The Judiciary would continue to keep under review how the application of information technology could enhance the court services, including the provision of recording and transcription services.

Signature	_____
Name in block letters	EMMA LAU
Post Title	Judiciary Administrator
Date	31.3.2011

Examination of Estimates of Expenditure 2011-12

Reply Serial No.

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

S-JA03

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

SV029

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Administration is requested to:

Provide a paper setting out the accommodation constraints and access problems in relation to lifts and staircases in the Eastern Law Courts Building, and explain any improvement plans and measures.

Asked by: Hon Albert HO

Reply:

A paper setting out the accommodation constraints and access problems in relation to the Eastern Law Courts Building is prepared at the Annex. The paper also outlines measures for their improvement. Please see paper attached.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 31.3.2011

Provision of Lifts and Staircases at the Eastern Law Courts Building

Purpose

This paper sets out the accommodation constraints and access problems in relation to the Eastern Law Courts Building. It also outlines the various measures for their improvement.

Background

2. The Eastern Law Courts Building (“ELCB”) is a joint-user building and the Building Management Committee (“BMC”) of the ELCB is responsible for the day-to-day management of the building with Government Property Agency (“GPA”) acting as the executive agent of the BMC for the provision of management services. It consists of altogether 14 floors – G/F to 5/F, U5/F, 6/F to 12/F. The courtrooms of Eastern Magistrates’ Courts (“EMC”), Obscene Articles Tribunal (“OAT”) and Coroner’s Court (“CC”) of the Judiciary are located on 4/F, 5/F, 6/F, 9/F and 10/F, whereas the registry and accounts office of the EMC are located on 7/F. The Judiciary, as one of the users of the ELCB, has to share the use of the common facilities within the building with a number of other governmental departments/offices (see **Appendix**). GPA has engaged a private contractor to undertake the day-to-day management functions.

Passenger Lift Facilities

3. There are two passenger lifts at the ELCB designed for use by members of the public (“public lifts”). These two public lifts have access to all floors except for 1/F, 2/F & U5/F (with no court and registry facilities) which are accessible by cargo or staff lifts only. Use of the two public lifts is not limited to court users for access to the various court facilities on 4/F – 7/F and 9/F – 10/F as there are also members of the public who need to visit other floors including 3/F, 8/F, 11/F & 12/F. The public lift usage would therefore be especially heavy during peak hours in the weekdays, namely in the morning before 9:30 am as well as before courts’ resumption after lunch break at 2:30 pm.

Staircases

4. There are three sets of staircases in the building: (a) one public staircase running through 4/F, 5/F, 6/F and 7/F within the lobby area for use by court users (“the internal staircase”); and (b) two emergency staircases with passage from G/F to all floors of the ELCB. The two emergency staircase exits are located on G/F facing respectively the waterfront (“the North Staircase”) and the carparking areas (“the South Staircase”).

Improvement Measures

Lift replacement programme

5. As part of the maintenance works, there is a programme to replace the two existing public lifts. Replacement works in this regard have commenced since January this year and the arrangement is that one lift will remain in operation while the other is being

replaced. To cater for this special situation, one of the lifts originally designated for use by staff is being deployed to take court users to 7/F where they will be ushered to the lobby area and from there, the court users could freely move to the various court facilities located on 4/F, 5/F and 6/F via the internal staircase. Additional building management office staff are being deployed on G/F and 7/F as well as the staff lift lobby to assist in regulating the crowd and directing the court users to use the additional passage. Directional signs are also posted at prominent areas of the building. Special arrangement will be made to assist disabled users.

6. During the lift replacement period, the remaining public lift has been regulated such that it would only stop at the floors with court and cell facilities i.e. 3/F – 7/F and 9/F – 10/F. This aims to shorten the travelling time of the lift concerned.

7. We are currently consulting the BMC as to whether three public lifts could be designated for use by court users during peak hours as a long-term measure after the completion of the lift replacement programme.

Use of Emergency Exit Staircases for Public Access to Courtrooms To Be Explored

8. To improve public access to the EMC courtrooms, we would, in consultation with the BMC, study the feasibility of making use of one of the emergency exit staircases during the peak hours. In this regard, we will consider launching a pilot scheme around August 2011 to open up the North Staircase for use after the completion of the current major exterior renovation works of the ELCB.

The Judiciary and Various Departments /Facilities in Eastern Law Courts Building

Floor	Departments/Sections/Offices/Facilities
G	<ul style="list-style-type: none"> • Shau Kei Wan Liaison Team, Eastern District Office • Community Affairs Team, Eastern District Office • Special Duties Team, Eastern District Office • Management Office Counter
1	<ul style="list-style-type: none"> • Eastern Delivery Office , Hong Kong Post • Car Park
2	<ul style="list-style-type: none"> • Car Park
3	<ul style="list-style-type: none"> • Police Office • Police & Correctional Services Department Cell • Air-Condition Plant Office, Electrical & Mechanical Services Department • Management Office
4	<ul style="list-style-type: none"> • <i>Courtrooms of Eastern Magistrates' Courts (EMC)</i> • <i>Central Summons Processing Unit</i> • <i>Judges & Judicial Officers (JJOs)' Chambers</i> • <i>Court Clerks' Office</i> • <i>Senior Court Interpreter (Magistracies)'s Office</i>
5	<ul style="list-style-type: none"> • <i>Courtrooms of EMC</i> • <i>JJOs' Chambers</i> • <i>Court Interpreters' Office</i> • <i>Court Clerks' Office</i>
U5	<ul style="list-style-type: none"> • Court Prosecutors' Office
6	<ul style="list-style-type: none"> • <i>Courtrooms of EMC</i> • <i>JJOs' Chambers</i> • <i>Court Clerks' Office</i> • <i>Personal Secretary II's Office</i> • <i>Digital Audio Recording & Transcription Services Control Room</i> • <i>The Society of Rehabilitation and Crime Prevention, Hong Kong</i>
7	<ul style="list-style-type: none"> • <i>First Clerk's Office</i> • <i>General Office, Registry & Accounts Office of EMC</i> • Eastern Probation Office • Court Liaison Office (Duty Lawyer Service)
8	<ul style="list-style-type: none"> • <i>Information Technology Management Section</i> • <i>Management Information Section</i> • <i>Information Technology Support Team</i>
9	<ul style="list-style-type: none"> • <i>Obscene Articles Tribunal (OAT)</i> • <i>Courtrooms of OAT and EMC</i> • <i>JJOs' Chambers</i> • <i>SJE(Mag)'s Office</i>

10	<ul style="list-style-type: none"> • <i>Coroner's Court (CC)</i> • <i>Courtrooms of CC & EMC</i> • <i>JJOs' Chambers</i> • <i>Senior Court Interpreter (Coroner's Court)'s Office</i> • Coroner's Officers' Office (Police)
11	<ul style="list-style-type: none"> • Eastern District Office • Eastern District Council • Building Management Liaison Team, Eastern District Office • Commercial Buildings and Premises Division, Hong Kong Fire Services Department
12	<ul style="list-style-type: none"> • Hong Kong Training Centre, Hong Kong Regional Office, Auxiliary Medical Service • Drainage Services Department • Eastern Probation Office (1), Social Welfare Department • Labour Inspection Division, Labour Department • E-Strategy Division, Transport Department

Note: The offices/facilities in *italic* are under the purview of the Judiciary.