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Controlling Officer : Judiciary Administrator

Session No. : 11

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Controlling Officer : Judiciary Administrator

Session No. : 11

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**Replies to initial written questions raised by Finance Committee Members in  
examining the Estimates of Expenditure 2012-13**

**Controlling Officer : Judiciary Administrator  
Session No. : 11**

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
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**Replies to supplementary questions raised by Finance Committee Members in  
examining the Estimates of Expenditure 2012-13**

**Controlling Officer : Judiciary Administrator  
Session No. : 11**

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
<a href="#"><u>S-JA01</u></a>	SV032	Hon. EU Yuet-mee, Audrey	80	Courts, Tribunals and Various Statutory Functions
<a href="#"><u>S-JA02</u></a>	SV029	Hon. NG Margaret	80	Courts, Tribunals and Various Statutory Functions Support Services for Courts' Operation
<a href="#"><u>S-JA03</u></a>	SV030	Hon. NG Margaret	80	Courts, Tribunals and Various Statutory Functions

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

**JA001**

Question Serial No.

3127

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 relocation of the Court of Final Appeal ("CFA") to the site of the former Legislative Council Building, will the Administration provide information on the timetable, estimated expenditure and staffing structure arrangement involved?

Asked by: Hon. CHAN Mo-po, Paul

Reply:

According to the latest works programme as advised by the Architectural Services Department, the target is to obtain in April 2012 approval from the Antiquities and Monuments Office of the Heritage Impact Assessment report, which has been prepared after conducting building and structural condition surveys at No. 8 Jackson Road (the former Legislative Council ("LegCo") Building) in the last few months. Thereafter, consultation with the various stakeholders (including the two professional bodies and the LegCo Panel on Administration of Justice and Legal Services) will be carried out. Tender for the works will be invited in the last quarter of 2012. The project will be submitted to the LegCo Public Works Subcommittee and the Finance Committee ("FC") in the first quarter of 2013. Subject to the FC's funding approval, conversion works will start in the second quarter of 2013 for completion by the end of 2014.

The estimated expenditure of the project is being worked out.

Both the planning and implementation of the project will be carried out by the existing staff of the Judiciary.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

**CONTROLLING OFFICER'S REPLY TO  
INITIAL WRITTEN QUESTION  
(Revised)**

**JA002**

Question Serial No.

3197

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide statistics regarding the following cases:

	2006	2007	2008	2009	2010	2011
(a) No. of cases where a divorce application was made						
(i) among which the no. of cases where divorce mediation services were used						
(b) No. of decrees of divorce issued						
among which						
(i) no. of cases with a child custody or access order made						
(ii) no. of cases requiring a social investigation report as regards child custody and access arrangements						
(iii) no. of cases involving court hearing as regards child custody and access arrangements						
(iv) no. of cases where a sole custody order was made						
(v) no. of cases where a joint custody order was made						

	2006	2007	2008	2009	2010	2011
(vi) no. of cases where a split custody order was made						
(c) No. of cases where legal proceedings (independent of the divorce proceedings) for a child custody or access order were instituted						
(d) Others						

Asked by: Hon. CHEUNG Kwok-che

Reply:

The information requested under (a), (a)(i) and (b) is as follows:

	2006	2007	2008	2009	2010	2011
(a) No. of cases where a divorce application was made	18 172	17 803	18 030	19 263	20 849	22 543
(i) among which the no. of cases where divorce mediation services were used	133	84	92	138	259	177
(b) No. of decrees of divorce issued	17 424	18 403	17 771	17 002	18 167	19 597

For (b)(i) – (vi), (c) and (d), the Judiciary does not keep such statistics.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 7.3.2012

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

**JA003**

Question Serial No.

0227

Head: 80 Judiciary

Subhead (No. & title):

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 year 2011-12; and
- (b) The number of inquests held in the Coroner's Court 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 in 2011 and 2012 (up to 31 January) are as follows:

**2011**

**2012 (up to 31 January)**

182

14

- (b) In 2011 and 2012 (up to 31 January), no inquest was commenced upon the request of the Secretary for Justice.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

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

**JA004**

Question Serial No.

0228

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 of 2011-12.

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 some supporting staff. There are no Family Mediators on the establishment of the Mediation Co-ordinator's Office. The Office's salary expenditure for 2011-12 is approximately as follows:

		<b><u>2011 - 12</u></b>
Strength	:	1 Mediation Co-ordinator 1 Senior Judicial Clerk II 2 Clerks
Salary expenditure	:	\$1,900,000

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012



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

**JA005**

Question Serial No.

0229

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 given under the Indicators in Paragraph 6 of this Programme, the number of cases handled by the Obscene Articles Tribunal decreased from 38 348 in 2010 to 27 896 in 2011; as against the considerable increase from 13 507 in 2009 to 38 348 in 2010. Do the significant fluctuations in the number of cases for the above-mentioned three years 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 the articles handled are determination cases referred by the Magistrates' Courts. The fluctuations in the number of articles handled by the OAT for the years 2009 to 2011 were mainly attributable to the differences in the number of articles referred for determination, which were as follows:

<u>2009</u>	<u>2010 (% of change)</u>	<u>2011 (% of change)</u>
12 746	37 677 (+196%)	27 159 (- 28%)

The number of articles referred to OAT by the Magistrates' Courts is related to the number of prosecutions and the number of articles involved in each prosecution which require 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:

29.2.2012

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

**JA006**

Question Serial No.

0230

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 in 2011-12.

Asked by: Hon. HO Chun-yan, Albert

Reply:

In 2011-12, the Family Mediation Co-ordinator's Office has organized altogether 260 information sessions for 698 participants, conducted 503 pre-mediation consultations and referred 178 cases (involving 356 parties) to 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: 29.2.2012

Examination of Estimates of Expenditure 2012-13

Reply Serial No.

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

**JA007**

Question Serial No.

0231

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

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 for the year 2011-12.

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

<b>Tribunal/Court</b>	<b>Establishment</b>	<b>Number of posts</b>	<b>Annual salary at mid-point * (\$)</b>
Lands Tribunal	25	2 – District Judge 1 – Member 6 – Judicial Clerk grade staff 15 – Clerical Staff 1 – Office Assistant	11.5 million
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 39 – Clerical Staff 8 – Secretarial Staff 5 – Office Assistant 1 – Workman II	41.7 million

<b>Tribunal/Court</b>	<b>Establishment</b>	<b>Number of posts</b>	<b>Annual salary at mid-point * (\$)</b>
Small Claims Tribunal	49	1 – Principal Adjudicator 7 – Adjudicator 12 – Judicial Clerk grade staff 27 – Clerical Staff 2 – Office Assistant	23.0 million
Obscene Articles Tribunal	7	2 – Magistrates 4 – Clerical Staff 1 – Office Assistant	3.6 million
Coroner's Court	11	3 – Coroner 6 – Clerical Staff 1 – Secretarial Staff 1 – Office Assistant	5.7 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: 29.2.2012

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

**JA008**

Question Serial No.

0232

Head: 80 Judiciary Subhead (No. & title):  
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 2011, 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 2011 is as follows:

**Judicial Review Cases**

	<b>2011</b>
(a) No. of leave applications	103
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	14
(c) Average waiting time from listing to hearing of leave application*	21 days
(d) No. of appeals against refusal of leave	12
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	53 days
(f) No. of substantive judicial review cases	44
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	11
(h) Average waiting time from listing to hearing of substantive case	133 days
(i) No. of appeals against judicial review decisions	27
(j) Average waiting time from listing to appeal hearing	169 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: 29.2.2012

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

**JA009**

Question Serial No.

0233

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 revised estimate for 2011-12. What are the projected number of such litigants, size of the establishment and expenditure for the year 2012-13?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information for the years 2011 and 2012 is as follows:

	<u>2011</u>	<u>2012</u> (Estimate)
Number of use		
Visits	11 200	11 500
Telephone enquiries	2 700	2 800
Access to webpage	277 000	278 000
	<u>2011-12</u>	<u>2012-13</u> (Draft Estimate)
Approximate expenditure	\$2,520,000	\$2,760,000
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: 29.2.2012

Examination of Estimates of Expenditure 2012-13

Reply Serial No.

**JA010**

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

Question Serial No.

2282

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 cases handled by the Small Claims Tribunal in the past three years, please give a breakdown by nature of cases, such as consumer rights, contract disputes, etc.

Asked by: Hon. LAU Kong-wah

Reply:

The numbers of cases filed with the Small Claims Tribunal in the past three years were as follows:

<u>2009</u>	<u>2010</u>	<u>2011</u>
59 797	57 837	50 962

Information relating to the breakdown by nature in respect of the above cases is not available.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

Examination of Estimates of Expenditure 2012-13

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

Reply Serial No.

**JA011**

Question Serial No.

2650

Head: 80 Judiciary

Subhead (No. & title):

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 provide information on the following:

- (a) the expenditure as regards the Tribunal in 2011-12 and a breakdown of the expenditure;
- (b) the total number of adjudicators appointed from members of the public in 2011-12 and the male to female ratio. Please give the total number of articles the Tribunal classified by the categories (including newspapers, computer games, internet contents and so on) they fall into and the respective percentages of articles classified as Class I (neither obscene nor indecent), Class II (an indecent article) or Class III (an obscene article); as well as the number of cases in which a request for review has been made. Please give details and results (of the review cases); and
- (c) the number of publicly displayed matters and articles determined by the Tribunal upon referral by a court or a magistrate in 2011-12. Please give details and results of the determination cases.

Asked by: Hon. LAU Wai-hing, Emily

Reply:

- (a) The approximate expenditure of the Obscene Articles Tribunal ("OAT") for 2011-12 is \$4.33 million, which includes salary expenditure and departmental expenses of the OAT.
- (b) There are currently 401 adjudicators, including 307 male and 94 female adjudicators.

The OAT carries out two main functions with respect to articles and matter, i.e. classification and determination.



In 2011, there were a total of 733 articles classified and the results were as follows:

	<b>Magazine</b>	<b>Comic Book</b>	<b>Video Tape</b>	<b>DVD</b>	<b>Others*</b>	<b>Sub-total by class</b>	<b>Percentage</b>
<b>Class I</b> <i>(neither obscene nor indecent)</i>	3	1	0	7	30	41	5.6%
<b>Class II</b> <i>(indecent)</i>	211	10	15	94	250	580	79.1%
<b>Class III</b> <i>(obscene)</i>	0	9	0	64	39	112	15.3%
<b>Total</b>	<b>214</b>	<b>20</b>	<b>15</b>	<b>165</b>	<b>319</b>	<b>733</b>	<b>100%</b>

\* including media covers and newspaper

There were six review cases in 2011 and their results were as follows:

<b>Number of Cases</b>	<b>Type of Article</b>	<b>Results</b>
1	DVD	Confirmed as Class III
1	Comic Book	Confirmed as Class II with condition imposed
3	Newspaper	Altered from Class I to II
1	Newspaper	Confirmed as Class I

(c) In 2011, 18 318 articles were determined by the OAT and the results were as follows:

<b>Class</b>	<b>Magazine</b>	<b>Comic Book</b>	<b>Video Tape</b>	<b>DVD</b>	<b>Others*</b>
<b>Class I</b> <i>(neither obscene nor indecent)</i>	0	0	0	0	0
<b>Class II</b> <i>(indecent)</i>	0	0	0	0	191
<b>Class III</b> <i>(obscene)</i>	0	0	0	18 127	0

\* including media covers and newspaper

The OAT has not dealt with any matter that is publicly displayed in 2011.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

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

**JA012**

Question Serial No.

1858

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 cases in the Civil Fixture List of the Court of First Instance of the High Court, the waiting times from setting down of case to hearing in the past two years (2010 and 2011) failed to meet the planned waiting time of 180 days. However, the planned waiting time for 2012 is still set at 180 days. What is the reason for this? Is it unrealistic? When will the Judiciary's open recruitment exercise for Judges of the Court of First Instance commence?

Asked by: Hon. NG Margaret

Reply:

The average waiting time for the Civil Fixture List of the Court of First Instance of the High Court exceeded the planned waiting time due to more complex and lengthy cases as well as more re-fixed cases. It is also due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of elevation of Judges to higher positions and retirement of Judges. It is envisaged that the effects of the manpower constraints are temporary and should ease off when the recruitment exercise has been completed.

The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting time against the current target at 180 days, including engaging temporary judicial resources where possible and appropriate.

The Judiciary will launch a recruitment exercise for Judges of the Court of First Instance of the High Court in March 2012.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

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

**JA013**

Question Serial No.

0387

Head: 80 Judiciary

Subhead (No. & title):

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 Judiciary has stated that the number of non-directorate posts will be increased by 41 to 1 511 posts as at 31 March 2013. Please inform this Committee of the nature of work, ranks and salaries of these new posts.

Asked by: Hon. SHEK Lai-him, Abraham

Reply:

The 41 non-directorate posts are to be created for the following purposes :

<b>Purpose</b>	<b>Number of posts</b>	<b>Rank of posts</b>	<b>Annual salary at mid-point (\$)</b>
To replace Non-Civil Service Contract positions in various offices	20	1 Judicial Clerk 13 Assistant Clerical Officers 6 Clerical Assistants	3.88 million
To provide support for the setting up of the Competition Tribunal  (subject to the passage of the Competition Bill)	9	1 Senior Court Interpreter 1 Senior Judicial Clerk I 2 Judicial Clerks 3 Assistant Clerical Officers 1 Clerical Assistant 1 Personal Secretary II	3.08 million
To cope with the increase in workload at the Lands Tribunal	4	2 Judicial Clerks 2 Assistant Clerical Officers	1.02 million
To provide support to the Higher Rights Assessment Board	2	1 Senior Executive Officer 1 Assistant Clerical Officer	0.99 million

<b>Purpose</b>	<b>Number of posts</b>	<b>Rank of posts</b>	<b>Annual salary at mid-point (\$)</b>
To strengthen support for the Family Court for coping with increasing workload	3	1 Senior Judicial Clerk I 1 Judicial Clerk 1 Workman II	1.15 million
To strengthen executive support for corporate services	1(net)	2 Senior Executive Officers  <i>offset by deletion of 1 Executive Officer I</i>	1.00 million
To provide support for the High Court Registry for handling cases related to mentally incapacitated persons	1	1 Judicial Clerk	0.31 million
To provide clerical support for the Legal Reference and Library Section	1	1 Assistant Clerical Officer	0.20 million

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

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

**JA014**

Question Serial No.

3068

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

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

- (a) Please give the numbers of unrepresented litigants in civil and criminal proceedings at all levels of courts in the year 2011-12. What are the estimated numbers of unrepresented litigants in civil and criminal proceedings at all levels of courts in the year 2012-13?
- (b) What provision is made as regards the estimated expenditure for the "Resource Centre for Unrepresented Litigants" in the year 2012-13? Has the Administration set specific performance indicators in respect of the services of the Resource Centre for the year 2012-13? If yes, what are they? If not, what is the reason?

Asked by: Hon. TAM Yiu-chung

Reply:

- (a) The Judiciary has been keeping statistics on the number of hearings involving unrepresented litigants in both the High Court and the District Court. However, the Judiciary has not kept statistics for other courts including the Court of Final Appeal, the Family Court, the Lands Tribunal and the Magistrates' Courts. No legal representation is permitted in the Small Claims Tribunal and the Labour Tribunal.

The numbers and percentages of hearings involving unrepresented litigants in the High Court and the District Court in 2011 are as follows :

	High Court						District Court	
	Court of Appeal		Court of First Instance				Criminal Trials	Civil Trials
	Criminal Appeals	Civil Appeals	Criminal Appeals	Civil Appeals	Criminal Trials	Civil Trials		
No. of hearings involving unrepresented litigants* (a)	159	38	428	121	1	78	19	151
Total no. of hearings (b)	321	163	733	235	182	269	852	295
Percentage (a) ÷ (b)	50%	23%	58%	51%	1%	29%	2%	51%

\* Hearings involving unrepresented litigants refer to those hearings in which at least one of the parties is unrepresented.

The Judiciary does not have information on the estimated numbers of unrepresented litigants in 2012-13.

(b) The projected expenditure of the Resource Centre for 2012-13 is \$2.76 million.

No specific performance indicators are set in respect of the services of the Resource Centre. Instead, two user satisfaction surveys were conducted in 2005 and 2010. For both surveys, over 90% of the respondents were satisfied with the services provided by the Resource Centre. The Judiciary will continue to review and update the services/facilities provided by the Resource Centre so as to meet the needs of the unrepresented litigants.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

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

**JA015**

Question Serial No.

0954

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the work performed under the Control of Obscene and Indecent Articles Ordinance, what are the estimated expenditure and manpower for 2012-13 as regards ascertaining the categorisation of articles by the Obscene Articles Tribunal? Will consideration be given to conducting an open recruitment for or replacing adjudicators who deal with classification so that the classification function will meet the needs of rapid development in Hong Kong society?

Asked by: Hon. WONG Yuk-man

Reply:

Under the Control of Obscene and Indecent Articles Ordinance ("COIAO") (Cap. 390), the Obscene Articles Tribunal ("OAT") is empowered to perform two functions with respect to articles and matter, i.e. classification and determination.

A panel of adjudicators is established under Section 5 of the COIAO. When dealing with classification or determination, the Tribunal shall consist of (a) a magistrate who shall preside; and (b) two or more adjudicators selected from the panel. For review cases, apart from the magistrate, the Tribunal shall consist of four or more adjudicators.

The adjudicators are recruited through open invitation. To be eligible for appointment as an adjudicator, the person must (a) be ordinarily resident in Hong Kong and has so resided for seven years; and (b) be proficient in written English or written Chinese.

To enhance the representativeness of the OAT adjudicators and to allow more opportunities for members of the public to serve as adjudicators, the Judiciary has decided in 2010 to increase the total number of adjudicators from 280 to 500 and applied a nine-year rule in the re-appointment of serving adjudicators. As at present, there is a pool of 401 adjudicators and the intention is to recruit more adjudicators in the coming year to achieve the target of 500.

The projected expenditure and the establishment of OAT for 2012-13 are as follows:

	<b><u>2012-13</u></b> <b>( Estimate)</b>
Projected expenditure	\$4,330,000
Establishment	7

Signature:

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 29.2.2012

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

**S-JA01**

Question Serial No.

**SV032**

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Provide information on the criteria for selecting and the process of appointing members of the Panel of Adjudicators pursuant to the Control of Obscene and Indecent Articles Ordinance (Cap. 390).

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

Section 5 of the Control of Obscene and Indecent Articles Ordinance ("COIAO"), Cap. 390 provides for the establishment of a panel of adjudicators, the members of which are appointed by the Chief Justice for a period of not exceeding three years. To be eligible for appointment as an adjudicator, the person must be (a) ordinarily resident in Hong Kong and has so resided for at least seven years; and (b) proficient in written English or written Chinese. They may be re-appointed or removed by the Chief Justice.

To enhance the representativeness of the OAT adjudicators and to allow more opportunities for members of the public to serve as adjudicators, the Judiciary has decided in 2010 to increase the total number of adjudicators from 280 to 500 and to apply the nine-year rule in the re-appointment of serving adjudicators. As at present, there is a pool of 401 adjudicators and the intention is to recruit more adjudicators in the coming year to achieve the target of 500.

The application of the nine-year rule is considered appropriate as this will ensure that –

- (a) the changeover could be instituted in a proper and systematic manner;
- (b) there would be a regular and healthy turnover of adjudicators; and
- (c) there would be better continuity of membership.

Under the current arrangement, the adjudicators are recruited through open invitation of the Commerce and Economic Development Bureau. Eligible persons from all walks of life can apply to be adjudicators. Where the number of applicants exceeds the number of vacancies, the selection will be conducted by balloting.

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 21.3.2012



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

**S-JA02**

Question Serial No.

**SV029**

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide information on the distribution of support staff in the Judiciary by rank, pay and job function.

Asked by: Hon. NG Margaret

Reply:

The support staff in the Judiciary are mainly deployed on the following functions:

- (a) Direct support to Judges and Judicial Officers;
- (b) Court/Tribunal registries and related work;
- (c) Support services for courts' operation, such as court interpretation service, bailiff services and library service; and
- (d) Administrative and other support, such as general administration, personnel, finance and IT services.

The job functions above are mainly delivered by:

- (a) Departmental grades comprising –
  - (i) Bailiff's Assistant grade;
  - (ii) Bailiff grade;
  - (iii) Court Interpreter grade;
  - (iv) Court Reporter grade;
  - (v) Judicial Clerk grade; and
  - (vi) Tribunal Officer grade; and

- (b) General and Common grades including –
- (i) Administrative Officer grade;
  - (ii) Executive Officer grade;
  - (iii) Professional grades (e.g. Treasury Accountant grade, Systems Manager grade, etc.);
  - (iv) Clerical grades; and
  - (v) Secretarial grades.

The distribution of the support staff establishment (projected position as at 31.3.2012) by job function, rank and pay is as follows –

	Job functions			
	(a) Direct support to Judges and Judicial Officers	(b) Court/Tribunal registries and related work	(c) Support services for Courts' operation	(d) Administrative and other support
<b>Departmental Grades</b>				
Upper band^	28	37	52	9
Middle band^	107	73	224	10
Lower band^	0	0	0	0
<b>General &amp; Common Grades</b>				
Upper band^	1	3	6	26
Middle band^	193	372	56	132
Lower band^	45	46	22	22

- ^ Upper band refers to ranks with maximum pay at MPS 34 (\$53,060) or above  
 Middle band refers to ranks with maximum pay between MPS 10 (\$16,855) and 33 (\$51,670)  
 Lower band refers to ranks with maximum pay at MPS 9 (\$15,900) or below

Signature: \_\_\_\_\_

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 21.3.2012

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

**S-JA03**

Question Serial No.

**SV030**

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Provide information on:

- (a) the process and timetable of recruiting judges and judicial officers to fill the recent and existing vacancies; and
- (b) the number of deputy judges appointed to cope with the fluctuation of workload, the expenditure involved and the percentage of cases handled by deputy judges.

Asked by: Hon. NG Margaret

Reply:

- (a) The process and timetable of recruiting Judges and Judicial Officers (“JJOs”) are as follows:

<b><u>Key Action</u></b>	<b><u>Time Required</u></b>
1. Advertisement of vacancies and closing of applications	5 - 6 weeks
2. Vetting of applications	4 - 6 weeks (depending on the number of applications received)
3. Selection Board process, including shortlisting of applicants, conduct of interviews if necessary, selection of applicants and preparation of the Selection Board Report	8 – 12 weeks (depending whether interviews are necessary or not and if so, the number of applicants selected for interviews)
4. Judicial Officers Recommendation Commission (“JORC”) process, including deliberation by JORC on the Selection Board Report, the making of recommendations by JORC and obtaining the acceptance of the Chief Executive on JORC’s recommendations	8 weeks

**Key Action**

**Time Required**

5. Upon the Chief Executive’s acceptance of JORC’s recommendations, completion of appointment formalities such as medical and integrity checks

8 weeks

6. New appointment to take effect

(i) For appointees from within the Judiciary, the appointment normally takes effect immediately after the completion of all appointment formalities

(ii) For appointees from outside the Judiciary, the appointment will take effect on a date after the appointee has ceased private practice

(b) Deputy JJOs include Recorders, internal deputy JJOs and external deputy JJOs. The number of deputy JJOs appointed fluctuates according to operational needs. The duration of their sittings also varies. As at 1.4.2011, 65 deputy JJOs, comprising 35 deputies who were appointed from within the Judiciary to act in a higher position and 30 deputies appointed from outside the Judiciary, were engaged to cope with the courts’ workload.

The expenditure incurred for the appointment of deputy JJOs in the year of 2011 was \$38.834 million.

As regards cases handled by deputy JJOs, the Judiciary does not compile regular statistics on the number and percentage of such cases. We are however able to compile relevant information to show the percentages of judicial resources provided by deputy JJOs in handling judicial work at various levels of court in the year of 2011 as follows:

<b><u>Level of Court</u></b>	<b><u>Percentage of Judicial Resources Provided by Deputy JJOs</u></b>
Court of First Instance of the High Court	30%
District Court, Family Court and Lands Tribunal	44%
Magistrates’ Courts and Specialized Court/Other Tribunals	39%

Signature:

Name in block letters:

EMMA LAU

Post Title:

Judiciary Administrator

Date:

21.3.2012