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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2013-14

Controlling Officer : Judiciary Administrator

Session No. : 2

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**Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2013-14**

**Controlling Officer : Judiciary Administrator  
Session No. : 2**

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

Head: 80 Judiciary

Subhead (No. & title): 000 Operational expenses

Programme:

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Is the non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal mentioned in the Estimates a regular expenditure item? If yes, what are the grounds and reasons for this? If it is a new expenditure item, what are the grounds and reasons for creating the item? On what basis are the estimated expenses set?

Asked by: Hon. CHAN Ka-lok, Kenneth

Reply:

The holder of the Chief Justice position has long been provided with non-accountable entertainment allowance. In June 1997, the Finance Committee of the Legislative Council approved the new rank and post of Chief Justice of the Court of Final Appeal with effect from 1 July 1997 with a remuneration package, which, amongst other things, included the provision of an official residence and a non-accountable entertainment allowance.

The non-accountable entertainment allowance is a perquisite associated with an official residence. The purpose of the non-accountable entertainment allowance is to enable the Chief Justice to meet expenses for providing official entertainment at his official residence.

The current rate of non-accountable entertainment allowance for the Chief Justice is \$333,100 per year (effective from 1 April 2013). Adjustments to the rate are based on changes in the average monthly Composite Consumer Price Index in the last calendar year.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

**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 the indicators under this Programme, the Administration stated that in 2012, the number of criminal cases with transcripts produced as required by judges was 6 343 and that the estimated number for 2013 would be 6 350. In this connection, will the Administration inform this Committee of the following:

- (1) What were the costs involved in the above-mentioned work in 2012, and what were the average costs of each set of transcript so produced?
- (2) What was the number of applications made by members of the public for audio recordings and transcripts of proceedings in the past year (i.e. 2012), and what was the number of words in the transcripts so produced?
- (3) What was the total expenditure involved in producing the transcripts as applied by members of the public in the past year (i.e. in 2012)?

Asked by: Hon. CHAN Wai-yip, Albert

Reply:

- (1) The Judiciary Administration has outsourced the provision of the Digital Audio Recording and Transcription Services ("DARTS") to service providers in the market. The costs paid to the DARTS outsourcing contractors for producing 6 343 criminal case transcripts in 2012 were \$6,620,000 and the average cost of each set of criminal case transcript produced was \$1,044.
- (2) The numbers of criminal cases with audio records and transcripts produced for members of the public in 2012 and the number of words/characters in the transcripts were 2 091 and 16 904 000 respectively. The figures exclude those audio records or transcripts produced for the Court, Secretary for Justice, Director of Legal Aid and other Government departments.
- (3) The total costs paid to the DARTS outsourcing contractors for producing criminal case transcripts as applied by members of the public in 2012 was \$1,646,000.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

1. Please provide statistics regarding the following cases:

	2007	2008	2009	2010	2011	2012
(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						
(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						

2. Has the Administration collected information and conducted analysis regarding b(i) to (vi) and (c) above?

Asked by: Hon. CHEUNG Kwok-che

Reply:

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

	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
(a) No. of cases where a divorce application was made	17 803	18 030	19 263	20 849	22 543	23 255
(i) among which the no. of cases where mediation services were used	84	92	138	259	177	234
(b) No. of decrees of divorce issued	18 403	17 771	17 002	18 167	19 597	21 125

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

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

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 the year 2013-14, the Judiciary will make preparation for the establishment of the Competition Tribunal in accordance with provisions under the newly passed Competition Ordinance (Cap. 619). What are the concrete actions involved? Is there a time-table for the establishment of the Tribunal? What are the expenditure and financial provision involved? What is the manpower requirement?

Asked by: Hon. CHUNG Kwok-pan

Reply:

With the enactment of the Competition Ordinance (14 of 2012) ("the Ordinance") on 14 June 2012, the Judiciary has been making preparations for setting up the Competition Tribunal ("the Tribunal") under the Ordinance, having regard to, among others, the Administration's plan to commence the Ordinance in phases.

Under the Ordinance, every Judge of the Court of First Instance ("CFI") will, by virtue of his or her appointment as a CFI Judge, be a member of the Tribunal. The Ordinance also provides that, among others, every Registrar, Senior Deputy Registrar, Deputy Registrar and any other officer such as a Bailiff of the High Court, by virtue of that appointment, holds the corresponding office or position in the Tribunal.

On 15 March 2013, we obtained the approval of the Finance Committee of the Legislative Council ("LegCo") for the creation of two judge and judicial officer (JJO) posts for the Tribunal (namely, one CFI Judge and one Deputy Registrar posts) with effect from 1 April 2013. The two posts seek to re-compensate the projected total amount of time to be spent by the President, Deputy President, Registrar, Deputy Registrar and other JJOs of the Tribunal on the work of the Tribunal.

The next step is to invite the Judicial Officers Recommendation Commission to make recommendations under the Judicial Officers Recommendation Commission Ordinance (Cap. 92) to the Chief Executive on the appointment of two eligible CFI Judges to be the President and Deputy President of the Tribunal. We aim at completing this before August 2013 when the provisions in the Ordinance relating to the Tribunal will commence.

The Tribunal will also be supported by nine new non-directorate posts. They include one Personal Secretary II, one Senior Court Interpreter, one Senior Judicial Clerk I, two Judicial Clerk, three Assistant Clerical Officer and one Clerical Assistant posts. While most of these posts will only be created shortly before the full operation of the Tribunal, the posts of Personal Secretary II, Senior Judicial Clerk I and one of the Judicial Clerks will need to be created earlier to support the President/Deputy President and Registrar/Deputy Registrar for various tasks relating to the setting up of the Tribunal.



The recurrent expenditure, which primarily comprises staff and operating costs, is estimated to be about \$22.5 million in 2013-14. This has been included in the Judiciary's draft estimates for 2013-14.

When the relevant JJOs for the Tribunal are in post, we will prepare the procedural rules relating to the Tribunal proceedings (which are subsidiary legislation). The Judiciary will consult the stakeholders and the LegCo on the subsidiary legislation according to the usual legislative procedures. The JJOs will also give steer on the practical arrangements for the setting up of the Tribunal. We expect that it will take more than one year to complete all the preparatory work.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

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 the year 2012-13, and their respective average waiting times? How many of those judicial review cases were legally aided?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information requested on judicial review cases in 2012 is as follows:

**Judicial Review Cases**

	<b>2012</b>
(a) No. of leave applications	161
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	36
(c) Average waiting time from listing to hearing of leave application	35 days
(d) No. of appeals against refusal of leave	20
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	99 days
(f) No. of substantive judicial review cases	52
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	26
(h) Average waiting time from listing to hearing of substantive case	115 days
(i) No. of appeals against judicial review decisions	20
(j) Average waiting time from listing to appeal hearing	134 days

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

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 2012-13.

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>No. of posts</b>	<b>Annual salary at mid-point * (\$)</b>
Lands Tribunal	29	3 – District Judge 2 – Member 8 – Judicial Clerk grade staff 15 – Clerical Staff 1 – Office Assistant	16.4 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	43.3 million
Small Claims Tribunal	53	1 – Principal Adjudicator 7 – Adjudicator 12 – Judicial Clerk grade staff 31 – Clerical Staff 2 – Office Assistant	25.1 million
Obscene Articles Tribunal	7	2 – Magistrates 4 – Clerical Staff 1 – Office Assistant	3.8 million

<b>Tribunal/Court</b>	<b>Establishment</b>	<b>No. of posts</b>	<b>Annual salary at mid-point* (\$)</b>
Coroner's Court	13	3 – Coroner 8 – Clerical Staff 1 – Secretarial Staff 1 – Office Assistant	6.5 million

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

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

**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:

Please give the number of cases handled by family mediators for the year 2012-13 and provide information on the establishment, strength and the expenditures of family mediators for the year 2012-13.

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 2012-13 is approximately as follows:

**2012 – 13**

Strength	:	1 Mediation Co-ordinator 1 Senior Judicial Clerk II 2 Clerks
Salary expenditure	:	\$2,000,000

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

**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 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 the year 2012-13. What are the projected number of such litigants, size of the establishment and expenditure for the year 2013-14?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The requested information for the years 2012 and 2013 is as follows:

	<u>2012</u>	<u>2013</u> (Estimate)
Number of use		
Visits	12 200	12 500
Telephone enquiries	2 800	2 900
Access to webpage	242 000	243 000
	<u>2012-13</u>	<u>2013-14</u> (Draft Estimate)
Approximate expenditure	\$2,760,000	\$2,892,000
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 to ascertain that the users of the services of the Resource Centre are litigants or would-be litigants, it is believed that they are likely to be.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

Programme:

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the departmental records management work over the past three years (up to 2012):

1. Please provide information on the number and rank of officers designated to perform such work. If there is no officer designated for such work, please provide information on the number of officers and the hours of work involved in records management duties, and the other duties they have to undertake in addition to records management;
2. Please list in the table below information on programme and administrative records which have been closed pending transfer to the Government Records Service (GRS) for appraisal:

Category of records	Years covered by the records	Number and linear metres of records	Retention period approved by GRS	Are they confidential documents

3. Please list in the table below information on programme and administrative records which have been transferred to GRS for retention:

Category of records	Years covered by the records	Number and linear metres of records	Years that the records were transferred to GRS	Retention period approved by GRS	Are they confidential documents

4. Please list in the table below information on records which have been approved for destruction by GRS:

Category of records	Years covered by the records	Number and linear metres of records	Years that the records were transferred to GRS	Retention period approved by GRS	Are they confidential documents

Asked by: Hon. HO Sau-lan, Cyd



Reply:

1. The Judiciary has designated a directorate officer at the rank of Senior Principal Executive Officer as Judiciary Administration Records Manager (“JARM”) to oversee the overall records management and the implementation of a comprehensive records management programme. To assist the JARM, one Senior Executive Officer and one Executive Officer I have been designated as Assistant Judiciary Administration Records Managers (“AJARMS”) to monitor the records management activities.

Apart from the JARM and two AJARMS, there are 124 officers who undertake various records management duties in respective offices. These duties include monitoring the creation, classification and filing of files, supervising records disposal process, overseeing records relocation tasks, etc. On average, it takes around 5 hours per week (around 12%) of an officer’s time to perform these records management duties, which are among their other duties relating to court/tribunal registries work, support services for courts’ operation, and other administrative services.

2. In the past three years (2010 to 2012), the programme and administrative records which have been closed pending transfer to the Government Records Service (“GRS”) are as follows:

Category of records	Years covered by the records	Number and linear metres of records	Retention period approved by GRS	Are they confidential documents
Administrative Records	1991 to 2012	289 files and 24 linear metres	For a specified duration ranging from 3 years to 13 years, or until superseded or obsolete, according to the instructions in the General Administrative Records Disposal Schedules (“GARDS”) issued by GRS.	No
Programme Records	1999 to 2012	20 files and 1 linear metres	Proposed retention periods range from 3 years to 30 years as specified in the draft disposal schedules, which are pending GRS’ approval.	No

3. In the past three years (2010 to 2012), the programme and administrative records which have been transferred to GRS for retention are as follows:

Category of records	Years covered by the records	Number and linear metres of records	Years that the records were transferred to GRS	Retention period approved by GRS	Are they confidential documents
Administrative Records	1970 to 2002	1 file and 0.05 linear metres	2012	Five years in the Judiciary and thereafter in GRS, as specified in the GARDS.	No
Programme Records	-	None of the records are due to be transferred to GRS for retention <sup>Note</sup>	-	-	-

4. In the past three years (2010 to 2012), the records which have been approved for destruction by GRS are as follows :

Category of records	Years covered by the records	Number and linear metres of records	Years that the records were transferred to GRS	Retention period approved by GRS	Are they confidential documents
Administrative Records	1968 to 2009	2,170 files and 51 linear metres	The file lists of files to be destroyed were submitted to GRS for approval during 2010 to 2012.	For a specified duration ranging from 2 years to 7 years, or until superseded or obsolete, according to the instructions in the GARDS.	No
Programme Records	-	Nil <sup>Note</sup>	-	-	-

Note : According to the GRS' records management requirements, the Judiciary has drawn up draft disposal schedules for programme records by April 2012, setting out the retention periods and the final disposal actions for GRS' approval. When GRS has approved the draft disposal schedules, the programme records meeting the approved retention periods would be passed to the GRS accordingly for retention or destruction after obtaining GRS' approval for destruction.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

**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:

Given the large number of unrepresented litigants in the High Court and the District Court, the work of the Resource Centre for Unrepresented Litigants ("the Centre") is important in providing assistance to these unrepresented litigants on procedural matters. In this connection, will the Administration inform this Committee, if it knows:

- (i) of the financial provision to the Centre for the past three years (from 2010-2011 to 2012-2013);
- (ii) of the number of unrepresented litigants who have visited the Centre for the past three years;
- (iii) of the number of persons who have benefitted from the Centre for the past three years?

Asked by: Hon. KWOK, Dennis

Reply:

The relevant figures for the past three years are given below:

	<u>2010-11</u>	<u>2011-12</u>	<u>2012-13</u>
Approximate expenditure	\$2,520,000	\$2,520,000	\$2,760,000
Number of use	<u>2010</u>	<u>2011</u>	<u>2012</u>
Visits	11 100	11 200	12 200
Telephone enquiries	3 200	2 700	2 800
Access to webpage	306 000	277 000	242 000

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The waiting time target for civil appeals to proceed from application to fix date to hearing in the Court of Appeal is set at 90 days. The actual average waiting time for 2011 was 117 days, exceeding the target by 27 days. Despite the efforts made to improve on the waiting time, the actual average waiting time for 2012 was even longer, at 131 days. In this connection, will the Administration inform this Committee, if it knows, whether there is any comprehensive plan to ameliorate the current unsatisfactory state of affairs regarding the waiting time for civil appeals in the Court of Appeal, including but not limited to when and how "additional judicial resources will be deployed"; if yes, of the details; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis

Reply:

The average waiting time for civil appeals of the Court of Appeal of the High Court was lengthened in 2012. This was partly due to temporary judicial manpower constraints resulting from retirement and promotion of Judges and partly due to more complex, lengthy and refixed cases. This was also due to the fact that between criminal and civil appeals, greater efforts and priority were given to timely disposal of criminal appeals under such temporary judicial manpower constraints.

By November 2012, all Justice of Appeal posts were filled substantively. The Judiciary will strive its best to engage additional judicial resources if needed, by deploying substantive Court of First Instance Judges to sit as an additional judge in the Court of Appeal, with a view to improving the court waiting times.

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

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The average waiting times for civil appeals in the Court of Appeal, for the Criminal Fixture List and for the Civil Fixture List in the Court of First Instance have substantially exceeded the target waiting times every year for the past few years. At the same time, the estimated provision for Programme (1) Courts, Tribunals and Various Statutory Functions for 2013-14 has increased by \$47.1 million relative to the original estimate for 2012-13, representing only a 5.1% increase, much less than last year's 14.8% increase on the 2011-12 original estimate. In this connection, will the Administration inform this Committee, if it knows, whether the Judiciary has campaigned for a larger increase in financial provision; if yes, of the details, including the response to such campaigning by the Financial Secretary; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis

Reply:

The existing budgetary arrangements for the Judiciary have been in place since 2006-07, after the arrangements were agreed between the Judiciary and the Administration in July 2005.

Under the existing budgetary arrangements, the Judiciary is consulted each year on its overall resources requirements prior to the Administration's drawing up of the Operating Expenditure ("OPEX") envelope for the Judiciary. In response, the Judiciary sets out its overall OPEX requirements for the following financial year, both for delivering services at the existing level and for meeting additional service demands, for the Administration's consideration.

In working out the resources requirements, the Judiciary does not factor in any resources required for the implementation of policy or legislative proposal emanating from the Administration. As a matter of established practice, the Judiciary's resources in this regard would be provided by the policy bureau concerned, normally by including the resources implication for the Judiciary in a composite resource allocation bid to be submitted by the policy bureau concerned.

From experience so far, the Administration adopts a pragmatic approach by discussing with the Judiciary on its resources requirements and has been as facilitating and constructive as possible in considering the Judiciary's resources proposals.

In the subsequent preparation of the draft Estimates for the following financial year, the resources in the Judiciary's OPEX envelope for the year and any resources that other policy bureaux have obtained for the Judiciary (and transferred to the Judiciary's OPEX envelope in the form of a cost-neutral transfer) would be reflected.

The Judiciary has been closely monitoring the need for the provision of judicial resources to meet its objectives. Last year, with the approval of the Finance Committee, two additional judicial posts (a District Court Judge and a Member) for the Lands Tribunal have been created to cope with the workload. Recently, with the approval of the Finance Committee, another two additional judicial posts (a Judge of the Court of First Instance and a Deputy Registrar of the High Court) have been created for the establishment and operation of the Competition Tribunal. A series of recruitment exercises for judges and judicial officers were also conducted in 2011 and 2012 following which substantive judicial appointments have successively been made.

The Judiciary will continue to keep in view the situation and if additional resources are considered necessary, requests for additional resources will be made to the Administration under the established arrangements as set out above.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The waiting time target for Criminal Fixture List to proceed from filing of indictment to hearing in the Court of First Instance is set at 120 days. The actual average waiting time for 2011 was 169 days, exceeding the target by 49 days. Despite the efforts made to improve on the waiting time, the actual average waiting time for 2012 was even longer, at 180 days, exceeding the target of 120 days by 60 days. In this connection, will the Administration inform this Committee, if it knows, whether there is any comprehensive plan to ameliorate the current unsatisfactory state of affairs regarding the waiting time for Criminal Fixture List in the Court of First Instance, including but not limited to when and how "additional judicial resources will be deployed"; if yes, of the details; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis

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, lengthy and 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.

The open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments were made in the latter part of 2012 and will be made in 2013. In the interim, additional deputy judges have been and will be appointed to sit in 2012 and 2013 to help improve the waiting times.

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

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The waiting time target for Civil Fixture List to proceed from application to fix date to hearing in the Court of First Instance is set at 180 days. The actual average waiting time for 2011 was 231 days, exceeding the target by 51 days. Despite the efforts made to improve on the waiting time, the actual average waiting time for 2012 was even longer, at 244 days, exceeding the target of 180 days by 64 days. In this connection, will the Administration inform this Committee, if it knows, whether there is any comprehensive plan to ameliorate the current unsatisfactory state of affairs regarding the waiting time for Civil Fixture List in the Court of First Instance, including but not limited to when and how "additional judicial resources will be deployed"; if yes, of the details; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis

Reply:

The average waiting time for the Civil Fixture List of the Court of First Instance of the High Court exceeded the target due to increase of caseload. 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.

The open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments were made in the latter part of 2012 and will be made in 2013. In the interim, additional deputy judges have been and will be appointed to sit in 2012 and 2013 to help improve the waiting times.

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

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013



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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

One of the reasons given for the actual average waiting times' exceeding the target waiting times for the Criminal Fixture List and Civil Fixture List in the Court of First Instance, and for civil appeals in the Court of Appeal is the temporary constraints in the deployment of judicial manpower in the High Court as a result of elevation of Judges to higher positions and retirements of Judges. It is also said that the open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments were made in the latter part of 2012 and will be made in 2013. In this connection, will the Administration inform this Committee, if it knows, of the detailed listing of the names of the Judges who have been elevated and who have retired over the past three years (from 2010 to 2012), their positions before they left the High Court, the names of the newly appointed Court of First Instance Judges of the High Court and their positions, and the positions yet to be filled during 2013?

Asked by: Hon. KWOK, Dennis

Reply:

The list of Judges in the High Court who have been elevated in the past three calendar years from 2010 to 2012 is:

<u>Name of Judge and rank</u>	<u>Former rank</u>
1. Mr. Justice Geoffrey MA, Chief Justice	Chief Judge of the High Court
2. Mr. Justice Robert TANG, Permanent Judge	Justice of Appeal
3. Mr. Justice Andrew CHEUNG, Chief Judge of the High Court	Judge of the Court of First Instance
4. Mr. Justice Joseph FOK, Justice of Appeal	Judge of the Court of First Instance

<b><u>Name of Judge and rank</u></b>	<b><u>Former rank</u></b>
5. Madam Justice Carlye CHU, Justice of Appeal	Judge of the Court of First Instance
6. Mr. Justice Michael LUNN, Justice of Appeal	Judge of the Court of First Instance
7. Mr. Justice Johnson LAM, Justice of Appeal	Judge of the Court of First Instance
8. Mr. Justice Aarif BARMA, Justice of Appeal	Judge of the Court of First Instance

The list of Judges in the High Court who have left the judicial service on retirement over the past three calendar years from 2010 to 2012, and their positions before they left the High Court is:

#### **Justices of Appeal**

1. Mr. Justice Anthony ROGERS
2. Mr. Justice WOO Kwok-hing
3. Mrs. Justice Doreen LE PICHON
4. Mr. Justice Michael John HARTMANN

#### **Judges of the Court of First Instance**

1. Mr. Justice David YAM
2. Mr. Justice William STONE
3. Mr. Justice Arjan SAKHRANI
4. Mr. Justice Michael McMAHON
5. Mr. Justice Alan WRIGHT
6. Mr. Justice John SAUNDERS
7. Mr. Justice PANG Kin-kee

As at 1 April 2013, the list of Judges of the Court of First Instance appointed as a result of the 2012 recruitment exercise, and their pre-appointment positions is:

<u>Name of Judge</u>	<u>Pre-appointment position</u>
1. Madam Justice Queeny AU-YEUNG	Registrar, High Court
2. Mr. Justice Patrick LI	Chief District Judge
3. Madam Justice Esther TOH	District Judge
4. Mr. Justice Louis CHAN	District Judge
5. Mr. Justice Andrew CHAN	District Judge
6. Madam Justice Mimmie CHAN	District Judge
7. Mr. Justice Anthony CHAN	Senior Counsel
8. Mr. Justice Godfrey LAM	Senior Counsel
9. Mr. Justice Peter NG	Senior Counsel

As at 1 April 2013, there were six vacancies of Judge of the Court of First Instance.

Further announcement on judicial appointments will be made in the course of 2013.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The number of cases in the Obscene Articles Tribunal in 2012 has increased by 32 723 cases since 2011, representing a 117.3% increase. In this connection, will the Administration inform this Committee, if it knows, of the breakdown of the number of cases according to the various types of obscene articles?

Asked by: Hon. KWOK, Dennis

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 increase in the number of articles handled by the OAT in 2012 was mainly attributable to the increase in the number of articles referred for determination.

The following is the breakdown of the number of articles referred for classification and determination in 2011 and 2012:

	<b>2011</b>	<b>2012 (% of change)</b>
<u>Classification</u>		
Magazine	218	199
Comic Book	20	5
Video Tape	15	1
DVD	165	75
Others*	319	26
<i>Sub-total</i>	<i>737</i>	<i>306 (-58.5%)</i>
<u>Determination</u>		
Magazine	0	32
Comic Book	3	0
Video Tape	0	0
DVD	26 966	40 469
Others*	190	19 812
<i>Sub-total</i>	<i>27 159</i>	<i>60 313 (+122.1%)</i>
<b>Total</b>	<b>27 896</b>	<b>60 619 (+117.3%)</b>

\* including media covers, newspaper, posters, etc.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

According to the "Targets" section of Programme (1) Courts, Tribunals and Various Statutory Functions, the Lands Tribunal has excelled in meeting the target waiting times of 100 days for all of its cases. The average waiting time for all its various types of cases for 2012 has decreased from that for 2011, suggesting that the Lands Tribunal has been rather successful in cutting down its waiting time. On the other hand, the plan for the average waiting time for each type of cases for 2013 is significantly longer than the actual figures for 2012. In this connection, will the Administration inform this Committee, if it knows, of the reasons for setting such long waiting time as the plan for 2013, including but not limited to any reasons why the Lands Tribunal foresees a reversal of its previous trend of having shorter and shorter waiting time during 2013?

Asked by: Hon. KWOK, Dennis

Reply:

The Lands Tribunal ("the Tribunal") has jurisdiction to hear and adjudicate the following main categories of cases –

- (a) appeals concerning government rates and rents;
- (b) compensation cases;
- (c) building management cases;
- (d) tenancy cases; and
- (e) compulsory sale cases.

While the number of cases in respect of (a) – (d) has remained stable in the past few years, there has been a substantial increase in the number of compulsory sale applications filed with the Tribunal under (e) since the introduction of a lower application threshold in April 2010. Compared with other types of cases, substantial judicial resources are required in the handling of compulsory sale cases which are in general complicated. Moreover, compulsory sale cases are usually heard by a Presiding Officer (who is a Judge of the District Court) together with a Member, Lands Tribunal, rather than by a single Judge or Member.

The upsurge in compulsory sale caseload from 8 in 2009 to 57 in 2012 has created additional strains on the resources of the Tribunal. To alleviate the manpower shortage situation, as a provisional arrangement, a Temporary Member had been appointed to sit at the Tribunal since September 2011 and one additional Deputy District Judge had been deployed from the District Court to hear Tribunal cases since October 2011.

Upon their appointment, the situation had stabilized and the pressure on the waiting times for other types of cases had eased off. The waiting times have therefore been kept at a satisfactory level.

In order to cope with the additional workload arising from the increasing number of compulsory sale cases and not to affect the waiting times for other types of cases, one Judge of the District Court and one Member, Lands Tribunal posts were created as approved by the Finance Committee in July 2012.

The Judiciary will continue to monitor the situation. We will also consider whether there is a case to review the existing targets for Tribunal cases. In the interim, we have adjusted the planned targets for various types of cases in Tribunal for 2013, having regard to the anticipated caseload.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

It is mentioned in Point 4 of Programme (1) that some performance targets in the High Court were not met. One of the reasons for this is the constraints in the deployment of manpower as a result of elevation of Judges to higher positions and retirement of Judges. Please provide information on the size of the establishment, salary points, appointment requirements and number of vacancies of Judges at all levels of courts, and the projected number of Judges who will be elevated to higher positions or will retire in the coming 3 years (i.e. from 2013 to 2015).

Asked by: Hon. LAM Kin-fung, Jeffrey

Reply:

The establishment, salary points and number of vacancies of Judges and Judicial Officers (“JJOs”) at all levels of court as at 1 April 2013 are as follows:



Level of Court	Rank	Judicial Service Pay Scale Point	Position as at 1.4.2013	
			Establishment	Vacancy
Court of Final Appeal	Chief Justice	19	1	0
	Permanent Judge	18	3*	0
Court of Appeal	Chief Judge of the High Court	18	1	0
	Justice of Appeal	17	10	0
Court of First Instance	Judge of the Court of First Instance	16	33	6
High Court Masters' Office	Registrar	15	1	1
	Senior Deputy Registrar	14	4	4 <sup>#</sup>
	Deputy Registrar	13	6	4 <sup>#</sup>
District Court (including Family Court and Lands Tribunal)	Chief District Judge	15	1	0
	Principal Family Court Judge	14	1	0
	District Judge	13	34	-8
	Member, Lands Tribunal	12	2	1
District Court Masters' Office	Registrar	11	1	1 <sup>@</sup>
	Deputy Registrar	10	3	3 <sup>@</sup>
Magistrates' Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	13	1	0
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal/	11	11	7 <sup>@</sup>
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal	10	69	9 <sup>@</sup>
	Magistrate	7 - 10		
	Special Magistrate	1 - 6	11	1
	<b>Total</b>			<b>193</b>

\* Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.

# Duties of the High Court Masters' Office are mostly taken up by District Judges deployed under the cross-posting policy.

@ Duties of the District Court Masters' Office, Coroner's Court, Labour Tribunal and Small Claims Tribunal are all taken up by Magistrates deployed under the cross-posting policy.

Of the 29 vacancies, 13 vacancies would not or could not be filled for the time being for the following reasons –

- (a) There are nine Principal Magistrate posts on the establishment. There is operational requirement for seven Principal Magistrates only (one each for the seven Magistrates' Courts) and the remaining two Principal Magistrate vacancies would not be filled for the time being; and
- (b) The number of vacancies at the Magistrate level that could be filled is constrained by the number of available courtrooms in the Magistrates' Courts<sup>1</sup>. Due to this constraint, 11 Permanent Magistrate vacancies could not be filled for the time being pending the completion of the West Kowloon Law Courts Building.

Accordingly, as at 1 April 2013, the total number of fillable vacancies for all levels of courts is 16 and the number of fillable vacancies at magisterial level is 4.

The qualification requirements for appointment to judicial ranks that are subject to open recruitment are stipulated under the law as follows –

Section 9 of the High Court Ordinance, Cap 4;

Section 5 of the District Court Ordinance, Cap 336;

Sections 4(3), 4(4) and 4(5) of the Lands Tribunal Ordinance, Cap 17; and

Sections 5AA and 5AB of the Magistrates Ordinance, Cap. 227.

The number of JJOs who will reach the statutory retirement age in the coming three years, i.e. 2013, 2014 and 2015 are 8, 11 and 9 respectively. The Judiciary keeps the judicial manpower situation at all levels of court under constant review and has a comprehensive succession and recruitment plan. It will consider filling the vacancies by internal elevation and open recruitment at an appropriate time.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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<sup>1</sup> With a view to providing adequate courtroom facilities to meet the Judiciary's operational needs, the Judiciary is actively pursuing the West Kowloon Law Courts Building ("WKLCB") project. In February 2012, approval was obtained from the LegCo Finance Committee for this project. Construction works has already started and is targeted to be completed by the end of 2015. The new WKLCB will co-locate the existing Tsuen Wan Magistrates' Courts, Small Claims Tribunal, Coroner's Court and Obscene Articles Tribunal, which are all under the Chief Magistrate's purview. The new WKLCB will increase the number of courtrooms by 12 (from 20 to 32). In addition, additional courtrooms (tentatively three) could be provided at the Eastern Magistrates' Courts after the Coroner's Court and Obscene Articles Tribunal, currently located there, are re-provisioned to the new WKLCB.

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The courts are often required to deal with cases involving human rights, civil rights, political rights and freedom of expression in recent years. Has the Judiciary provided resources to strengthen training for Judges and to promote their exchanges with foreign jurisdictions so as to ensure that the Judiciary and all levels of court are kept abreast with changing times? If yes, what are the related expenditure and estimate for this year (2013-14)? Please provide the numbers of Judges and members of the Judiciary who have participated in the related training or exchanges in the past three years (namely 2010-11, 2011-12 and 2012-13), as well as the details of the related work and activities.

Asked by: Hon. LEUNG, Kenneth

Reply:

The Chief Justice accords high priority to judicial education and exchanges with other foreign jurisdictions. Resources have all along been provided for judicial educational activities and exchanges with other jurisdictions on various fronts, such as Civil Justice Reform, mediation, private international law, international family law, commercial litigation, etc. Judges' participation in judicial educational activities or exchanges depends on the availability of such activities/exchanges and Judges' availability as permitted by their court diaries. As at 15.3.2013, the actual expenditure for judicial educational activities and exchanges with other jurisdictions for 2012-13 was \$1.1 million and the estimate for 2013-14 is \$2.17 million. The substantial increase is due to the holding of a Tsinghua course. Details of the judicial educational activities and exchanges in the past three financial years are in the attached table.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

**Judicial Educational Activities and Exchanges with Foreign  
Jurisdictions  
FY 2010-11**

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<b>Date</b>	<b>Judicial Educational Activities/Exchanges with Foreign Jurisdictions</b>	<b>No. of Judges and Judicial Officers Participated</b>
10.3 - 26.5.2010	Chinese Judgment Writing Course (run by the University of Hong Kong), organised by the Judicial Studies Board	12
14.4.2010	Seminar on "The Possibility and the Pitfall of Inferring Factual Causation", organised by the University of Hong Kong	2
15 - 16.4.2010	Civil Justice Reform Conference, jointly organised by University College London and the University of Hong Kong	8
17.4.2010	A Joint Conference for District Judges and Magistrates, organised by the Judicial Studies Board	73
2 - 5.6.2010	The 47th Annual Conference on "Traversing the trail of alienation", organised by the Association of Family and Conciliation Courts (held in Denver, Colorado, the United States)	1
8.6.2010	Talk on "Reflections on the Retrospective and Prospective Effect of Constitutional Judgments", organised by the University of Hong Kong	23
10.6.2010	Talk on "Interpreting Legislation: Text, Context and Purpose", organised by the Judicial Studies Board	24
14-15.6.2010	Meeting with Lord Phillips of Worth Matravers, Lord Clarke of Stone-cum-Ebony and Lord Walker of Gestingthorpe; and visit to the Supreme Court of the United Kingdom	1
19.6.2010	Conference on "Democracy's Illusions: Challenges to the Rule of Law?" at the Inner Temple, London, the United Kingdom	1
26.6-3.7.2010	Visit to the United Kingdom to look at matters relating to family laws and higher rights of audience for solicitors	1
30.6 - 2.7.2010	Conference on "International Child Abduction, Re-location and Forced Marriage - 3 linked topics and the global perspective", organised by the London Metropolitan University (held in London, the United Kingdom)	1

8.7.2010	Seminar on "How to Write Up Statement of Findings" and "Judicial Conduct", organised by the Judicial Studies Board	34
9 - 10 & 12 - 14.7.2010	Mediator Skills Accreditation Course, organised by the Hong Kong Bar Association	3
23.8 - 17.9.2010	Tsinghua University Chinese Judgment Writing Course, organised by the Judicial Studies Board	14
15.9.2010	Seminar on "Cohabitation and Law - European Perspectives", organised by the University of Hong Kong	1
22-25.9.2010	The Yale Global Constitutionalism Seminar at the Yale Law School, the United States	1
24.9.2010	Talk on "The Rule of Law and Compromise – The Rule of Law Unlocked", organised by the Judicial Studies Board	28
4 - 6.10.2010	Asia-Pacific Courts Conference, organised by the Subordinate Courts of Singapore (held in Singapore)	3
9.10.2010	Chinese Input Software Training Course, organised by the Judicial Studies Board	8
29 - 30.10 & 1 - 3.11.2010	Mediator Skills Accreditation Course, organised by the Hong Kong Bar Association	3
30.10.2010	Civil Justice Reform Training Joint General Seminar "CJR Update", organised by the Hong Kong Bar Association and the Hong Kong Academy of Law (of the Law Society of Hong Kong)	14
30.10.2010	Chinese Input Software Training Course, organised by the Judicial Studies Board	2
6.11.2010	Visit to Marine Police HQs, organised by the Judicial Studies Board	7
13.11.2010	Chinese Input Software Training Course, organised by the Judicial Studies Board	8
20.11.2010	Chinese Input Software Training Course, organised by the Judicial Studies Board	4
22.11.2010	Seminar on "The Future of the European Union after the Lisbon Treaty", organised by the University of Hong Kong	1
19.1.2011	Talk on "Collaborative Law: A Further Example of ADR", organised by the Hong Kong Bar Association	1
22.1.2011	Visit to the Government Laboratory on hair drug testing, organised by the Judicial Studies Board	9

24-27.1.2011	Visit to Beijing to meet with officials from the Supreme People's Court of the People's Republic of China, the Supreme People's Procuratorate, the Ministry of Justice, the Standing Committee of the National People's Congress Legislative Affairs Commission, the Standing Committee of the National People's Congress Hong Kong Basic Law Committee, and the Hong Kong and Macao Affairs Office of the State Council	2
25.1-1.2.2011	Visit to Sydney and Melbourne, Australia to study the appeal system and judicial training framework	1
26-28.1.2011	Visit to London, the United Kingdom on the provision of free legal assistance to litigants-in-person	1
17.2.2011	Seminar on "Fiduciaries, Third Parties & Constructive Trusts", organised by the University of Hong Kong	5
19.2.2011	Conference on "Reform of Legal Education in Asia and the UK", organised by the University of Hong Kong	1
24.2.2011	Seminar on "Judging in Family Law - Am I More than (Just) a 'Trial' Judge?", organised by the University of Hong Kong	1
11.3.2011	Talk on "The Supreme Court of the United Kingdom", organised by the Hong Kong Bar Association	4
12 - 16.3.2011	Ninth Multinational Judicial Colloquium and INSOL International Annual Regional Conference in Singapore, co-organised by the INSOL International, the United Nations Commission on International Trade Law and the World Bank	1
21-23.3.2011	Third Judicial Seminar on Commercial Litigation in Sydney, Australia	4
25.3.2011	Speech at a luncheon organised by the Committee for the Economic Development of Australia in Sydney, Australia	1
31.3.2011	Talk on "The Death Penalty, Privy Council, and the Reviewability of Executive Clemency", organised by the Hong Kong Bar Association	3

**Judicial Educational Activities and Exchanges with Foreign  
Jurisdictions  
FY 2011-12**

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<b>Date</b>	<b>Judicial Educational Activities/Exchanges with Foreign Jurisdictions</b>	<b>No. of Judges and Judicial Officers Participated</b>
12.3 - 16.7.2011	Judgment Writing Seminars, organised by the Judicial Studies Board	132
8 - 9 & 11 - 13.4.2011	CEDR Mediator Skills Training Course, organised by Hong Kong Bar Association	5
11-15.4.2011	Visit to London, the United Kingdom to study the criminal appeal process and setup for judicial education	1
5-7.5.2011	The International Commercial Law Conference in Sydney, Australia	1
16.5.2011	Seminar on "Alternative Dispute Resolution and the Rule of Law", organised by the University of Hong Kong	2
20.5.2011	Talk on "The True Juridical Basis of an Award of Damages in Contract on the 'Wasted Expenditure' Basis and its Practical Implications", organised by the Hong Kong Bar Association	4
28.5.2011	Civil Justice Reform Training Joint General Seminar: "CJR Update: Personal Injuries Practice", organised by the Hong Kong Bar Association	8
1-10.6.2011	Hague Child Abduction Convention: Sixth meeting of the Special Commission (Part I) in Hague, the Netherlands, organised by Hague Permanent Bureau	2
7.6.2011	Talk on "Two Dogmas of Proportionality", organised by the Hong Kong Bar Association	1
8.6.2011	Talk on "Reforms in the U.K.: Quality Assurance of Advocates", organised by the Hong Kong Bar Association	5
12-16.6.2011	14th Conference of the Chief Justices of Asia and the Pacific in Seoul, Korea	1
22 - 23.6.2011	Asia e-Discovery & Data Retention Conference 2011, Hong Kong, organised by Innocell Limited	2
3 - 5.8.2011	Triennial National Family Court Judges Conference 2011 in Wellington, New Zealand, organised by Family Court of New Zealand	1

10-12.8.2011	Visit to Singapore to study the latest information technology developments in court operation and attend the International Conference on Electronic Litigation 2011	3
23.8.2011	Talk on "Anton Piller and Search Orders", organised by the Hong Kong Bar Association	2
5.9.2011	Talk entitled "Judicial Independence: a Personal Perspective", organised by the Judicial Studies Board	84
6.9.2011	Seminar on "Imagining Biblical Law", organised by the University of Hong Kong	2
6.9.2011	International Family Law Conference 2011 in London, organised by Jordan Publishing Limited	1
17-20.9.2011	Inaugural Seminar of Senior Judges of the Four Places (Mainland, Hong Kong, Macao and Taiwan) on Mediation in Nanjing	5
21-24.9.2011	The Yale Global Constitutionalism Seminar at the Yale Law School, the United States	1
23.9.2011	Talk on "Defamation & Privacy Law Reform", organised by the Hong Kong Bar Association	1
26.9.2011	Talk entitled "Writing Judgments", organised by the Judicial Studies Board	83
10.10.2011	Common Law Lecture, organised by the University of Hong Kong	1
24.10.2011	Seminar entitled "Disability is Political: Implications of China's Ratification of the Convention on the Rights of Persons with Disabilities", organised by the University of Hong Kong	1
24-26.10.2011	Meeting with the Chief Justice of the Supreme Court and Attorney General of the Department of Justice of the United States in Washington DC, the United States	1
26 - 28.10.2011	The International Conference on Access to Non-Judicial Justice, organised by City University of Hong Kong	1
26 - 28.10.2011	Fourth Asia Pacific Regional Conference of the Hague Conference on Private International Law in Manila, co-organised by the Permanent Bureau of the Hague Conference on Private International Law, the Department of Foreign Affairs of the Philippines and the University of the Philippines Law Center	2
27.10-2.11.2011	Meeting with the President and other justices of The Supreme Court of the United Kingdom and Lord Chief Justice in London, the United Kingdom	1



31.10.2011	Talk entitled "With all my worldly goods I thee endow (unless they grow like Topsy)", organised by the Hong Kong Bar Association	5
3.11.2011	Talk entitled "The Business of Judging - a civil practitioner's view", organised by the Judicial Studies Board	98
4 - 5 & 7 - 9.11.2011	CEDR Mediator Skills Training Course, organised by Hong Kong Bar Association	4
28.11.2011	Lunch-time Talk entitled "If You Want to Shoot, Shoot! Don't Talk", organised by the Judicial Studies Board	30
7.12.2011	Seminars on "Judicial System of Hong Kong" and "Criminal Procedure of Hong Kong" in Macao	1
8.12.2011	Talk entitled "Virtues and Vices of Litigation", organised by the Judicial Studies Board	50
12-17.12.2011	Speech at the Inaugural Induction Workshop for the Judges of the Supreme Court of Kenya in Nanyuki, Kenya	1
15.1.2012	Sentence Conference 2012 entitled "A New Sentencing Regime for Hong Kong?", organised by the Department of Justice	2
25 - 31.1.2012	Hague Child Abduction Convention: Sixth meeting of the Special Commission (Part II) in Hague, the Netherlands, organised by Hague Permanent Bureau	2
6.2.2012	Lunch-time Talk entitled "Of Pundits, Jurists and Judges: A Common Law Judge Reflects on the French Experience of Hindu Law in Early 19th Century Pondicherry"	34
13.3.2012	Seminar entitled "Defamation on the Net: Anonymity, Meaning, and ISPs", organised by the University of Hong Kong	4
26.3.2012	Common Law Lecture, organised by the University of Hong Kong	8

**Judicial Educational Activities and Exchanges with Foreign  
Jurisdictions  
FY 2012-13**

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Date	Judicial Educational Activities/Exchanges with Foreign Jurisdictions	No. of Judges and Judicial Officers Participated
11-12.5.2012	"Mediate First" Conference, jointly organised by the Hong Kong International Arbitration Centre, Hong Kong Mediation Council and the Department of Justice	3
15-16.5.2012	Academic conferences on "Legal Reform and Legal Education's Innovation" in Beijing	1
22-26.5.2012	Visit to Switzerland to deliver a public lecture on "The Rule of Law in Hong Kong 15 years after the Handover" at the University of Zurich	1
7.6.2012	Talk entitled "The Future of Maintenance", organised by Hong Kong Bar Association	5
10-13.6.2012	21st International Council for Commercial Arbitration Congress and visit to Singapore under the Singapore Law Visitors Programme of the Singapore Academy of Law	1
26-28.6.2012	Demonstration of Sentencing Database of New South Wales	49
27.6.2012	Talk entitled "The Rule of Law: The Role of the Judge and Bar"	74
3.7.2012	Talk entitled "Solicitor Advocates and Solicitor Judges: The View from the UK Supreme Court", organised by Hong Kong Academy of Law	6
31.7-10.8.2012	Talk on "Duties Owed to the Court: Fact, Fiction and Continuing Relevance" at the Supreme Court of Queensland Seminar in Brisbane, Australia; Meeting of the Council of Chief Justices of Australia and New Zealand; the opening of the new courthouse in Brisbane; and meeting with counterparts including the Chief Justice of the High Court of Australia	1
27 - 28.8.2012	The Second Children's Issues Forum, jointly organised by the University of Hong Kong, Hong Kong Family Law Association, Hong Kong International Arbitration Centre, Law Society of Hong Kong and Chinese University of Hong Kong	2
29-31.8.2012	The International Family Justice Judicial Conference 2012	18
29.8-1.9.2012	The Yale's Global Constitutionalism Seminar at the Peace Palace, the Hague, the Netherlands	1
13 - 14.9.2012	The Sixth AIJA Appellate Judges' Conference in Brisbane, Australia, organised by Australasian Institute of Judicial Administration Incorporated	1

18.9.2012	Talk entitled "The Hague Conference on Private International Law on the Move: How the Organisation and its Conventions Continue to Grow from Strength to Strength", organised by the Department of Justice	1
11-13.10.2012	Conferences of the Family Court of Australia and Federal Magistrates Court in Hobart, Australia	1
12.10.2012	Talk entitled "Some Legal Aspects of Land Valuation", organised by Hong Kong Bar Association	3
14-17.10.2012	15th National Family Law Conference in Hobart, Australia	1
18-19.10.2012	Inaugural Meeting of the National Indemnity Theory Specialised Committee of the China Judicial Theory Research Association and the Symposium on "The Perfection of Criminal Indemnity System" in Guiyang of the People's Republic of China	1
20.10.2012	Visit to the Correctional Services Department Lai Chi Kok Reception Centre	14
2.11.2012 - 18.1.2013	Course on Chinese Judgment Writing run by the University of Hong Kong	12
6-9.11.2012	The Special Commission Meeting on the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents in the Hague, the Netherlands	1
9.11.2012	Talk entitled "Appellate Advocacy", organised by Hong Kong Bar Association	2
17.11.2012	Criminal Law Conference 2012 "Reforming the Criminal Justice System of Hong Kong", organised by the Department of Justice	1
23.11.2012	Conference on "Mediation in Hong Kong – Your Options" in Huizhou	1
23 - 24, 26 - 28.11.2012	CEDR Mediator Skills Course, organised by Hong Kong Bar Association	2
27.11.2012	Talk entitled "Turkey Twizzlers, Forced Heirs, and Mistresses", organised by Hong Kong Bar Association	2
1.12.2012	Civil Justice Reform Training Joint General Seminar: "CJR Update", jointly organised by Hong Kong Bar Association and Hong Kong Academy of Law	23
13.1.2013	Talk entitled "The Bolam Principle in Medical Negligence - A Sacred Cow? Let's kill it off.", organised by the Hong Kong Bar Association	3
23 - 25.1.2013	Induction Course for District Judges and Magistrates	39
22.2.2013	Talk entitled "Scandalising the Judiciary: Why this Criminal Offence should be Abolished", organised by the Hong Kong Bar Association	5

4 - 5.3.2013	Training for Commonwealth Judges - Crown Court Trial Seminar	1
5-10.3.2013	The Australasian Institute of Judicial Administration Oration 2013 and the Asia Pacific Courts Conference in Auckland, New Zealand	1
8.3.2013	Public Lecture entitled "Whither Fiduciary Duties?", organised by the University of Hong Kong	2

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

Head: 80 Judiciary

Subhead (No. & title): 000 Operational expenses

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please inform this Committee of:

- (1) the respective remuneration of Judges and Judicial Officers at various levels of court, including the Magistrates' Courts, the Tribunals, the District Court, the High Court and the Court of Final Appeal;
- (2) the respective contract term for Magistrates in the Magistrates' Courts; and
- (3) the numbers of part-time Deputy Magistrates and Deputy Judges in the past five years.

Asked by: Hon. LEUNG Kwok-hung

Reply:

(1) The current remuneration of Judges and Judicial Officers (“JJOs”) at all levels of court is as follows:

<b>Level of Court</b>	<b>Rank</b>	<b>Judicial Service Pay Scale Point</b>	<b>Current Monthly Salary \$</b>
Court of Final Appeal	Chief Justice	19	266,200
	Permanent Judge	18	258,850
Court of Appeal	Chief Judge of the High Court	18	258,850
	Justice of Appeal	17	233,350
Court of First Instance	Judge of the Court of First Instance	16	222,400
High Court Masters’ Office	Registrar	15	183,800
	Senior Deputy Registrar	14	167,600 – 177,850
	Deputy Registrar	13	157,100 – 166,500
District Court (including Family Court and Lands Tribunal)	Chief District Judge	15	183,800
	Principal Family Court Judge	14	167,600 – 177,850
	District Judge	13	157,100 – 166,500
	Member, Lands Tribunal	12	135,150 – 143,500
	District Court Masters’ Office	Registrar	11
Deputy Registrar		10	113,850 – 120,800
Magistrates’ Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	13	157,100 – 166,500
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11	124,500 – 132,000
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal	10	113,850 – 120,800
	Magistrate	7-10	100,795 – 120,800
	Special Magistrate	1 - 6	65,515 – 77,405

- (2) The term of contracts for Magistrates is either for 3 years or 3 x 3 years.
- (3) The number of Deputy JJOs appointed from outside the Judiciary as at 1 March in the past five years of 2009 to 2013 is as follows:

<b>Position</b>	<b>1.3.2009</b>	<b>1.3.2010</b>	<b>1.3.2011</b>	<b>1.3.2012</b>	<b>1.3.2013</b>
Deputy Judge of the Court of First Instance of the High Court	2	1	2	4	7
Deputy District Judge	1	1	1	1	1
Temporary Member of the Lands Tribunal	0	0	0	1	1
Deputy Magistrate	15	11	16	25	10
Deputy Special Magistrate	7	7	8	8	5
<b>Total</b>	<b>25</b>	<b>20</b>	<b>27</b>	<b>39</b>	<b>24</b>

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title): -

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Provision for 2013-14 is \$107.4 million (12.6%) higher than the revised estimate for 2012-13. What is the reason for the net increase of 2 directorate judicial posts? Besides, what is the annual expenditure for the posts?

Asked by: Hon. LIAO Cheung-kong, Martin

Reply:

Two additional directorate judicial posts, namely, one Judge of the Court of First Instance (“CFI”) of the High Court and one Deputy Registrar of the High Court, are required in 2013-14 for the establishment of the Competition Tribunal (“the Tribunal”).

Under the Competition Ordinance (“the Ordinance”), every CFI Judge will, by virtue of his or her appointment as a CFI Judge, be a member of the Tribunal. Moreover, two CFI Judges will be appointed to be the President and Deputy President of the Tribunal. The Ordinance further provides that, among others, every Registrar, Senior Deputy Registrar and Deputy Registrar of the High Court, by virtue of that appointment, holds the corresponding office or position in the Tribunal.

With the enactment of the Ordinance on 14 June 2012, the Judiciary has been making preparations for setting up the Tribunal. On 15 March 2013, approval of the Finance Committee of the Legislative Council was obtained for the creation of the two posts with effect from 1 April 2013. The two posts seek to recompense the projected total amount of time to be spent by the President, Deputy President, Registrar, Deputy Registrar and other Judges and Judicial Officers of the Tribunal on the work of the Tribunal.

The annual salary at mid-point for the two judicial posts is \$4.61 million.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013



**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:

Provision for 2013-14 is 10.0% higher than the revised estimate for 2012-13. One of the reasons for that is to provide enhanced support services for courts' operation. Will the Administration explain specifically what additional support services will be provided? What is the percentage of provision of such services in the revised estimate? What is the annual expenditure involved?

Asked by: Hon. LIAO Cheung-kong, Martin

Reply:

The enhanced support services for courts' operation include –

- (a) providing support for the IT strategies planning work and enhancing in-house professional IT support;
- (b) strengthening support for coping with increasing caseload; and
- (c) providing or enhancing administrative support services

through a net increase of seven non-judicial posts under or straddling Programme (2) in 2013-14.

The provision of such services through the net increase of seven non-judicial posts accounts for about \$3.69 million\*, or 13.1%, of the additional provision of \$28.1 million (10.0%) for Programme (2) in the 2013-14 estimate.

\* annual salaries calculated at mid-point

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

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 following:

- (a) A breakdown of cases dealt with by the Labour Tribunal ("the Tribunal") in the past three years (namely 2010-11, 2011-12 and 2012-13) by case type and amount of claim; the percentage of cases where a claim was awarded to the employer(s) and the percentage of cases where a claim was awarded to the employee(s); and
- (b) In the past three years (namely 2010-11, 2011-12 and 2012-13), how many employers, after the claims were awarded against them, refused to pay the statutory entitlements to the employees but lodged an appeal to the High Court? What are the relevant details and the number of cases involved in a year? Also, how many employees, after the claims were awarded to them, gave up the opportunity to pursue their entitlements in the High Court because they could not pay the contributions, or the amounts of their claims were less than the contributions? What are the relevant details and the number of cases involved in a year? In 2013-14, will there be any plan to provide legal aid to such employees unconditionally to help them continue to pursue their reasonable entitlements in the High Court? If yes, please provide the details and the additional expenditure involved; and if no, what are the reasons for it?

Asked by: Hon. MAK Mei-kuen, Alice

Reply:

- (a) The numbers of claims dealt with by the Tribunal and the numbers of claims disposed of by hearing with tribunal award are as follows:

	2010-11	2011-12	2012-13 (up to Feb 2013)
Number of claims dealt with	4 375	4 071	3 864
Number of claims disposed of by hearing with tribunal award*	880	758	683

\* The Tribunal does not have the breakdown of claims awarded to the employers and the employees.

(b) The numbers of application for leave to appeal in the past three years are as follows:

	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13 (up to Feb 2013)</b>
Number of application for leave to appeal	28	29	26

The Judiciary does not have the figures on the number of application for leave to appeal lodged by the employers. Generally speaking, an application for leave to appeal shall not operate as a stay of execution of an award or order.

The Tribunal does not have the figures on the number of employees who did not pursue with their appeals. The questions related to provision of legal aid should be addressed to the relevant authority in the Administration.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Judiciary has stated that the number of non-directorate posts would be increased by 46 to 1 548 posts as at 31 March 2014. Please inform this Committee of the nature of work, ranks and salaries of these posts.

Asked by: Hon. SHEK Lai-him, Abraham

Reply:

The 46 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	25	4 Senior Judicial Clerks II 2 Judicial Clerks 1 Senior Executive Officer 16 Assistant Clerical Officers 2 Workmen II	7.45 million
To provide support for the setting up of the Competition Tribunal	9	1 Senior Court Interpreter 1 Senior Judicial Clerk I 2 Judicial Clerks 3 Assistant Clerical Officers 1 Clerical Assistant 1 Personal Secretary II	3.26 million

<b>Purpose</b>	<b>Number of posts</b>	<b>Rank of posts</b>	<b>Annual salary at mid-point (\$)</b>
To provide support for the IT strategies planning work and enhance in-house professional IT support	3(net)	1 Chief Judicial Clerk 1 Senior Judicial Clerk I 1 Senior Judicial Clerk II 1 Senior Executive Officer 1 Senior Systems Manager 2 Systems Managers 2 Analyst/Programmers I <i>offset by deletion of –</i> <i>1 Chief Judicial Clerk</i> <i>1 Senior Judicial Clerk I</i> <i>1 Senior Judicial Clerk II</i> <i>1 Senior Executive Officer</i> <i>1 Systems Manager</i> <i>1 Analyst/Programmer I</i>	2.55 million
To strengthen support for coping with increasing workload	1(net)	1 Principal Judicial Clerk <i>offset by deletion of –</i> <i>1 Chief Judicial Clerk</i> 1 Senior Judicial Clerk I <i>offset by deletion of –</i> <i>1 Senior Judicial Clerk II</i> 1 Chief Court Interpreter <i>offset by deletion of –</i> <i>1 Senior Court Interpreter</i> 1 Personal Assistant <i>offset by deletion of –</i>	1.15 million

<b>Purpose</b>	<b>Number of posts</b>	<b>Rank of posts</b>	<b>Annual salary at mid-point (\$)</b>
		<i>1 Senior Personal Secretary</i> 1 Supplies Officer <i>offset by deletion of –</i> <i>1 Senior Supplies Supervisor</i> 1 Assistant Clerical Officer	
To provide or enhance administrative support services	8	1 Senior Administrative Officer 5 Chauffeurs 2 Assistant Clerical Officers	2.50 million
To regrade the posts for meeting operational needs	0(net)	3 Clerical Assistants 1 Workman II <i>offset by deletion of –</i> <i>4 Office Assistants</i>	0.05 million

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

**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:

Please give the numbers of unrepresented litigants in civil and criminal proceedings at all levels of courts in the year 2012-13. What are the estimated numbers of unrepresented litigants in civil and criminal proceedings at all levels of courts in the year 2013-14?

Asked by: Hon. TAM Yiu-chung

Reply:

The Judiciary has been keeping statistics on the number of hearings involving unrepresented litigants in the High Court, the District Court and the Family Court. However, the Judiciary has not kept statistics for other courts including the Court of Final Appeal, 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, the District Court and the Family Court in 2012 are as follows:

	High Court						District Court		Family Court
	Court of Appeal		Court of First Instance				Criminal Trials	Civil Trials	Hearings
	Criminal Appeals	Civil Appeals	Criminal Trials	Civil Trials	Magistracy Appeals	Tribunal and Master Appeals			
No. of hearings involving unrepresented litigants* (a)	150	44	5	72	313	130	14	154	236
Total no. of hearings (b)	286	180	183	270	487	193	784	240	423
Percentage (a) ÷ (b)	52%	24%	3%	27%	64%	67%	2%	64%	56%

\* 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 2013-14.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013



**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:

What provision is made as regards the estimated expenditure for the "Resource Centre for Unrepresented Litigants" in the year 2013-14? Has the Administration set specific performance indicators in respect of the services of the Resource Centre for the year 2013-14? If yes, what are they? If not, what is the reason?

Asked by: Hon. TAM Yiu-chung

Reply:

The projected expenditure of the Resource Centre for 2013 -2014 is \$2.892 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 unrepresented litigants.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

1. Regarding cases in the Lands Tribunal, all the actual or planned waiting times for the three years from 2011 to 2013 were at a level below the targets set. What was the reason for this?
2. Given that the average waiting times in the Lands Tribunal have all along been lower than the targets set and that the number of cases dealt with by the Tribunal has not increased significantly in recent years, does it show a low utilization of the judicial manpower and courts in the Tribunal? Does it also show that there is room for redeployment of the manpower and resources in the Tribunal? Will the Judiciary review the existing case-handling procedures in the Tribunal with a view to making improvements?

Asked by: Hon. TAM Yiu-chung

Reply:

The Lands Tribunal ("the Tribunal") has jurisdiction to hear and adjudicate the following main categories of cases –

- (a) appeals concerning government rates and rents;
- (b) compensation cases;
- (c) building management cases;
- (d) tenancy cases; and
- (e) compulsory sale cases.

While the number of cases in respect of (a) – (d) has remained stable in the past few years, there has been a substantial increase in the number of compulsory sale applications filed with the Tribunal under (e) since the introduction of a lower application threshold in April 2010. Compared with other types of cases, substantial judicial resources are required in the handling of compulsory sale cases which are in general complicated. Moreover, compulsory sale cases are usually heard by a Presiding Officer (who is a Judge of the District Court) together with a Member, Lands Tribunal, rather than by a single Judge or Member.

The upsurge in compulsory sale caseload from 8 in 2009 to 57 in 2012 has created additional strains on the resources of the Tribunal. To alleviate the manpower shortage situation, as a provisional arrangement, a Temporary Member had been appointed to sit at the Tribunal since September 2011 and one additional Deputy District Judge had been deployed from the District Court to hear Tribunal cases since October 2011. Upon their appointment, the situation had stabilized and the pressure on the waiting times for other types of cases had eased off. The waiting times have therefore been kept at a satisfactory level.

In order to cope with the additional workload arising from the increasing number of compulsory sale cases and not to affect the waiting times for other types of cases, one Judge of the District Court and one Member, Lands Tribunal posts were created as approved by the Finance Committee in July 2012.

The Judiciary will continue to monitor the situation. We will also consider whether there is a case to review the existing targets for Tribunal cases. In the interim, we have adjusted the planned targets for various types of cases in Tribunal for 2013, having regard to the anticipated caseload.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

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 Small Claims Tribunal ("the Tribunal"), please provide information on the following:

- (a) the number of cases dealt with by the Tribunal upon application by the claimants and the number of cases referred by the Labour Department in the past 3 years (namely from 2010-11 to 2012-13), and the average waiting times from listing;
- (b) the number of cases where a claim was awarded to the employer(s) and the number of cases where it was awarded to the employee(s) in the past 3 years (namely from 2010-11 to 2012-13), the categories of cases involved and the amounts of the claims;
- (c) regarding the cases dealt with by the Tribunal, the number of claims which were settled between the employer(s) and the employee(s), the number of appeals and the number of withdrawals in the past 3 years (namely from 2010-11 to 2012-13), and the categories of cases involved; and
- (d) how much manpower is involved in handling the work in the Tribunal in 2013-14, and what is the estimated expenditure for this purpose?

Asked by: Hon. TANG Ka-piu

Reply:

The information requested appears to be related to the Labour Tribunal instead of the Small Claims Tribunal and the reply below is prepared on that basis.

- (a) The breakdown of claims filed with the Labour Tribunal is as follows:

<b>Number of claims</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13 (up to Feb 2013)</b>
Referred by Labour Department	3 905	3 739	3 615
Directly lodged by claimants	457	473	690
Transferred from Minor Employment Claims Adjudication Board	58	84	48
Transferred from Small Claims Tribunal	4	8	9
<b>Total</b>	<b>4 424</b>	<b>4 304</b>	<b>4 362</b>

The following are the average waiting times for the past three years:

<b>Average Waiting Time</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13 (up to Feb 2013)</b>
From appointment to filing of a case	19	24	24
From filing of a case to first hearing	24	25	25

(b) The numbers of claims disposed of by hearing with Labour Tribunal award are as follows:

	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13 (up to Feb 2013)</b>
Numbers of claims disposed of by hearing with tribunal award*	880	758	683

\* The Labour Tribunal does not have the breakdown of claims awarded to the employers and the employees and the classification by nature of claim and amount of claim.

(c) The following are the numbers of claims settled and withdrawn and the numbers of application for leave to appeal:

	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13 (up to Feb 2013)</b>
Number of claims settled	2 778	2 494	2 382
Number of claims withdrawn	553	651	638
Number of application for leave to appeal	28	29	26

The Labour Tribunal does not have breakdown of the above by nature of claim.

(d) There are a total of 9 Judicial Officer and 83 support staff posts on the establishment of the Labour Tribunal as at March 2013. The estimated salary expenditure is \$43.3 million.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

**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:

At present, the Judiciary only provides audio records and transcripts of proceedings to the prosecution/defence after the conclusion of the trial. The prosecution/defence cannot immediately obtain from the Judiciary audio records of the proceedings on the same day of the hearing. What is the Judiciary's estimate for the production of audio records of trials for this year (namely 2013-14)? Has it been considered that the above practice is undesirable to one of the parties and will cause injustice? Has it been considered that from this year onwards, audio records be made available to the prosecution/defence within a few days after the hearing so as to safeguard the interests of the persons concerned?

Asked by: Hon. WONG Yuk-man

Reply:

The Judiciary's estimated expenditure for the production of audio records of criminal proceedings in 2013-14 is \$71,000.

The provision of records of proceedings is governed by the relevant provisions of the law, which do not specify when they may be applied for.

In addition, such audio records may be played back in court if considered necessary with the approval of the Court.

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 9.4.2013

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

Head: 703 - Buildings

Subhead : 3030LJ Additional courtrooms  
and associated  
facilities in the High  
Court Building

Programme:

Controlling Officer: Director of Architectural Services

Director of Bureau: Judiciary Administrator

Question:

The revised estimate of 3030LJ, Additional courtrooms and associated facilities in the High Court Building, for 2012-13 is only \$2 million, a substantial decrease as against the original estimate of \$12 million. What are the reasons for the reduction? Moreover, according to the proposal approved by the Finance Committee – PWSC(2009-10)83, the project was estimated to complete in December 2011. What are the reasons for the procrastination? What is the latest progress of the project?

Asked by: Hon SHEK Lai-him, Abraham

Reply:

The construction works of the project 3030LJ “Additional courtrooms and associated facilities in the High Court Building” was completed in December 2011 as committed in the PWSC Paper (2009-10)83. The revised estimate for 2012-13 reflects the actual progress in finalising the project account. We expect that the project account will be finalised in 2013-14. We will closely monitor the progress of settlement of final account.

Name in block letters: K K LEUNG

Post Title: Director of Architectural Services

Date: 9.4.2013