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**Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2014-15**

**Controlling Officer : Judiciary Administrator**

**Session No. : 2**

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**Controlling Officer : Judiciary Administrator**  
**Session No. : 2**  
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**CONTROLLING OFFICER'S REPLY**

**JA001**

**(Question Serial No. 1254)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 13):

Please provide information for the past 3 years on the following:

- (1) The establishment and operating expenses of the Obscene Articles Tribunal.
- (2) In the form of a table, the number of cases and the categories of articles classified by the Obscene Articles Tribunal as Class I (neither obscene nor indecent), Class II (indecent) or Class III (obscene) before and after publication; the number of cases in which a request for review was made and out of that the number of cases in which the classification was confirmed or altered.
- (3) The number of users of the Obscene Articles Tribunal's repository and the manpower and expenditure involved.

Asked by: Hon. CHAN Chi-chuen

Reply:

- (1) The establishment (including Judicial Officer and support staff) and approximate expenditure of the Obscene Articles Tribunal during the past three years are as follows:

	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Establishment	7	7	7
Approximate expenditure (including salary expenditure and departmental expenses) (\$)	4.32 million	4.56 million	4.68 million

- (2) The total number of articles classified in the past three years and their respective results are set out as follows:

	2011		2012		2013	
	Before publication	After publication	Before publication	After publication	Before publication	After publication
<b>Class I</b> <i>(neither obscene nor indecent)</i>	34	7	23	1	50	0
<b>Class II</b> <i>(indecent)</i>	564	20	264	5	239	9
<b>Class III</b> <i>(obscene)</i>	112	0	10	3	9	2
<b>Total</b>	<b>710</b>	<b>27</b>	<b>297</b>	<b>9</b>	<b>298</b>	<b>11</b>

The number of review cases for the past three years and their results are as follows:

Year	Number of Review Cases	Type of Article	Results
2011	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
2012	1	Magazine	Confirmed as Class III
2013	1	Comic Book	Confirmed as Class II

- (3) One Assistant Clerical Officer is deployed to provide general and logistical support for the repository of the Obscene Articles Tribunal. His duties include collation of newspaper cuttings, records management and filing, logistic support to visitors and other court support work, etc.

The approximate expenditure of providing such support for the past three years is as follows:

	2011-12	2012-13	2013-14
Approximate expenditure (including salary expenditure and departmental expenses) (\$)	\$242,712	\$256,824	\$266,904

The numbers of usage of the repository are 21, 154 and 52 in 2011, 2012 and 2013 respectively.

**CONTROLLING OFFICER'S REPLY**

**JA002**

**(Question Serial No. 6478)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Courts, Tribunals and Various Statutory Functions  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 673 (if applicable)

Question (Member Question No. 631):

Regarding child custody in divorce cases in Hong Kong, please provide the following information to this Committee/Council:

1. Please provide statistics regarding the following cases:

	2007	2008	2009	2010	2011	2012	2013
(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							
(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>	<b>2013</b>
(a) No. of cases where a divorce application was made	17 803	18 030	19 263	20 849	22 543	23 255	22 960
(i) among which the no. of cases where mediation services were used*	84	92	138	259	177	234	235
(b) No. of decrees of divorce issued	18 403	17 771	17 002	18 167	19 597	21 125	22 271

\* These are the figures known to the Judiciary. Some parties may choose to directly approach private mediators without referral through the Judiciary.

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

**CONTROLLING OFFICER'S REPLY**

**JA003**

**(Question Serial No. 0685)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Courts, Tribunals and Various Statutory Functions  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 675 (if applicable)

Question (Member Question No. 34):

Under “Matters Requiring Special Attention in 2014-15”, the Judiciary will prepare for the full operation of the Competition Tribunal as provided for under the Competition Ordinance (Cap. 619). What is the progress of the work? What are the expenditure and financial provision involved? What is the manpower requirement? Will any of the resources be allocated for educating members of the public, especially small and medium enterprises, on how the Competition Ordinance is implemented and applied? If yes, what are the details or concrete measures? If no, what are the reasons?

Asked by: Hon. CHUNG Kwok-pan

Reply:

With the enactment of the Competition Ordinance (Cap 619) (“the Ordinance”) in June 2012, the Judiciary set up the Competition Tribunal (“the Tribunal”) under the Ordinance in August 2013. The relevant provisions came into operation and the President and the Deputy President of the Tribunal were appointed.

In the coming year of 2014-15, the Judiciary will continue to take actions to prepare for the full operation of the Ordinance having regard to, among others, the overall timetable of the Administration in this regard. In particular, we are preparing the subsidiary legislation (e.g. the procedural rules for the Tribunal) and the related President’s directions. We will consult the relevant stakeholders and the Legislative Council as appropriate when ready. We are also making other necessary administrative arrangements, including arranging for the accommodation of the Tribunal and setting up the necessary support facilities.

On manpower requirements, according to the Ordinance, every judge of the Court of First Instance of the High Court (“CFI”), will, by virtue of his or her appointment as CFI Judge, be a member of the Tribunal. The Ordinance also 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.

On 15 March 2013, we obtained the approval of the Finance Committee of the Legislative Council to create a CFI judge post and a Deputy Registrar post. The additional CFI judge post seeks to re-compensate the projected total judicial time to be spent by the President, Deputy President and other CFI Judges/members of the Tribunal on the work of the Tribunal. Similarly, the additional Deputy Registrar post covers the estimated aggregate amount of time to be spent by the Registrar, Senior Deputy Registrars and/or Deputy Registrars of the High Court on the work of the Tribunal. At present, besides the President and the Deputy President of the Tribunal, a Deputy Registrar has also been assigned to help out on the preparatory work relating to the Tribunal.

In addition, a total of nine non-directorate posts have been approved for providing the necessary support. Some of these posts have been filled while others will be created in stages before the full operation of the Tribunal.

On financial provision, we have earmarked about \$21 million in 2014-15 to cover the recurrent expenses.

Educating the public (including small and medium enterprises) on the implementation and application of the Ordinance is a matter for the Administration. On the Judiciary's side, when the procedural rules for the Tribunal are ready, we will arrange briefings for the legal practitioners. We will also prepare publicity materials to help litigants better understand the court procedures.



**CONTROLLING OFFICER'S REPLY****JA004****(Question Serial No. 2637)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 62):

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 2013-14.

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	31	3 – District Judge 2 – Member 8 – Judicial Clerk grade staff 17 – Clerical Staff 1 – Office Assistant	17.4 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	44.8 million
Small Claims Tribunal	54	1 – Principal Adjudicator 7 – Adjudicator 12 – Judicial Clerk grade staff 32 – Clerical Staff 2 – Office Assistant	26.4 million
Obscene Articles Tribunal	7	2 – Magistrates 4 – Clerical Staff 1 – Office Assistant	3.9 million

<b>Tribunal/Court</b>	<b>Establishment</b>	<b>No. of posts</b>	<b>Annual salary at mid-point * (\$)</b>
Coroner's Court	12	3 – Coroner 7 – 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.

**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. 2638)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (2) Support Services for Courts' Operation  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 676 (if applicable)

Question (Member Question No. 63):

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 2013-14. What are the projected number of such litigants, size of the establishment and expenditure for the year 2014-15?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The requested information for the years 2013 and 2014 is as follows:

	<u>2013</u>	<u>2014</u> (Estimate)
Number of use		
Visits	14 900	15 000
Telephone enquiries	2 900	3 000
Access to webpage	258 000	260 000
	<u>2013-14</u>	<u>2014-15</u> (Draft Estimate)
Approximate expenditure	2,892,000*	2,988,000
Staff strength	6	6

\* Figure given is the estimate made last year to facilitate easy comparison with the information in the other column

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.

**CONTROLLING OFFICER'S REPLY****JA006****(Question Serial No. 2642)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 672 (if applicable)

Question (Member Question No. 61):

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 2013-14, 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 2013 is as follows:

	<b>2013</b>
(a) No. of leave applications	182
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	38
(c) Average waiting time from listing to hearing of leave application	62 days
(d) No. of appeals against refusal of leave	29
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	92 days
(f) No. of substantive judicial review cases	38
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	14
(h) Average waiting time from listing to hearing of substantive case	95 days
(i) No. of appeals against judicial review decisions	12
(j) Average waiting time from listing to appeal hearing	178 days

**CONTROLLING OFFICER'S REPLY**

**JA007**

**(Question Serial No. 1634)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 3):

Regarding the Judiciary's work in "ensuring that both the Chinese and English languages can be used in the court system",

- (a) Please provide relevant information on the use of the Chinese and English languages in hearings conducted at all levels of courts in the table below

	Total number/percentage (%) of cases conducted in Chinese in 2011-12	Total number/percentage (%) of cases conducted in English in 2011-12	Total number/percentage (%) of cases conducted in Chinese in 2012-13	Total number/percentage (%) of cases conducted in English in 2012-13	Total number/percentage (%) of cases conducted in Chinese in 2013-14	Total number/percentage (%) of cases conducted in English in 2013-14	Estimated number of cases conducted in Chinese in 2014-15	Estimated number of cases conducted in English in 2014-15
Labour Tribunal								
Lands Tribunal								
Small Claims Tribunal								
Coroner's Court								
Magistrates' Courts								
District Court								
Court of First Instance of the High Court								
Court of Appeal of the High Court								

Court of Final Appeal								
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(b) Please provide relevant information on the use of the Chinese and English languages in writing judgments or statements of findings at all levels of courts in the table below

	Total number/percentage (%) of cases of which judgments or statements of findings were written in Chinese in 2011-12	Total number/percentage (%) of cases of which judgments or statements of findings were written in English in 2011-12	Total number/percentage (%) of cases of which judgments or statements of findings were written in Chinese in 2012-13	Total number/percentage (%) of cases of which judgments or statements of findings were written in English in 2012-13	Total number/percentage (%) of cases of which judgments or statements of findings were written in Chinese in 2013-14	Total number/percentage (%) of cases of which judgments or statements of findings were written in English in 2013-14	Estimated number of cases of which judgments or statements of findings were written in Chinese in 2014-15	Estimated number of cases of which judgments or statements of findings were written in English in 2014-15
Labour Tribunal								
Lands Tribunal								
Small Claims Tribunal								
Coroner's Court								
Magistrates' Courts								
District Court								
Court of First Instance of the High Court								
Court of Appeal of the High Court								
Court of Final Appeal								

Asked by: Hon. HO Sau-lan, Cyd

Reply:

(a) The Judiciary has been keeping statistics on the percentages of hearings handled in English and Chinese at the Court of Final Appeal, the Court of Appeal of the High Court, the Court of First Instance of the High Court, the District Court and the Magistrates' Courts. However, the Judiciary has not kept statistics for other courts including the Family Court, the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal and the Coroner's Court.

The percentages of hearings handled in English and Chinese at different levels of courts from 2011 to 2013 are as follows:

	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b><i>Court of Final Appeal<sup>(1)</sup></i></b>			
English	100%	100%	100%
Chinese	0%	0%	0%
<b><i>Court of Appeal</i></b>			
Criminal Appeals			
English	60%	57%	55%
Chinese	40%	43%	45%
Civil Appeals			
English	77%	82%	81%
Chinese	23%	18%	19%
<b><i>Court of First Instance</i></b>			
Criminal Trials			
English	71%	64%	62%
Chinese	29%	36%	38%
Civil Trials/ Substantive hearings			
English	83%	81%	79%
Chinese	17%	19%	21%
Appeals from Magistrates' Courts			
English	19%	16%	16%
Chinese	81%	84%	84%
Tribunal Appeals			
English	26%	37%	36%
Chinese	74%	63%	64%
<b><i>District Court</i></b>			
Criminal Trials			
English	58%	47%	40%
Chinese	42%	53%	60%
Civil Trials/ Substantive hearings			
English	41%	33%	44%
Chinese	59%	67%	56%
<b><i>Magistrates' Courts</i></b>			
Charge cases			
English	18%	14%	12%
Chinese	82%	86%	88%
Summonses			
English	1%	0.2%	0.03%
Chinese	99%	99.8%	99.97%

<sup>(1)</sup> Court of Final Appeal has no Chinese appeal as the non-Permanent Judges from other common law jurisdictions are monolingual.

- (b) The percentages of judgments and reasons for verdict in English and Chinese delivered by the Court of Final Appeal, the Court of Appeal, the Court of First Instance, the District Court, the Family Court and the Lands Tribunal from 2011 to 2013 are as follows:

	<b>2011</b>	<b>2012</b>	<b>2013</b>
<b><i>Court of Final Appeal</i></b> English Chinese	100% 0%	100% 0%	100% 0%
<b><i>Court of Appeal</i></b> English Chinese	74% 26%	74% 26%	71% 29%
<b><i>Court of First Instance</i></b> English Chinese	58% 42%	59% 41%	61% 39%
<b><i>District Court</i></b> English Chinese	60% 40%	52% 48%	53% 47%
<b><i>Family Court</i></b> English Chinese	37% 63%	46% 54%	35% 65%
<b><i>Lands Tribunal</i></b> English Chinese	48% 52%	64% 36%	60% 40%

The Judiciary has not kept statistics on the number / percentage of English and Chinese judgments delivered by the Magistrates' Courts, the Coroner's Court, the Labour Tribunal and the Small Claims Tribunal.



**CONTROLLING OFFICER'S REPLY**

**JA008**

**(Question Serial No. 5448)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (2) Support Services for Courts' Operation  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 6):

In accordance with Practice Direction 32 issued by the Chief Justice on 21 January 2014, WiFi will be introduced in phases into court buildings throughout Hong Kong which court users, including members of the public, will be able to join and hence send text-based communications. Please provide information on the specific work plans and the manpower and financial resources to be allocated in this regard in 2014-15. Has the Judiciary made any assessment on how much expenditure and manpower will be involved if, as in other common law jurisdictions, resources are allocated to make live broadcast of certain types of cases including judicial reviews of constitutional cases available on its website? If not, what are the reasons?

Asked by: Hon. HO Sau-lan, Cyd

Reply:

WiFi is being introduced into court buildings by phases. The service has commenced in the District Court, Family Court and Small Claims Tribunal in Wanchai Law Courts Building in February 2014, followed by the Court of Final Appeal in March 2014, and to be followed by the High Court and the Tsuen Wan Magistrates' Courts in mid 2014. For the remaining court buildings, the Judiciary aims at implementing the WiFi service progressively in the latter part of 2014.

Extra resources for the Judiciary are not required as the additional workload involved in the implementation of the WiFi service will be absorbed within existing establishment. The installation of the service is borne by the Office of the Government Chief Information Officer of the Administration as part of its territory-wide programme.

As regards live broadcasting of judicial proceedings, the Judiciary understands that this has been introduced in some other jurisdictions. As at present, the Judiciary has no plan to make similar arrangement since there are still concerns over the implications this may have on the proper administration of justice. However, the Judiciary would continue to monitor developments and review its position as and when necessary.

**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. 2206)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Courts, Tribunals and Various Statutory Functions  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 674-675 (if applicable)

Question (Member Question No. 6):

Regarding the target "Lands Tribunal – from setting down of a case to hearing", the target average waiting times for all types of cases in 2014 are set at 90 days, which is a few dozen days longer than the actual waiting times in 2012 and 2013. On the contrary, the estimated number of cases to be handled by the Lands Tribunal in 2014 is 5 040, which is more or less the same as the actual figures in 2012 and 2013. Given no marked increase in the estimated caseload when compared with the past two years, please explain why the planned waiting times are a few dozen days longer than the actual waiting times in the past two years.

Asked by: Hon. KWOK, Dennis

Reply:

The court waiting time targets are set in consultation with the court users' committees having regard to a wide range of factors, including caseload, complexity of cases, judicial resources, time required by the parties to prepare their cases, etc.

The Judiciary had reviewed the court waiting time targets in 2012-13 and noted that there was a case to adjust the four targets of the Lands Tribunal, namely those for appeal cases, compensation cases, building management cases and tenancy cases respectively. Following consultation with the various court users' committees, starting from 1 January 2014, each of these has been reduced by 10 days. Appeal cases, compensation cases and building management cases will each have a target of 90 days while for tenancy cases, the revised target is 50 days.

In connection with the above, it should be pointed out that there is a need to review the listing procedures in the Lands Tribunal. It is therefore considered prudent to await the outcome of the review of the listing procedure and consider its impact on the court waiting time to see whether further refinements to the court waiting time targets are called for.

**CONTROLLING OFFICER'S REPLY****JA010****(Question Serial No. 2232)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 676 (if applicable)

Question (Member Question No. 14):

It is reported that the percentage of all criminal appeal judgments rendered in Hong Kong which had at least one unrepresented defendant is several folds higher than the proportions of unrepresented appellants in other common law jurisdictions such as England and Wales, at a rate of about 3 percent. It is also reported in the Prosecutions Division's 2012 report that unrepresented appellants exacerbate the increasing workload of appellate judges and the situation is "not conducive to effective justice and needs to be addressed". In this connection, will the Administration inform this Committee, if it knows:

(i) of the number of cases which had at least one unrepresented litigant in each of the past three years, expressed **both** as an absolute number **and** as a percentage of the total number of cases, with a breakdown by different types of cases in different courts in the following table; and

<b>Court</b>	<b>Type of Case</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Court of Final Appeal	All cases			
	Application for leave to appeal			
	Appeals			
Court of Appeal of the High Court	All cases			
	Criminal appeals			
	Civil appeals			
Court of First Instance of the High Court	All cases			
	Criminal cases			
	Appeals from Magistrates' Courts			
	Civil cases			
District Court	All cases			
	Criminal cases			
	Civil Cases			
Magistrates' Courts	All cases			

(ii) of the average length of cases last year, with a breakdown by different types of cases in different courts and by whether or not the case has at least one unrepresented litigant in the following table?

<b>Court</b>	<b>Type of Case</b>	<b>Average length of cases</b>	<b>Average length of cases with at least one unrepresented litigant</b>	<b>Average length of cases without any unrepresented litigant</b>
Court of Final Appeal	All cases			
	Application for leave to appeal			
	Appeals			
Court of Appeal of the High Court	All cases			
	Criminal appeals			
	Civil appeals			
Court of First Instance of the High Court	All cases			
	Criminal cases			
	Appeals from Magistrates' Courts			
	Civil cases			
District Court	All cases			
	Criminal cases			
	Civil Cases			
Magistrates' Courts	All cases			

Asked by: Hon. KWOK, Dennis

Reply:

- (i) The Judiciary has been keeping statistics on the number of hearings involving unrepresented litigants in the High Court and the District Court. However, the Judiciary has not kept statistics for the Court of Final Appeal and the Magistrates' Courts.

The numbers and percentages of hearings involving unrepresented litigants in the High Court and the District Court from 2011 to 2013 are as follows:

Court Level	Type of Case	Number (and percentage) of hearings involving unrepresented litigants <sup>*</sup>		
		2011	2012	2013
Court of Appeal of the High Court	All appeals	197 (41%)	194 (42%)	223 (40%)
	Criminal appeals	159 (50%)	150 (52%)	182 (49%)
	Civil appeals	38 (23%)	44 (24%)	41 (23%)
Court of First Instance of the High Court	All appeals/ trials/ substantive hearings	628 (44%)	520 (46%)	582 (46%)
	Criminal trials	1 (1%)	5 (3%)	2 (1%)
	Appeals from Magistrates' Courts	428 (58%)	313 (64%)	377 (60%)
	Civil trials/ substantive hearings	78 (29%)	72 (27%)	90 (33%)
	Tribunal and Master appeals <sup>#</sup>	121 (51%)	130 (67%)	113 (60%)
District Court	All trials/ Substantive hearings	170 (15%)	168 (16%)	180 (17%)
	Criminal trials	19 (2%)	14 (2%)	27 (4%)
	Civil trials/ substantive hearings	151 (51%)	154 (64%)	153 (51%)

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

# For the sake of completeness, statistics on Tribunal and Master appeals which form part of the total number of appeals/trials/substantive hearings before the Court of First Instance of the High Court are also provided.

- (ii) The Judiciary has not kept statistics relating to the average length of cases.

**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. 2250)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 673 (if applicable)

Question (Member Question No. 17):

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 the waiting time, the actual average waiting time for 2012 and 2013 were even longer, at 244 and 261 days respectively. In this connection, will the Administration inform this Committee, if it knows:

(i) whether the Judiciary Administrator would agree that her previous observations and estimations were incorrect, in that the cause of the long waiting time is a systemic, rather than temporary, shortage of judicial manpower and resources in face of increasingly complex and lengthy cases;

(ii) whether the Judiciary Administrator would agree that in view of the continuing unsatisfactory state of affairs regarding the waiting time for the Civil Fixture List in the Court of First Instance, even more judicial resources, in terms of manpower as well as support services, need to be deployed for the High Court; and

(iii) whether the Judiciary Administrator has any concrete and comprehensive plan to make every effort, in the areas of not only the deployment of manpower (judges and support staff) but also the enhancement of support facilities and services (including outside working hours), to address the now long-standing problem of long waiting time for cases on the Civil Fixture List in the Court of First Instance; if yes, of the details; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis

Reply:

Last April, we had mentioned in the reply to a Special Finance Committee question that the average waiting times for the Civil Fixture List of the Court of First Instance of the High Court exceeded the target due to the following:

- (a) increase of caseload; and
- (b) 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.

We further indicated that the open recruitment exercise for the Court of First Instance Judges was completed in mid-2012. New appointments were made in the latter part of 2012 while others would be made in 2013. In the interim, additional deputy judges had been and would be appointed to sit in 2012 and 2013 to help improve the waiting times. We then stated that we would continue to closely monitor the situation and would make every effort to improve the waiting times.

2. In 2013, we noted that the caseload in civil cases of the Court of First Instance continued to increase. It also transpired that substantial judicial resources at the Court of First Instance were deployed to assist in the Court of Appeal of the High Court by appointing Court of First Instance Judges as additional judges to hear cases in the Court of Appeal. As a result of these factors, the average waiting time for the Civil Fixture List in the Court of First Instance still exceeded the target in 2013. However, no efforts have been spared in the meantime to search for ways that could help improve the waiting times.

3. As mentioned above, the 2012 open recruitment exercise for the Court of First Instance Judges was completed in mid-2012 and new appointments had been made in the latter part of 2012 and in 2013. As there were still vacancies to be filled, another recruitment exercise was launched by the Judiciary in July 2013 for the Court of First Instance Judges, which has also been completed. Announcement of the appointments from this recruitment exercise has been/will be made as appropriate. It is planned that the next Court of First Instance Judge recruitment exercise will be launched in the latter half of 2014.

4. While the vacancies are being filled, consideration has also been given to what further measures would be needed to improve the waiting times. In this connection, the Judiciary has conducted an establishment review of Judges and Judicial Officer posts in 2013. This review concluded that additional judicial posts would be needed for the High Court (in particular for the Court of Appeal) to cope with the increased workload. Three Justice of Appeal posts and an additional Court of First Instance Judge post will be proposed for creation in 2014-15. With the proposed increase in the establishment of the Court of Appeal Judges from 10 to 13, it is expected that much of the judicial resources temporarily re-deployed from the Court of First Instance could be released back to that level of court to hear cases.

5. The above findings had been reported to the Legislative Council Panel on Administration of Justice and Legal Services in December 2013 and February 2014 respectively vide a paper on "Judicial Manpower Situation at Various levels of Court and Court Waiting Times" (LC Paper No. CB(4)225/13-14(05)) and an information note on "Review of Court Waiting Time Targets" (LC Paper No. CB(4)439/13-14(01)).

6. The Judiciary will continue to closely monitor the situation upon the creation and filling of these additional posts and will make every effort to improve the waiting times.

**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. 2251)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 673 (if applicable)

Question (Member Question No. 16):

The average waiting time target for the 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 supposedly made to improve on the waiting time, the actual average waiting time for 2012 and 2013 was still getting progressively longer, at 180 and 211 days respectively, greatly exceeding the target of 120 days. In this connection, will the Administration inform this Committee, if it knows:

(i) whether the Judiciary Administrator would agree that her previous observations and estimations were incorrect, in that the cause of the long waiting time is a systemic, rather than temporary, shortage of judicial manpower and resources in face of increasingly complex and lengthy cases;

(ii) whether the Judiciary Administrator would agree that in view of the continuing unsatisfactory state of affairs regarding the waiting time for the Criminal Fixture List in the Court of First Instance, even more judicial resources, in terms of manpower as well as support services, need to be deployed for the High Court; and

(iii) whether the Judiciary Administrator has any concrete and comprehensive plan to make every effort, in the areas of not only the deployment of manpower (judges and support staff) but also the enhancement of support facilities and services (including outside working hours), to address the now long-standing problem of long waiting time for cases on the Criminal Fixture List in the Court of First Instance; if yes, of the details; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis



Reply:

Last April, we had mentioned in the reply to a Special Finance Committee question that the average waiting time for the Criminal Fixture List of the Court of First Instance of the High Court exceeded the target due to the following:

- (a) more complex, lengthy and refixed cases; and
- (b) 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.

We further indicated that the open recruitment exercise for the Court of First Instance Judges was completed in mid-2012. New appointments were made in the latter part of 2012 while others would be made in 2013. In the interim, additional deputy judges had been and would be appointed to sit in 2012 and 2013 to help improve the waiting times. We then stated that we would continue to closely monitor the situation and would make every effort to improve the waiting times.

2. In 2013, we noted that situation in paragraph 1(a) and (b) above still prevailed and there was an increase of caseload. It also transpired that substantial judicial resources at the Court of First Instance were deployed to assist in the Court of Appeal of the High Court by appointing Court of First Instance Judges as additional judges to hear cases in the Court of Appeal. As a result of these factors, the average waiting time for the Criminal Fixture List in the Court of First Instance still exceeded the target in 2013. However, no efforts have been spared in the meantime to search for ways that could help improve the waiting times.

3. As mentioned above, the 2012 open recruitment exercise for the Court of First Instance Judges was completed in mid-2012 and new appointments had been made in the latter part of 2012 and in 2013. As there were still vacancies to be filled, another recruitment exercise was launched by the Judiciary in July 2013 for the Court of First Instance Judges, which has also been completed. Announcement of the appointments from this recruitment exercise has been/will be made as appropriate. It is planned that the next Court of First Instance Judge recruitment exercise will be launched in the latter half of 2014.

4. While the vacancies are being filled, consideration has also been given to what further measures would be needed to improve the waiting times. In this connection, the Judiciary has conducted an establishment review of Judges and Judicial Officer posts in 2013. This review concluded that additional judicial posts would be needed for the High Court (in particular for the Court of Appeal) to cope with the increased workload. Three Justice of Appeal posts and an additional Court of First Instance Judge post will be proposed for creation in 2014-15. With the establishment of the Court of Appeal Judges then increased from 10 to 13, it is expected that much of the judicial resources temporarily re-deployed from the Court of First Instance could be released back to that level of court to hear cases.

5. The above findings had been reported to the Legislative Council Panel on Administration of Justice and Legal Services in December 2013 and February 2014 respectively vide a paper on "Judicial Manpower Situation at Various levels of Court and Court Waiting Times" (LC Paper No. CB(4)225/13-14(05) and an information note on "Review of Court Waiting Time Targets" (LC Paper No. CB(4)439/13-14(01)).

6. The Judiciary will continue to closely monitor the situation upon the creation and filling of these additional posts and will make every effort to improve the waiting times.

**CONTROLLING OFFICER'S REPLY**

**JA013**

**(Question Serial No. 2252)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 673 (if applicable)

Question (Member Question No. 15):

The average 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 efforts were allegedly made to improve on the waiting time, the actual average waiting time for 2012 exceeded that for 2011, at 131 days. In response to a question regarding the unsatisfactory state of affairs, the Judiciary Administrator had replied that the long average waiting time for civil appeals was "partly due to temporary judicial manpower constraints" but that "[b]y November 2012, all Justice of Appeal posts were filled substantively." For the year of 2013, however, the actual average waiting time was 138 days, yet another 7 days longer than that for the year before, and 48 days longer than the target. In this connection, will the Administration inform this Committee, if it knows:

(i) whether the Judiciary Administrator would agree that her previous observations and estimations were incorrect, in that the cause of the long waiting time is a systemic, rather than temporary, shortage of judicial manpower and resources in face of increasingly complex and lengthy cases;

(ii) whether the Judiciary Administrator would agree that in view of the continuing unsatisfactory state of affairs regarding the waiting time for civil appeals in the Court of Appeal, even more judicial resources, in terms of manpower as well as support services, need to be deployed for the High Court; and

(iii) whether the Judiciary Administrator has any concrete and comprehensive plan to make every effort, in the areas of not only the deployment of manpower (judges and support staff) but also the enhancement of support facilities and services (including outside working hours), to address the now long-standing problem of long waiting time for civil appeals in the Court of Appeal; if yes, of the details; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis

Reply:

Last April, we had mentioned in the reply to a Special Finance Committee question that the average waiting times for civil appeals in the Court of Appeal of the High Court was lengthened due to the following:

- (a) temporary judicial manpower constraints resulting from retirement and promotion of Judges;
- (b) more complex, lengthy and refiled cases in the Court of Appeal; and
- (c) greater efforts and priority were given to timely disposal of criminal appeals under such temporary judicial manpower constraint.

We further indicated that by November 2012, all Justice of Appeal posts were filled substantively and we would strive our 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. We then stated that we would continue to closely monitor the situation and would make every effort to improve the waiting times.

2. In 2013, we noted that situation in paragraph 1(b) and (c) above still prevailed. It also transpired that while all the existing Justice of Appeal vacancies had been filled, the work pressure of the Court of Appeal had remained acute and its waiting time for civil appeals still exceeded its target. The Court of Appeal had to continue to rely heavily on drawing resources from the Court of First Instance of the High Court to help cope with its workload.

3. In view of the above, consideration has been given to what further measures would be needed to improve the waiting times. In this connection, the Judiciary has conducted an establishment review of Judges and Judicial Officer posts in 2013. This review concluded that additional resources are needed for the creation of additional judicial posts for the Court of Appeal to enable it to cope with the increased workload. As such, approval for the creation of three Justice of Appeal posts will be sought in 2014-15.

4. The above findings had been reported to the Legislative Council Panel on Administration of Justice and Legal Services in December 2013 and February 2014 respectively vide a paper on "Judicial Manpower Situation at Various levels of Court and Court Waiting Times" (LC Paper No. CB(4)225/13-14(05) and an information note on "Review of Court Waiting Time Targets" (LC Paper No. CB(4)439/13-14(01)).

5. The Judiciary will continue to closely monitor the situation upon the creation and filling of these additional posts and will make every effort to improve the waiting times.

**CONTROLLING OFFICER'S REPLY**

**JA014**

**(Question Serial No. 4241)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 676 (if applicable)

Question (Member Question No. 13):

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 of particular importance in that it provides 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, and the estimate for 2014-15;
- (ii) of the number of unrepresented litigants who have visited the Centre for the past three years, and the estimate for 2014-15;
- (iii) of the number of persons who have otherwise benefitted from the Centre for the past three years, and the estimate for 2014-15; and
- (iv) whether it has assessed if the public is adequately informed about the availability of the Centre's services; if yes, of the details, and if the assessment outcome is in the negative, of the Judiciary's and the Administration's plans to educate the public about the Centre; if not, the reasons for that?

Asked by: Hon. KWOK, Dennis

Reply:

The figures in relation to the Resource Centre for Unrepresented Litigants for the past three years and the estimate for 2014-2015 are given below:

	<u>2011-12*</u>	<u>2012-13*</u>	<u>2013-14*</u>	<u>2014-15</u> (Estimate)
Approximate expenditure	\$2,520,000	\$2,760,000	\$2,892,000	\$2,988,000
	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u> (Estimate)
Number of use				
Visits	11 200	12 200	14 900	15 000
Telephone enquiries	2 700	2 800	2 900	3 000
Access to webpage	277 000	242 000	258 000	260 000

\* Figure given was the estimate made in the preceding year to facilitate easy comparison with the information in the other columns

From the above usage figures, it could be noted that the public is very much aware of the availability of the Resource Centre's services. To enhance public awareness, a dedicated webpage of the Resource Centre, which contains information available at the Resource Centre, is provided at the Judiciary's website; and a pamphlet on Resource Centre is published for distribution at the High Court and District Court. Registry staff will also refer unrepresented litigants to the Resource Centre if deemed appropriate.

**CONTROLLING OFFICER'S REPLY****JA015****(Question Serial No. 4242)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 674 (if applicable)

Question (Member Question No. 19):

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 said that new appointments were made in the latter part of 2012 and in 2013 for the Court of First Instance Judges and that another recruitment exercise was launched and completed in July 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 appointed and who have left the judicial service over the past calendar year of 2013, 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 2014?

Asked by: Hon. KWOK, Dennis

Reply:

The list of Judges in the High Court who have been appointed to higher positions in the calendar year of 2013 is:

	<u>Name of Judge and rank</u>	<u>Former rank</u>
1.	Mr. Justice Joseph FOK, Permanent Judge of the Court of Final Appeal	Justice of Appeal
2.	Mr. Justice Andrew MACRAE, 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) in the calendar year of 2013, and their positions before they left the High Court is:

	<u>Name of Judge and rank</u>
1.	Madam Justice Clare-Marie BEESON, Judge of the Court of First Instance
2.	Mr. Justice Darryl SAW, Judge of the Court of First Instance

The list of Judges of the Court of First Instance appointed in the calendar year of 2013, and their pre-appointment positions is:

<u>Name of Judge</u>	<u>Pre-appointment position</u>
1. Mr. Justice Godfrey LAM	Senior Counsel
2. Mr. Justice Peter NG	Senior Counsel
3. Mr. Justice Kevin ZERVOS	Director of Public Prosecutions, Department of Justice
4. Madam Justice Anthea PANG	District Judge

As at 1 March 2014, there were seven vacancies of the Judge of the Court of First Instance.

The next recruitment exercise for Judges of the Court of First Instance is planned to be launched in the latter half of 2014.

Appointments of Judges of the Court of First Instance will be announced when they are made.

**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. 4246)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Courts, Tribunals and Various Statutory Functions  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume 1 Page 674 (if applicable)

Question (Member Question No. 50):

It is a well-established practice for qualified persons, such as Senior Counsels, to be individually authorised to sit as deputy judges to hear particular cases in the High Court. In view of the long waiting times, it is said that additional deputy judges have been and will be appointed to sit in 2013 and 2014 with a view to improving the waiting times. In this connection, will the Administration inform the Committee, if it knows:

- (i) the number of cases in the High Court heard by deputy judges over the past three years, expressed both as an absolute number and as a percentage of the total number of cases in the High Court;
- (ii) whether the Judiciary has a target percentage of cases heard by deputy judges and/or guidelines to determine the appropriate level of deployment of deputy judges; and
- (iii) whether the Judiciary has any plans to decrease the reliance on deputy judges to improve waiting times; if yes, of the details; if not, of the reasons for that?

Asked by: Hon. KWOK, Dennis

Reply:

Deputy Judges and Judicial Officers (“JJOs”) include JJOs appointed from within the Judiciary to act in higher positions (“internal deputies”) and persons appointed from outside the Judiciary (“external deputies”). Pending the filling of vacancies through open recruitment, in line with the established practice, the Judiciary has been engaging and will continue to engage deputy JJOs as far as practicable to help maintain the level of judicial manpower required, and thereby to help maintain court waiting times at reasonable levels and help reduce court waiting times in some cases. The arrangement also provides opportunities for the deputy JJOs to gain judicial experiences at the relevant levels of court. The number of deputy JJOs appointed varies according to operational requirements. The duration of their sittings also varies.

The number of Deputy Judges of the Court of First Instance of the High Court appointed as at 1 March in the past three years of 2012, 2013 and 2014 is 12, 15 and 15 respectively, breakdown of which is as follows –

	1.3.2012		1.3.2013		1.3.2014	
	Internal deputies	External deputies	Internal deputies	External deputies	Internal deputies	External deputies
	8	4	8	7	10	5
<b>Total</b>	<b>12</b>		<b>15</b>		<b>15</b>	



Nonetheless, the Judiciary does not compile regular statistics on the number and percentage of cases which are heard by deputy JJOs.

The Judiciary is aware of the need for sufficient judicial manpower. To this end, the Judiciary has kept under constant review its judicial establishment and manpower situation at all levels of court having regard to operational needs, including the need to maintain court waiting times within reasonable targets.

The 2012 open recruitment exercise for Judges of the Court of First Instance of the High Court (“CFI Judges”) was completed in mid-2012 and new appointments had been made in the latter part of 2012 and in 2013. In July 2013, the Judiciary launched another recruitment exercise for CFI Judges, which has also been completed. Announcement of the appointments from this recruitment exercise has been/will be made as appropriate.

The Judiciary has also completed an establishment review in 2013, which concluded that additional judicial posts are needed for the High Court (in particular for the Court of Appeal of the High Court) to cope with the increased workload. Hence, three Justice of Appeal posts and an additional CFI Judge post will be sought in 2014-15. With the establishment of the Court of Appeal Judges then enhanced from 10 to 13, it is expected that much of the judicial resources temporarily re-deployed from the Court of First Instance (i.e. for the CFI Judges to sit as additional judges of the Court of Appeal) can be released back to that level of court to hear cases. In the interim, suitable deputy judges will continue to be appointed as appropriate with a view to improving the court waiting times.

**CONTROLLING OFFICER'S REPLY**

**JA017**

**(Question Serial No. 2060)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 2.13):

Concerning cases under the Land (Compulsory Sale for Redevelopment) Ordinance handled by the Lands Tribunal, please provide information on the size of establishment and the 2014-15 estimate. On average, how long does it take the Lands Tribunal to conclude a compulsory sale application? Please set out in the following table the figures on the applications dealt with in the past 5 years (i.e. 2009-2010, 2010-2011, 2011-2012, 2012-2013, 2013-2014):

<b>Year</b>	<b>No. of compulsory sale applications received by the Lands Tribunal</b>	<b>No. of cases where a compulsory sale application is withdrawn</b>	<b>No. of cases where a compulsory sale application is refused</b>	<b>No. of cases where a compulsory sale order is made</b>

Asked by: Hon. LEUNG, Kenneth

Reply:

- (a) To make the most effective use of judicial resources and to ensure flexibility when scheduling Tribunal hearings, the Judges and Judicial Officers (“JJOs”) in the Lands Tribunal are not dedicated to the hearing of particular type(s) of cases. The same applies to the support staff in the Tribunal. For 2014-15, the establishment and approximate salary expenditure for JJOs and support staff of the entire Lands Tribunal for handling all types of cases are as follows:

	<b><u>2014-15</u></b>
	<b>(Estimate)</b>
Establishment	31
Annual salary at mid-point (\$)	17.4 million

- (b) Normally, when parties are involved in compulsory sale applications, they have to go through the following key stages. The average times required for each stage are as follows:

(i) *Stage I: From filing to setting down for trial*

For the compulsory sale applications filed in 2013, the average time taken from filing of application to setting down for trial (including going through interlocutory and call-over hearings, if appropriate) is 139 days.

(ii) *Stage II: From setting down to trial*

In so far as the compulsory sale cases in the Lands Tribunal are concerned, the average waiting time from the date of setting down to the date of trial in 2013 is 57 days.

(iii) *Stage III: Trial*

In 2013, it took about one to 11 days to hear a compulsory sale case.

- (c) The figures on compulsory sale applications dealt with in the past five years as requested are as follows:

Year	No. of compulsory sale applications received by the Lands Tribunal#	No. of cases where a compulsory sale application is withdrawn*	No. of cases where a compulsory sale application is refused*	No. of cases where a compulsory sale order is made*
2009	8	1	0	5
2010	21	1	0	6
2011	48	7	0	9
2012	60	2	1	6
2013	17	1	0	27

# Figures include other cases which are connected with compulsory sale applications.

\* Applications may not be filed in the same year.

**CONTROLLING OFFICER'S REPLY**

**JA018**

**(Question Serial No. 6017)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (2) Support Services for Courts' Operation  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 676 (if applicable)

Question (Member Question No. 460):

Please provide the following information to this Committee/Council:

- (1) On the Judiciary website under "Judgments and Legal Reference", a number of judgments are only available either in the Chinese or the English language. Will the Judiciary further enhance the work of translating bilingual judgments so that the public can have easy access to them for reference?
- (2) What is the original estimated expenditure in 2014-15 for the above work itself? What will be the estimated expenditure and manpower required for further enhancing the work of translating bilingual judgments?

Asked by: Hon. LEUNG Kwok-hung

Reply:

The Judiciary has all along attached great importance to the promotion of open justice. In line with this spirit, a Judgment & Legal Reference database is made available on the Judiciary website which is open for the public to access for their ready reference. Generally speaking, written judgments from the following courts are available on this website (in the language the judgments are delivered):

- (i) Court of Final Appeal;
- (ii) Court of Appeal of the High Court;
- (iii) Court of First Instance of the High Court;
- (iv) District Court;
- (v) Family Court; and
- (vi) Lands Tribunal.

Having regard to the above-mentioned principle of promoting open justice, careful consideration has been given to the need and extent of translating Chinese and English judgments into the other official language. In view of the large number of published judgments and the fact that resources are not unlimited, the Judiciary takes the view that it is neither necessary nor cost-effective to translate all of these judgments. Instead, it considers that efforts should be focused on those judgments that are considered to have jurisprudential value.

In 2007, a scheme on the translation of selected Chinese judgments of jurisprudential value into English and the uploading of these English judgments onto the Judiciary's website was launched. As at 28 February 2014, translation of 484 Chinese judgments of jurisprudential value have been completed and uploaded onto the Judiciary's website. Further work will continue to be done in this area.

As regards English judgments, it would be useful to note that some high profile or important judgments of the Court of Final Appeal have already been translated into Chinese and the Chinese translations have been uploaded onto the Judiciary's website. Further, in all cases decided in the Court of Final Appeal which are reported in the law reports, the English headnotes of the judgments (which contain a summary of the case and the principles decided by the Court) are accompanied by Chinese translations.

Starting from 2010, translation of key English judgments has in fact commenced and initially the focus is on judgments of the Court of Final Appeal that concern the application of the Basic Law and the Bill of Rights. As at 28 February 2014, about 77 of such judgments have been translated into Chinese and arrangements are made to upload the translations onto the Judiciary's website. Further work will continue to be done in this area.

The above translation work is largely performed by two translation units of the Court Language Section in the Judiciary. Figures solely related to translation of judgment done by these two units are not available as they also provide translation of other court documents and certification service on the translation of documents required for the court proceedings. For 2014-15, the establishment and approximate salary expenditure for these two units are as follows:

	<b><u>2014-15</u></b>
	<b>(Estimate)</b>
Establishment	20
Annual salary at mid-point (\$)	13.32 million

The Judiciary will continue to keep in view the progress on translation of judgments.

**CONTROLLING OFFICER'S REPLY**

**JA019**

**(Question Serial No. 6018)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 461):

Please inform this Committee of:

- (1) the respective remuneration and establishment 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;
- (3) the numbers of part-time Deputy Magistrates and Deputy Judges in the past five years; and
- (4) the details of exchanges or activities between the Judiciary and the relevant departments of the Mainland in the past three years, and what is the estimated expenditure in this regard for the year 2014-15?

Asked by: Hon. LEUNG Kwok-hung

Reply:

- (1) The establishment and remuneration of Judges and Judicial Officers ("JJOs") at all levels of court is as follows:

<b>Level of Court</b>	<b>Rank</b>	<b>Establishment (as at 1.3.2014)</b>	<b>Judicial Service Pay Scale Point</b>	<b>Current Monthly Salary \$</b>
Court of Final Appeal	Chief Justice	1	19	274,600
	Permanent Judge	3*	18	267,000
Court of Appeal	Chief Judge of the High Court	1	18	267,000
	Justice of Appeal	10	17	240,700
Court of First Instance	Judge of the Court of First Instance	33	16	229,400

<b>Level of Court</b>	<b>Rank</b>	<b>Establishment (as at 1.3.2014)</b>	<b>Judicial Service Pay Scale Point</b>	<b>Current Monthly Salary \$</b>
High Court Masters' Office	Registrar	1	15	189,600
	Senior Deputy Registrar	4	14	172,900 – 183,450
	Deputy Registrar	6	13	162,050 – 171,750
District Court (including Family Court and Lands Tribunal)	Chief District Judge	1	15	189,600
	Principal Family Court Judge	1	14	172,900 – 183,450
	District Judge	34	13	162,050 – 171,750
	Member, Lands Tribunal	2	12	139,400 – 148,000
District Court Masters' Office	Registrar	1	11	128,400 – 136,150
	Deputy Registrar	3	10	117,450 – 124,600
Magistrates' Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	1	13	162,050 – 171,750
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11	11	128,400 – 136,150
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/ Magistrate	69	10  7-10	117,450 – 124,600  103,970 – 124,600
	Special Magistrate	11	1 - 6	67,580 – 79,845

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

- (2) Magistrates are appointed on a 3-year contract, a linked contract of 3 x 3 years or permanent and pensionable terms.

- (3) The number of Deputy JJOs appointed from outside the Judiciary as at 1 March in the past five years of 2010 to 2014 is as follows:

<b>Position</b>	<b>1.3.2010</b>	<b>1.3.2011</b>	<b>1.3.2012</b>	<b>1.3.2013</b>	<b>1.3.2014</b>
Deputy Judge of the Court of First Instance of the High Court	1	2	4	7	5
Temporary Deputy Registrar, High Court	0	0	0	0	1
Deputy District Judge	1	1	1	1	0
Temporary Member of the Lands Tribunal	0	0	1	1	0
Deputy Magistrate	11	16	25	10	24
Deputy Special Magistrate	7	8	8	5	9
<b>Total</b>	<b>20</b>	<b>27</b>	<b>39</b>	<b>24</b>	<b>39</b>

- (4) The details of exchanges or activities between the Judiciary and the relevant departments of the Mainland in 2011-12, 2012-13 and 2013-14 are set out in the Annex attached.

At present, the Judiciary has no plan to conduct duty visits to Mainland China in 2014-15.



**Exchanges/activities between the Judiciary  
and the relevant departments of the Mainland**

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FY 2011-12

Date	Exchanges/activities between the Judiciary and the relevant departments of the Mainland
3-5.5.2011	An eight-member delegation from the Henan High People's Court of the People's Republic of China visited the Judiciary
29.7.2011	A six-member delegation from the Jiangsu Higher People's Court of the People's Republic of China visited the Judiciary
15.9.2011	Judge LIU Guixiang, Tribunal Director of No. 4 Civil Court, Supreme People's Court of the People's Republic of China, visited the Judiciary
17-20.9.2011	The Chief Justice; Mr Justice Patrick CHAN, then Permanent Judge of the Court of Final Appeal; Mr Justice CHEUNG, Chief Judge of the High Court; Mr Justice Johnson LAM, then Judge of the Court of First Instance of the High Court and Judge Bebe CHU, Principal Family Court Judge, attended the Inaugural Seminar of Senior Judges of the Four Places (Mainland, Hong Kong, Macao and Taiwan) on Mediation in Nanjing
3.11.2011	An eight-member delegation from the Guangdong Higher People's Court of the People's Republic of China visited the Judiciary
8.12.2011	An eight-member delegation from the Ministry of Justice of the People's Republic of China visited the Judiciary
8-10.2.2012	A 13-member delegation led by Mr JIANG Huiling, Deputy Director of Judicial Reform Office of the Supreme People's Court of the People's Republic of China, visited the Judiciary
15.2.2012	A seven-member delegation from the Justice Departments/Bureaux of the People's Republic of China visited the Judiciary
2.3.2012	A 10-member delegation from the Ministry of Foreign Affairs of the People's Republic of China visited the Judiciary

<b>Date</b>	<b>Exchanges/activities between the Judiciary and the relevant departments of the Mainland</b>
7.5.2012	Ms HU Zejun, Executive Deputy Procurator-General of Supreme People's Procuratorate of the People's Republic of China, visited the Judiciary
15-16.5.2012	Mr Justice Patrick CHAN, then Permanent Judge of the Court of Final Appeal, attended as a distinguished guest at the 60th Anniversary Celebration of the China University of Political Science and Law in Beijing and a key speaker in one of the two parallel academic conferences on "Legal Reform and Legal Education's Innovation"
22.8.2012	A 12-member delegation led by Mr TAN Guoxiang, Executive Deputy Director of the Standing Committee of the Shenzhen Municipal People's Congress visited the Judiciary
18-19.10.2012	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, attended the 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
8-9.11.2012	A 12-member delegation led by Mr XI Xiaoming, Vice President of the Supreme People's Court of the People's Republic of China, visited the Judiciary
21-22.11.2012	An eight-member delegation from the Guangdong Higher People's Court of the People's Republic of China visited the Judiciary
23.11.2012	Mr Justice Barnabas FUNG, Judge of the Court of First Instance of the High Court, attended the Conference on "Mediation in Hong Kong – Your Options" in Huizhou
13-14.12.2012	A 12-member delegation led by Mr HU Yifeng, President of the Neimenggu Higher People's Court of the People's Republic of China, visited the Judiciary
14.12.2012	A six-member delegation from the Jiangsu Higher People's Court of the People's Republic of China visited the Judiciary
18.12.2012	A six-member delegation led by Mr HAO Chiyong, Vice Minister of the Ministry of Justice of the People's Republic of China, visited the Judiciary

<b>Date</b>	<b>Exchanges/activities between the Judiciary and the relevant departments of the Mainland</b>
27.4.2013	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, delivered a talk at the School of Law of Sun Yat-sen University in Guangzhou
20.5.2013	A 10-member delegation of the Judicial Reform Steering Group of the Supreme People's Court of the People's Republic of China visited the Judiciary
24-25.5.2013	Mr LIN Kam-hung, Ernest Michael, Principle Magistrate, attended the PRC Maritime Law Seminar in Shenzhen
28.5.2013	Ms LI Mingrong, Deputy Chief Procurator of People's Procuratorate of Fujian Province of the People's Republic of China, visited the Judiciary
16-19.7.2013	The Chief Justice, Mr Justice Patrick CHAN, then Permanent Judge of the Court of Final Appeal and Mr Justice Andrew CHEUNG, Chief Judge of the High Court, visited Beijing to meet with officials from the Supreme People's Court of the People's Republic of China, the Law Committee of the Standing Committee of the National People's Congress, the Hong Kong Special Administrative Region Basic Law Committee of the Standing Committee of the National People's Congress, the Supreme People's Procuratorate, the Ministry of Justice, and the Hong Kong and Macao Affairs Office of the State Council
8.8.2013	An 11-member delegation from the Guangdong Higher People's Court of the People's Republic of China visited the Judiciary
2.9.2013	A six-member delegation from the Justice Departments/Bureaux of the People's Republic of China visited the Judiciary
18.9.2013	A seven-member delegation led by Vice President JIANG Bixin, Supreme People's Court of the People's Republic of China, visited the Judiciary
23-25.9.2013	The Chief Justice; Mr Justice Andrew CHEUNG, Chief Judge of the High Court; Mr Justice Derek PANG, Judge of the Court of First Instance of the High Court; Judge S T POON, Chief District Judge; and Mr LEE Hing-nin, Clement, then Acting Chief Magistrate, attended the Second Seminar of Senior Judges of Cross-Strait and Hong Kong and Macao in Hsinchu (Taiwan)
16.10.2013	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, delivered a talk at the National Judges College in Beijing
22.10.2013	A seven-member delegation led by Justice LUO Dongchuan, Chief Judge and the President of the Fourth Civil Division, the Supreme People's Court of the People's Republic of China, visited the Judiciary
22-24.10.2013	A 10-member delegation led by WANG Shaonan, Director General of the Department of Judicial Administration and Equipment Management of the Supreme People's Court of the People's Republic of China, visited the Judiciary
20.12.2013	An 11-member delegation from the Guangdong Higher People's Court of the People's Republic of China visited the Judiciary
21.1.2014	Mr WANG Sheng-ming, Vice-chairperson of the Internal and Judicial Affairs Committee of the National People's Congress, visited the Judiciary
18.2.2014	Mr CHEN Xu, Chief Procurator of the Shanghai People's Procuratorate of the People's Republic of China, visited the Judiciary

**CONTROLLING OFFICER'S REPLY****JA020****(Question Serial No. 0577)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 677 (if applicable)

Question (Member Question No. 4):

Provision for 2014-15 is \$105.7 million (11.4%) higher than the revised estimate for 2013-14. What is the reason for the net increase of 55 non-judicial posts? What are the 55 non-judicial posts? Besides, what is the annual expenditure for the posts?

Asked by: Hon. LIAO Cheung-kong, Martin

Reply:

In 2014-15, there will be deletion of three non-judicial posts and creation of 62 non-judicial posts resulting in a net increase of 59 non-judicial posts, comprising –

- (a) 55 non-judicial posts under or straddling Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, which accounts for about \$18.96 million\*; and
- (b) four non-judicial posts under or straddling Programme (2), i.e. Support Services for Courts' Operation, which accounts for about \$2.15 million\*.

\* annual salaries calculated at mid-point

The 59 non-judicial posts, comprising two directorate posts and 57 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 provide the necessary support to the additional judicial posts to be created	16	5 Judicial Clerks 2 Personal Secretaries I 1 Personal Secretary II 5 Assistant Clerical Officers 3 Clerical Assistants	4.27 million
To provide support for new initiatives or enhance existing services, such as enhancing support for the implementation of the Information Technology Strategy Plan of the	13(net)	1 Chief Systems Manager 1 Chief Treasury Accountant <i>offset by deletion of –</i> <i>1 Senior Treasury Accountant for upgrading of post</i> 1 Senior Treasury Accountant 2 Senior Judicial Clerk I	9.24 million

<b>Purpose</b>	<b>Number of posts</b>	<b>Rank of posts</b>	<b>Annual salary at mid-point (\$)</b>
Judiciary, strengthening of professional support for the Finance Section, providing support for the setting up of the Executive Body of the Hong Kong Judicial Institute, etc.		3 Senior Judicial Clerk II <i>offset by deletion of –</i> <i>1 Judicial Clerk</i> 1 Judicial Clerk 1 Senior Executive Officer 1 Executive Officer I 3 Accounting Officers II 1 Clerical Officer 1 Workman II <i>offset by deletion of –</i> <i>1 Office Assistant</i>	
To replace Non-Civil Service Contract positions in various offices	30	10 Judicial Clerks 15 Assistant Clerical Officers 5 Clerical Assistants	7.60 million
<b>Total :</b>	<b>59(net)#</b>		<b>21.11 million</b>

# comprising a net increase of 55 non-judicial posts under or straddling Programme (1) and four non-judicial posts under or straddling Programme (2) respectively

**CONTROLLING OFFICER'S REPLY****JA021****(Question Serial No. 0579)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 677 (if applicable)

Question (Member Question No. 6):

Provision for 2014-15 is \$28.0 million (9.4%) higher than the revised estimate for 2013-14. One of the reasons for that is to provide enhanced support services for courts' operation. Will the authority 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? Also, what is the reason for creating 4 non-judicial posts? What is the annual expenditure for the posts?

Asked by: Hon. LIAO Cheung-kong, Martin

Reply:

In 2014-15, there will be deletion of three non-judicial posts and creation of 62 non-judicial posts resulting in a net increase of 59 non-judicial posts, comprising –

- (a) 55 non-judicial posts under or straddling Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, which accounts for about \$18.96 million\*; and
- (b) four non-judicial posts under or straddling Programme (2), i.e. Support Services for Courts' Operation, which accounts for about \$2.15 million\*.

\* annual salaries calculated at mid-point

The 59 non-judicial posts, comprising two directorate posts and 57 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 provide the necessary support to the additional judicial posts to be created	16	5 Judicial Clerks 2 Personal Secretaries I 1 Personal Secretary II 5 Assistant Clerical Officers 3 Clerical Assistants	4.27 million
To provide support for new initiatives or enhance existing services, such as enhancing support for the implementation of the	13(net)	1 Chief Systems Manager 1 Chief Treasury Accountant <i>offset by deletion of – 1 Senior Treasury Accountant for upgrading of post</i>	9.24 million

<b>Purpose</b>	<b>Number of posts</b>	<b>Rank of posts</b>	<b>Annual salary at mid-point (\$)</b>
Information Technology Strategy Plan of the Judiciary, strengthening of professional support for the Finance Section, providing support for the setting up of the Executive Body of the Hong Kong Judicial Institute, etc.		1 Senior Treasury Accountant 2 Senior Judicial Clerk I 3 Senior Judicial Clerk II <i>offset by deletion of – 1 Judicial Clerk</i> 1 Judicial Clerk 1 Senior Executive Officer 1 Executive Officer I 3 Accounting Officers II 1 Clerical Officer 1 Workman II <i>offset by deletion of – 1 Office Assistant</i>	
To replace Non-Civil Service Contract positions in various offices	30	10 Judicial Clerks 15 Assistant Clerical Officers 5 Clerical Assistants	7.60 million
<b>Total :</b>	<b>59(net)#</b>		<b>21.11 million</b>

# comprising a net increase of 55 non-judicial posts under or straddling Programme (1) and four non-judicial posts under or straddling Programme (2) respectively

**CONTROLLING OFFICER'S REPLY****JA022****(Question Serial No. 0301)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 672-674 (if applicable)

Question (Member Question No. 7):

A few targets in the High Court were not met as reflected mainly by the fact that the average waiting times for some hearings exceeded the targets. According to the explanation given, one of the main reasons for this was due to the temporary constraints in the deployment of manpower in the High Court as a result of retirement of Judges, etc. However, on the other hand, the average waiting times for some items in the District Court and all items in the Lands Tribunal were shorter than the targets, ranging only from 20% to 60% of the targets. Did it reflect the problem of misallocation of resources? Will the authority consider making adjustments as appropriate?

Asked by: Hon. NG Leung-sing

Reply:

The temporary constraints in the deployment of judicial manpower was one of the reasons for the fact that a few waiting time targets in the High Court were not met.

2. To improve the court waiting times for the High Court, the following measures have been/will be made:

- (a) The 2012 open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments had been made in the latter part of 2012 and in 2013. In July 2013, the Judiciary launched another recruitment exercise for the Court of First Instance Judges, which has also been completed. Announcement of the appointments from this recruitment exercise has been/will be made as appropriate. It is planned that the next Court of First Instance Judge recruitment exercise will be launched in the latter half of 2014.
- (b) The Judiciary has also completed an establishment review in 2013, which concluded that additional judicial posts would be needed for the High Court (in particular for the Court of Appeal of the High Court) to cope with the increased workload. Three Justice of Appeal posts and an additional Court of First Instance Judge post will be proposed for creation in 2014-15. With the proposed increase in the establishment of the Court of Appeal Judges from 10 to 13, it is expected that much of the judicial resources temporarily re-deployed from the Court of First Instance (i.e. for the Court of First Instance Judges to sit as additional judges of the Court of Appeal) can be released back to that level of court to hear cases.



- (c) In the interim, additional deputy judges have been and will be appointed to sit in 2013 and 2014 with a view to improving the waiting times.

3. It should be noted that the Judges of the High Court and the District Court are not interchangeable as the level of professional expertise required is different. Nonetheless, if found suitable, District Judges may sit as Deputy Judges of the Court of First instance of the High Court.

4. As regards the Lands Tribunal, substantial judicial resources are required to handle compulsory sale cases in addition to the four types of cases that appear on the Controlling Officer's Report (namely, appeal cases, compensation cases, building management cases and tenancy cases). Indeed, two additional judicial officer posts (including one Judge of the District Court and one Member, Lands Tribunal) were created in July 2012 to cope with the increased caseload.

5. Given the lower than target waiting times in the past few years, the target for the above-mentioned four types of cases in the Lands Tribunal has each been reduced by 10 days with effect from 1 January 2014. However, there is a further need to review the listing procedures in the Lands Tribunal and it would be prudent to assess the impact of such review on the waiting times before making further changes to the targets. Subject to the results of such a review, further refinement may be necessary in the next review of court waiting time targets. This course of action was made after consultation with the various court users' committees.

6. The Judiciary will continue to keep under constant review its judicial establishment and manpower situation at all levels of court having regard to operational needs, including the need to keep court waiting times within targets. Additional judicial resources will continue to be suitably deployed as appropriate.

**CONTROLLING OFFICER'S REPLY****JA023****(Question Serial No. 0530)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume 1 Page 672 (if applicable)

Question (Member Question No. 6):

The estimate for Courts, Tribunals and Various Statutory Functions for 2014-15 has increased by 7.3% as compared to that in 2013-14. Please provide the estimated expenses for the Labour Tribunal and the rise as compared to last year. Is there any increase in the establishment? If yes, what is the increase?

Asked by: Hon. POON Siu-ping

Reply:

The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers and support staff of the Labour Tribunal for the year 2013-14 are as follows:

<b>Tribunal/Court</b>	<b>Establishment</b>	<b>No. of posts</b>	<b>Annual salary at mid-point * (\$)</b>
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	44.8 million

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

The Judiciary does not have the breakdown of the operating expenses by levels of court and the establishment of the Labour Tribunal will remain at the current level for the year 2014-15.

**CONTROLLING OFFICER'S REPLY**

**JA024**

**(Question Serial No. 0627)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (2) Support Services for Courts' Operation  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 676 (if applicable)

Question (Member Question No. 35):

In 2014-15, the Judiciary will seek to continue to provide support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants. In this regard, please set out the following in a table:

- 1) The total number of users of the Resource Centre for Unrepresented Litigants for the year 2013-14 and the projected total number of users for the year 2014-15; and
- 2) The expenditure of the Resource Centre for Unrepresented Litigants for the year 2013-14 and the estimated expenditure for the year 2014-15.

Asked by: Hon. POON Siu-ping

Reply:

The requested information for the years 2013 and 2014 is as follows:

	<b><u>2013</u></b>	<b><u>2014</u></b> <b>(Estimate)</b>
Number of use		
Visits	14 900	15 000
Telephone enquiries	2 900	3 000
Access to webpage	258 000	260 000
	<b><u>2013-14*</u></b>	<b><u>2014-15</u></b> <b>(Draft Estimate)</b>
Approximate expenditure	2,892,000	2,988,000

\* Figure given is the estimate made last year to facilitate easy comparison with the information in the other column

**CONTROLLING OFFICER'S REPLY****JA025****(Question Serial No. 0336)**

Head: (80) Judiciary

Subhead (No. & title): (000) Operational expenses

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 6):

The Judiciary stated that the number of non-directorate posts will be increased by 57 to 1 596 as at 31 March 2015. 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 57 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 provide the necessary support to the additional judicial posts to be created	16	5 Judicial Clerks 2 Personal Secretaries I 1 Personal Secretary II 5 Assistant Clerical Officers 3 Clerical Assistants	4.27 million
To provide support for new initiatives or enhance existing services, such as enhancing support for the implementation of the Information Technology Strategy Plan of the Judiciary, strengthening of professional support for the Finance Section, providing support for the setting up of the Executive Body of the Hong Kong Judicial Institute, etc.	11(net)	1 Senior Treasury Accountant <i>offset by deletion of –</i> <i>1 Senior Treasury Accountant for upgrading of post</i> 2 Senior Judicial Clerk I 3 Senior Judicial Clerk II <i>offset by deletion of –</i> <i>1 Judicial Clerk</i> 1 Judicial Clerk 1 Senior Executive Officer 1 Executive Officer I 3 Accounting Officers II 1 Clerical Officer 1 Workman II <i>offset by deletion of –</i> <i>1 Office Assistant</i>	6.31 million
To replace Non-Civil Service Contract positions in various offices	30	10 Judicial Clerks 15 Assistant Clerical Officers 5 Clerical Assistants	7.60 million

**CONTROLLING OFFICER'S REPLY**

**JA026**

**(Question Serial No. 1977)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (2) Support Services for Courts' Operation  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 672 (if applicable)

Question (Member Question No. 9):

Please give the numbers of unrepresented litigants in civil and criminal proceedings at all levels of courts in the year 2013-14. What are the estimated numbers of unrepresented litigants in civil and criminal proceedings at all levels of courts in the year 2014-15?

What provision is made as regards the estimated expenditure for the "Resource Centre for Unrepresented Litigants" in the year 2014-15? Has the Administration set specific performance indicators in respect of the services of the Resource Centre for the year 2014-15? If yes, what are they? If not, what is the reason?

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 and the District Court. However, the Judiciary has not kept statistics for the Court of Final Appeal and the Magistrates' Courts.

The numbers and percentages of hearings involving unrepresented litigants in the High Court and the District Court in 2013 are as follows:

Court Level	Type of Case	Number (and percentage) of hearings involving unrepresented litigants*
		2013
Court of Appeal of the High Court	All appeals	223 (40%)
	Criminal appeals	182 (49%)
	Civil appeals	41 (23%)
Court of First Instance of the High Court	All appeals/ trials/ substantive hearings	582 (46%)
	Criminal trials	2 (1%)
	Appeals from Magistrates' Courts	377 (60%)
	Civil trials/ substantive hearings	90 (33%)
	Tribunal and Master appeals	113 (60%)
District Court	All trials/ Substantive hearings	180 (17%)
	Criminal trials	27 (4%)
	Civil trials/ substantive hearings	153 (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 2014-15.

The projected expenditure of the Resource Centre for 2014 -2015 is \$2.988 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.

**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. 1578)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Courts, Tribunals and Various Statutory Functions  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 674 (if applicable)

Question (Member Question No. 15):

Regarding the judicial manpower situation and court waiting times, the Judiciary stated that the increase in the average waiting times for civil appeals in the High Court was due to more complex, lengthy and re-fixed cases. Please provide information on:

- a) The average time needed for civil appeals in the High Court for the past 3 years;
- b) The number of High Court civil cases that needed to be re-fixed for the past 3 years;
- c) The number of judges and judicial officers who will reach the normal retirement age in the coming 3 years; and its percentage over the total number of judges and judicial officers;
- d) How the Judiciary is going to cope with the potential vacancies arising from the retirement of judges in the coming few years?

Asked by: Hon. TIEN Puk-sun, Michael

Reply:

The total number of listed civil appeals and criminal appeals in the Court of Appeal of the High Court in 2011, 2012 and 2013 are 755, 639 and 723 respectively. Under a tight manpower situation, priority is always given to criminal appeals, and such may affect the average waiting times for civil appeals. The average waiting times (days) for civil appeals are 117, 131 and 138 respectively.

- a) There is a gradual increase in the total number of re-fixed appeals from 102 in 2011 to 126 and 140 in 2012 and 2013 respectively (the numbers of civil appeals in the Court of Appeal of the High Court that needed to be re-fixed in 2011, 2012 and 2013 are 26, 20 and 23 respectively. As regards re-fixed criminal appeals, the numbers are 76, 106 and 117 respectively). The increase in total number of re-fixed civil and criminal appeals is part of the reasons for the lengthening of the average waiting times for civil appeals. Coupled with the fact that priority is always given to criminal appeals, the court waiting time for civil appeals may be affected.

- b) The number of Judges and Judicial Officers (“JJOs”) who will reach the statutory retirement age and its percentage over the total number of JJOs in 2014, 2015 and 2016 are 10 (5.2%), 8 (4.1%) and 7 (3.6%) respectively.
  
- c) All along, we have JJOs retiring every year, and the number varies from year to year. The Judiciary reviews regularly its judicial establishment and manpower situation with due regard to operational needs.

The Judiciary completed the last round of open recruitment exercises for the ranks of Judge of the Court of First Instance of the High Court (“CFI Judge”), District Judge (“DJ”), Member, Lands Tribunal, Permanent Magistrate (“Perm Mag”) and Special Magistrate (“Sp Mag”) in the latter half of 2012. 52 judicial appointments have been made so far.

In July 2013, the Judiciary launched another recruitment exercise for CFI Judges, which has also been completed. Announcement of the appointments from this recruitment exercise has been/will be made as appropriate.

Open recruitment exercises for CFI Judges used to be conducted approximately every three years in the past (in 2002, 2006, 2009 and 2012). In 2013, the Judiciary reviewed the frequency of conducting recruitment exercises for CFI Judges. Noting that some senior legal professionals in private practice may be interested in joining the Bench but the timing of joining, which is an important consideration, may not match the recruitment trawl at times, the Chief Justice is of the view that CFI Judge recruitment exercises should henceforth be launched on a more frequent basis and has decided that they should be conducted regularly on a yearly basis henceforth. Accordingly, following the latest CFI Judge recruitment exercise launched in July 2013, the next CFI Judge recruitment exercise is planned to be launched in the latter half of 2014.

There are only two fillable vacancies at the DJ rank at present. There is no imminent need to conduct any open recruitment for DJs in the near future.

For the magisterial level, the Judiciary has launched another open recruitment for Perm Mags and Sp Mags in February 2014, and the recruitment exercises are still in progress.

Pending the filling of vacancies through open recruitment, in line with the established practice, the Judiciary has been engaging and will continue to engage temporary judicial resources as far as practicable to help maintain the level of judicial manpower required.



**CONTROLLING OFFICER'S REPLY****JA028****(Question Serial No. 2700)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 675 (if applicable)

Question (Member Question No. 27):

To meet the demand for land and to increase supply in housing units, the Government will carry out a number of land development projects and works in the coming year. Accordingly there will be an increase in the number of projects involving land resumption or redevelopment. The estimated number of cases to be handled by the Lands Tribunal in 2014-15 is around 5000, more or less the same as that in the last year. Please provide information on the average time required by the Lands Tribunal in dealing with such cases, and the expenditure and manpower involved in 2013-14, as well as the projected change in the average time required in dealing with such cases, and the expenditure and manpower involved in 2014-15.

Asked by: Hon. TSE Wai-chuen, Tony

Reply:

The Lands 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.

The average waiting times in 2013 in respect of (a) – (d) from setting down of a case to hearing are as follows:

Case Type	Target (Days) in 2013	Average Waiting Time (Days) in 2013
Appeal cases	100	27
Compensation cases	100	53
Building management Cases	100	39
Tenancy cases	60	29

While no target has been set for compulsory sale cases, the average waiting time from setting down to hearing for these cases in 2013 is 57 days.

The Judiciary had reviewed the court waiting time targets in 2012-13 and noted that there was a case to adjust the four targets of the Lands Tribunal, namely those for appeal cases, compensation cases, building management cases and tenancy cases respectively. Following consultation with the various court users' committees, starting from 1 January 2014, each of these has been reduced by 10 days. Appeal cases, compensation cases and building management cases will each have a target of 90 days while for tenancy cases, the revised target is 50 days. In this regard, it should be pointed out that there is a need to review the listing procedures in the Lands Tribunal. It is therefore considered prudent to await the outcome of the review of the listing procedure and consider its impact on the court waiting time to see whether further refinements to the court waiting time targets are called for.

The establishment and approximate salary expenditure for Judges and Judicial Officers and support staff of the Lands Tribunal for 2013-14 are as follows:

	<b><u>2013-14</u></b>
Establishment	31
Annual salary at mid-point (\$)	17.4 million

The establishment of the Lands Tribunal will remain the same in 2014-15.

**CONTROLLING OFFICER'S REPLY****JA029****(Question Serial No. 1453)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 675 (if applicable)

Question (Member Question No. 15):

In 2014-2015, the Judiciary will consult relevant stakeholders in respect of the unified procedural rules for the family justice system. How long is the consultation period expected to be? Who and which organizations are the relevant stakeholders? What is the expenditure for the consultation?

Asked by: Hon. TSE Wai-chun, Paul

Reply:

In March 2012, the Chief Justice appointed a Working Party on Family Procedure Rules to advise him, among other things, on the desirability, impact and practicalities of formulating a single set of procedural rules for the family jurisdiction applicable to both the Family Court and the High Court. The Working Party is composed of Judges and external stakeholders such as representatives of the legal professional bodies.

On 17 February 2014, the Working party issued an interim report and consultation paper which contains over 130 proposals for consultation. The proposals seek to reduce the adversarial excesses in the culture of family litigation. Similar to many other common law jurisdictions, the Working Party also suggests the preparation of a set of self-contained court procedural rules (which are subsidiary legislation) for the family jurisdiction. The proposals will facilitate a more streamlined procedure and contribute to a common approach across the Family Court and the High court, resulting in a more efficient, effective and user-friendly family justice system. The time and costs needed for family proceedings are likely to be reduced as a result.

The consultation period will last for four months and end on 16 June 2014. We are consulting the legal professional bodies (including the Bar Association, the Law Society and the Family Law Association), the relevant court users' committee of the Judiciary, other relevant court users as well as the Administration. We will also consult the relevant panel of the Legislative Council.

The estimated expenditure for the consultation exercise is about \$360,000. This includes the printing of the consultation documents and the organization of a major briefing for the relevant stakeholders on 22 March 2014.

**CONTROLLING OFFICER'S REPLY****JA030****(Question Serial No. 1048)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: Estimates on Expenditure Volume I Page 674, 675 (if applicable)

Question (Member Question No. 176):

Regarding the targets and indicators of the Labour Tribunal in the Programme, please provide information for the past 3 years on:

1. The categories and the number of labour claims received by the Labour Tribunal;
2. Of the cases dealt with by the Labour Tribunal, the number of cases in which an office-bearer of a registered trade union or an employers' association acted as a representative or attended the hearing;
3. The average time taken from filing of a case to award;
4. The number of cases in which the Labour Tribunal's awards were defaulted on?

Asked by: Hon. WONG Kwok-hing

Reply:

1. The categories and the number of claims received by the Labour Tribunal are as follows:

<b>Number of claims</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>
Referred by Labour Department	3 683	3 880	3 691
Directly lodged by claimants	426	795	381
Transferred from Minor Employment Claims Adjudication Board	71	60	81
Transferred from Small Claims Tribunal	10	9	1
<b>Total</b>	<b>4 190</b>	<b>4 744</b>	<b>4 154</b>

2. The Labour Tribunal does not keep the information on the number of cases in which an office-bearer of a registered trade union or an employers' association acted as a representative or attended the hearing.

3. The following are the average times taken from filing of a case to award:

	<b>2011</b>	<b>2012</b>	<b>2013</b>
Number of cases disposed of	4 002	4 245	4 000
Average time from filing of a case to award	40 days	41 days	55 days

It should be pointed out that for cases where a hearing had been conducted, the average time taken from filing of a case to first hearing remained 25 days in the past three years.

4. At present, there is no statutory provision stipulating that payment of the award must be made through the Tribunal. It is common for parties to agree on how the award should be paid, as this would achieve greater flexibility and efficiency in effecting payment. As such, the Labour Tribunal does not have the statistics on the number of cases in which its awards were defaulted on.

**CONTROLLING OFFICER'S REPLY**

**JA031**

**(Question Serial No. 5279)**

Head: (80) Judiciary  
Subhead (No. & title): (000) Operational expenses  
Programme: Not Specified  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: Estimates on Expenditure Volume I Page 680 (if applicable)

Question (Member Question No. 55):

What is the Judiciary's estimate for duty visits or exchanges in Mainland China for 2014-15? Please provide information on the themes of the duty visits or exchanges in Mainland China planned for 2014-15. How can the Judiciary avoid non-business related activities during duty visits? How can the Judiciary prevent applications for change of place of visit from becoming a mere formality?

Asked by: Hon. WONG Yuk-man

Reply:

The Judiciary's estimated expenditure for duty visits in 2014-15 is \$1.763 million. There is no further breakdown by specific destinations.

At present, the Judiciary has no plan to conduct duty visits to Mainland China in 2014-15.

Duty visits are undertaken by members of the Judiciary on operational grounds and/or for the purpose of furthering the objectives of the Judiciary. The Administration has rules and regulations that govern the expenditure on duty visits to ensure prudent use of public money. While the Judiciary is independent of the Administration, it makes reference to these rules and regulations and generally adopts them as it attaches great importance to the prudent use of public funds in dealing with matters concerning duty visits.

**CONTROLLING OFFICER'S REPLY**

**S-JA01**

**(Question Serial No. S0024)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: (if applicable)

Question:

In the Reply Serial No. JA017, the Administration has provided the number of compulsory sale applications handled in the past 5 years (namely, 2009-10, 2010-11, 2011-12, 2012-13 and 2013-14). In this regard, please provide further information on (i) the number of cases where the respondent was legally represented, and (ii) the number of cases where the respondent was unrepresented.

Asked by: Hon. LEUNG, Kenneth

Reply:

The Judiciary does not keep statistics on whether the respondents of compulsory sale applications are legally represented or not.

**CONTROLLING OFFICER'S REPLY**

**(Question Serial No. S0032)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (2) Support Services for Courts' Operation  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: (if applicable)

Question:

WiFi will be introduced in phases into court buildings throughout Hong Kong which court users, including members of the public, will be able to join and hence send text-based communications. Will WiFi also be introduced into all other court buildings, thus allowing text-based communications? When will such plans be implemented? If not, what are the reasons?

Asked by: Hon. MOK Charles Peter

Reply:

WiFi is being introduced into court buildings by phases. The service has commenced in the District Court, Family Court and Small Claims Tribunal in Wanchai Law Courts Building in February 2014, followed by the Court of Final Appeal in March 2014, and to be followed by the High Court and the Tsuen Wan Magistrates' Courts in mid 2014. For the remaining court buildings, the Judiciary aims at implementing the WiFi service progressively in the latter part of 2014. It is planned that all the Judiciary premises will be provided with WiFi service by the end of the financial year 2014-15.



**CONTROLLING OFFICER'S REPLY**

**S-JA03**

**(Question Serial No. S0018)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Courts, Tribunals and Various Statutory Functions  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: (if applicable)

Question:

In reply to Question Serial No. 1048, it is stated in Paragraph 3 of Reply Serial No. JA030 that the average time from filing of a case to award in 2013 was 55 days, which was 10-odd days longer than those in the preceding two years, but the number of cases remained at 4,000. What was the reason for this? Was it due to a shortage of manpower and an inadequacy in support? Will the Administration shorten the time required as many employees are waiting to pursue their rights and remunerations so as to provide for their families? It has a great impact on them if they have to wait for nearly two months before getting an award.

Asked by: Hon. TANG Ka-piu

Reply:

The comparatively longer average time required from filing of a case to award in 2013 was due to the fact that among the cases concluded that year, 16 cases were filed in 2008 and 13 cases in 2009. These cases, which were filed against the same defendant, were adjourned sine die in 2008 or 2009 pending the outcome of an appeal case. After the conclusion of the appeal case, the claimants reached settlement with the defendant and withdrew their claims in December 2013.

If these 29 cases were excluded, the average time taken from filing of a case to award could have been shortened to 43 days in 2013.

**CONTROLLING OFFICER'S REPLY****S-JA04****(Question Serial No. S0019)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: (if applicable)

Question:

In reply to Question Serial No. 1048, it is stated in Paragraphs 2 and 4 of Reply Serial No. JA030 that the Labour Tribunal does not have the statistics on the number of cases in which an office-bearer of a registered trade union or an employers' association acted as a representative or attended the hearing. Normally, if there is the need for a person from a trade union or a representative to attend a hearing, he or she has to make an application and obtain the judge or judicial officer's approval. Why has the Administration failed to keep the relevant information? Will statistics in this regard be kept in the future? And the Administration does not have the information on the number of cases in which the awards were defaulted on. It is normal for the Labour Tribunal not to have it. However, there is no reason why the Judiciary does not have such figures. If the awards by the Labour Tribunal are defaulted on, the Claimants will take legal actions in other parts of the Judiciary. Why has the Administration not kept the relevant figures?

Asked by: Hon. TANG Ka-piu

Reply:

According to section 23(1)(e) of the Labour Tribunal Ordinance (Cap. 25), an office bearer of a registered trade union or of an association of employers shall have a right of audience before the Labour Tribunal ("the Tribunal"). However, such an office bearer must be authorized in writing by a claimant or defendant to appear as his representative and leave of the Tribunal must be obtained before the office bearer could exercise the right of audience. Whether leave will be granted is a judicial decision and is dependent on the circumstances of each case. Any party who is not satisfied with the decision may appeal against such decision.

From our experience, it is believed that most of the applications for right of audience by the trade union representatives are approved. The Judiciary does not keep any statistics on the exercise of such judicial decisions, but given that there is a suggestion to collate such statistics, we would look into the matter.

At present, there is no statutory provision stipulating that payment of the award must be made through the Tribunal. It is common for parties to agree on how the award should be paid, as this would achieve greater flexibility and efficiency in effecting payment. As such, the Tribunal does not have the statistics on the number of cases in which its awards were defaulted on. It is also noted that a claimant may or may not take further action on his/her case. The Judiciary is therefore not in the position to provide such information.

**CONTROLLING OFFICER'S REPLY****S-JA05****(Question Serial No. S0028)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: (if applicable)

Question:

A follow-up question on Reply Serial No. JA028:

The Lands Tribunal is responsible for hearing and adjudicating 5 categories of cases. Please state in detail, in respect of each category, the average time required respectively for the three stages, namely, from filing of a case to listing for trial, from setting down of a case to trial, and trial, for 2013-14. What is the estimated change in the average time required for the three stages in respect of each category of cases for 2014-15?

Asked by: Hon. TSE Wai-chuen, Tony

Reply:

For the five main categories of cases in the Lands Tribunal, the average or range of times required for each of the three stages are as follows in 2013:

<b>Case Type</b>	<b>Stage I: From filing to setting down for trial (Average)</b>	<b>Stage II: From setting down to trial (Average)</b>	<b>Stage III: Trial (Range)</b>
Appeal cases	60 days	27 days	1 day
Compensation cases	318 days	53 days	1.5 to 5 days
Building management cases	131 days	39 days	1 hour to 6 days
Tenancy cases	50 days	29 days	1 hour to 2 days
Compulsory sale cases	139 days	57 days	1 to 11 days

The following should also be noted:

- (a) **Stage I** - The length of Stage I would vary from case to case depending on factors such as the complexity of the case, the state of readiness of the parties, etc. The lead-time from filing to setting down for trial can be long particularly if more interlocutory hearings are required. As this is largely the time required by the parties for preparing the case for trial, it is normally not regarded as the court waiting time;

- (b) **Stage II** - The period from the date of setting down to the date of trial is usually regarded as the court waiting time as this in general relates to the period where the case is ready for hearing and the control largely rests with the Judiciary itself and not with the parties; and
- (c) **Stage III** - The length of trial would depend on the complexity of cases.

The actual times required are contingent upon a wide range of factors including caseload, complexity of cases, judicial resources, time required by the parties to prepare their cases, etc. It is therefore difficult to estimate the actual times required for each stage in respect of the five categories of cases in 2014. However, the Judiciary will continue to closely monitor the situation and make every effort to keep the court waiting times of the Lands Tribunal within targets.

**CONTROLLING OFFICER'S REPLY**

**S-JA06**

**(Question Serial No. S0029)**

Head: (80) Judiciary  
Subhead (No. & title): (-) Not Specified  
Programme: (1) Courts, Tribunals and Various Statutory Functions  
Controlling Officer: Judiciary Administrator (Miss Emma LAU)  
Director of Bureau: Judiciary Administrator  
This question originates from: (if applicable)

Question:

A follow-up question on Reply Serial No. JA028:

At the Special Finance Committee Meeting, the Judiciary Administrator stated that the Judiciary has reduced each of the waiting time targets by 10 days in 2014 and is currently reviewing each of them, and subject to the outcome of the review, the targets may be refined in future if appropriate. Please provide information on the details, progress and timetable of the review. Based on what criteria will the Judiciary make a decision on reducing the waiting time targets?

Asked by: Hon. TSE Wai-chuen, Tony

Reply:

The Judiciary had reviewed the court waiting time targets for all court levels in 2012-13 and noted that there was a case to adjust the four targets of the Lands Tribunal, namely those for appeal cases, compensation cases, building management cases and tenancy cases respectively. Following consultation with the various court users' committees, starting from 1 January 2014, each of them has been reduced by 10 days.

In connection with the above, it should be pointed out that there is a need to review the listing procedures in the Lands Tribunal which include, among others, the allocation of hearing time for different types of cases. It is therefore considered prudent to await the outcome of this review and consider its impact on the court waiting times to see whether further refinement may be necessary in the next overall review of court waiting time targets.

The next review of the waiting time targets for all levels of courts, including those for the Lands Tribunal, will take place at a time when most of the judicial vacancies (including the additional posts sought in 2014-15) are substantively filled.

As to what criteria would be used for adjusting the waiting time targets, it should be noted that the court waiting time targets are set having regard to a wide range of factors, including caseload, complexity of cases, judicial resources, time required by the parties to prepare their cases, etc. The court users' committees will be duly consulted before any changes are introduced to the court waiting time targets.

**CONTROLLING OFFICER'S REPLY****S-JA07****(Question Serial No. S0030)**

Head: (80) Judiciary

Subhead (No. & title): (-) Not Specified

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

This question originates from: (if applicable)

Question:

A follow-up question on Reply Serial No.JA028:

Please provide information on the size of establishment, number of staff, ranks and salary expenditure of the Lands Tribunal for each of the past three financial years. Will the manpower be increased in 2014-15? If yes, what are the details? If not, what are the reasons? Will there be any comprehensive review of the manpower requirement, time required for case disposal, efficiency, etc. of the Lands Tribunal? If yes, what are the details? If not, what are the reasons?

Asked by: Hon. TSE Wai-chuen, Tony

Reply:

The establishment, number of staff for different grades and approximate salary expenditure for Judges and Judicial Officers and support staff of the Lands Tribunal for the past three years are as follows –

<b>Year</b>	<b>Establishment</b>	<b>No. of posts</b>	<b>Annual salary at mid-point (\$)</b>
2011-12	25	2 – District Judge 1 – Member 6 – Judicial Clerk Grade Staff 15 – Clerical Staff 1 – Office Assistant	11.5 million
2012-13	29	3 – District Judge 2 – Member 8 – Judicial Clerk Grade Staff 15 – Clerical Staff 1 – Office Assistant	16.4 million
2013-14	31	3 – District Judge 2 – Member 8 – Judicial Clerk Grade Staff 17 – Clerical Staff 1 – Office Assistant	17.4 million

It should be noted from the above that the establishment of the Lands Tribunal had increased in the past three years in order to cope with the additional workload, in particular that arising from the compulsory sale applications. The court waiting time targets for the Lands Tribunal, including those for appeal cases, compensation cases, building management cases and tenancy cases, had all been met in 2013. There is no plan to further increase its establishment in 2014-15.