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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16

Controlling Officer : Judiciary Administrator

Session No. : 2

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Controlling Officer : Judiciary Administrator
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Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
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CONTROLLING OFFICER'S REPLY

JA001

(Question Serial No. 2349)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Please provide information for the past year 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 (Member Question No. 5)

Reply:

- (1) The establishment (including Judicial Officer and support staff) and approximate expenditure of the Obscene Articles Tribunal in 2014-15 are as follows:

	2014-15
Establishment	7
Approximate expenditure (including salary expenditure and departmental expenses)	\$5.04 million

- (2) The total number of articles classified by the Obscene Articles Tribunal in exercising its statutory administrative classification function in 2014 and their results are set out as follows:

	2014	
	Before Publication	After Publication
Class I (<i>neither obscene nor indecent</i>)	46	6
Class II (<i>indecent</i>)	182	3
Class III (<i>obscene</i>)	5	0
Total	233	9

There are two review cases in respect of classified cases in 2014 and their results are as follows:

Number of Review Cases	Type of Article	Results
2	Feature Article	Confirmed as Class II

- (3) The number of usage of the Obscene Articles Tribunal's repository which keeps articles submitted for administrative classification in 2014 was four and the total number of articles searched was 25.

One Assistant Clerical Officer is deployed to provide general and logistical support for both the registry and the repository of the Obscene Articles Tribunal. His duties include collation of newspaper cuttings, records management and filing, assisting the Officer-in-charge of the Obscene Articles Tribunal in making logistic arrangements and liaising with adjudicators, logistic support to visitors and other court support work, etc.

The approximate expenditure for the above-mentioned Assistant Clerical Officer in 2014-15 is as follows:

	2014-15
Approximate expenditure (including salary expenditure and departmental expenses)	\$279,504

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CONTROLLING OFFICER'S REPLY

(Question Serial No. 2074)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Please provide the respective numbers of Care and Protection Orders that the courts, the Police Force and the Social Welfare Department applied for under the Protection of Children and Juveniles Ordinance (Cap. 213) in the past 5 years, as well as the numbers of the Orders so granted, with a breakdown by category of the care or protection needed.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 31)

Reply:

Care and Protection Orders can be granted either on applications by government departments such as the Hong Kong Police Force, the Social Welfare Department and the Customs and Excise Department; or on the court's own initiative.

The number of Care and Protection Orders granted under the Protection of Children and Juveniles Ordinance (Cap. 213) in the past five years are as follows:

In relation to cases initiated by	2010	2011	2012	2013	2014
Hong Kong Police Force	687	638	484	354	300
Social Welfare Department	418	305	359	280	309
Customs and Excise Department	5	0	0	1	0
Total	1 110	943	843	635	609

The Judiciary does not keep information on the breakdown of the above figures by (a) whether they are granted on application or on the court's own initiative; and (b) by category of the Care and Protection Orders.

- End -

CONTROLLING OFFICER'S REPLY

JA003

(Question Serial No. 2086)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Please provide the following figures relating to the past 5 years:

1. The number of cases of divorce on the ground of domestic violence;
2. The number of days spent on handling cases of divorce on the ground of domestic violence;
3. The number of divorce cases in which joint custody was granted;
4. The number of divorce cases in which legal aid was applied for;
5. The number of divorce cases in which joint supervision was granted; and
6. The number of divorce cases in which nominal maintenance of \$1 per year was received from former spouses.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 9)

Reply:

The Judiciary does not keep the requested statistics.

However, the Judiciary maintains statistics on the number of divorce cases in which the Petitioners or Applicants are assigned with legal aid at the commencement of the proceedings, which may be relevant to item (4). Such figures for the past five years are as follows:

	2010	2011	2012	2013	2014
Number of divorce cases filed in the year in which the Petitioners/Applicants are assigned with legal aid at the commencement of the proceedings	2 471	2 206	2 201	2 291	2 220

- End -

CONTROLLING OFFICER'S REPLY

JA004

(Question Serial No. 6899)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

1. Please provide statistics regarding the following cases:

	2007	2008	2009	2010	2011	2012	2013	2014
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. among which the no. of cases requiring a social investigation report as regards child custody and access arrangements								
iii. among which the no. of cases involving court hearing as regards child custody and access arrangements								
iv. among which the no. of cases where a sole custody order was made								
v. among which the no.								

of cases where a joint custody order was made								
vi. among which the 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 (Member Question No. 826)

Reply:

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

	2007	2008	2009	2010	2011	2012	2013	2014
(a) No. of cases where a divorce application was made	17 803	18 030	19 263	20 849	22 543	23 255	22 960	21 980
(i) among which the no. of cases where mediation services were used*	84	92	138	259	177	234	235	230
(b) No. of decrees of divorce issued	18 403	17 771	17 002	18 167	19 597	21 125	22 271	20 019

* 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.

- End -

JA005

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0463)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Under "Matters Requiring Special Attention in 2015-16", the Judiciary will prepare for the full operation of the Competition Tribunal as provided for under the Competition Ordinance (Cap. 619), including the preparation of subsidiary legislation relating to court procedural rules. What was the progress of the work in the past year? In the coming year, what progress is expected and what is the work schedule? 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 (Member Question No. 32)

Reply:

Since 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 2014-15, the Judiciary continued to take intensive actions on various fronts to prepare for the full operation of the Tribunal. In particular, the Judiciary continued to prepare the subsidiary legislation (i.e. the procedural and fees rules for the Tribunal) and the related practice directions. The Judiciary consulted the relevant stakeholders on the drafts and met with them to discuss the detailed proposed arrangements. The Judiciary consulted the relevant Legislative Council ("LegCo") panel on the proposed draft rules in February 2015. The LegCo formed a subcommittee in late February 2015 to scrutinize the draft rules before they are gazetted. This may give more time for the LegCo Members to scrutinize the draft rules as necessary. The Judiciary hopes to complete the legislative process within this legislative year.

The Judiciary also made preparation on other fronts in the past year. These included providing training for the relevant Judges and Judicial Officers, preparation for publicity materials on the Tribunal, and making operational changes including those relating to IT systems etc. In the coming year, the Judiciary will continue with such preparations having regard to, among others, the overall timetable of the Government of bringing the Ordinance into full operation.

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 (“registrars”) 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 LegCo 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 registrars of the High Court on the work of the Tribunal. At present, besides the President and the Deputy President of the Tribunal, two Deputy Registrars have also been helping out on the preparatory work relating to the Tribunal.

In addition, a total of nine non-directorate civil service posts have been approved for providing the necessary support. Most of these posts have been filled, while the remaining few will be created before the full operation of the Tribunal.

On financial provision, the Judiciary has earmarked about \$24 million in 2015-16 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 Government. On the Judiciary’s side, when the procedural rules are more or less finalized, the Judiciary may arrange briefings for the legal practitioners as necessary. The Judiciary is also preparing publicity materials to help litigants better understand the Tribunal procedures.

- End -

CONTROLLING OFFICER'S REPLY

JA006

(Question Serial No. 3078)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court for the year 2014-15.

Asked by: Hon HO Chun-yan, Albert (Member Question No. 45)

Reply:

The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers (“JJOs”) 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:

Tribunal/Court	Establishment	No. of posts	Annual salary at mid-point* (\$)
Lands Tribunal	31	3 – District Judge 2 – Member 8 – Judicial Clerk grade staff 17 – Clerical Staff 1 – Office Assistant	18.4 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	47.3 million
Small Claims Tribunal	54	1 – Principal Adjudicator 7 – Adjudicator 12 – Judicial Clerk grade staff 32 – Clerical Staff 2 – Office Assistant	27.9 million
Obscene Articles Tribunal	7	2 – Magistrate 4 – Clerical Staff 1 – Office Assistant	4.2 million
Coroner’s Court	12	3 – Coroner 7 – Clerical Staff 1 – Secretarial Staff 1 – Office Assistant	6.9 million

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

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 3079)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

With regard to the Resource Centre for Unrepresented Litigants, please give the number of litigants seeking legal support through the Resource Centre, the size of the establishment, and the revised estimate for the year 2014-15. What are the projected number of such litigants, size of the establishment and expenditure for the year 2015-16?

Asked by: Hon HO Chun-yan, Albert (Member Question No. 46)

Reply:

The requested information for the years 2014 and 2015 is as follows:

	<u>2014</u>	<u>2015</u> (Estimate)
Number of use		
Visits	11 900	12 000
Telephone enquiries	3 100	3 100
Access to webpage	235 200	236 000
	<u>2014-15</u>	<u>2015-16</u> (Draft Estimate)
Approximate expenditure	\$2,988,000*	\$3,144,000
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.

- End -

CONTROLLING OFFICER'S REPLY**JA008****(Question Serial No. 3205)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma Lau)

Director of Bureau: Judiciary Administrator

Question:

Please provide the number of the applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decisions in the year 2014-15, and their respective average waiting times? How many of those judicial review cases were legally aided?

Asked by: Hon HO Chun-yan, Albert (Member Question No. 47)

Reply:

The information requested on judicial review cases in 2014 is as follows:

	2014
(a) No. of leave applications	168
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	52
(c) Average waiting time from listing to hearing of leave application	39 days
(d) No. of appeals against refusal of leave	22
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	76 days
(f) No. of substantive judicial review cases	67
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	38
(h) Average waiting time from listing to hearing of substantive case	106 days
(i) No. of appeals against judicial review decisions	9
(j) Average waiting time from listing to appeal hearing	109 days

- End -

CONTROLLING OFFICER'S REPLY**JA009****(Question Serial No. 3246)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma Lau)Director of Bureau: Judiciary AdministratorQuestion:

Concerns have been raised by the recently-increased practice of the Administrative Court inviting putative respondents and putative interested parties to contest applications for leave to seek Judicial Review ("JR") by directing or inviting them to file submissions and, increasingly, evidence at that stage and directing leave hearings, which have led to delays and adverse cost consequences for applicants. In this connection, will the Administration inform this Committee, if it knows:

- (i) of the number of applications for JR in the Constitutional and Administrative Law List in the past five years;
- (ii) of the percentage of applications for JR in which leave was granted in the past five years, with a breakdown by whether the applications were dealt with on paper or oral hearings, in the following table;

Year	Leave granted after paper hearing	Leave refused after paper hearing	Leave granted after oral hearing	Leave refused after oral hearing
2010				
2011				
2012				
2013				
2014				

- (iii) of the percentage of applications for JR in which putative respondents were heard orally in the past five years; and
- (iv) of the average number of days from the filing of an application for JR to when a decision is made as to whether leave is granted or refused in the past five years?

Reply:

Generally speaking, the court would seek to have inputs from putative respondents before a decision is made on whether leave for a judicial review should be granted only where the administration of justice so requires. This is not meant to be a practice to be adopted in all cases and the court would only give such directions if it considers it is appropriate to do so. The reasons for such practice are detailed in the judgment in HCAL 83/2012, 28 September 2012, paras 27 to 45.

It should also be noted in respect of appeals against refusal of leave for judicial review, a mechanism has been built in to expedite, where appropriate, the processing of such appeals. Paper disposal would be resorted to whenever the court deems appropriate so as to save cost and time.

The answers to the specific questions are as follows:

- (i) The numbers of applications for leave for judicial review filed under the Constitutional and Administrative Law List in the Court of First Instance of the High Court (hereinafter referred to as ‘applications for leave for judicial review’) from 2010 to 2014 are as follows:

Year	Number of applications for leave for judicial review filed
2010	134
2011	103
2012	161
2013	182
2014	168

- (ii) The Judiciary only keeps data on the number of the applications for leave for judicial review with or without oral hearings. While no information is kept regarding the stage when the oral hearings were conducted, it is logical to presume that for those applications with oral hearings, the determinations were usually made after the oral hearings. Among the applications for leave for judicial review filed from 2010 to 2014, the percentages of those applications in which leave was granted or refused are as follows:

Year	Percentage of applications for leave for judicial review filed in the year and <u>with oral hearings</u>		Percentage of applications for leave for judicial review filed in the year and <u>without oral hearings</u>	
	Leave was granted	Leave was refused	Leave was granted	Leave was refused
2010	11%	16%	40%	27%
2011	9%	18%	41%	21%
2012	17%	21%	24%	30%
2013	14%	29%	17%	25%
2014	11%	9%	30%	23%

- (iii) The Judiciary only keeps data on the number of applications for leave for judicial review with or without oral hearings. Among the applications for leave for judicial review filed from 2010 to 2014, the percentages of those applications in which leave was granted or refused and with oral hearings are as follows:

Year	Percentage of applications for leave for judicial review filed in the year in which leave was granted or refused and with oral hearings
2010	27%
2011	27%
2012	38%
2013	43%
2014	20%

- (iv) As regards those applications for leave for judicial review filed from 2010 to 2014 in which leave was granted or refused by the Court, the average numbers of days from the date of filing of the application for leave for judicial review to the date of decision of the Court are as follows:

Year	Average number of days from date of filing of application to date of decision (days)
2010	41
2011	72
2012	84
2013	153
2014	82

Note

It should be noted that for statistics at (ii) to (iv):

- (a) they are live data partially compiled manually and may vary at different report generation dates. The figures shown above indicated the position as at late February 2015; and
- (b) figures regarding the applications for leave for judicial review which are withdrawn or pending are not reflected.

- End -

CONTROLLING OFFICER'S REPLY

JA010

(Question Serial No. 3991)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

While it is noted that the average waiting time for cases in the High Court has generally improved relative to the year before, the average waiting time for cases on various lists still exceeded the target, in some cases by a large margin. In this connection, will the Administration inform this Committee, if it knows:

- (i) of the measures which the Judicial Administrator plans to implement in the coming year to further reduce the average waiting time for cases on the civil fixture list so as to meet the target of 180 days from application to fix date of hearing;
- (ii) of the measures which the Judicial Administrator plans to implement in the coming year to further reduce the average waiting time for civil cases in the Court of Appeal so as to meet the target of 90 days from application to fix date of hearing; and
- (iii) of the measures which the Judicial Administrator plans to implement in the coming year to alleviate urgently the severe delays for cases on the criminal fixture list?

Asked by: Hon KWOK Dennis (Member Question No. 93)

Reply:

There are a number of reasons why a few targets in the High Court were not met:

- (a) In general, there are insufficient judicial posts in the High Court, in particular the Court of Appeal of the High Court, to cater for the operational needs of the High Court. The High Court has also been experiencing some constraints in the deployment of judicial manpower as a result of elevation of Judges to higher positions and retirement of Judges over the past few years. In addition, there are quite a number of substantive Judge of the Court of First Instance of the High Court posts which remained unfilled. This has led to a shortage of substantive judicial manpower at the Court of First Instance level; and
- (b) Specifically, for the Court of Appeal of the High Court, pursuant to a direction by the Chief Judge of the High Court, great efforts and priority had been given to timely disposal of criminal appeals. While with such efforts, the average waiting time for criminal appeals just exceeded the target marginally, the average waiting time for civil appeals exceeded the target by a larger margin. As for the Court of First Instance of the High Court, the average waiting times for the civil fixture list and the criminal fixture list exceeded the targets due to more complex and re-fixed cases as well as the heavy caseload in criminal and civil cases. The number of criminal cases in the Court of First Instance of the High Court has increased by 23% from 444 in 2010 to 545 in 2014 whilst that of civil cases has increased by 17% from 16 581 in 2010 to 19 367 in 2014.

The following measures have been/will be taken to improve the waiting times:

- (a) Financial provisions were included in the 2014-15 Draft Estimates for the creation of three Justice of Appeal of the Court of Appeal of the High Court posts and one Judge of the Court of First Instance of the High Court post. This staffing proposal has been approved by the Finance Committee of the Legislative Council at its meeting on 20 March 2015;
- (b) Throughout the past years, a substantial number of Judges of the Court of First Instance of the High Court have been deployed to sit as additional judges of the Court of Appeal, to help reduce the waiting times in the Court of Appeal. It is expected that with the proposed addition of three posts of Justice of Appeal of the Court of Appeal of the High Court, a greater proportion of cases heard at the Court of Appeal would be conducted by substantive Justices of Appeal of the Court of Appeal of the High Court than at present, thereby releasing judicial manpower at the Court of First Instance back to that level of court to handle trials. The substantive judicial manpower at the Court of First Instance would also be enhanced with the proposed creation of the post of Judge of the Court of First Instance of the High Court to cover the absence of judges for attending training and dealing with judicial education matters;

- (c) In 2012 and 2013, the Judiciary conducted two open recruitment exercises for the Judges of the Court of First Instance of the High Court. As a result, a total of 12 appointments were made between the latter part of 2012 and mid-2014, but not all available vacancies could be filled. In October 2014, the Judiciary conducted another recruitment exercise for the Judges of the Court of First Instance of the High Court and the exercise is still in progress. From the experiences of the past few open recruitment exercises for the Judges of the Court of First Instance of the High Court, the Judiciary has detected that there might be some recruitment difficulties at this level of court. The Judiciary has decided to embark on a number of reviews with a view to addressing these issues, such as the review of the retirement age(s) of the Judges and Judicial Officers and the review of the terms of conditions of services for Judges and Judicial Officers;
- (d) Pending the filling of the available vacancies, deputy judges have been and will be appointed with a view to improving the waiting times; and
- (e) The Judiciary has been making plans to provide better support to the Justices of Appeal in the High Court. A new scheme of engaging legally qualified assistants to Judges in the High Court is being planned and will be launched shortly.

The Judiciary will continue to closely monitor the situation upon the filling of the additional three Justices of Appeal of the Court of Appeal of the High Court and one Judge of the Court of First Instance of the High Court and will press on with other initiatives as mentioned above. The Judiciary will make every effort to improve the waiting times.

- End -

CONTROLLING OFFICER'S REPLY

JA011

(Question Serial No. 2501)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

In 2013 and 2014, the Magistrates' Courts handled about 320 000 cases per year.

- 1) Out of these, how many cases involving the export of excessive powdered formula (in breach of "the regulation on export of powdered formula") did the Magistrates' Courts handle in 2013 and 2014?
- 2) On average, what was the fine for each convicted case? Of these penalty summonses, how many were overdue in payment? What was the amount of money involved? How much of the fines could not be recovered in the end?

Asked by: Hon LEONG Kah-kit, Alan (Member Question No. 24)

Reply:

The Judiciary does not have the breakdown and related information on cases specifically concerning "unlicensed export of powdered formula".

Concerning the questions on non-payment of fines, it should be noted that the responsibility of enforcing such cases rests with the prosecuting department in the Government.

- End -

CONTROLLING OFFICER'S REPLY

JA012

(Question Serial No. 2173)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

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 "individual" Magistrates (not collectively as a whole) 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 this year?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 526)

Reply:

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

Position as at 31.3.2015				
Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
Court of Final Appeal	Chief Justice	1	19	293,200
	Permanent Judge	3 [^]	18	285,100
Court of Appeal	Chief Judge of the High Court	1	18	285,100
	Justice of Appeal	13	17	257,000
Court of First Instance	Judge of the Court of First Instance	34	16	244,950
	Registrar	1	15	202,450
High Court Masters’ Office	Senior Deputy Registrar	4	14	184,600 – 195,850
	Deputy Registrar	6	13	173,000 – 183,400
	Chief District Judge	1	15	202,450
District Court (including Family Court and Lands Tribunal)	Principal Family Court Judge	1	14	184,600 – 195,850
	District Judge	35	13	173,000 – 183,400
	Member, Lands Tribunal	2	12	148,850 – 158,000
	Registrar	1	11	137,100 – 145,350
District Court Masters’ Office	Deputy Registrar	3	10	125,400 – 133,050

Position as at 31.3.2015				
Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
Magistrates' Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	1	13	173,000 – 183,400
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11	11	137,100 – 145,350
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/ Magistrate	71	10 7-10	125,400 – 133,050 111,010 – 133,050
	Special Magistrate	11	1 - 6	72,155 – 85,250

[^] *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 (excluding Deputy JJOs appointed from within the Judiciary) as at 1 March in the past five years of 2011 to 2015 is as follows:

Position	1.3.2011	1.3.2012	1.3.2013	1.3.2014	1.3.2015
Deputy Judge of the Court of First Instance of the High Court	2	4	7	5	2
Temporary Deputy Registrar, High Court	0	0	0	1	1
Deputy District Judge	1	1	1	0	0
Temporary Member of the Lands Tribunal	0	1	1	0	0
Deputy Magistrate	16	25	10	24	12
Deputy Special Magistrate	8	8	5	9	5
Total	27	39	24	39	20

- (4) The details of exchanges or activities between the Judiciary and the relevant departments of the Mainland in 2012-13, 2013-14 and 2014-15 are set out in the Annex attached.

At present, the Judiciary has no plan to conduct duty visits to Mainland China in 2015-16.

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

FY 2012-13

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

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

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

Date	Exchanges/activities between the Judiciary and the relevant departments of the Mainland
24-25.4.2014	A six-member delegation led by President QI Qi, Zhejiang Higher People's Court of the People's Republic of China, visited the Judiciary
12-13.5.2014	Deputy High Court Judge Bebe CHU, Deputy Judge of the Court of First Instance of the High Court, and Judge Sharon D MELLOY, District Judge, participated in an international conference entitled "Cross-Border Family Law Issues and the Well-Being of the Child: Asia-Pacific Perspectives" in Beijing
26-27.5.2014	A ten-member delegation led by Vice President LI Shaoping, Supreme People's Court of the People's Republic of China, visited the Judiciary
10-12.7.2014	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, gave lectures at the Law School, Nankai University in Tianjin
21-22.8.2014	A four-member delegation led by Mr HU Yun-teng, Grand Justice of the Second Rank of the Supreme People's Court of the People's Republic of China, visited the Judiciary
14.10.2014	Mr ZHENG Shanhe, Bureau Chief, Shanghai Municipal Bureau of Justice of the People's Republic of China, visited the Judiciary
5.11.2014	A 14-member delegation led by Ms HAN Hong, Deputy Director of the Political Department and Judges Management Department of the Supreme People's Court, visited the Judiciary
24.11.2014	Mr GAN Zangchun, Deputy Director of the Legislative Affairs Office of the State Council, visited the Judiciary
14.1.2015	An eight-member delegation from the Justice Departments/Bureaux of the People's Republic of China visited the Judiciary
19.3.2015	A 10-member delegation from the Ministry of Foreign Affairs of the People's Republic of China visited the Judiciary

- End -

CONTROLLING OFFICER'S REPLY

JA013

(Question Serial No. 2443)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Please list in a table the number of cases under the following categories that were dealt with by the Labour Tribunal in the past five years, providing information on the numbers of claims settled, the numbers of claims allowed, as well as the amounts involved.

- 1 Arrears of wages;
- 2 Severance payment and long service payment;
- 3 Wages in lieu of notice;
- 4 Holiday pay; and
- 5 Others.

Asked by: Hon LEUNG Yiu-chung (Member Question No. 44)

Reply:

The Labour Tribunal does not have readily available statistics on the number of claims with breakdown according to the nature of the claims.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0337)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

With regard to 'Courts, Tribunals and Various Statutory Functions', the estimated expenditure for the year 2015-16 has substantially increased by 12.2% when compared to that for the year 2014-15. What is the reason?

Asked by: Hon LIAO Cheung-kong, Martin (Member Question No. 20)

Reply:

Provision for 2015-16 for Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, is 12.2% higher than the revised estimate for 2014-15. This is mainly due to the increased provision for filling of vacancies, and the creation of additional non-judicial posts in 2015-16 for enhancing support on various fronts.

In 2015-16, there will be deletion of seven non-judicial posts and creation of 59 non-judicial posts resulting in a net increase of 52 non-judicial posts. The 52 non-judicial posts, comprising one directorate post and 51 non-directorate posts, are to be created for the following purposes:

Purpose	Number of posts	Rank of posts	Annual salary at mid-point (\$)
To provide support for new initiatives, including the setting up of a new Secretariat for Complaints against Judicial Conduct and the setting up of Building	14	1 Chief Executive Officer 1 Senior Executive Officer 3 Executive Officers I 1 Executive Officer II 1 Clerical Officer 3 Assistant Clerical Officers	6.19 million

Purpose	Number of posts	Rank of posts	Annual salary at mid-point (\$)
Management Offices for the future West Kowloon Law Courts Building and the Court of Final Appeal Building at its future premises		1 Clerical Assistant 3 Workman II	
To strengthen support for the implementation of the Information Technology Strategy Plan	15	2 Senior Systems Managers 3 Systems Managers 3 Analyst/Programmers I 5 Analyst/Programmers II 2 Senior Judicial Clerks I	10.88 million
To enhance existing services, such as strengthening of administrative support for the Development Office, strengthening of support for the Coroner's Court and the Central Summons Processing Unit, strengthening of support for the implementation of major accommodation projects, and strengthening of driving and logistics support services, etc.	18 (net)	1 Administrative Officer Staff Grade C 2 Senior Administrative Officers <i>offset by deletion of –</i> <i>1 Senior Administrative Officer</i> <i>1 Administrative Officer</i> 2 Senior Judicial Clerks II 1 Chief Executive Officer 1 Senior Executive Officer 3 Executive Officers I 1 Senior Architect <i>offset by deletion of –</i> <i>1 Chief Executive Officer</i> <i>1 Senior Executive Officer</i> <i>2 Executive Officers I</i> <i>1 Senior Architect</i> 1 Clerical Officer 2 Personal Secretaries I 2 Personal Secretaries II 1 Clerical Assistant 7 Chauffeurs 1 Motor Driver	7.55 million
To replace Non-Civil Service Contract positions in various offices	5	2 Judicial Clerks 2 Assistant Clerical Officers 1 Clerical Assistant	1.36 million

- End -

CONTROLLING OFFICER'S REPLY

JA015

(Question Serial No. 0338)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

The Judiciary will have additional judicial posts created in the year 2015-16 with a view to strengthen the judicial establishment at various levels of court to cope with increased/increasing workload.

- (a) Please list the additional judicial posts to be created, the numbers of staff and the expenditure involved; and
- (b) Please state the extent to which it is expected that the additional judicial manpower can help shorten the court waiting times at various levels of court.

Asked by: Hon LIAO Cheung-kong, Martin (Member Question No. 21)

Reply:

- (a) Financial provisions were included in the 2014-15 Draft Estimates for the creation of the following judicial posts in the Judiciary:

Post	No. of posts	Annual salary at mid-point (\$)
Justice of Appeal of the Court of Appeal of the High Court	3	9,252,000
Judge of the Court of First Instance of the High Court	1	2,939,400
Judge of the District Court	1	2,138,400
Magistrate	2	3,009,600
Total	7	17,339,400

- (b) With the creation and filling of the additional judicial posts, the substantive judicial establishment will be enhanced to cope with the increasing workload at the High Court and to cover the absence of JJOs at all levels of court for attending training and dealing with judicial education matters. It is expected that court waiting times at various levels of court would be improved upon the filling of these additional posts. However, it is not possible to predict in quantifiable terms the extent of how the additional judicial posts can help shorten the court waiting times at this moment, as these would be influenced by other factors such as caseload, complexity of cases and hearing time required for each case. Some time must be allowed before the positive impact of the additional intake of judicial manpower on the court waiting times could be seen. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

- End -

CONTROLLING OFFICER'S REPLY

JA016

(Question Serial No. 1464)

Head: (80) Judiciary
Subhead (No. & title): (-)
Programme: (2) Support Services for Courts' Operation
Controlling Officer: Judiciary Administrator (Miss Emma LAU)
Director of Bureau: Judiciary Administrator

Question:

Regarding the implementation of the Information Technology Strategy Plan of the Judiciary ("the Six-year Action Plan"), will the Judiciary inform this Council:

- (1) the up-to-date progress of carrying out technical studies and implementing IT infrastructure and Stage 1 court systems since July 2013? What are the specific actions involved and what is the timetable? What are the details of the manpower and other expenditures involved?
- (2) the progress of developing and applying the integrated court management system? At present, what is the total quantity of documents and information in the system? What is that quantity as a percentage of the total quantity of original documents and information? At present, to users of which sectors is the system open? What is the total number of users to whom the system is available for use? What is the situation in connection with the use of the system? If the system is not yet formally launched for use, what is the current work progress? When will it be formally launched for use? Please provide a timetable.
- (3) the details of the specific actions involved in and the timetable for implementing the non-court systems and the Stage 2 court systems? What are the details of the estimated manpower and other expenditures involved?
- (4) It is estimated that the annual recurrent expenditure, including the hardware and software maintenance, on-going system support services, communication lines and consumables, arising from the projects will be \$271,000 in 2013-14 and will progressively increase to \$56,782,000 in 2018-19. Please give the details of this estimate.

- (5) the details of the outsourced initiatives under the Six-year Action Plan, including the contents, the expenditures and budget for the manpower and other resources involved?
- (6) the expenditure involved in and the budget for security measures in respect of the system and the electronic records within the system in the development and implementation of the integrated court management system? What are the contents and the timetable?
- (7) the current progress of the initiative “the scope of information and documents to be made available for electronic search would be expanded gradually” under the Information Technology Strategy Plan? What are the details of the specific actions involved and what is the timetable? What are the details of the manpower and other expenditures involved?

Asked by: Hon MOK Charles Peter (Member Question No. 44)

Reply:

- (1) The Judiciary's Six-year Action Plan has set out a number of technical studies to be conducted prior to the implementation of the Stage 1 court systems. The technical studies, which included data architecture study, electronic information management study and data centre study, have been completed.

Currently, the preparatory work for implementing the IT infrastructure in support of the Information Technology Strategy Plan is in progress. Regarding the implementation of Stage 1 court systems, system analysis and design is being conducted. The current plan is to incrementally put in place the IT infrastructure starting from the latter half of 2015 for supporting the implementation of Stage 1 court systems which is scheduled for progressive roll-out commencing by the end of 2016/early 2017. The current estimate is that the implementation of IT infrastructure and Stage 1 court systems will involve about \$120 million worth of expenditure on manpower services and about \$135 million worth of other expenditures including hardware and software.

- (2) The Integrated Court Case Management System ("iCMS") has not yet been launched for use. The iCMS is in the process of being developed.

Under the Six-year Action Plan of the Judiciary, the iCMS is to be implemented in two stages, each lasting for about three years:

- (a) Stage 1 covers the District Court and the Summons Courts of the Magistrates' Courts; and
- (b) Stage 2 covers the Court of Final Appeal, the High Court (including the Probate Registry), the non-summons Courts of the Magistrates' Courts, and the Small Claims Tribunal.

The implementation of the iCMS will gradually be extended to all courts and tribunals. The iCMS, apart from integrating all the current case management systems, will also be extended to provide electronic services for external users.

Starting from early 2014, the Judiciary commenced the operational processes review and requirements definition of the Stage 1 iCMS. In defining the to-be operational processes, opportunities have been taken to streamline the processes involved. This major task has largely been completed.

Currently, the system analysis and design ("SA&D") for the Stage 1 iCMS is being conducted. While the SA&D work is expected to last until the first quarter of 2016, the current plan is to start in late 2015 the system development and programming work of the core components of the iCMS, with a view to making the core components ready for roll-out progressively starting from the end of 2016/early 2017. It should be noted that the launch of some of the functions under iCMS involving electronic means (e.g. e-filing) will require legislative amendments.

- (3) Regarding the implementation of non-court systems, preparatory work is scheduled for commencement in the latter half of 2015. Regarding the implementation of Stage 2 court systems (i.e. Stage 2 iCMS), the current plan is to commence the related work upon completion of the development work of Stage 1 iCMS, which is scheduled for progressive roll-out starting from the end of 2016/early 2017. The current estimate is that the implementation of non-court systems and Stage 2 court systems will involve about \$160 million worth of expenditure on manpower services and about \$200 million worth of other expenditures including hardware and software.
- (4) As of March 2015, the hardware and the software of development platform have been procured and installed for supporting the development of application systems. As the hardware and the software so far procured are still under warranty, annual recurrent expenditure has yet to be incurred. It is estimated that upon progressive implementation of IT infrastructure and application systems and upon expiry of warranty of equipment, annual recurrent expenditure will start to be incurred in 2015-16. For 2015-16, the annual recurrent expenditure is estimated to be about \$2 million and it will be progressively increased to about \$57 million in 2018-19, as indicated in the estimates in the Finance Committee Paper No. FCR(2013-14)6.
- (5) The implementation of IT infrastructure, court systems and non-court systems under the Six-year Action Plan will involve outsourcing. In particular, during the implementation of IT infrastructure and development of the court and non-court systems, outsourcing services such as programming, system configuration and integration will be acquired. As of March 2015, the services planned to be outsourced are estimated to be worth about \$110 million.
- (6) Under the Six-year Action Plan, IT security measures for the protection of the IT infrastructure and the iCMS will be implemented. IT security measures at various levels such as enterprise level, server level, application level, data level and end-user device level will be implemented. Encryption technology will be adopted, as appropriate, for the protection of electronic records. It is planned that all these IT security measures will be progressively implemented. The current estimate for implementing IT security measures under the Six-year Action Plan is about \$20 million and as of March 2015, about \$2.4 million of expenditure has been incurred in this regard.
- (7) It is planned that electronic search of court records will be implemented as part of the system features of the iCMS. As the iCMS will progressively be launched to courts and tribunals, the scope of information and documents to be made available for electronic search will be expanded gradually. The Stage 1 iCMS will be featured with the capability of enabling electronic search of court records of the District Court and the Summons Courts of the Magistrates' Courts and is expected to be in full operation with the support of the necessary legislative amendments. The current estimate is that the implementation of IT Infrastructure and Stage 1 iCMS will involve about \$120 million worth of expenditure on manpower services and about \$135 million worth of other expenditures including the hardware and the software.

- End -

CONTROLLING OFFICER'S REPLY

JA017

(Question Serial No. 4818)

Head: (80) Judiciary
Subhead (No. & title): (-)
Programme: Not Specified
Controlling Officer: Judiciary Administrator (Miss Emma LAU)
Director of Bureau: Judiciary Administrator

Question:

In paragraph 46 of the Budget Speech, it is mentioned that from this year onwards, free online Government information will be released in digital formats.

(1) Please provide in the table below details about the free online Government information released in digital formats by your bureau/department for download by the public:

Bureau/ Department	Free information/ data released to the public	Description of the information	Period of the information	Is it currently listed in DATA. GOV.HK	Date of release and the updating frequency	Format of information available for download (please choose)			
						JSON, XML, or CSV	XLS, DOC	TIF, JPG, PDF, PNG	RSS

- (2) In 2015-16, what are the manpower and expenditure involved in releasing online Government information by your bureau/department?
- (3) Did your bureau/department review all non-classified information that your bureau/department own or possess, draw up priorities for their release, and compile them into digital data formats to facilitate retrieval/inspection, research or application development, and the creation of more industries through innovative reuse of data? If so, what are the details? If not, what are the reasons?

Asked by: Hon MOK Charles Peter (Member Question No. 104)

Reply:

- (1) & (3) It should be noted that the Judiciary is independent of the executive authorities of the government. Hence, the Judiciary would not release information in DATA.GOV.HK for exploitation.

For the purposes of open justice and transparency, the Judiciary releases on its own websites a wealth of information to court users and the public. In releasing such information, the primary consideration of the Judiciary is to maintain an independent and effective judicial system in the administration of justice. Some of the major types of information available on the Judiciary’s websites, including the Court of Final Appeal (“CFA”) website newly launched in March 2015, for downloading are as follows:

Free information/ data released to the public	Description of the information	Period of the information	Date of release and the updating frequency	Format of information available for download			
				JSON, XML, or CSV	XLS, DOC	TIF, JPG, PDF, PNG	RSS
Daily Cause Lists	Information on the schedule of court hearings and related matters	7 days	Daily	Html			
Judgments/ Determinations at the level of District Court and above	Judgments and decisions made by the courts	Since 1946	As and when judgments are delivered or handed down	Html, Doc, Pdf			
Practice Directions	Directions for the conduct of court proceedings	Since 1998	As and when practice directions are released or updated	Html			
Annual Reports	<ul style="list-style-type: none"> • Overview of the major events of the Judiciary during a year • Statistics on caseload and waiting time for various levels of court 	Since 2000	Annual	Html (from 2007 onwards) Pdf (before 2007)			

Free information/ data released to the public	Description of the information	Period of the information	Date of release and the updating frequency	Format of information available for download			
				JSON, XML, or CSV	XLS, DOC	TIF, JPG, PDF, PNG	RSS
	<ul style="list-style-type: none"> Information about the operation of the Judiciary 						
Forms	Various types of application forms	-	As and when forms are released or updated	Doc, Pdf			

(2) For 2015-16, it is estimated that the man-effort involved in releasing of information on the Judiciary's websites, as mentioned in the table of (1) & (3) above, is about \$0.25 million.

- End -

CONTROLLING OFFICER'S REPLY**JA018****(Question Serial No. 4819)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: Not SpecifiedControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

In connection with the provision of public information and gathering of public opinions by means of the Internet, please advise of the particulars, in tabulated forms (see Annex 1), regarding the social media platforms set up and operated by your bureau/department/public bodies or their agents (such as out-sourced contractors or consultants) for the past year.

Commencement of operation (Month/Year)	Status (keeps on updating/ceased updating) (as at 28 February 2015)	Government agencies (including policy bureaux/ departments/ public bodies/ government consultants)	Name	Social media (Facebook/ Flickr/ Google+/ LinkedIn/ Sina Weibo/ Twitter/ YouTube)	Purpose of establishment and no. of updates (as at 28 February 2015)	No. of "Likes"/ subscribers / average monthly visits (as at 28 February 2015)	I Compilation of summary of comments and follow-up on a regular basis (Yes/ No)	Rank and No. of officers responsible for the operation (as at 28 February 2015)	Financial resources involved in the establishment and daily operation (as at 28 February 2015)
			(1)...	(1)...					
			(2)...	(2)...					
			(3)...	(3)...					

Asked by: Hon MOK Charles Peter (Member Question No. 105)Reply:

As far as the Judiciary is concerned, there is no social network/media at present.

- End -

CONTROLLING OFFICER'S REPLY

JA019

(Question Serial No. 4843)

Head: (80) Judiciary
Subhead (No. & title): (-)
Programme: Not Specified
Controlling Officer: Judiciary Administrator (Miss Emma LAU)
Director of Bureau: Judiciary Administrator

Question:

Regarding the expenditure on the procurement of computer software and hardware in your department, may the committee be informed of the following:

- (1) Does the government have a common set of internal procurement guidelines which sets out the criteria/principles to be followed by a department when buying and upgrading computer software? If yes, what are the details? Is it specified in the relevant guidelines that all departments must upgrade their computer software timely?
- (2) Given that software/hardware supplier Microsoft will terminate its support services for its operating system Windows XP, please provide the numbers of computers in the various departments that are currently using (i) the Microsoft Windows XP operating system, (ii) other operating systems launched by Microsoft before 2001, (iii) other operating systems [please give details on the versions]. What is the respective percentage of the three categories of computers used in the various departments? Do the departments have plans to upgrade the out-dated versions of operating systems mentioned above?
- (3) What is the expenditure of your department in the procurement of various kinds of tablet computers and what are the criteria/principles involved? What are the model numbers of the tablet computers and the purposes they serve? Is there any confidential information stored in those tablet computers? If yes, what are the details? Are there any security software installed in the departments' tablet computers to protect the information stored therein, and what are the expenditures involved?
- (4) What are the numbers of computers operating offline in the various departments and what operating systems are running on them? Is there a common standard for information security or antivirus software in the various departments? If yes, what is the software model number? If no, what are the different software model numbers used?

Asked by: Hon MOK Charles Peter (Member Question No. 149)

Reply:

- (1) In planning for the procurement and replacement of computer hardware and software, the Judiciary would take into consideration the regulations, guidelines and advices promulgated by the relevant bureaux/departments (“B/Ds”), including the Office of the Government Chief Information Officer, of the Government.

As to whether there is a unified set of guidelines on procurement of computer hardware and software and how the guidelines are in force in the B/Ds of the Government, this is a matter for the executive authorities of the HKSAR.

- (2) As far as the Judiciary is concerned, as at January 2015, the details of its computers running on various versions of Microsoft Windows operating systems are as follows:
 - (a) there are 363 computers (12%) running on Windows XP operating system, and these computers are running in an isolated network not connecting to the Internet;
 - (b) there is no computer (0%) running on operating system launched by the Microsoft before 2001; and
 - (c) there are 2,652 computers (88%) running on Windows Vista Business operating system.

The Judiciary plans to complete the replacement of the Windows XP computers mentioned in (a) above in 2015.

- (3) The Judiciary is providing tablet computers for Judges and Judicial Officers and senior officers in the Judiciary Administration with operational needs, to facilitate them in discharging their duties when they are working outside their chambers or offices. In selecting the related technology, the Judiciary has made reference to the technical guidelines and reference information provided by the Government and taken into consideration various factors including the usability, IT security protection, ease of administration and maturity for deployment in a corporate setting, etc.

Currently, various models of iPad devices are being deployed in the Judiciary. The iPad devices are mainly used for official e-mail exchange, document viewing and updating, and speech-to-text conversion. iPads are also deployed on a pilot basis to facilitate e-bundle court hearings. The iPad devices are not for storing or processing confidential information. IT security solutions have also been implemented for remote wiping of application and data of the iPad devices when necessary.

The total one-off expenditure including the procurement of hardware devices, software, and related security features was around \$3 million.

- (4) Regarding the number of computers operating in an offline mode, as at January 2015, the Judiciary has 363 Windows XP computers running in an isolated network for digital audio recording of court proceedings, and 200 notebook computers of Windows Vista Business running in standalone mode. The Judiciary's IT systems are protected by IT security or anti-virus software. For IT security reason, the Judiciary would not disclose the details of the software product being used in the Judiciary.

- End -

CONTROLLING OFFICER'S REPLY**JA020****(Question Serial No. 0555)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma Lau)Director of Bureau: Judiciary AdministratorQuestion:

As regards the estimate for 2015-16, the financial provision is \$1,085.6 million, which is 12.2% higher than the revised estimate for 2014-15. Will the Labour Tribunal benefit from any of the additional resources? If yes, what are these additional resources?

Asked by: Hon POON Siu-ping (Member Question No. 3107)Reply:

The Judiciary does not have the breakdown of the operating expenses by levels of court. The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers ("JJOs") and support staff of the Labour Tribunal for the year 2015-16 will remain about at the same level of 2014-15. Details are as follows:

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

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

- End -

CONTROLLING OFFICER'S REPLY

JA021

(Question Serial No. 0091)

Head: (80) Judiciary

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

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

The Judiciary stated that the number of non-directorate posts will be increased by 51 to 1 647 as at 31 March 2016. Please inform this Council of the nature of work, ranks and salaries of these new posts.

Asked by: Hon SHEK Lai-him, Abraham (Member Question No. 15)

Reply:

The 51 non-directorate posts are to be created for the following purposes:

Purpose	Number of posts	Rank of posts	Annual salary at mid-point (\$)
To provide support for new initiatives, including the setting up of a new Secretariat for Complaints against Judicial Conduct and the setting up of Building Management Offices for the future West Kowloon Law Courts Building and the Court of Final Appeal Building at its future premises	14	1 Chief Executive Officer 1 Senior Executive Officer 3 Executive Officers I 1 Executive Officer II 1 Clerical Officer 3 Assistant Clerical Officers 1 Clerical Assistant 3 Workman II	6.19 million

Purpose	Number of posts	Rank of posts	Annual salary at mid-point (\$)
To strengthen support for the implementation of the Information Technology Strategy Plan	15	2 Senior Systems Managers 3 Systems Managers 3 Analyst/Programmers I 5 Analyst/Programmers II 2 Senior Judicial Clerks I	10.88 million
To enhance existing services, such as strengthening of administrative support for the Development Office, strengthening of support for the Coroner's Court and the Central Summons Processing Unit, strengthening of support for the implementation of major accommodation projects, and strengthening of driving and logistics support services, etc.	17 (net)	2 Senior Administrative Officers <i>offset by deletion of –</i> <i>1 Senior Administrative Officer</i> <i>1 Administrative Officer</i> 2 Senior Judicial Clerks II 1 Chief Executive Officer 1 Senior Executive Officer 3 Executive Officers I 1 Senior Architect <i>offset by deletion of –</i> <i>1 Chief Executive Officer</i> <i>1 Senior Executive Officer</i> <i>2 Executive Officers I</i> <i>1 Senior Architect</i> 1 Clerical Officer 2 Personal Secretaries I 2 Personal Secretaries II 1 Clerical Assistant 7 Chauffeurs 1 Motor Driver	5.70 million
To replace Non-Civil Service Contract positions in various offices	5	2 Judicial Clerks 2 Assistant Clerical Officers 1 Clerical Assistant	1.36 million

- End -

CONTROLLING OFFICER'S REPLY**JA022****(Question Serial No. 2463)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory Functions
(2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Has the Judiciary Administrator assessed the impact of various criminal and civil lawsuits arising from the unlawful Occupy Movement which lasted for 79 days last year on the workload at various levels of courts and the amount of expenditure required to deal with those lawsuits? If yes, what are the details? If no, what are the reasons?

Asked by: Hon TAM Yiu-chung (Member Question No. 12)Reply:

As at 10 March 2015, a total of 143 cases have been dealt with by the court in relation to the Occupy Movement. The breakdown is as follows:

Level of Court	Criminal Cases	Civil Cases	Total
High Court	4	13	17
District Court	-	7	7
Magistrates' Courts	79	-	79
Small Claims Tribunal	-	40	40
Total	83	60	143

The workload brought about by these cases has been absorbed within the existing resources of the Judiciary.

The Judiciary does not have the breakdown of the operating expenses by types of cases or levels of court.

- End -

CONTROLLING OFFICER'S REPLY

S-JA01

(Question Serial No.S0004)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

In 2014-2015, what was the number of users of the Resource Centre for Unrepresented Litigants?

Asked by: Hon WONG Kwok-hing

Reply:

The requested information for the year 2014 is as follows:

	<u>2014</u>
Number of use	
Visits	11 900
Telephone enquiries	3 100
Access to webpage	235 200

- End -

CONTROLLING OFFICER'S REPLY**S-JA02****(Question Serial No. S0005)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

So far as the High Court and the District Court were concerned, what were the numbers of unrepresented litigants and the types of cases involved?

Asked by: Hon WONG Kwok-hing

Reply:

The Judiciary only maintains statistics on the number of hearings involving unrepresented litigants in the High Court and the District Court, and the numbers and percentages of such hearings in 2014 are as follows:

Court Level	Type of Case	Number (and percentage) of hearings involving unrepresented litigants *
		2014
Court of Appeal of the High Court	Criminal appeals	152 (48%)
	Civil appeals	39 (20%)
Court of First Instance of the High Court	Criminal trials	13 (7%)
	Civil trials/ substantive hearings	104 (33%)
	Appeals from Magistrates' Courts	355 (56%)
	Tribunal and Master appeals	151 (61%)
District Court	Criminal trials	31 (4%)
	Civil trials/ substantive hearings	126 (58%)

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

- End -

CONTROLLING OFFICER'S REPLY

S-JA03

(Question Serial No. S0006)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Regarding “the preparation for the full operation of the Competition Tribunal as provided for under the Competition Ordinance (Cap. 619), including the preparation of subsidiary legislation relating to court procedural rules”, will the Judiciary inform this Council:

1. the estimated expenditure and the size of the establishment of the Competition Tribunal for each year;
2. There are difficulties in the recruitment of judicial officers at various levels of court. Does the Competition Tribunal have the above difficulties? If so, will the operation of the Competition Tribunal be affected?

Asked by: Hon WONG Kwok-hing

Reply:

According to the Competition Ordinance (“the Ordinance”) (Cap. 619), 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 Competition Tribunal (“the Tribunal”). The Ordinance also provides that, among others, every Registrar, Senior Deputy Registrar and Deputy Registrar (“registrars”) of the High Court, by virtue of that appointment, holds the corresponding office or position in the Tribunal.

The Judiciary expects that the setting up of the Competition Tribunal would create additional workload on the Judges and Judicial Officers (“JJOs”) (as well as the supporting staff) of the CFI. On 15 March 2013, the Judiciary obtained the approval of the Finance Committee of the Legislative Council (“LegCo”) 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 registrars of the High Court on the work of the Tribunal. Besides, a total of nine non-directorate civil service posts have been approved for providing the necessary support.

At present, the President and the Deputy President of the Tribunal have been appointed. Besides, two Deputy Registrars have also been helping out on the preparatory work relating to the Tribunal. These are sufficient for the preparatory stage.

When the Ordinance comes into full operation, as some of the cases are likely to be first investigated by the Competition Commission, the Judiciary expects that the initial caseload for the Tribunal may not be that great. The present line-up of the JJOs should suffice at the early stage. Moreover, other JJOs at the CFI level may help the work of the Tribunal if there is over-spilling of competition cases at any one time which cannot be handled by the President and Deputy President of the Tribunal.

On financial provision, the Judiciary has earmarked about \$24 million in 2015-16 to cover the recurrent expenses.

- End -

CONTROLLING OFFICER'S REPLY

S-JA04

(Question Serial No. S0007)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

The Judiciary stated that the manpower in the High Court, particularly in the Court of Appeal, was not sufficient to cope with the operational needs. There were also constraints in the deployment of judicial manpower in the High Court as a result of the elevation of Judges to higher positions and retirement of Judges. Despite the two rounds of open recruitment exercises for Judges of the Court of First Instance of the High Court completed by the Judiciary in 2012 and 2013, not all of the vacancies could be filled. In this connection, may the Judiciary inform this Council of the following:

1. What were the vacancies that could not be filled?
2. The numbers of civil and criminal cases affected due to the fact that the above vacancies could not be filled; and
3. The reason(s) why the recruitment of those judicial officers was unsuccessful. Was it related to the remuneration and workload involved? If yes, will the Judiciary conduct a review of the ranking, remuneration and conditions of service of judicial officers? What will be the contents of the review?

Asked by: Hon WONG Kwok-hing

Reply:

- (1) The number of unfilled vacancies of Judge of the Court of First Instance of the High Court (“CFI Judge”) is 11 as at 1 April 2015. The latest recruitment exercise for CFI Judges which was launched in October 2014 is still in progress.
- (2) It is not possible to quantify how many cases are affected by the judicial vacancies as these would be influenced by other factors such as complexity of cases and hearing time required for each case. It is, however, fair to assume that not filling vacancies will have an effect on judicial operations. Pending the filling of judicial vacancies by substantive CFI Judges, the Judiciary will continue to engage deputy judges as far as practicable to assist in meeting the pressing operational needs. As at 1 April 2015, there are altogether 13 Deputy High Court Judges, 10 appointed from within the Judiciary and 3 appointed from outside the Judiciary, sitting to hear cases in the Court of First Instance of the High Court.
- (3) In filling judicial vacancies, the Judiciary always bears in mind that the high standards expected of Judges and Judicial Officers (“JJOs”) are maintained and only the most suitable persons are appointed.

On the recruitment of JJOs, this has largely been successful. There are some difficulties in the recruitment at the level of the Court of First Instance of the High Court. To address such difficulties, the Judiciary is conducting various reviews, including one on the terms and conditions of service of JJOs and another on retirement ages. The review on the terms and conditions of service of JJOs covers the existing package of benefits and allowances provided for JJOs, including housing benefits, medical benefits and education allowances, etc. The review will not cover the part on judicial pay, which will be taken care of under a separate mechanism. For the review on retirement ages of JJOs, a comprehensive study is being conducted with a view to making recommendations on the statutory retirement ages of JJOs at all levels of court.

End -