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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2019-20

Controlling Officer : Judiciary Administrator

Session No. : 2

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CONTROLLING OFFICER'S REPLY**JA001****(Question Serial No. 3170)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

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 (LegCo internal reference no.: 50)

Reply:

- (1) The establishment (including Judicial Officer and support staff) and approximate expenditure of the Obscene Articles Tribunal ("OAT") in 2018-19 are as follows:

	2018-19
Establishment	7
Approximate expenditure (including salary expenditure and departmental expenses)	\$6.1 million

Having regard to the decrease in workload of the OAT in the past few years, the Judicial Officer and support staff on the establishment of the OAT are being and will continue to be deployed to discharge other duties at the Magistrates' Courts and/or the Coroner's Court as appropriate.

- (2) The total number of articles classified by the OAT in exercising its statutory administrative classification function in 2018 and their results are set out as follows:

	2018	
	Before publication	After publication
Class I <i>(neither obscene nor indecent)</i>	36	18
Class II <i>(indecent)</i>	79	26
Class III <i>(obscene)</i>	5	3
Total	120	47

There is no request for review in respect of the classified cases in 2018.

- (3) The number of usage of the OAT's repository which keeps articles submitted for administrative classification in 2018 was two and the total number of articles searched was four.

General and logistic support for the registry and the repository of the OAT are provided by the support staff as described in paragraph (1) above.

- End -

CONTROLLING OFFICER'S REPLY

JA002

(Question Serial No. 6027)

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

Question:

As regards the work relating to the Code on Access to Information (“the Code”), please inform this Council of the following:

- (1) In the form of a table, concerning all the requests for information under the Code that have been received by the registries and administrative offices of the courts and tribunals under the purview of the Judiciary Administrator and have been partially met, (i) the contents of the requests that have only been partially met; (ii) the reasons the requests have only been partially met; and (iii) the way of final disposal.

Year

(i) the contents of the requests that have only been partially met	(ii) the reasons the requests have only been partially met	(iii) the way of final disposal

- (2) In the form of a table, concerning all the requests for information under the Code that have been received by the registries and administrative offices of the courts and tribunals under the purview of the Judiciary Administrator and have been refused, (i) the contents of the requests that have been refused; (ii) the reasons the requests have been refused; and (iii) the way of final disposal.

Year

(i) the contents of the requests that have been refused	(ii) the reasons the requests have been refused	(iii) the way of final disposal

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 271)

Reply:

From January 2018 to September 2018, of those requests received under the Code on Access to Information, there was no request refused or met only in part by the Judiciary Administration.

- End -

CONTROLLING OFFICER'S REPLY

JA003

(Question Serial No. 6721)

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

Question:

Please provide information on:

- (1) the number of domestic violence cases that required court interpreting and/or translation services in the past five years, the statistics on the languages involved in these cases and the gender of the users of the services;
- (2) the number of divorce cases that required court interpreting and/or translation services in the past five years, the statistics on the languages involved in these cases and the gender of the users of the services; and
- (3) the number of family court cases that required interpreting and/or translation services in the past five years, the statistics on the languages involved in these cases and the gender of the users of the services.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 7020)

Reply:

Court interpreters are deployed at various levels of courts, including the Family Court, to provide interpreting services when needed. The Judiciary does not maintain separate breakdown of services by types of cases or levels of courts.

- End -

CONTROLLING OFFICER'S REPLY

JA004

(Question Serial No. 6722)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide the following information in relation to the Family Court:

- (1) remuneration and establishment of Judges and Judicial Officers; and
- (2) details of training provided to the officers concerned on dealing with domestic violence cases, including the number of participants and their ranks.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 7021)

Reply:

- (1) The establishment and remuneration of Judges and Judicial Officers ("JJOs") in the Family Court are as follows:

Position as at 1.3.2019				
Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
Family Court	Principal Family Court Judge	1	14	226,550 – 240,350
	District Judge	4	13	212,300 – 225,100

As at 1 March 2019, there were four substantive Judges and six deputy Judges deployed to sit at the Family Court to hear cases. The Judiciary is proposing to create three additional District Judge posts for the Family Court. These proposals were supported by the Panel on Administration of Justice and Legal Services in February 2019. We intend to seek the endorsement of the Establishment Subcommittee and the approval of the Finance Committee in due course.

- (2) Resources have all along been provided for judicial training activities. JJOs' participation in judicial training activities depends on the availability of such activities and JJOs' availability as permitted by their court diaries. Family Court Judges attended training on skills in meeting with children in 2019, on dealing with domestic violence cases in 2014, and on children's rights and family law from time to time. With the establishment of the Judicial Institute, the Institute will also attend to the need for training for the JJOs in this regard.

- End -

CONTROLLING OFFICER'S REPLY

JA005

(Question Serial No. 6723)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide the number of persons with disabilities who were summoned to attend court for trial in the past five years and a breakdown of the figures by types of disabilities, types of support provided, gender and court levels.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 7022)

Reply:

The Judiciary does not keep any figures on the number of disabled person being summoned to appear before the court. Individuals who require special arrangement may approach staff of the Judiciary for assistance. So far, there is no record of problem in acceding to such requests.

- End -

CONTROLLING OFFICER'S REPLY

JA006

(Question Serial No. 6734)

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

Question:

Please provide the following figures for the past five years:

- (1) the number of divorce cases processed by the courts, and the average time needed for handling legally-aided divorce applications;
- (2) the number of divorce cases with unreasonable behavior as the ground, in particular divorces sought on the ground of domestic violence;
- (3) the number of divorce/separation cases in which nominal maintenance of \$1 per year was received from former spouses;
- (4) the number of cases in which joint custody order was made, with breakdown by nationality;
- (5) the number of cases involving the granting of custody, with breakdown by male-and-female ratio and nationality;
- (6) the number of cases involving the granting of access, with breakdown by male-and-female ratio and nationality; and
- (7) the number of cases in which parents were requested by the courts to take part in co-parenting courses, with breakdown by male-and-female ratio and nationality.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 7037)

Reply:

The Judiciary does not have the requested statistics.

However, the Judiciary maintains the numbers of divorce cases filed in a year that may be relevant to the first part of item (1). Such figures for the past five years are as follows:

Year	2014	2015	2016	2017	2018
Number of divorce cases filed in the year	21 980	21 467	21 954	23 302	22 998

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 6762)

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

Question:

Please inform this Council of:

- the number of cases that were settled after being dealt with by the Labour Tribunal in the past five years;
- the amount of claims involved in the cases that were settled after being dealt with by the Labour Tribunal in the past five years;
- the number of claimants involved in the cases that were settled after being dealt with by the Labour Tribunal in the past five years.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 3545)

Reply:

The number of cases that were settled after being dealt with by the Labour Tribunal in the past five years are as follows:

	2014	2015	2016	2017	2018
Number of cases settled	2 339	2 012	2 265	2 220	2 021

The Judiciary does not maintain statistics regarding the amount of claims and number of claimants involved.

- End -

CONTROLLING OFFICER'S REPLY

JA008

(Question Serial No. 6763)

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

Question:

Please inform this Council of:

- the number of cases that were disposed of by the Labour Tribunal in the past five years.
- the amount of claims involved in the cases that were disposed of by the Labour Tribunal in the past five years.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 3546)

Reply:

The number of cases that were disposed of by the Labour Tribunal (“LT”) in the past five years are as follows:

	2014	2015	2016	2017	2018
Number of cases disposed	4 710	3 639	4 048	4 048	3 607

The Judiciary does not maintain statistics regarding the amount of claims involved in cases that were disposed of by the LT.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 6764)

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

Question:

Please inform this Council of:

- the number of claimants involved in the cases that were settled after being dealt with by the Labour Tribunal in the past five years.
- the number of cases that went on appeal after being dealt with by the Labour Tribunal in the past five years.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 3547)

Reply:

The number of applications for leave to appeal in the past five years are as follows:

	2014	2015	2016	2017	2018
Number of applications for leave to Appeal	29	47	27	45	30

The Judiciary does not maintain statistics regarding the number of claimants involved in cases dealt with by the Labour Tribunal.

- End -

CONTROLLING OFFICER'S REPLY

JA010

(Question Serial No. 6895)

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

Question:

Please provide the following information: in each of the past five years, the total number of cases in which employees made claims under Part VIA of the Employment Ordinance (“the Ordinance”) because of employers’ contravention of Section 21B of the Ordinance; among those, the number of cases in which employees won favourable rulings; and among those, the number of cases in which the court or Labour Tribunal ordered reinstatement or re-engagement.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 7158)

Reply:

The number of claims filed by employees pursuant to Part VIA of the Employment Ordinance, Cap. 57, the number of cases ruled in favour of employees, as well as the number of cases in which an order for reinstatement or re-engagement was granted by the Labour Tribunal (“LT”) for the past five years were:

	2014	2015	2016	2017	2018
Number of Part VIA claims filed	675	701	700	704	591
Number of Part VIA claims ruled in favour of employees	64	73	67	50	62
Number of cases in which an order for reinstatement or re-engagement was granted by the LT	0	1	0	0	0

- End -

CONTROLLING OFFICER'S REPLY

JA011

(Question Serial No. 7116)

<u>Head:</u>	(80) Judiciary
<u>Subhead (No. & title):</u>	(-)
<u>Programme:</u>	(1) Courts, Tribunals and Various Statutory Functions
<u>Controlling Officer:</u>	Judiciary Administrator (Miss Emma LAU)
<u>Director of Bureau:</u>	Not applicable

Question:

In the form of a table, please provide information on the actual waiting time (days) from setting down of a case to hearing of dissolution of marriage in the Family Court in the past five years:

- (1) Average actual waiting time of cases in the special procedure list, defended list and general procedure list;
- (2) The longest actual waiting time of cases in the special procedure list, defended list and general procedure list and the number of cases involved;
- (3) Further to the above questions, please explain for the time required;
- (4) Average actual waiting time for financial applications (please set out the time according to the categories);
- (5) The longest actual waiting time for financial applications (please set out the time according to the categories); and
- (6) Further to the above questions, please explain the time required.

In respect of the above six items, what are the expenditure in the last financial year and the estimates for the next financial year?

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 7019)

Reply:

The Judiciary maintains statistics on average waiting time from setting down of a case to hearing. It normally measures the period from date of listing to the first free date of the court. That said, from operational experience, Judges may give directions of not listing a trial or hearing before a particular future date to allow more time for parties to consider mediation and settlement. This accounts for longer waiting time for some cases.

The statistics of the average waiting time, the longest waiting time and the number of cases involved for cases listed on the Special Procedure List (there is no general procedure list) and the Defended List for the past five years from 2014 to 2018 are as follows:

	Target	2014	2015	2016	2017	2018
Special Procedure List						
Average Waiting Time (Days)	35	32 (20 488)	34 (19 564)	34 (16 298)	34 (23 699)	35 (19 608)
Longest Waiting Time (Days)#	-	37 (80)	36 (50)	35 (14 743)	36 (26)	39 (1)
Defended List						
Average Waiting Time (Days)	110	97 (37)	93 (29)	65 (18)	85 (18)	111 (35)
Longest Waiting Time (Days)#	-	186 (1)	173 (1)	100 (2)	162 (1)	204 (1)

The figures in brackets indicate the number of cases involved.

For Financial Applications, there is no breakdown by categories. The requested information on the average waiting time and the longest waiting time for cases listed for the past five years from 2014 to 2018 are as follows:

	Target	2014	2015	2016	2017	2018
Financial Applications						
Average Waiting Time (Days)	110 - 140	84	91	86	95	90
Longest Waiting Time (Days)	-	170	181	161	178	203

The Judiciary does not have the breakdown of the operation expenses by types of cases or levels of courts.

- End -

CONTROLLING OFFICER'S REPLY**JA012****(Question Serial No. 0757)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

- (1) What are the respective numbers of cases where legal proceedings in relation to maintenance recovery, child custody or other related matters were instituted arising out of divorce in the past 3 years? Please set out the figures in a table.
- (2) Among the aforesaid cases of maintenance recovery, what are the average amounts pursued?
- (3) What are the figures on the male-female ratio of the aforesaid recovery cases?

Asked by: Hon CHOW HO-ding, Holden (LegCo internal reference no.: 18)

Reply:

The Judiciary does not keep statistics on maintenance cases handled in the Family Court. However, the Judiciary keeps the breakdown by reliefs sought in the divorce petitions filed under Matrimonial Causes and Joint Applications on cases involving custody.

The figures regarding number of cases filed under Matrimonial Causes and Joint Applications in the Family Court in the past three years are as follows:

	2016	2017	2018
Matrimonial Causes	16 966	17 006	16 458
Joint Applications	4 988	6 296	6 540
Total	21 954	23 302	22 998

The breakdown by reliefs sought in the divorce petitions is as follows:

Reliefs sought	2016	2017	2018
Custody	4 578	4 883	4 637
Ancillary Relief	1 788	1 657	1 520
Both Custody and Ancillary Relief	3 819	3 765	3 822
No specific relief sought	11 769	12 997	13 019

The Judiciary does not keep statistics on the average amount claimed and breakdown by male-and-female ratio on maintenance cases.

- End -

CONTROLLING OFFICER'S REPLY**JA013****(Question Serial No. 0758)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

What is the number of applications received and approved by the courts at various levels respectively for the arrangement of screens for shielding purpose at the hearing of cases involving sex offences in the past 3 years, and what is the percentage of that number of cases over the total number of cases involving sex offences heard by courts at their respective levels?

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 19)

Reply:

The required statistics are set out below:

(i) High Court

	2016	2017	2018
(a) Number of sexual offence cases	12	17	21
(b) Number of screen applications	11	14	12
(c) Number of applications approved	11	14	12
Percentage (c) / (a)	91.7%	82.4%	57.1%
Percentage (c) / (b)	100%	100%	100%

(ii) District Court

	2016	2017	2018
(a) Number of sexual offence cases	25	10	9
(b) Number of screen applications	5	5	3
(c) Number of applications approved	5	5	3
Percentage (c) / (a)	20%	50%	33.3%
Percentage (c) / (b)	100%	100%	100%

(iii) Magistrates' Courts

	2016	2017	2018
(a) Number of sexual offence cases	220	182	195
(b) Number of screen applications	25	77	108
(c) Number of applications approved	25	76	107
Percentage (c) / (a)	11.4%	41.8%	54.9%
Percentage (c) / (b)	100%	98.7%	99.1%

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CONTROLLING OFFICER'S REPLY**JA014****(Question Serial No. 0759)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

What is the number of applications received and permitted by the courts at various levels for the provision of special passageways for complainants or witnesses to enter or exit court buildings in the past 3 years?

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 20)

Reply:

The Judiciary did not maintain statistics on applications for the provision of special passageways for complainants or witnesses to enter or exit court buildings prior to the enactment in April 2018 of legislative amendments to the Criminal Procedure Ordinance (Cap. 221) relating to Sexual Offence cases.

The following table shows the relevant statistics at various levels of courts from April to December 2018:

	Number of special passageways applications	Number of applications permitted
High Court	26	25
District Court	5	5
Magistrates' Courts	124	123

- End -

CONTROLLING OFFICER'S REPLY**JA015****(Question Serial No. 1126)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Hong Kong experienced incidents such as “Occupy Central” and “Mongkok Riot” in 2014 and 2016 respectively that involved charging acts and unlawful disruptions of public order. Regarding these incidents, please inform this Council:

In the form of a table, with breakdown by category of these two major incidents, updated information of the number of cases that have already been disposed of in various courts, and the expenditure involved.

Why have the courts not disposed of all the cases after all these years? Did they encounter any difficulties in dealing with these cases? If yes, what were the difficulties? If not, please explain why the courts have taken such a long time to deal with these cases.

Asked by: Hon HO Kwan-yiu, Junius (LegCo internal reference no.: 47)

Reply:

As at 1 March 2019, a total of 293 cases have been or are being dealt with in various levels of courts in relation to the Occupy Movement. The breakdown is as follows:

Level of Court	Criminal Cases	Civil Cases	Total
Court of Final Appeal	4	0	4
High Court	51	77	128
District Court	2	8	10
Small Claims Tribunal	0	40	40
Magistrates' Courts	111	0	111
Total	168	125	293

Separately as at 1 March 2019, a total of 81 cases have been or are being dealt with in various levels of courts in relation to the incident in Mongkok in February 2016:

Level of Court	Criminal Cases
High Court	10
District Court	6
Magistrates' Courts	65
Total	81

The Judiciary handles the workload brought about by these cases within existing resources and does not have the breakdown of the operating expenses by types of cases or levels of courts.

The time taken for handling cases will in general be contingent upon a range of factors including the complexity of the cases which impacts the number of hearing days required, the availability of witnesses, the number of parties involved, the time required by parties for case preparation, and the availability of parties and/or counsel, etc.

- End -

CONTROLLING OFFICER'S REPLY

JA016

(Question Serial No. 1127)

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

Question:

Adopting information technology and modern management tools to enhance the efficiency of court support services is conducive to the Judiciary's adaptation to technological advancement and can assist the handling of cases by the courts. The Judiciary has engaged a consultancy firm to advise on an "Information System Strategy Study". The objective of which is to provide more effective and efficient services of a higher quality to all stakeholders in support of the administration of justice through process re-engineering enabled by the use of information technology, and to facilitate "active case management" throughout the entire litigation/adjudication and ancillary process in improving access to justice for the benefit of all stakeholders. In this regard, may the Administration inform this Council the current status of the plan? Years have since passed, and many law firms still need to hire extra hands to deliver documents to the courts in person, how much longer is needed before an online document submission system could be developed?

Asked by: Hon HO Kwan-yiu, Junius (LegCo internal reference no.: 48)

Reply:

- (1) The Information Technology Strategy Plan ("ITSP") of the Judiciary is a long-term information technology ("IT") project seeking to enable the Judiciary to meet its long-term operational requirements. Among others, the ITSP covers the development of an integrated court case management system ("iCMS") across all court levels and tribunals of the Judiciary, and non-court systems such as human resources management system and electronic information management system. The implementation of the ITSP is divided into two phases. The first phase of the ITSP is further sub-divided into two stages:

- (a) Stage 1 mainly covers the IT infrastructure foundation and the development of the iCMS for the District Court (“DC”), the Summons Courts of the Magistrates’ Courts (“MCs”) and the related court offices; and
 - (b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court, the Competition Tribunal, the non-summons Courts of the MCs and the Small Claims Tribunal.
- (2) As at March 2019, all activities relating to the building and set-up of IT infrastructure foundation have been completed. Various components under Phase I Stage 1 are being progressively rolled out to the DC and the Summons Courts of the MCs. One component relating to payment collection was rolled out to these levels of courts in late 2016 and early 2018 respectively. Other components are scheduled to be rolled out by phases in 2019 and after.
- (3) The required legislative amendments to provide the proper legal status for the use of an electronic mode for court documents are under preparation. A new Bill will need to be introduced. Several sets of court procedural rules (which are subsidiary legislation) and Practice Directions (“PDs”) for the courts and proceedings covered by Stage 1 would also be needed. The Judiciary is consulting external stakeholders on the draft legislation and PDs and will take forward the legislative process, including consultation with the Legislative Council, when ready.

- End -

CONTROLLING OFFICER'S REPLY

JA017

(Question Serial No. 0936)

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

Question:

- (i) For deaths in respect of which further death investigation reports are ordered by the Coroners, how long on average does it take to complete the investigations?
- (ii) What is the average lapse of time between a death and the commencement of a death inquest?

Asked by: Hon HUI Chi-fung (LegCo internal reference no.: 13)

Reply:

- (i) The responsibility of conducting death investigation rests with the Police. The Judiciary does not keep statistics in respect of the time required to complete further death investigation.

From operational experience, the length of time required for further investigation depends on which aspect of the case has to be further looked into, and it is not uncommon to take six months to one year or sometimes even longer to complete, depending on the circumstances of each individual case.

- (ii) The Judiciary does not have the statistics available in respect of the time lapse between a death reported to the Coroner to the commencement of a death inquest.

The time required by a Coroner to decide whether to hold a death inquest varies on a case-by-case basis depending on a whole range of factors. Whether to hold a death inquest is a decision made by the Coroner having due regard to all the relevant facts of the death concerned. For each death case which has been ordered by the Coroner to be investigated, the Police will submit a death investigation report. Having taken into consideration the expert opinions of the pathologists, forensic pathologists and medical practitioners, medical history of the deceased, the course of events leading to the death and the findings of police investigation, the Coroner will decide whether to order the Police to conduct further investigation. The Coroner will then decide whether to hold

a death inquest after the investigation has been completed.

- End -

CONTROLLING OFFICER'S REPLY

JA018

(Question Serial No. 0937)

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

Question:

Please provide the following information:

- (a) the following information about the Coroner's Court
 - (i) regarding reportable deaths

	Number of cases				
	2014-15	2015-16	2016-17	2017-18	2018-19
Total					
The pathologist could not ascertain the cause of death					
The Coroner granted an autopsy order					
The Coroner granted a waiver of autopsy					
The family of the deceased applied for a waiver of autopsy					
The Coroner decided to investigate the cause of death					
An inquest was held into the cause of death					
A non-official applied for a death inquest					
The Secretary for Justice applied for a death inquest					

- (ii) regarding non-reportable deaths
non-reportable deaths

	Number of cases				
	2014-15	2015-16	2016-17	2017-18	2018-19
Total					
The Coroner granted an autopsy order					
The family of the deceased applied for a waiver of autopsy					
An inquest was held into the cause of death					
A non-official applied for a death inquest					
The Secretary for Justice applied for a death inquest					

- (b) the factors to be taken into consideration by a coroner in deciding whether a death inquest should be held and an autopsy order should be granted?
- (c) in respect of death inquests in the Coroner's Court, what was the expenditure in the past five years and what is the estimate for the next financial year?

Asked by: Hon HUI Chi-fung (LegCo internal reference no.: 14)

Reply:

- (a) The requested statistics about the Coroner's Court, where available, is provided in the table below:
- (i) reportable deaths

	Number of cases				
	2014	2015	2016	2017	2018
Total	10 598	10 767	10 773	10 768	10 976
The pathologist could not ascertain the cause of death (Note 1)	N.A.	N.A.	N.A.	N.A.	N.A.
The Coroner granted an autopsy order	3 638	3 419	3 465	3 245	3 093
The Coroner granted a waiver of autopsy	6 960	7 348	7 308	7 523	7 883
The family of the deceased applied for a waiver of autopsy (Note 2)	N.A.	1 127	953	984	880
The Coroner decided to investigate the cause of death	967	751	730	1 128	1 083

An inquest was held into the cause of death	148	100	77	117	161
A non-official applied for a death inquest (Note 1)	N.A.	N.A.	N.A.	N.A.	N.A.
The Secretary for Justice applied for a death inquest (Note 1)	N.A.	N.A.	N.A.	N.A.	N.A.

Note 1: “N.A.” stands for Not Available. The Judiciary does not have available statistics on the number of cases where “the pathologist could not ascertain the cause of death”, “a non-official applied for a death inquest” or “the Secretary for Justice applied for a death inquest”.

Note 2: The Judiciary does not have available statistics on the number of cases where “the family of the deceased applied for a waiver of autopsy” before 2015.

(ii) non-reportable deaths

Generally speaking, the Coroner’s Court will only handle reportable deaths under section 4 of the Coroners Ordinance, Cap. 504 (“the Ordinance”). Therefore, the Judiciary does not have available information on non-reportable deaths.

- (b) Whether to hold a death inquest or to grant an autopsy order is a decision made by the Coroner under the provisions in section 14 and section 6 of the Ordinance respectively, having due regard to all the relevant facts of the death concerned. Hence, the factors considered by a coroner in each of his decisions and the statutory provisions on which his decision is based are contingent on the circumstances of each individual case.

Under section 14 of the Ordinance, the circumstances in which a coroner may hold an inquest are: where a person dies suddenly, by accident or violence, or under suspicious circumstances, or where the dead body of a person is found in or brought into Hong Kong. Section 15 of the Ordinance further stipulates that a coroner must hold an inquest into the death of a person in cases “where a person dies whilst in official custody”. Therefore, the circumstances mentioned above are important factors to be taken into consideration by a coroner in deciding whether to hold an inquest.

An autopsy is ordered mainly to find out the cause of and the circumstances connected with the death. A coroner generally will take into consideration the expert opinions of pathologists, forensic pathologists and medical practitioners, medical history of the deceased, the course of events leading to the death, the initial findings of police investigation and the findings of external examination of the body etc. before deciding whether to order an autopsy to determine the cause of the death. Each case will be considered on its merit.

- (c) The Judiciary does not have the breakdown of the operating expenses by types of cases or levels of courts.

- End -

CONTROLLING OFFICER'S REPLY

JA019

(Question Serial No. 0938)

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

Question:

Please provide the following information concerning the Coroner's Court in the past five years:

- (a) the number of cases reported to the Coroner;
- (b) the number of cases into which further investigation was made; and
- (c) the number of cases into which inquests were held.

Asked by: Hon HUI Chi-fung (LegCo internal reference no.: 15)

Reply:

The information requested about the Coroner's Court in the past five years are given as follows:

	2014	2015	2016	2017	2018
(a) Number of death reported to the Coroner	10 598	10 767	10 773	10 768	10 976
(b) Number of further death investigation reports ordered	967	751	730	1 128	1 083
(c) Number of death inquests concluded	148	100	77	117	161

- End -

CONTROLLING OFFICER'S REPLY**JA020****(Question Serial No. 2729)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

In the form of a table, please provide the following information concerning the cases in the Coroner's Court in the past five years:

- (a) Average actual waiting time (days) of cases from date of listing to hearing;
- (b) The longest actual waiting time (days) of cases from date of listing to hearing; and
- (c) With regard to the above, please explain the time required.

Asked by: Hon HUI Chi-fung (LegCo internal reference no.: 16)

Reply:

Waiting time for cases listed in the Coroner's Court counts from the date of listing to first hearing. The statistics of the average waiting time and the longest waiting time for cases handled by the Coroner's Court in the past five years are given as follows:

	Target	2014	2015	2016	2017	2018
Average Waiting Time (Days)	42	40	35	39	79	65
Longest Waiting Time (Days)	-	45	52	103	231	166

From operational experience, apart from the availability of the court, the waiting time is contingent upon a range of factors. For instance, the complexity of a case which dictates the number of hearing days required and the availability of witnesses, including expert witnesses, would affect the waiting time.

To alleviate the heavy workload, an additional Magistrate has been deployed to the Coroner's Court since March 2018. The average waiting time showed an improvement in 2018 despite an increase in caseload. The Judiciary will closely monitor the situation and make every effort to improve the waiting time.

- End -

CONTROLLING OFFICER'S REPLY

JA021

(Question Serial No. 5875)

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

Question:

Please inform this Council of the number of employees' compensation claims filed with the courts by employees, with a breakdown by case nature (i.e. injury or fatality), in each of the past five years.

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 142)

Reply:

The number of employees' compensation claims filed in the District Court in the past five years are as follows:

	2014	2015	2016	2017	2018
Employees' Compensation Claims	2 744	2 799	2 929	2 939	3 038

The Judiciary does not maintain statistics on the breakdown in respect of whether the nature was injury or fatal.

- End -

CONTROLLING OFFICER'S REPLY

JA022

(Question Serial No. 6351)

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

Question:

Regarding interpretation and translation, will the Judiciary inform this Council of:

the number of court interpreters at various ranks; and

the number of times when interpreting services were used in 2018 for the 35 foreign languages and 18 Chinese dialects and the expenditure involved?

Asked by: Hon KWOK Ka-ki (LegCo internal reference no.: 441)

Reply:

As at 1 March 2019, there were a total of 127 Court Interpreters (“CIs”) in the Judiciary. They are deployed to various levels of court to provide interpreting, translation and certification services.

Apart from the above full-time CIs, the Judiciary will make arrangements for part-time interpreters to provide, on a freelance basis, interpreting and translation services in relation to court proceedings involving foreign languages and Chinese dialects. These freelance interpreters are not staff of the Judiciary. In 2018, there were around 17 000 requests for interpreting services involving 37 foreign languages and 18 Chinese dialects. The expenditure involved was around \$10.2 million.

- End -

CONTROLLING OFFICER'S REPLY**JA023****(Question Serial No. 2497)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide information on the average time taken from conclusion of hearing to the handing down of written judgment by courts at various levels in the past 3 years. Has the Judiciary set any target in this regard for 2019? Is there any plan to set performance pledges on the time for the handing down of written judgments?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 112)

Reply:

The Judiciary only maintains statistics on the average time taken for delivery of judgments in respect of civil cases of the Court of Appeal of the High Court, the Court of First Instance of the High Court and the District Court. For cases which hearings were concluded between 2016 and 2018, the average time taken from conclusion of hearing to the delivery of judgment, with position as at 28 February 2019 are as follows:

Court Level	Type of Case	Average time taken for cases with hearings concluded in the year (days) ⁽¹⁾		
		2016	2017	2018
Court of Appeal of the High Court	Civil appeals	30	37	13
Court of First Instance of the High Court	Civil trials/ substantive hearings	125	81	53
	Tribunal and miscellaneous appeals	36	65	95

District Court	Civil trials/ substantive hearings	97	89	41
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Remarks:

- (1) The figures are live data which may vary at different report generation date and time. Normally, the figures for a year would become stable by end of the subsequent year when judgments for most of the cases concluded in the year are delivered. This is particularly true for cases concluded toward the last quarter of the year.

As a matter of principle, it is important that reserved judgments are handed down within a reasonable time. While the Judiciary has not set any target time for delivery of judgments, the Judiciary has been monitoring the position closely and taking all possible measures to deal with the matter, including deploying further additional judicial resources as far as practicable. In January 2016, as an enhanced measure, the former Chief Judge of the High Court asked the Judges of the High Court to provide the parties concerned with an estimated date for handing down the reserved judgment if the relevant Judge considers that this may take longer than usual for such a reserved judgment to be delivered.

The Judiciary notes that having regard to the heavy workload and tight manpower situation, in particular, at the Court of First Instance of the High Court, there may be cases in which it takes longer than the normal period of time for reserved judgments to be delivered. The Acting Chief Judge of the High Court is fully aware of the situation, and is monitoring the situation closely and making every effort, e.g. by reminding judges of the need to deliver judgments within a reasonable period and allowing more time for judges to deal with reserved judgments if needed, with a view to improving the situation, whilst balancing, among other things, the need to maintain a reasonable listing time for the hearing of cases. The Acting Chief District Judge is also monitoring the position with regard to reserved judgments in the District Court closely and taking all possible measures to deal with the matters.

- End -

CONTROLLING OFFICER'S REPLY

JA024

(Question Serial No. 2498)

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

Question:

In relation to Family Court, what is the average time required for fixing the First Appointment; and if the First Appointment is adjourned, what is the average time required for re-fixing another Appointment?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 113)

Reply:

The Judiciary does not maintain the requested statistics in respect of the First Appointment hearings.

In general, in line with "Practice Direction 15.11 - Financial Dispute Resolution Pilot Scheme" ("PD 15.11"), the Family Court allocates a date for the First Appointment (with 15 minutes allocated in the first instance) no less than 10 weeks and no later than 14 weeks after the date of the filing of a petition, joint application or a notice of intention to proceed with an application for ancillary relief or a subsequent application for an ancillary relief. This first instance hearing would normally be adjourned to further First Appointment hearings.

First Appointment hearings are directions hearings where the Judge shall determine the extent of the issues, direct the case be referred to a Financial Dispute Resolution ("FDR") hearing, direct the parties to consider mediation, or direct the case be fixed for a further directions hearing. According to PD15.11, parties are required to file with the court and simultaneously exchange with each other, at specific dates before the hearing of the First Appointment, a financial statement, a paginated bundle setting out a list of the orders and directions sought, a concise statement of the issues between the parties and other relevant information. The length of adjournment of subsequent hearings of First Appointment will hence vary depending on the complexity of each case, progress of mediation or preparation by the parties for a FDR hearing. From operational experience, the length of time involved may range from a few weeks to a few months depending on the circumstances of each individual case.

The Judiciary closely monitors the substantial increase in workload and tight manpower situation in the Family Court. To address the issues, the Judiciary has been keeping court practices and procedures under constant review to ensure the efficient listing of cases and utilisation of judicial resources and court time. Over the years, the Family Court has undergone many reforms such as the reform of ancillary relief procedures in matrimonial proceedings, the promotion of greater use of family mediation and the introduction of the children's dispute resolution pilot scheme. In addition, the Judiciary has recently completed a review on Family Procedure Rules, with recommendations for changes to consider formulating a single set of self-contained procedural rules for the family justice system applicable to both the High Court and the Family Court. Drafting of relevant legislation and over 60 sets of related Practice Directions is in progress.

In addition, the Judiciary has been deploying temporary judicial resources to sit in the Family Court to cope with the increasing caseload and heavy workload of the Family Court and is seeking to create three posts of District Judge ("DJ") in 2019-20 to enhance the substantive judicial manpower in the Family Court. The Judiciary will review the need for additional permanent DJ posts in the Family Court in due course, in particular in the context of the implementation of the new Family Procedure Rules whereby further reforms to the Family Court proceedings will be introduced. In line with the established practice, additional temporary judicial manpower will continue to be engaged to cope with the workload of the Family Court if required.

- End -

CONTROLLING OFFICER'S REPLY

JA025

(Question Serial No. 1323)

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

Question:

Please provide the number of applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decisions in each of the past three years. What is the number of cases in which leave was granted, the time spent on processing them, and the court expenses involved? How many of these cases were legally aided and what was the public expenditure involved?

Asked by: Hon LEE Wai-king, Starry (LegCo internal reference no.: 27)

Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2016 to 2018 are as follows:

Judicial Review Cases	2016	2017	2018
(a) No. of leave applications filed ¹	228	1 146	3 014
(b) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	24	11	15
(c) No. of application with leave granted ²	28	45 ³	25 ³
(d) Average processing time (from date of filing of leave application to date of decision) ²	195 days	232 days	203 days
(e) No. of appeals against refusal of leave filed	13	57	410
(f) No. of substantive judicial review cases filed	31	29	40
(g) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	18	15	13
(h) No. of appeals against judicial review decisions filed	21	18	20

Remarks:

- ¹ The increase in number of applications for leave to judicial review in 2017 and 2018 is mainly due to increase in non-refoulement claim cases. There were 60, 1 006 and 2 851 non-refoulement claim cases in 2016, 2017 and 2018 respectively.
- ² Statistics on the outcome of leave applications and average processing time for leave applications filed in a year captured the position as at 28 February 2019. Such statistics may vary at different report generation date and time since they are live data subject to changes upon conclusion of the outstanding leave applications. The Judiciary only maintains statistics on the average processing time on leave applications processed by the Court of First Instance of the High Court and such statistics only take into account the number of leave applications with leave granted or leave refused as at report generation date, but exclude those withdrawn or outstanding leave applications.
- ³ Statistics include 6 cases of leave granted by Court of Appeal of the High Court on appeal in 2017 and 1 case of leave granted by Court of Appeal of the High Court on appeal in 2018.

The Judiciary does not maintain statistics on the number of legally aided cases of appeals against refusal of leave and appeals against judicial review decisions filed. Also, the Judiciary does not have the breakdown of the operation expenses by types of cases or levels of courts, nor any information related to the public expenditure spent on cases being legally aided.

- End -

CONTROLLING OFFICER'S REPLY**JA026****(Question Serial No. 1339)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

- (1) In the past three years, what were the numbers of applications made by Hong Kong residents for divorce and for separation?
- (2) In each of the above figures, what was the number of people who have resided in Hong Kong for less than seven years? And what was the percentage of that number in the total number of divorce cases?

Asked by: Hon LEE Wai-king, Starry (LegCo internal reference no.: 46)

Reply:

There is no requirement to file any application for separation in the Family Court. With regard to divorce cases, the number of cases filed under Matrimonial Causes and Joint Applications in the Family Court in the past three years are as follows:

	2016	2017	2018
Matrimonial Causes	16 966	17 006	16 458
Joint Applications	4 988	6 296	6 540
Total	21 954	23 302	22 998

The Judiciary does not have information whether the applicants are Hong Kong residents and the length of period of their residing in Hong Kong.

- End -

CONTROLLING OFFICER'S REPLY

JA027

(Question Serial No. 1595)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

At present, the Judiciary continues to face heavy work pressure at different levels of court. Many judicial vacancies are yet to be filled. Shortage of manpower in the Judiciary remains a challenge. In this regard, please provide the following information:

- (1) How many additional resources have been allocated for the enhancement of the terms and conditions of service for Judges and Judicial Officers (“JJOs”) and the revision of the statutory retirement ages of JJOs?
- (2) The Judiciary has been advocating in recent years the extension of judges’ retirement ages to address the issue of shortage of judges. Will the Judiciary consider allocating additional resources to nurture young legal talents for their joining the Judiciary? If so, what are the details? If not, why so?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 45)

Reply:

- (1) Enhancement to conditions of service for Judges and Judicial Officers (“JJOs”), including housing benefits, medical and dental benefits, Local Education Allowance, Judicial Dress Allowance and transport service for leave travel, have been implemented since 1 April 2017. The provision for Cash Allowances in 2019-20 is \$33.8 million, which includes \$25.5 million for the enhanced conditions of service for JJOs.

The Judicial Officers (Extension of Retirement Age) (Amendment) Bill (“the Bill”) to extend the retirement ages for JJOs was introduced to the Legislative Council on 20 March 2019. After passage of the Bill, the Judiciary may seek additional funding to meet the necessary expenditure in the future if necessary.

- (2) The Judiciary considers that with the enhancements on the remuneration packages and the extension of statutory retirement ages for JJOs, it should be instrumental in attracting legal talents to join the bench.

It should be noted that various employment opportunities are in place in the Judiciary for legal practitioners. Firstly, the Judiciary conducts open recruitment of JJOs at different levels of court on a more regular basis with a view to filling judicial vacancies. A new round of open recruitment of JJOs has been launched by phases starting from mid-2018. In each open recruitment exercise, advertisements are placed on the Judiciary's website and newspapers. Eligible candidates from within and outside the Judiciary may apply. JJOs are appointed on the basis of their judicial and professional qualities.

It has also been a long standing practice of the Judiciary to engage temporary judicial manpower resources at different levels of court. Apart from meeting the courts' operational needs, the deputy arrangements also provide opportunities for legal practitioners from outside the Judiciary to gain some judicial experience for their consideration of a judicial career in the future.

In addition to engaging members of the legal profession for judicial duties on a temporary basis, the Judiciary also conducts regular open recruitment exercises to engage legally qualified assistants for providing legal and professional support to Judges through the Judicial Assistants Scheme for the Court of Final Appeal and the Judicial Associates Scheme for the High Court, and for assisting the Judicial Institute in the planning and provision of judicial training to JJOs.

- End -

CONTROLLING OFFICER'S REPLY

JA028

(Question Serial No. 1596)

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

Question:

In 2016, the Government commenced a comprehensive review of the strategy of handling non-refoulement claims. Since then a number of measures have been implemented. However, there has been an upward trend recently that a significant number of non-refoulement claimants were arrested for committing criminal offences, and the higher courts have also had to deal with an increased number of non-refoulement claim cases. In 2018, there was a sharp increase in the number of civil appeals, which was mainly due to a rise of 367 appeals (from 26 to 393) in relation to non-refoulement claim cases. In this regard, may the Administration inform this committee:

- (1) How much in terms of resources will the Judiciary allocate for handling non-refoulement claim cases? What are the details?
- (2) Will additional Judges be specially tasked to handle this type of cases in the Judiciary in order to reduce the impact on other cases?
- (3) In the coming three years, will additional judicial posts be created with regard to non-refoulement claim cases to strengthen the judicial establishment so as to cope with the increased workload?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 46)

Reply:

The Judiciary has been coping with the additional workload brought about by the non-refoulement claim cases within the existing resources and does not have the breakdown of the operating expenses by types of cases or levels of courts.

Since 2017, there has been a sharp increase in non-refoulement claim cases filed with the Court of First Instance and the Court of Appeal of the High Court, and it is noted that more of such cases are now being filed with the Court of Final Appeal. The Judiciary is closely monitoring the situation and considering how such upsurge of cases should be handled without seriously affecting the processing of other civil cases. In parallel, the Judiciary has been taking every possible measure to address issues arising from the tight manpower situation. On top of the existing Judges and Judicial Officers, the Judiciary has created four posts of the Deputy Registrar of the High Court in February 2019, with the support of the Government and the Finance Committee of the Legislative Council, to strengthen the manpower position in the Masters Office of the High Court. In the light of the surge of non-refoulement claim cases, the Judiciary would assess whether any additional requirements for judicial and other staffing resources are required, and if so, would put forward such proposals to the Government according to the established mechanism of the budgetary arrangements between the Judiciary and the Government.

At the same time, the Judiciary has launched a new round of open recruitment of Judges and Judicial Officers at all levels of court starting from mid-2018 with a view to enhancing the substantive judicial manpower to cope with the operational needs of the courts. In the meantime, the Judiciary would closely monitor the position and continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

In view of the increasing workload, the Judiciary is also liaising with the Department of Justice with a view to exploring the possibility of introducing modest legislative amendments so as to facilitate a more efficient handling of cases, including the non-refoulement claims. The Judiciary will consult relevant parties including the Legislative Council when ready.

- End -

CONTROLLING OFFICER'S REPLY

JA029

(Question Serial No. 3347)

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

Question:

Please inform this Council of the number of employees' compensation claims filed with the courts by employees, with a breakdown by case nature (i.e. injury or fatality), in each of the past three years.

Asked by: Hon LEUNG Yiu-chung (LegCo internal reference no.: 1189)

Reply:

The number of employees' compensation claims filed in the District Court in the past three years are as follows:

	2016	2017	2018
Employees' Compensation Claims	2 929	2 939	3 038

The Judiciary does not maintain statistics on the breakdown in respect of whether the nature was injury or fatal.

- End -

CONTROLLING OFFICER'S REPLY

JA030

(Question Serial No. 1997)

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

Question:

In 2018, the average waiting times for the Civil Running Lists in the High Court and the District Court exceeded the targets, a major reason of which was the need to handle a large number of non-refoulement claim cases. In connection with non-refoulement claim cases, apart from increasing judicial manpower, will there be any other measures to speed up the handling of such cases, in order to reduce the average waiting time?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 30)

Reply:

Since 2017, there has been a sharp increase in non-refoulement claim cases filed with the Court of First Instance and the Court of Appeal of the High Court, and it is noted that more of such cases are now being filed with the Court of Final Appeal. The Judiciary is closely monitoring the situation and considering how such upsurge of cases should be handled without seriously affecting the processing of other civil cases. In parallel, the Judiciary has been taking every possible measure to address issues arising from the tight manpower situation. On top of the existing Judges and Judicial Officers, the Judiciary has created four posts of the Deputy Registrar of the High Court in February 2019, with the support of the Government and the Finance Committee of the Legislative Council, to strengthen the manpower position in the Masters Office of the High Court. In the light of the surge of non-refoulement claim cases, the Judiciary would assess whether any additional requirements for judicial and other staffing resources are required, and if so, would put forward such proposals to the Government according to the established mechanism of the budgetary arrangements between the Judiciary and the Government.

At the same time, the Judiciary has launched a new round of open recruitment of Judges and Judicial Officers at all levels of court starting from mid-2018 with a view to enhancing the substantive judicial manpower to cope with the operational needs of the courts. In the meantime, the Judiciary would closely monitor the position and continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

In view of the increasing workload, the Judiciary is also liaising with the Department of Justice with a view to exploring the possibility of introducing modest legislative amendments so as to facilitate a more efficient handling of cases, including the non-refoulement claims. The Judiciary will consult relevant parties including the Legislative Council when ready.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0359)

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

Question:

According to the Estimates of Expenditure of the Judiciary, the higher courts have had to deal with a proliferation in non-refoulement claim cases. Last year, the Court of Appeal of the High Court handled 611 civil appeals, a sharp increase of more than twofold from 2017, and the number of civil appeals in 2019 is estimated to be 610, mainly due to a rise of appeals in relation to non-refoulement claim cases from 26 to 393, which represents an increase of more than fourteen times. In relation to the handling of non-refoulement claim cases, please provide information on the staffing, establishment and the estimated expenditure involved in this financial year. In the future, will the manpower in handling such cases be increased? If yes, what are the details?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 50)

Reply:

The Judiciary has been coping with the additional workload brought about by the non-refoulement claim cases within the existing resources and does not have the breakdown of the operating expenses by types of cases or levels of courts.

Since 2017, there has been a sharp increase in non-refoulement claim cases filed with the Court of First Instance and the Court of Appeal of the High Court, and it is noted that more of such cases are now being filed with the Court of Final Appeal. The Judiciary is closely monitoring the situation and considering how such upsurge of cases should be handled without seriously affecting the processing of other civil cases. In parallel, the Judiciary has been taking every possible measure to address issues arising from the tight manpower situation. On top of the existing Judges and Judicial Officers, the Judiciary has created four posts of the Deputy Registrar of the High Court in February 2019, with the support of the Government and the Finance Committee of the Legislative Council, to strengthen the manpower position in the Masters Office of the High Court. In the light of the surge of non-refoulement claim cases, the Judiciary would assess whether any additional requirements for judicial and other staffing resources are required, and if so, would put forward such proposals

to the Government according to the established mechanism of the budgetary arrangements between the Judiciary and the Government.

At the same time, the Judiciary has launched a new round of open recruitment of Judges and Judicial Officers at all levels of court starting from mid-2018 with a view to enhancing the substantive judicial manpower to cope with the operational needs of the courts. In the meantime, the Judiciary would closely monitor the position and continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

In view of the increasing workload, the Judiciary is also liaising with the Department of Justice with a view to exploring the possibility of introducing modest legislative amendments so as to facilitate a more efficient handling of cases, including the non-refoulement claims. The Judiciary will consult relevant parties including the Legislative Council when ready.

- End -

CONTROLLING OFFICER'S REPLY

JA032

(Question Serial No. 0362)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

The estimated expenditure for the judicial training programmes of the Judicial Institute in 2018-19 was \$900,000. What were the contents of those training programmes and how many Judges and Judicial Officers participated? What is this year's estimated expenditure for the judicial training programmes of the Judicial Institute? Why is there such a change and what are the details of the judicial training activities?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 52)

Reply:

The Chief Justice accords high priority to judicial training. Adequate resources have all along been provided for judicial training activities on various fronts, such as family law, competition law, public law, judgment writing and case management, etc. Judges and Judicial Officers' ("JJOs") participation in judicial training activities depends on the availability of such activities and JJOs' availability as permitted by their court diaries. Details of the judicial training activities in 2018-19 are in the **Annex** attached. In 2018-19, \$1.2 million was spent for judicial training programmes and we have earmarked \$2.2 million in 2019-20 for the same purposes. The substantial increase is due to the increase in number of training activities to be organised by the Hong Kong Judicial Institute in 2019-20 in the areas of judge craft, judgment writing and case management, etc.

**Judicial Training Activities Attended by Judges and Judicial Officers
for the Financial Year 2018-19**

Local Judicial Training Activities Organised by the Hong Kong Judicial Institute

Month / Year	Activity	No. of Judges and Judicial Officers Participated
April – May 2018	Putonghua courses	52
April – December 2018	Monthly meetings on the increase in jurisdiction and transitional matters for District Judges	20
April 2018 – February 2019	Seven induction briefings for Deputy Magistrates / Adjudicators	36
April 2018	Seminar on competition law by Professor Alison JONES, Professor of the Dickson Poon School of Law at King’s College London	8
April 2018	Talk on “Dispute Resolution in the 21 st century” by Sir David FOSKETT, Judge of the High Court of England and Wales	15
April 2018	Visit to Mother’s Choice	20
May 2018	Talk on “The Hong Kong Apology Ordinance (Cap. 631): the Most Extensive Apology-Protection Legislation in the World” by Professor Robyn CARROLL, Professor of the Law School at the University of Western Australia	34
June 2018	Presentation on “The Economics, Reality and Practice of Derivatives, the Documentation of Derivatives, and Context and Relevant Background” by P.R.I.M.E. Finance experts	18
June 2018	Talk on Use of Chinese in courts by Professor CHAN Man Sing	52
July 2018	Talk on “Comparative Developments in Contractual Good Faith” by Professor Bryan HARRIGAN, Dean of the Faculty of Law at Monash University	7
August 2018	Talk on “The PI Case Manager and A Multiplier Story” for District Judges by a Judge of the Court of First Instance of the High Court	19

Month / Year	Activity	No. of Judges and Judicial Officers Participated
September 2018 – January 2019	Use of Chinese workshops	18
September 2018	Sharing Session on cost management with Sir Rupert JACKSON, retired Justice of the Court of Appeal of England and Wales	6
September 2018	Case Management workshop for Magistrates	18
October 2018	Seminar on protection of intellectual property rights for delegated judges from Hong Kong and the Mainland	6
October 2018	Talk on “Judicial Protection of Intellectual Property Rights in Mainland China: Reform and Development” by Justice TAO Kaiyuan, Vice-President of the Supreme People’s Court, Grand Justice of the second rank	41
October 2018 – February 2019	Putonghua courses	22
December 2018	Sentencing Workshop for Magistrates	22
January 2019	Talk on “Understanding the New Penalty Provisions for Wildlife Crime” by Mr. Mark FENHALLS QC and Associate Professor Amanda WHITFORT, Faculty of Law at University of Hong Kong	18
February 2019	Talk on Chinese Customary Law for District Judges by a Judge of the Court of First Instance of the High Court	20
March 2019	Seminar on Skills in meeting with Children	28
March 2019	Sentencing Workshop for Magistrates	24

Other Local Judicial Training Activities Attended by Judges and Judicial Officers

Month / Year	Activity	No. of Judges and Judicial Officers Participated
April 2018	Global Conference on “The HCCH 125 – Ways Forward: Challenges and Opportunities in an Increasingly Connected World”, organised by the Hague Conference on Private International Law	3
May 2018	Talk on “Human Rights and Refugee Law in the UK: A Developing Relationship”, organised by the Hong Kong Bar Association	2
May 2018	Talk on “The Past 21 Years of Common Law in Hong Kong: From Strength to Strength” by the Hon Chief Justice MA, organised by the Hong Kong Chapter, Law Council of Australia	2
June 2018	Talk on “Balancing National Security and Public Order with Human Rights: A Judicial Perspective” by The Rt Hon the Lord NEUBERGER of Abbotsbury, Non-Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong	7
September 2018	Talk on Efficient Case Management of Litigation and Arbitration, organised by IMF Bentham	3
October 2018	Seminar on Hong Kong’s Unified Screening Mechanism on Non-refoulement Claims, organised by the University of Hong Kong	1
November 2018	Lectures on “Is Common Sense the First Rule in Statutory Interpretation?” and “The Effect in Law of a Signature on a Legal Document”, organised by the University of Hong Kong	3
November 2018	Seminar on “Hong Kong: Children’s Right to Asylum”, organised by the University of Hong Kong	1
November 2018	Lecture on “The Administration of International Criminal Justice: Challenges and Prospects”, organised by the Chinese University of Hong Kong	3
December 2018	Proportionality in Asia Conference, organised by the University of Hong Kong	1
December 2018	Training Programme on Identification of Victims of Human Trafficking, organised by the New Medico-Legal Society of Hong Kong and Liberty Asia	1
January 2019	Towering Judges Conference, organised by the Chinese University of Hong Kong	3

Judicial Training Activities Organised with / by Other Jurisdictions / Organisations

Month / Year	Activity	No. of Judges and Judicial Officers Participated
July 2018	Public Law Conference in Melbourne, Australia, co-organised by the University of Melbourne and the University of Cambridge	2
September 2018	Judicial Insolvency Network meeting and the International Insolvency Institute's 18th Annual Conference in New York, the United States	1
October 2018	Judicial Leadership Program: Heads of Jurisdiction in Melbourne, Australia, organised by the National Judicial College of Australia	2
November 2018	9th AIJA Appellate Judges' Conference in Brisbane, Australia, organised by the Australasian Institute of Judicial Administration	1
November 2018	2018 Asia Pacific Coroners' Society Conference in Canberra, Australia	1
February 2019	Judgment Writing and Oral Judgment Programme in Singapore, organised by the Singapore Judicial College	1
March 2019	Business of Judging Seminar in Northampton, England, organised by the Judicial College, England and Wales	1
March 2019	Assessing Credibility of Witnesses Programme in Singapore, organised by the Singapore Judicial College	1

-End-

CONTROLLING OFFICER'S REPLY

JA033

(Question Serial No. 0363)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Courts at different levels have been dealing with complex and voluminous cases. The Judiciary has launched a new round of open recruitment exercises for different levels of courts starting from mid-2018. What is its progress? And upon the implementation of the extension of the retirement ages of Judges and Judicial Officers, how is it, as anticipated, going to alleviate the workload of courts at different levels in respect of the hearing of cases so that the performance targets can be met?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 51)

Reply:

The Judiciary has launched a new round of open recruitment of Judges and Judicial Officers (“JJOs”) at different levels of courts starting from mid-2018. The recruitment for Judges of the Court of First Instance of the High Court (“CFI Judges”) has reached an advanced stage and four CFI Judges have been appointed so far. Further appointments would be announced in due course. The recruitment exercise for District Judges was launched in end 2018 which is in progress and a new recruitment exercise for Permanent Magistrates has also been launched in March 2019.

There are many reasons for the lengthy court waiting times, including the complexity of court cases, upsurge of caseload, tight judicial manpower position, etc. The Judiciary hopes that the extended statutory retirement ages for JJOs would help relieve the judicial manpower shortage problem by retaining judicial manpower and attracting quality candidates and experienced private practitioners to join the Bench, in particular at the CFI Judge level.

- End -

CONTROLLING OFFICER'S REPLY

JA034

(Question Serial No. 0386)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Regarding the use of information technology and other modern management tools, it was estimated that \$158.9 million would be incurred in 2018-19 for the acquisition of services, hardware and software for the implementation of the court and non-court systems under the Information Technology Strategy Plan. What are the planned expenditure and manpower in the coming year? Are there any changes when compared with this year? Besides, what is the usage rate of the Technology Court in the past three years? What are the number and types of cases handled? Has the Judiciary allocated additional resources to upgrade the equipment of the Technology Court? If yes, what are the details?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 56)

Reply:

- (1) The Information Technology Strategy Plan ("ITSP") of the Judiciary is a long-term information technology ("IT") project seeking to enable the Judiciary to meet its long-term operational requirements. Among others, the ITSP covers the development of an integrated court case management system ("iCMS") across all court levels and tribunals of the Judiciary, and non-court systems such as human resources management system and electronic information management system. The implementation of the ITSP is divided into two phases. The first phase of the ITSP is further sub-divided into two stages:
 - (a) Stage 1 mainly covers the IT infrastructure required to support the long-term development and operation of the IT systems of the Judiciary, and the development of the iCMS of the District Court ("DC"), the Summons Courts of the Magistrates' Courts ("MCs") and the related court offices; and

(b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court, the Competition Tribunal, the non-summons Courts of the MCs and the Small Claims Tribunal.

- (2) The implementation of Phase I Stage 1 of the ITSP went on in 2018-19. Apart from system development, the Judiciary is consulting external stakeholders on the draft legislation which will provide the proper legal status for the use of an electronic mode for court documents.
- (3) It was the Judiciary’s original plan to start the development work of the iCMS in the Stage 2 in 2018-19 while the implementation of Stage 1 was still actively in progress. Upon review, it was considered prudent to capture more experience in implementing Phase I Stage 1 before embarking on the development work of the iCMS in the Stage 2 courts. The Judiciary thus rescheduled the startup work of iCMS in the Stage 2 and the estimated year-end expenditure of the ITSP project for 2018-19, covering expenditures for the procurement of hardware, software and services, was revised to \$103.3 million. As the project proceeds in 2019-20, the expenditure is estimated to be at a comparable level at about \$102.7 million. With regard to manpower, we estimate that the average number of staff for the implementation of ITSP in 2018-19 and 2019-20 will be roughly the same at about 100, including civil service staff and IT professionals engaged on contract.
- (4) The usage rate of the Technology Court at the High Court Building in terms of the number of days the court was used and the number and types of cases handled in the past three years are as follows:

Year	Number of Days	Case Type and Number (<i>Note 1</i>)					Total Number of Cases
		Criminal Appeals	Civil Appeals	Criminal Cases	Civil Cases	Other Cases	
2016	95	61	-	5	10	-	76
2017	235	164	-	8	22	-	194
2018	190	57	6	7	5	4	79

Note 1: Excluding vacated cases

- (5) Besides the Technology Court, a mega courtroom equipped with similar audio/visual facilities in the West Kowloon Law Courts Building (“WKLCB”) may be used by suitable cases for different levels of court as necessary to support video conferencing, display of electronic documents and videos, hearings involving vulnerable witnesses, broadcasting of court proceedings with significant public interest to the court extension, and trials involving multiple parties, etc. The Judiciary does not have plan to upgrade the equipment of the Technology Court or the mega courtroom in WKLCB in the near future.

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 2230)

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

Question:

According to the information revealed in item 6 of the Judiciary's Controlling Officer's Report, the number of Judicial Review cases in relation to non-refoulement claims has almost tripled, hence the workload of the courts has been constantly high. However, there will only be a net increase of three judicial posts in 2019-20. In this regard, may the Administration inform this Council:

- (1) Is the increase in judicial posts adequate? If so, what are the reasons? If not, what are the reasons for not recruiting more judicial officers?
- (2) What is the average handling time of non-refoulement claim-related Judicial Review cases?
- (3) Apart from engaging additional officers, what are the specific measures to improve the efficiency in handling such cases and what is the implementation timetable?

Asked by: Hon QUAT Elizabeth (LegCo internal reference no.: 159)

Reply:

Since 2017, there has been a sharp increase in non-refoulement claim cases filed with the Court of First Instance and the Court of Appeal of the High Court, and it is noted that more of such cases are now being filed with the Court of Final Appeal. The Judiciary is closely monitoring the situation and considering how such upsurge of cases should be handled without seriously affecting the processing of other civil cases. In parallel, the Judiciary has been taking every possible measure to address issues arising from the tight manpower situation. On top of the existing Judges and Judicial Officers, the Judiciary has created four posts of the Deputy Registrar of the High Court in February 2019, with the support of the Government and the Finance Committee of the Legislative Council, to strengthen the manpower position in the Masters Office of the High Court. In the light of the surge of non-refoulement claim cases, the Judiciary would assess whether any additional requirements for

judicial and other staffing resources are required, and if so, would put forward such proposals to the Government according to the established mechanism of the budgetary arrangements between the Judiciary and the Government.

At the same time, the Judiciary has launched a new round of open recruitment of Judges and Judicial Officers at all levels of court starting from mid-2018 with a view to enhancing the substantive judicial manpower to cope with the operational needs of the courts. In the meantime, the Judiciary would closely monitor the position and continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

The Judiciary does not maintain the requested statistics specifically on the time taken for handling non-refoulement claim cases.

In view of the increasing workload, the Judiciary is also liaising with the Department of Justice with a view to exploring the possibility of introducing modest legislative amendments so as to facilitate a more efficient handling of cases, including the non-refoulement claims. The Judiciary will consult relevant parties including the Legislative Council when ready.

- End -

CONTROLLING OFFICER'S REPLY**JA036****(Question Serial No. 2899)**

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

Question:

Please provide information, in the form of a table, on the number of cases, the categories of articles classified by the Obscene Articles Tribunal as Class I, Class II or Class III before and after publication and the names of the articles in the past five years; the number of cases in which a request for review was made after classification and out of that the number of cases in which the classification was confirmed or altered.

Asked by: Hon SHIU Ka-chun (LegCo internal reference no.: 79)

Reply:

The total number of articles classified in the past 5 years and their respective results are set out as follows:

	2014		2015		2016		2017		2018	
	Before publication	After publication	Before publication	After publication	Before publication	After publication	Before publication	After publication	Before publication	After publication
Class I (neither obscene nor indecent)	46	6	73	0	56	0	30	5	36	18
Class II (indecent)	182	3	195	0	161	0	118	17	79	26
Class III (obscene)	5	0	555	0	2	0	1	2	5	3
Total	233	9	823	0	219	0	149	24	120	47

There was no request for review in respect of the cases classified as Class I and Class III in the past five years.

The number of review hearings in respect of cases classified as Class II and the result of such review hearings are as follows:

Class II Cases	2014	2015	2016	2017	2018
Number of Review Hearings	2	5	0	4	0
Classification confirmed	2	5	0	4	0
Classification altered	0	0	0	0	0

- End -

CONTROLLING OFFICER'S REPLY

JA037

(Question Serial No. 2900)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

What is the breakdown of the establishment and operating expenses of the Obscene Articles Tribunal by vocational sectors, gender and age of the personnel in the past five years?

Asked by: Hon SHIU Ka-chun (LegCo internal reference no.: 80)

Reply:

The establishment (including Judicial Officer and support staff) and approximate expenditure of the Obscene Articles Tribunal ("OAT") for the past five years are set out as follows:

	2014-15	2015-16	2016-17	2017-18	2018-19
Establishment	7	7	7	7	7
Approximate expenditure (including salary expenditure and departmental expenses)	\$5.0 million	\$5.3 million	\$5.6 million	\$5.9 million	\$6.1 million

Having regard to the decrease in workload of the OAT in the past few years, the Judicial Officer and support staff on the establishment of the OAT are being and will continue to be deployed to discharge other duties at the Magistrates' Courts and/or the Coroner's Court as appropriate.

- End -

CONTROLLING OFFICER'S REPLY**JA038****(Question Serial No. 2901)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

What are the number of users of the Obscene Articles Tribunal's repository and the manpower and expenditure involved in the past five years?

Asked by: Hon SHIU Ka-chun (LegCo internal reference no.: 92)

Reply:

The number of usage of the Obscene Articles Tribunal's repository which keeps articles submitted for administrative classification and the total number of articles searched for the past five years are set out as follows:

	2014	2015	2016	2017	2018
Number of usage	4	6	7	10	2
Number of articles searched	25	17	7	10	4

The establishment (including Judicial Officer and support staff) and approximate expenditure of the Obscene Articles Tribunal ("OAT") for the past five years are set out as follows:

	2014-15	2015-16	2016-17	2017-18	2018-19
Establishment	7	7	7	7	7
Approximate expenditure (including salary expenditure and departmental expenses)	\$5.0 million	\$5.3 million	\$5.6 million	\$5.9 million	\$6.1 million

Having regard to the decrease in workload of the OAT in the past few years, the Judicial Officer and support staff on the establishment of the OAT are being and will continue to be deployed to discharge other duties at the Magistrates' Courts and/or the Coroner's Court as appropriate. General and logistic support for the registry and the repository of the OAT are provided by the support staff as described above.

- End -

CONTROLLING OFFICER'S REPLY

JA039

(Question Serial No. 5518)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please inform this Council of:

- (1) the respective remuneration and establishment of Judges and Judicial Officers at various levels of courts, 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 bodies of the Mainland in the past three years, and what is the estimated expenditure in this regard for this year?

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 504)

Reply:

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

Position as at 1.3.2019				
Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
Court of Final Appeal	Chief Justice	1	19	366,750
	Permanent Judge	3 [^]	18	356,550
Court of Appeal of the High Court	Chief Judge of the High Court	1	18	356,550
	Justice of Appeal	13	17	321,450
Court of First Instance of the High Court	Judge of the Court of First Instance	34	16	306,400
High Court Masters’ Office	Registrar	1	15	248,450
	Senior Deputy Registrar	4	14	226,550 – 240,350
	Deputy Registrar	10	13	212,300 – 225,100
District Court (including Family Court and Lands Tribunal)	Chief District Judge	1	15	248,450
	Principal Family Court Judge	1	14	226,550 – 240,350
	District Judge	39	13	212,300 – 225,100
	Member, Lands Tribunal	2	12	182,650 – 193,850
	Registrar	1	11	168,250 – 178,350

Position as at 1.3.2019				
Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
District Court Masters' Office	Deputy Registrar	8	10	153,900 – 163,250
Magistrates' Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	1	13	212,300 – 225,100
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11	11	168,250 – 178,350
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/ Magistrate	76	10	153,900 – 163,250
			7-10	136,215 – 163,250
	Special Magistrate	11	1 - 6	88,540 – 104,610

[^] 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 × 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 2015 to 2019 is as follows:

Position	1.3.2015	1.3.2016	1.3.2017	1.3.2018	1.3.2019
Deputy Judge of the Court of First Instance of the High Court	2	9	5	7	9
Temporary Deputy Registrar, High Court	1	1	1	1	2
Deputy District Judge	0	2	3	2	1
Temporary Member of the Lands Tribunal	0	0	0	0	0
Deputy Magistrate and equivalent	12	17	27	16	23
Deputy Special Magistrate	5	4	1	1	0
Total	20	33	37	27	35

- (4) The details of exchanges or activities between the Judiciary and the relevant bodies of the Mainland in 2016-17, 2017-18 and 2018-19 are set out in the Annex attached.

The Judiciary's estimated expenditure for visit programmes to other jurisdictions including Mainland in 2019-20 is \$2.3 million.

**Exchanges/activities between the Judiciary
and the relevant departments of the Mainland
for the financial years 2016-17 to 2018-19**

Financial Year 2016-17

Date	Exchanges/Activities between the Judiciary and the Relevant Bodies of the Mainland
26-27.4.2016	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, gave lectures at the Law School, Beijing Normal University in Beijing
10.5.2016	A delegation led by Mr XIONG Yi, Vice President of Jiangsu Higher People's Court, visited the Judiciary
27.5.2016	An eight-member delegation from the Urban Planning, Land & Resources Commission of Shenzhen Municipality of the People's Republic of China visited the Judiciary
30.5.2016	Mr Justice Johnson LAM, Vice-President of the Court of Appeal of the High Court, spoke in a mediation conference held by the Dongguan Second People's Court in Dongguan
23.6.2016	Mr ZHAO Da-cheng, Vice Minister of the Ministry of Justice of the People's Republic of China, visited the Judiciary
27.6.2016 - 1.7.2016	The Chief Justice led a delegation to Beijing, Shenyang and Dalian for a visit at the invitation of the Supreme People's Court of the People's Republic of China
28.7.2016	An eight-member delegation led by Mr XU Jiaxin, Director of Political Department of the Supreme People's Court of the People's Republic of China, visited the Judiciary
11.8.2016	A seven-member delegation from Guangxi Zhuang Autonomous Region of the People's Republic of China visited the Judiciary
8-10.9.2016	The Chief Justice and Mr Justice Andrew CHEUNG, then Chief Judge of the High Court attended the Second Summit on Chinese Judicial Studies organised by the Chinese Judicial Studies Association on September 9 and 10 in Chongqing and visited the Chongqing Higher People's Court.
12.10.2016	A seven-member delegation led by Madam HE Rong, Vice-President of the Supreme People's Court of the People's Republic of China, visited the Judiciary

Date	Exchanges/Activities between the Judiciary and the Relevant Bodies of the Mainland
20.10.2016	A six-member delegation led by Madam HU Ze-jun, Executive Deputy Procurator-General of the Supreme People's Procuratorate of the People's Republic of China, visited the Judiciary
20-21.10.2016	Mr Registrar LUNG Kim-wan, then Registrar of the High Court, participated as a speaker in the 4th Asian Mediation Association Conference "New Global Trend of Mediation – Similarities and Differences" held in Beijing
20-22.10.2016	Together with the Supreme Court of New South Wales and the Supreme Court of Singapore, the Judiciary organised the Fifth Judicial Seminar on Commercial Litigation in Hong Kong which was attended by judges from 14 jurisdictions including a six-member delegation led by Grand Justice DU Wanhua of the Supreme People's Court of the People's Republic of China
26-29.10.2016	The Judiciary Administrator led a delegation to Beijing for a visit at the invitation of the Supreme People's Court of the People's Republic of China
3.11.2016	A 13-member delegation from the Justice Departments/Bureaux of the People's Republic of China visited the Judiciary
16-17.11.2016	A 14-member delegation from Foshan Intermediate People's Court of the People's Republic of China visited the Judiciary
9-10.1.2017	A six-member delegation led by Mr YAN Maokun, Director of the Research Office of the Supreme People's Court of the People's Republic of China attended the 2017 Legal Year Opening Ceremony and visited the Judiciary
10.1.2017	Mr WANG Xie, Deputy Director General, Shanghai Municipal Bureau of Justice of the People's Republic of China, visited the Judiciary
24.2.2017	A three-member delegation led by Ms LU Xi, Director of Anti-Corruption-and-Bribery Bureau and Vice-ministerial Level Member of the Procuratorial Committee and Grand Procurator of the Second Rank of the Supreme People's Procuratorate of the People's Republic of China, visited the Judiciary
28-29.3.2017	An eight-member delegation led by Mr WEN Changzhi, President of the Shenzhen Qianhai Cooperation Zone People's Court of the People's Republic of China, visited the Judiciary

Financial Year 2017-18

Date	Exchanges/activities between the Judiciary and the relevant bodies of the Mainland
22-24.4.2017	Mr Justice Andrew CHEUNG, then Chief Judge of the High Court, Mr Justice Jeremy POON, Justice of Appeal of the Court of Appeal of the High Court, Mr Registrar LUNG Kim-wan, then Registrar of the High Court and Master Herbert AU-YEUNG, Temporary Deputy Registrar of the High Court participated in the Symposium on the 20th Anniversary of Mutual Judicial Assistance on Civil and Commercial Matters between the Mainland and Hong Kong – Review and Outlook in Xian
26-27.5.2017	Mr Justice Patrick CHAN, Non-Permanent Judge of the Court of Final Appeal, attended the Seminar on the 20th Anniversary of the Implementation of Basic Law of Hong Kong in Beijing
27.6.2017	An eight-member delegation led by Mr HU Zhi-guang, Vice-President of the Shenzhen Intermediate People's Court, visited the Judiciary
14-15.9.2017	The Judiciary organised the Fourth Seminar of Senior Judges of Cross-Strait and Hong Kong and Macao
20.11.2017	A seven-member delegation from Jiangsu Province led by Mr SUN Daolin, Vice-President of the Nanjing Intermediate People's Court, visited the Judiciary
22.11.2017	19 Mainland judges of the Foshan Intermediate People's Court visited the Judiciary
4-5.12.2017	The Chief Justice, at the invitation of the Higher People's Court of Guangdong Province, led a delegation to visit the Higher People's Court of Guangdong Province, the People's Court of Tianhe District, Guangzhou, and the People's Court of Nansha District, Guangzhou. The delegation also attended a seminar to exchange views on judicial issues on matrimonial and family cases and cross-border insolvency cases
17.1.2018	An eight-member delegation led by Mr LIU Zheng, Deputy Director of the Judges Management Division of the Human Resources Department of the Supreme People's Court, visited the Judiciary
19.3.2018	Mr LU Weidong, Director of the Shanghai Municipal Bureau of Justice, visited the Judiciary

Date	Exchanges/activities between the Judiciary and the relevant bodies of the Mainland
27.4.2018	Mr QIAO Xiaoyang, Chairman of the Law Committee of the 12th National People's Congress, visited the Judiciary
7.6.2018	An eight-member delegation from the Justice Departments/Bureaux of the Mainland visited the Judiciary
26.7.2018	A 15-member delegation from the Provincial Hong Kong and Macao Affairs Office of the State Council visited the Judiciary
30.7.2018	A 10-member delegation from the Ministry of Foreign Affairs visited the Judiciary
12-14.9.2018	The Chief Justice led a delegation to visit various courts in Zhejiang Province at the invitation of the Supreme People's Court
9-10.10.2018	A 13-member delegation led by Ms TAO Kaiyuan, Vice-President of the Supreme People's Court, visited the Judiciary and participated in seminar organised by the Judiciary
19.10.2018	Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the 2nd Market-Orientated Bankruptcy Forum in Shenzhen
19-21.10.2018	Judge CHAN Chan-kok, then Acting Principal Family Court Judge, attended an academic seminar on family law in Beijing
23.10.2018	A 12-member delegation from the Chinese Association of Case Study visited the Judiciary
8.11.2018	Mr WANG Shengqian, Inspector and Deputy Director-General of the Second Board in General Office of the State Council, visited the Judiciary
26.11.2018	Mr SU Weidong, Vice Director of Human Resources and Social Security Bureau of Baoshan District, Shanghai and Mr ZHAN Hongyun, Deputy Director of the Court of Arbitration for Labour and Personnel Disputes of Wuhan, visited the Judiciary
3.12.2018	A four-member delegation led by Mr SHEN Chunyao, Chairman, Legislative Affairs Commission; and Chairman, Hong Kong Special Administrative Region Basic Law Committee, Standing Committee of the National People's Congress, visited the Judiciary

Date	Exchanges/activities between the Judiciary and the relevant bodies of the Mainland
6.12.2018	A six-member delegation led by Mr HU Yunteng, Grand Justice of the Second Rank of the Supreme People's Court, visited the Judiciary
9-11.12.2018	Mr Justice Jeremy POON, Justice of Appeal of the Court of Appeal of the High Court, attended a Judicial Roundtable organised by the Shanghai University of Political Science and Law and Law Faculty of the University of Hong Kong in Shanghai
17.12.2018	A six-member delegation from the Nanjing Court of Arbitration for Hong Kong and Macao visited the Judiciary
8.1.2019	An eight-member delegation from the Ministry of Justice led by Mr FU Zhenghua, Minister of Justice, visited the Judiciary
16.1.2019	An eight-member delegation led by Mr CHEN Haiguang, Director of the Judges Management Division of the Supreme People's Court, visited the Judiciary
24.1.2019	Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the Conference on Cross-Border Bankruptcy (Liquidation) between the Mainland and Hong Kong SAR in Beijing
22.2.2019	An 11-member delegation from the Supreme People's Court and the Higher People's Court of Guangdong Province visited the Judiciary and participated in seminar organised by the Judiciary

- End -

CONTROLLING OFFICER'S REPLY

JA040

(Question Serial No. 5519)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

With regard to 'Courts, Tribunals and Various Statutory Functions', the estimated expenditure for the year 2018-19 has substantially increased when compared to that for the year 2017-18. What is the reason?

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 505)

Reply:

The revised estimated expenditure for 2018-19 for Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, is higher than the actual expenditure for 2017-18. This is mainly due to the increased provision for filling of vacancies, and creation of additional four judicial and 31 non-judicial posts in 2018-19 for enhancing support on various fronts.

As regards provision for 2019-20 for Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, it is higher than the revised estimate for 2018-19. This is mainly due to the increased provision for filling of vacancies, and a net increase of three judicial and 53 non-judicial posts in 2019-20 for enhancing support on various fronts.

- End -

CONTROLLING OFFICER'S REPLY

JA041

(Question Serial No. 5520)

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

Question:

Please list in a table the number of judicial reviews filed by members of the public against the administrative decisions of the respective court registries of various magistrates' courts in the past five years.

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 506)

Reply:

In the past five year, there was no judicial review case as such.

- End -

CONTROLLING OFFICER'S REPLY

JA042

(Question Serial No. 5521)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Is there any requirement in the Judiciary that staff members of the court registry administration of various magistrates' courts be subject to a transfer or re-posting after certain years? If yes, after how many years must there be a transfer? And in the form of a table, please state in detail whether there are any staff members of the court registry administration of the magistrates' courts who are not transferred or re-posted after such period has lapsed?

Asked by: Hon TAM Man-ho, Jeremy (LegCo internal reference no.: 507)

Reply:

The court registry of the Magistrates' Courts mainly comprises Judicial Clerk ("JC") grade and clerical grades staff.

There are posting arrangements for JC grade staff to allow them to gain exposure, and to build up the competencies and skills necessary for meeting operational needs as well as for career development in the grade. The postings of JC will be arranged having regard to the operation of the courts and tribunals, the manpower situation of the grade and the career development of individual officers. There is no strict rule on the timing of posting of JC grade members.

As for members of the clerical grades which belong to the general grades in the civil service, the Judiciary generally follows the prevailing posting policy as administered by the General Grades Office of the Civil Service Bureau of the Government. Internal postings would be arranged for clerical grades staff normally in around six to eight years.

- End -

CONTROLLING OFFICER'S REPLY

JA043

(Question Serial No. 1445)

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

Question:

Please provide the respective figures on the caseload, the number of cases concluded and the court waiting time at various levels of courts in the past three years.

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 22)

Reply:

The figures on the number of cases filed, the number of cases disposed of and the court waiting time at various levels of courts for the past three years from 2016 to 2018 are provided below:

Cases Filed

	Cases Filed		
	2016	2017	2018
Court of Final Appeal			
application for leave to appeal	129	112	194
appeals	32	26	40
miscellaneous proceedings	0	0	0
Court of Appeal of the High Court			
criminal appeals	400	420	388
civil appeals	246	298	611
miscellaneous proceedings ⁺	-	83	204

	Cases Filed		
	2016	2017	2018
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases	497	449	421
confidential miscellaneous proceedings	405	382	402
miscellaneous proceedings (criminal) [€]	-	374	789
appeals from Magistrates' Courts	702	659	620
civil jurisdiction [@]	19 467	17 719	18 605
probate cases	18 368	20 477	20 797
Competition Tribunal	0	2	3
District Court			
criminal cases	1 215	1 156	1 188
civil cases	21 902	20 550	21 453
family cases	22 297	23 634	23 345
Lands Tribunal	4 629	4 653	4 299
Magistrates' Courts	334 048	338 977	340 612
Coroner's Court	83	131	167
Labour Tribunal	4 326	4 015	3 955
Small Claims Tribunal	49 169	51 012	55 007
Obscene Articles Tribunal	226	174	9 240

⁺ Since 1 July 2017, a new case type has been created for criminal and civil miscellaneous matters before the Court of Appeal of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

[€] Since 1 July 2017, a new case type has been created for criminal miscellaneous matters before the Court of First Instance of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

[@] The case type of High Court Miscellaneous Proceedings has excluded miscellaneous matters before the Court of Appeal of the High Court and criminal miscellaneous matters before the Court of First Instance of the High Court since 1 July 2017.

Cases Disposed of

	Cases Disposed		
	2016	2017	2018
Court of Final Appeal			
application for leave to appeal	131	125	137
appeals	33	31	36
miscellaneous proceedings	0	0	0
Court of Appeal of the High Court			
criminal appeals	381	375	382
civil appeals	273	224	507
miscellaneous proceedings ⁺	-	39	178
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases	506	519	433
confidential miscellaneous proceedings	405	382	402
miscellaneous proceedings (criminal) ^ε	-	295	686
appeals from Magistrates' Courts	713	719	555
civil jurisdiction [@]	16 497	14 915	14 196
probate cases	18 189	19 537	19 886
Competition Tribunal	0	0	0
District Court			
criminal cases	1 075	1 050	988
civil cases	18 692	18 781	18 227
family cases	17 515	19 698	20 620
Lands Tribunal	3 853	3 549	3 667
Magistrates' Courts	327 788	336 554	333 623
Coroner's Court	77	117	161
Labour Tribunal	4 048	4 048	3 607
Small Claims Tribunal	48 794	51 509	54 355
Obscene Articles Tribunal	222	179	9 241

⁺ Since 1 July 2017, a new case type has been created for criminal and civil miscellaneous matters before the Court of Appeal of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

€ Since 1 July 2017, a new case type has been created for criminal miscellaneous matters before the Court of First Instance of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

@ The case type of High Court Miscellaneous Proceedings has excluded miscellaneous matters before the Court of Appeal of the High Court and criminal miscellaneous matters before the Court of First Instance of the High Court since 1 July 2017.

Court Waiting Time*

	Average Waiting Time (days)			
	2018 Target	2016	2017	2018
Court of Final Appeal				
application for leave to appeal				
Criminal - from notice of hearing to hearing	45	42	44	43
Civil - from notice of hearing to hearing	35	33	33	35
substantive appeal				
Criminal - from notice of hearing to hearing	100	98	90	98
Civil - from notice of hearing to hearing	120	117	118	111
Court of Appeal of the High Court				
Criminal – from setting down of a case to hearing	50	46	47	49
Civil - from application to fix date to hearing	90	86	89	88
Court of First Instance of the High Court				
Criminal Fixture List - from filing of indictment to hearing ^Ω	-	291	164	167
Civil Fixture List - from application to fix date to hearing	180	155	163	168
Civil Running List - from not-to-be-warned date to hearing	30	13	16	38
appeals from Magistrates’ Courts – from lodging of Notice of Appeal to hearing	90	105	91	103
District Court				
Criminal - from first appearance of defendants in District Court to hearing	100	118	152	187
Civil Fixture List - from date of listing to hearing	120	99	102	95
Civil Running List - from not-to-be-warned date to hearing	30	15	25	16

	Average Waiting Time (days)			
	2018 Target	2016	2017	2018
Family Court				
dissolution of marriage - from setting down of a case to hearing -				
Special Procedure List	35	34	34	35
Defended List (all hearings)	110	65	85	111
financial applications – from setting down of a case to hearing	110-140	86	95	90
Lands Tribunal				
- from setting down of a case to hearing				
appeal cases	90	30	-^	20
compensation cases	90	41	60	38
building management cases	90	35	44	29
tenancy cases	50	26	23	19
Magistrates' Courts				
- from plea to date of trial				
summons	50	67	65	76
charge cases except for Juvenile Court -				
for defendants in custody	30-45	36	31	47
for defendants on bail	45-60	41	40	57
charge cases for Juvenile Court -				
for defendants in custody	30-45	49	-~	-~
for defendants on bail	45-60	39	48	58
Coroner's Court				
- from date of listing to hearing	42	39	79	65
Labour Tribunal				
- from appointment to filing of a case	30	27	26	25
- from filing of a case to first hearing	30	26	24	25
Small Claims Tribunal				
- from filing of a case to first hearing	60	34	32	33
Obscene Articles Tribunal				
- from receipt of application to classification	5	3	3	3
- from referral by a magistrate to determination	21	-#	-#	22

- * As there are only two cases being set down for trial/substantive hearing in the Competition Tribunal, the waiting time is inapplicable. Target waiting time will be considered when more cases are set down for trial/substantive hearing at the Competition Tribunal.
- Ω A new Practice Direction on criminal proceedings in the Court of First Instance of the High Court was promulgated in June 2017 to enhance management of criminal proceedings. Having regard to the new procedures under the Practice Direction, consideration is being given to revise how the average waiting time for the Criminal Fixture List should be measured. In addition, the Criminal Expedited List has replaced the Criminal Running List. The way to measure the average waiting times of the Criminal Expedited List and the setting of its target are being considered in the light of the operation of the new measures.
- ^ As there is no appeal cases filed, the waiting time is inapplicable.
- ~ As there is no charge case for the Juvenile Court where the defendant is remanded in custody, the waiting time is inapplicable.
- # As there is no application for determination filed, the waiting time is inapplicable.

-End-

CONTROLLING OFFICER'S REPLY

JA044

(Question Serial No. 1447)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

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 2018-19.

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 24)

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 for the year 2018-19 are as follows:

Tribunal/ Court	Establishment	Number 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	22.2 million
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 40 – Clerical Staff 7 – Secretarial Staff 5 – Office Assistant	56.3 million

Tribunal/ Court	Establishment	Number of posts	Annual salary at mid-point* (\$)
		1 – Workman II	
Small Claims Tribunal	78	1 – Principal Adjudicator 11 – Adjudicator 19 – Judicial Clerk grade staff 46 – Clerical Staff 1 – Office Assistant	49.4 million
Obscene Articles Tribunal	7	2 – Magistrate 5 – Clerical Staff	5.1 million
Coroner's Court	14	3 – Coroner 1 – Judicial Clerk grade staff 8 – Clerical Staff 1 – Secretarial Staff 1 – Workman II	9.3 million

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

- End -

CONTROLLING OFFICER'S REPLY

JA045

(Question Serial No. 1448)

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

Question:

Please provide the number of applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decisions for the past three years, and their respective average waiting time? How many of those judicial review cases were legally aided?

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 25)

Reply:

The information requested on judicial review cases in the period from 2016 to 2018 is as follows:

	2016	2017	2018
(a) No. of leave applications filed [^]	228	1 146	3 014
(b) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	24	11	15
(c) Average waiting time from listing to hearing of leave application	49 days	55 days	42 days
(d) No. of appeals against refusal of leave filed	13	57	410
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave application	70 days	64 days	57 days
(f) No. of substantive judicial review cases filed	31	29	40
(g) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	18	15	13
(h) Average waiting time from listing to hearing of substantive case	91 days	97 days	95 days
(i) No. of appeals against judicial review decisions filed	21	18	20
(j) Average waiting time from listing to appeal hearing	85 days	97 days	141 days

Remarks:

[^] The increase in number of applications for leave to judicial review in 2017 and 2018 is mainly due to increase in non-refoulement claim cases. There were 60, 1 006 and 2 851 non-refoulement claim cases in 2016, 2017 and 2018 respectively.

- End -

CONTROLLING OFFICER'S REPLY**JA046****(Question Serial No. 1450)**

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

Question:

In the form of a table, please provide the following information concerning the cases in the Small Claims Tribunal in the past five years:

- The cumulative number of cases in each of these years;
- Average actual waiting time (days) of cases from date of listing to hearing;
- The longest actual waiting time (days) of cases from date of listing to hearing; and
- With regard to the above, please explain the time required.

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 27)

Reply:

The figures regarding number of cases filed in the Small Claims Tribunal in the past five years are as follows:

	2014	2015	2016	2017	2018
Claims	50 083	49 775	49 169	51 012	55 007

Waiting time for cases listed in the Small Claims Tribunal counts from filing of a case to first hearing. The average waiting time for cases listed in the past 5 years from 2014 to 2018 are set out as follows:

	Target	2014	2015	2016	2017	2018
Average Waiting Time (Days)	60	36	35	34	32	33

In relation to the requested information for longest waiting time, the Judiciary does not maintain the statistics.

- End -

CONTROLLING OFFICER'S REPLY

JA047

(Question Serial No. 1628)

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

Question:

Figures under Programme (1) show that the Small Claims Tribunal dealt with a total of 55 007 cases of claims in 2018. In this regard, will the Administration inform this Council of:

- (1) The size of the establishment and the estimated expenditure of the Small Claims Tribunal for the coming financial year;
- (2) Whether there are any statistics on the total number of cases of small claims received since the increase in the jurisdictional limit from HK\$50,000 to HK\$75,000 on 3 December 2018;
- (3) Whether there has been a remarkable increase in the number of cases as compared with that before the increase in the jurisdictional limit; if yes, whether any assessment has been conducted on the size of establishment and the expenditure of the Small Claims Tribunal at present and that for the coming financial year to see if they are sufficient for coping with the substantial increase in workload; and
- (4) A further review of the jurisdictional limit was originally scheduled to be conducted two years after the jurisdictional rise. However, there are comments that the current jurisdictional limit is still not high enough. Will the Judiciary review afresh the jurisdictional limit as soon as possible in response to public demand?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 10)

Reply:

The proposed establishment (including Judicial Officers and support staff) and approximate salary expenditure of the Small Claims Tribunal ("SCT") in 2019-20 Draft Estimate are as follows:

	2019-20 (Draft Estimate)
Establishment	80
Annual salary at mid-point	\$50.9 million

The increase of the civil jurisdictional limits of the SCT has come into effect from 3 December 2018. The estimated number of cases for 2019 has been set having regard to the workload in 2018. The Judiciary is in the course of collecting relevant statistics for study and analysis.

In proposing the increase of the jurisdictional limits of the SCT from \$50,000 to \$75,000, the Judiciary had attempted to estimate the likely impact on the demand for SCT services to assess the associated resource implication. It was estimated that the projected increase of caseload as a result of the increase in jurisdictional limit would be about 4% a year. Since late 2017, the Judiciary, with the support of the Government and the Finance Committee of the Legislative Council, has created additional judicial posts in the SCT to meet its operational need including the requirement for the projected increase in caseload arising from the increase of jurisdictional limit. We will closely monitor the situation and assess the impact of the increase of jurisdictional limit on the workload of the SCT in due course.

The increase in the jurisdictional limit of SCT to \$75,000 in December 2018 was made having regard to a comprehensive and objective analysis taking into account a host of factors, including the need to enhance access to justice, effect on demand for and operation of SCT's services, changes in economic indicators, etc., as well as the views received during consultation. When the proposal for the new jurisdictional limit was put forward, it had also received general support from stakeholders, including the Hong Kong Bar Association, the Law Society of Hong Kong, as well as the Legislative Council Panel on Administration of Justice and Legal Services. We would closely monitor the caseload of SCT and the actual operational impact for two years upon the implementation of the new jurisdictional limit, and conduct a review to see if there is a case for further raising the limit.

- End -

CONTROLLING OFFICER'S REPLY

JA048

(Question Serial No. 3233)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

In 2015, the Working Party on Family Procedure Rules submitted a report on the reform of practices and procedures in matrimonial causes in the Family Court of Hong Kong, in which it was recommended that a set of self-contained procedural rules be adopted and a new Family Procedure Rules Committee be set up for a more efficient, cost-effective and user-friendly family justice system and possibly a reduction of the time and cost needed for family proceedings.

According to the Judiciary, preparation for the legislative work will be made in 2019-20 for the proposed formulation of a unified set of procedural rules for the family justice system. What are the specific work plan and the timetable?

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 50)

Reply:

The Working Party on Family Procedure Rules appointed by the Chief Justice published its Final Report in 2015 and made a total of 133 recommendations, all of which have been accepted by the Chief Justice. One of the key recommendations in the Final Report is to adopt a single set of self-contained procedural rules for the family justice system. Another recommendation is to set up a new Family Procedure Rules Committee as the single rule-making authority for making the new rules and any subsequent amendments.

The recommendations taken together seek to reduce the adversarial excesses in the culture of family litigation. They also aim to facilitate a more streamlined procedure and contribute to a common approach across the Family Court and the High Court, resulting in a more efficient, cost-effective and user-friendly family justice system.

An Implementation Committee within the Judiciary has been set up to oversee the legislative work relating to the implementation of the recommendations. It is chaired by a Justice of Appeal of the Court of Appeal of the High Court, and comprises seven other Judges and Judicial Officers from the High Court and Family Court.

The Judiciary is currently taking forward the work for the implementation of the recommendations. Legislative changes will be required to about ten pieces of principal legislation, and many pieces of subsidiary legislation. It is a massive exercise as the legislative work will be extensive, complicated and highly technical. Steady progress has been made so far. It is expected that the legislative work will become more intensive in the next three years as the legislative provisions will need to be finalised and made ready for consultation, and eventually put to the Legislative Council for scrutiny.

- End -

CONTROLLING OFFICER'S REPLY

S-JA01

(Question Serial No. S003)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

As a follow-up question on Reply Serial No. JA028:

- (1) While the Administration states that “in the light of the surge of non-refoulement claim cases, the Judiciary would assess whether any additional requirements for judicial and other staffing resources are required”, the Security Bureau stated in its reply to a question by the Dr Hon Priscilla Leung on January 16 that, “as at the end of last year, only about 540 claims were pending screening by the Immigration Department”. It can be envisaged that the number of reviews will decrease as well. Please provide details on the assessment made by the Judiciary on judicial and other staffing resources for the handling of non-refoulement claim cases.
- (2) It is mentioned in the reply that the Judiciary is liaising with the Department of Justice with a view to “exploring the possibility of introducing modest legislative amendments”. Please inform this Committee of the size of the establishment conducting such work and the progress concerned.

Asked by: Hon AU Nok-hin

Reply:

There has been a sharp increase in the number of applications for leave to judicial review from 228 in 2016 to 1 146 in 2017 and 3 014 in 2018 respectively. The increase is mainly due to the increase in non-refoulement claim cases, at 60, 1 006 and 2 851 in 2016, 2017 and 2018 respectively.

In view of the increasing workload, the Judiciary is also liaising with the Department of Justice with a view to exploring the possibility of introducing modest legislative amendments

so as to facilitate a more efficient handling of cases, including the non-refoulement claims. The Judiciary will consult relevant parties including the Legislative Council when ready.

The Judiciary has been coping with the additional workload brought about by the non-refoulement claim cases within the existing resources and does not have the breakdown of the operating expenses by types of cases or levels of courts.

- End -

CONTROLLING OFFICER'S REPLY

S-JA02

(Question Serial No. S004)

Head: (80) Judiciary

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

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide information on the location, floor area, market rental, maintenance and repair expenditures in the past three years and the estimated maintenance and repair expenditures in 2019-20 in respect of the official residence of the Chief Justice.

Asked by: Hon AU Nok-hin

Reply:

The official residence of the Chief Justice at 18 Gough Hill Road has a gross floor area of 930m².

The Judiciary does not have information on the market rental or the expenditure of building maintenance and repair works of the Chief Justice's official residence.

- End -

CONTROLLING OFFICER'S REPLY

S-JA03

(Question Serial No. S002)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide information on the cases dealt with by the Small Claims Tribunal in the past five years:

- (a) by breakdown of amount of claim:

Claim Amount/Year	2014	2015	2016	2017	2018
1 - 10,000					
10,001 - 20,000					
20,001 - 30,000					
30,001 - 40,000					
40,001 - 50,000					
50,001 - 60,000					
60,001 - 70,000					
70,001 - 75,000					

- (b) has the Administration considered further increasing the jurisdictional limit of the Small Claims Tribunal to \$100,000? If so, what are the details? If not, why so?

Asked by: Hon TO Kun-sun, James

Reply:

The number of claims in the Small Claims Tribunal (“SCT”) in the past five years are as follows:

Claim Amount (HK\$)	2014	2015	2016	2017	2018
≤10,000	27 547	26 409	26 059	25 955	24 471
>10,000 - ≤ 20,000	5 945	5 561	5 925	6 954	8 056
>20,000 - ≤ 30,000	4 144	4 249	4 521	5 271	6 246
>30,000 - ≤ 40,000	2 960	3 139	3 234	4 027	5 136
>40,000 - ≤ 50,000	9 487	10 417	9 430	8 805	9 560
*> 50,000 - ≤ 60,000	-	-	-	-	357
*> 60,000 - ≤ 70,000	-	-	-	-	307
*> 70,000 - ≤ 75,000	-	-	-	-	872

* Figures began to be captured after the increase in jurisdictional limit from \$50,000 to \$75,000 with effect from 3 December 2018.

The jurisdictional limit of the SCT was increased to \$75,000 in December 2018, following a comprehensive review taking into account a host of factors, including the need to enhance access to justice, possible impact on the demand for and operation of SCT's services, changes in economic indicators, etc., as well as the views received during the consultation process. The Judiciary would closely monitor the caseload of SCT and the actual operational impact for two years, and conduct a review to see if there is a case for further revision of the jurisdictional limit.

- End -

CONTROLLING OFFICER'S REPLY**S-JA04****(Question Serial No. SV002)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

As a follow-up question on Reply Serial No. JA023:

Please provide information on the number of civil cases for which it has taken more than six months from conclusion of hearing to the handing down of written judgment by courts at various levels, and among which the number of cases for which a judgment has not yet been handed down.

Asked by: Hon KWOK Wing-hang, DennisReply:

Referring to the civil cases at various levels of courts covered in Reply Serial No. JA023, the number of cases for which it has taken more than 180 days from conclusion of hearing to the handing down of written judgment, with position as at 28 February 2019 are as follows:

Court Level	Type of Case	Number of cases which hearings were concluded in the year with judgment delivery time exceeding 180 days ⁽¹⁾		
		2016	2017	2018
Court of Appeal of the High Court	Civil appeals	5	4	0

Court Level	Type of Case	Number of cases which hearings were concluded in the year with judgment delivery time exceeding 180 days ⁽¹⁾		
		2016	2017	2018
Court of First Instance of the High Court	Civil trials/ substantive hearings	49	39	11
	Tribunal and miscellaneous appeals	0	1	2
District Court	Civil trials/ substantive hearings	39	25	7

Remarks:

- (1) All figures are live data which may vary at different report generation date and time. Normally, figures for a year would become stable by end of the subsequent year when judgments for most of the cases concluded in the year are delivered. This is particularly true for cases concluded toward the last quarter of the year.

- End -