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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2020-21

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Controlling Officer : Judiciary Administrator
Session No. : 2
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C O N T R O L L I N G O F F I C E R ô S

(Question Serial No. 3843)

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) T h e n u m b e r o f u s e r s o f t h e O b s c e n e A r t i and expenditure involved.

Asked by: Hon CHAN Chi-chuen (LegCo internal reference no.: 140)

Reply:

(1) The establishment (including Judicial Officer and support staff) and approximate e x p e n d i t u r e o f t h e O b s c e n e 2 0 a r t i c l e s T r i b as at 1 are as follows:

	2019-20
Establishment	7
Approximate expenditure (including salary expenditure and departmental expenses)	$6.5 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 c o n t i n u e t o b e d e p l o y e d t o d i s c h a r g e o t h Coroner ô s C o u r t a s a p p r o p r i a t e .

(2) The total number of articles classified by the OAT in exercising its statutory administrative classification function in 2019 and their results are set out as follows:

	2019	
	Before publication	**After publication**
Class I *(neither obscene nor indecent)*	0	30
Class II *(indecent)*	9	41
Class III *(obscene)*	0	0
Total	**9**	**71**

There is no request for review in respect of the classified cases in 2019.

(3) The number of usage of the OAT's repository for administrative classification in 2019 was two and the total number of articles searched was two.

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 -

(Question Serial No. 1054)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Concerning the implementation of the Info the Judiciary with a view to making available to court users an option of using electronic mode to conduct court processes, please inform this Council of the following:

1) the manpower and expenditure involved in the ITSP;

2) in light of the reference in the Director of Audit's Report that the Judiciary had stated that the project could not be implemented as scheduled because of manpower shortage as well as delays in the tender exercise for procurement of IT infrastructure and in the development of the Stage 1 court systems, have additional manpower and resources been allocated in the estimates to take forward the project on schedule?

Asked by: Hon CHAN Chun-ying (LegCo internal reference no.: 17)

Reply:

(1) The Information Technology Strategy Plan information technology (ñITò) project seeking to en operational requirements. Among others, the ITSP covers the development of an integrated court case management syste 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 2 phases. Phase I of the ITSP is further divided into two stages:

(a) Stage 1 mainly covers the IT infrastructure foundation and the development of iCMS of the District Court (ñDCò), t Courts (ñMCsò) and the related court

(b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court, the remaining part of the MCs and the Small Claims Tribunal.

The Judiciary obtained a funding of $682 million in May 2013 for the implementation of Phase I of the ITSP. With the experience of the Phase I Stage 1 implementation, the Judiciary is planning for the Phase I Stage 2 implementation.

Regarding manpower resources, the implementation of the ITSP projects is mainly supported by civil service staff, non-civil service contract professionals engaged on contract terms (non-civil service contract manpower). The requirements for supporting the implementation of the ITSP projects vary in the different stages of the project cycle. The Judiciary has been and is closely monitoring the project progress and deploying staff with suitable skill sets to support the implementation of the ITSP projects.

(2) As indicated by the Judiciary Administration in Chapter 6 of Report No. 73 of the Director of Audit, instead of resources being allocated, the manpower shortage issues which affected the progress of the implementation of projects under ITSP mainly arose from the difficulties over the years in recruiting sufficient T-contract staff at the rank of Analyst/Programmer. To address the issues, the Judiciary will continue to explore all possible means, including considering the engagement of NCSC staff and to recruit and retain technical staff with suitable skill sets. With regard to the concern of taking more than expected time for tendering, the Judiciary will adopt the measures stipulated in the recent guidelines / circular memorandum issued by Office of the Government Chief Information Officer and the Financial Services and the Treasury Bureau of the Government in 2016 and 2017 respectively in planning and arranging future procurement exercises so as to shorten the related tendering process.

- End -

(Question Serial No. 4909)

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 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 from October 2018 to present 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; (iii) whether the decisions on withholding some of the information were made by officers at the directorate (D1 or D2) level (according to 1.8.2 of the Guidelines on Interpretation and Application (ñthe Guidelinesò)); (iv) wh information were made subject to a ñhar interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to 2.1.1 of the Guidelines). If yes, please provide the details of the way of final disposal.

From October to December 2018

(i) Contents of the requests that have only been partially met	(ii) Reasons the requests have only been partially met	(iii) Whether the decisions on withholding some of the information were made by officers at the directorate (D1 or D2) level (according to 1.8.2 of the Guidelines)	(iv) Whether the decisions on withholding some of the information were made subject to a ñharm or i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to 2.1.1 of the Guidelines). If yes, please provide the details.

2019

(i) Contents of the requests that have only been partially met	(ii) Reasons the requests have only been partially met	(iii) Whether the decisions on withholding some of the information were made by officers at the directorate (D1 or D2) level (according to 1.8.2 of the Guidelines)	(iv) Whether the decisions on withholding some of the information were made subject to a harm or i.e. whether the public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to 2.1.1 of the Guidelines). If yes, please provide the details.

(2) In the form of a table, concerning all the requests for information under the Code that have been received from October 2018 to present 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; (iii) whether the decisions on withholding the information were made by officers at the directorate (D1 or D2) level (according to 1.8.2 of the Guidelines); and (iv) whether the decisions on withholding the information were made subject to a harm or prejudi disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to 2.1.1 of the Guidelines). If yes, please provide the details of the way of final disposal.

From October to December 2018

(i) Contents of the requests that have been refused	(ii) Reasons the requests have been refused	(iii) Whether the decisions on withholding the information were made by officers at the directorate (D1 or D2) level (according to 1.8.2 of the Guidelines)	(iv) Whether the decisions on withholding the information were made subject t prejudice test public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to 2.1.1 of the Guidelines). If yes, please provide the details.

2019

(i) Contents of the requests that have been refused	(ii) Reasons the requests have been refused	(iii) Whether the decisions on withholding the information were made by officers at the directorate (D1 or D2) level (according to 1.8.2 of the Guidelines)	(iv) Whether the decisions on withholding the information have been subj prejudice te s t ò , i . e , public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure (according to 2.1.1 of the Guidelines). If yes, please provide the details.

(3) Any person who believes that a department has failed to comply with any provision of the Code may ask the department to review the situation. Please inform this Council of: (i) the number of requests for review received by the department in each of the past five years; (ii) among the requests for review received in the year, the number of cases in which further information was disclosed after the review; (iii) whether the decisions on the reviews were made by officers at the directorate (D1 or D2) level

Year in which requests for review were received	(i) Number of requests for review received	(ii) Number of cases in which further information was disclosed after the review, among the requests for review received in the year	(iii) Whether the decisions on the reviews were made by officers at the directorate (D1 or D2) level
2015			
2016			
2017			
2018			
2019			

(4) With reference to the target response times set out in 1.16.1 to 1.19.1 of the Guidelines of the Code, please inform this Council the following information by year in table form (with text descriptions):

(a)

within 10 days from date of receipt of a written request:

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications withdrawn because the applicants did not accept the charge and indicated that they did not wish to proceed with the application
2020					
2019					
2018					
2017					
2016					

within 10 to 21 days from date of receipt of a written request:

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications withdrawn because the applicants did not accept the charge and indicated that they did not wish to proceed with the application
2020					
2019					
2018					
2017					
2016					

within 21 to 51 days from date of receipt of a written request:

	Number of requests for which the information requested was provided	Number of requests involving third party information for which the information requested could not be provided	Number of requests for which the information requested could not be provided since the requests had to be transferred to another department which held the information under request	Number of requests for information which were refused under the exemption provisions in Part 2 of the Code	Number of applications withdrawn because the applicants did not accept the charge and indicated that they did not wish to proceed with the application
2020					
2019					
2018					
2017					
2016					

(b) cases in which information could not be provided within 21 days from date of receipt of request in the past five years:

Date	Subject of the information requested	Specific reason(s)

(c) cases in which information could not be provided within 51 days from date of receipt of request in the past five years:

Date	Subject of the information requested	Specific reason(s)

(5) Please state in table from the number of those, among the cases in which requests for information were refused under the exemption provisions in Part 2 of the Code, on which the Privacy Commissioner for Per consulted when they were being handled in the past five years. For cases where advice had been sought, was it fully accepted in the end? For cases where the advice of the Commissioner was not accepted or was only partially accepted, what are the reasons?

Date	Subject	Particular exemption provision in Part 2 of the Code under which requests for information were refused	Whether the advice of the Commissioner was fully accepted	Reasons for refusing to accept or only partially accepting the advice of the Commissioner

Asked by: Hon CHAN Tanya (LegCo internal reference no.: 479)

Reply:

For (1),

(i) the information requested for requests met in part	(ii) the reasons for meeting the requests in part	(iii) whether the refusal decision to disclose all or part of information was made at the directorate D1 or D2 level in accordance with paragraph 1.8.2 of the Guidelines	(iv) whether the refusal decision was subject to ñharm and pteståò, i.e. public interest in disclosure of such information outweighs any harm or prejudice that could result from disclosure in accordance with paragraph 2.1.1 of the Guidelines, if so, the details.
From October to December 2018			
Information relating to the appointment matters of individual officers	Personal data of individuals was not disclosed under Para 2.15 of Part 2 of the Code.	Yes	Yes. We do not see any overwhelming public interest involved that can outweigh any harm or prejudice from disclosure.
Information relating to the establishment of an advisory committee and its meeting minutes; the attendance of a public officer.	The meeting minutes recorded the internal discussion at a meeting of an advisory committee were not disclosed under Para 2.10 of Part 2 of the Code; Personal data of individuals was not disclosed under Para 2.15 of Part 2 of the Code.	Yes	Yes. We do not see any overwhelming public interest involved that can outweigh any harm or prejudice from disclosure.

From January to September 2019			
Information relating to publishing the hearing dates on the website; including personal data of the public officers who inputted the data of specified court cases	Personal data of individuals was not disclosed under Para 2.15 of Part 2 of the Code.	Yes	Yes. We do not see any overwhelming public interest involved that can outweigh any harm or prejudice from disclosure.
Information of training courses organised for the Civil Justice Reform; and the training records of public officers	Personal data of individuals was not disclosed under Para 2.15 of Part 2 of the Code.	Yes	Yes. We do not see any overwhelming public interest involved that can outweigh any harm or prejudice from disclosure.

For (2),

(i) the information requested for refused requests	(ii) the reasons for refusing the requests	(iii) whether the refusal decision to disclose all or part of the information was made at the directorate D1 or D2 level in accordance with paragraph 1.8.2 of the Guidelines	(iv) whether the refusal decision was subject to prejudice accordance with paragraph 2.1.1 of the Guidelines, if so, the details.
From October to December 2018			
The contract terms between the Judiciary Administration and a service provider	The disclosure of the information would harm or prejudice negotiations and contractual activities of the Judiciary Administration and was refused under Para 2.9a of Part 2 of the Code.	Yes	Yes. We do not see any overwhelming public interest involved that can outweigh any harm or prejudice from disclosure.
From January to September 2019,			
The contract terms between the Judiciary Administration and a service provider	The disclosure of the information would harm or prejudice negotiations and contractual activities of the Judiciary Administration and was refused under Para 2.9a of Part 2 of the Code.	Yes	Yes. We do not see any overwhelming public interest involved that can outweigh any harm or prejudice from disclosure.
Correspondence between Judiciary Administrator and The Ombudsman	The contents are internal discussion between The Ombudsman and the Judiciary Administrator and were not disclosed under Para 2.10 of Part 2 of the Code.	Yes	Yes. We do not see any overwhelming public interest involved that can outweigh any harm or prejudice from disclosure.

For (3), the Judiciary Administration did not receive any request for review from 2015 to 2019.

For (4), from 2016 to September 2019, the Judiciary Administration handled a total of 212 requests under the Code within 51 days after receipt. The Judiciary Administration does not maintain the requested breakdown.

For (5), among those requests refused under the exemption clauses at Part 2 of the Code in the past five years, there is not any case where the Judiciary Administration had sought advice from PCPD.

- End -

(Question Serial No. 5470)

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 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 for the time required.

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

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1381)

Reply:

The Judiciary maintains statistics on average waiting time for the Family Court 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 2015 to 2019 are as follows:

	Target	**2015**	**2016**	**2017**	**2018**	**2019**
Special Procedure List						
Average Waiting Time (Days)	35	34 (19 564)	34 (16 298)	34 (23 699)	35 (19 608)	35 (22 364)
Longest Waiting Time (Days)[#]	-	36 (50)	35 (14 743)	36 (26)	39 (1)	35 (20 913)
Defended List						
Average Waiting Time (Days)	110	93 (29)	65 (18)	85 (18)	111 (35)	89 (32)
Longest Waiting Time (Days)[#]	-	173 (1)	100 (2)	162 (1)	204 (1)	226 (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 2015 to 2019 are as follows:

	Target	**2015**	**2016**	**2017**	**2018**	**2019**
Financial Applications						
Average Waiting Time (Days)	110 ï 140	91	86	95	90	81
Longest Waiting Time (Days)	-	181	161	178	203	235

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

- End -

(Question Serial No. 5471)

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:

(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.: 1382)

Reply:

Court interpreters are deployed to 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 ô S R E P L

(Question Serial No. 5472)

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 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.: 1383)

Reply:

(1) The establishment and remuneration of J Family Court are as follows:

Position as at 1.3.2020				
Level of Court	**Rank**	**Establishment**	**Judicial Service Pay Scale Point**	**Monthly Salary* $**
Family Court	Principal Family Court Judge	1	14	226,550 ï 240,350
	District Judge	4	13	212,300 ï 225,100

* *Note: Based on the pay level as at 1.4.2018. The 2019-20 Judicial Service Pay Adjustment is pending approval from the Finance Committee of the Legislative Council.*

As at 1 March 2020, there were seven substantive Judges and four 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 and endorsed by the Establishment Subcommittee in May 2019. We are seeking the approval of the Finance Committee.

(2) Resources have all along been provided participation in judicial training activities depends on the availability of such activities and JJOsô availability as permitted by their training on skills in meeting with children in 2019, on dealing with domestic violence cases in 2014, and on childrenôs rights in family of the Judicial Institute, the Institute will also attend to the need for training for the JJOs in this regard.

- End -

(Question Serial No. 5473)

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 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.: 1384)

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 -

C O N T R O L L I N G O F F I C E R ô S

(Question Serial No. 5474)

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 number of cases that were settled after being dealt with by the Labour Tribunal;

(2) the amount of claims involved in the cases that were settled after being dealt with by the Labour Tribunal;

(3) the number of claimants involved in the cases that were settled after being dealt with by the Labour Tribunal;

(4) the number of cases that were disposed of by the Labour Tribunal;

(5) the amount of claims involved in the cases that were disposed of by the Labour Tribunal;

(6) 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.: 1385)

Reply:

The number of cases that were disposed of and settled after being dealt with by the Labour Tribunal (ñLTò), as well as the number of years are as follows:

	2015	2016	2017	2018	2019
Number of cases disposed	3 639	4 048	4 048	3 607	4 144
Number of cases settled	2 012	2 265	2 220	2 021	2 025
Number of applications for leave to Appeal	47	27	45	30	23

The Judiciary does not maintain statistics regarding the amount of claims and number of claimants involved in cases dealt with by the LT.

- End -

(Question Serial No. 5548)

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.: 1058)

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	**2015**	**2016**	**2017**	**2018**	**2019**
Number of divorce cases filed in the year	21 467	21 954	23 302	22 998	22 074

- End -

(Question Serial No. 5570)

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 Ordinance(s) of employers' contravention of S them, the number of cases in which employees won favourable rulings; and among them, the number of cases in which the court or the Labour Tribunal ordered reinstatement or re-engagement.

Asked by: Hon CHEUNG Chiu-hung, Fernando (LegCo internal reference no.: 1214)

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 y

	2015	**2016**	**2017**	**2018**	**2019**
Number of Part VIA claims filed	701	700	704	591	621
Number of Part VIA claims ruled in favour of employees	73	67	50	62	89
Number of cases in which an order for reinstatement or re-engagement was granted by the LT	1	0	0	0	0

- End -

(Question Serial No. 6754)

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. The issue of backlog of cases has been worsened by the present accumulation of cases related to the social events arising from the opposition to the proposed legislative amendments coupled with the suspension of court business earlier on due to the epidemic situation. In view of this, will the Government allocate additional resources to the courts to expedite the handling of the backlog of pending criminal cases? If yes, what are the details?

Asked by: Hon CHEUNG Wah-fung, Christopher (LegCo internal reference no.: 75)

Reply:

The Judiciary notes that at the moment, the majority of the cases related to recent social events (ñSE cases ò) are not yet rea coming months. In anticipation of the expected high volume of such cases, the Chief Justice has tasked the Court Leaders of all levels of courts to explore all means to ensure the expeditious processing of these cases.

2. Accordingly, a Task Group, comprising primarily the relevant Court Leaders, has been set up. In exploring the possible measures, the Task Group firmly bears in mind the following key principles :

(a) the proposed measures must be strictly in accordance with the law;

(b) the legitimate rights and interests of the parties, the fairness of the trial and the due process of the proceedings must be safeguarded;

(c) without compromising (a) and (b), cases should be processed expeditiously until conclusion; and

(d) the proposed measures must be practicable, taking account of the J u d i c i a r y resources and other competing demands

3. Possible measures being explored include (i) longer sitting hours and Saturday sittings on a need basis; (ii) listing cases of various levels of courts at suitable court premises such as West Kowloon Law Courts Building depending on the nature and number of defendants etc.; (iii) more effective case management, including setting stricter procedural timetable; and (iv) exploring the possibility of re-commissioning of the Tsuen Wan Law Courts Building. The Task Group is also gathering more information about practices adopted in other jurisdictions when faced with similar situation (such as the UK).

4. As the operation of the judicial system requires the support and co-operation of many other stakeholders, including the legal profession, the Department of Justice, law enforcement agencies, Correctional Services Department, Legal Aid Department and other organizations such as the Duty Lawyer Service, etc., the Judiciary is consulting them on the proposed measures. While the original plan of the Task Group was to complete the consultation in Q1 2020, in view of the public health situation, the Judiciary has been closely monitoring the situation and will try to complete the consultation as soon as practicable.

5. On resources, the Judiciary has been trying its best to increase its judicial manpower as necessary at the relevant court levels, primarily at the DC and the MCs at this stage. For example, additional deputy Judges and Judicial Officers will be appointed and additional support staff are being or will be engaged or deployed to deal with the caseload. The Judiciary would also 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.

General Adjourned Period

6. In view of public health considerations, the Judiciary has generally adjourned court proceedings from 29 January 2020. Correspondingly, the business of court/tribunal registries and offices were also affected. The Judiciary has originally planned for the General Adjourned Period to end on 22 March 2020. In fact, prior to 22 March 2020, the Judiciary had been taking active steps to prepare for the resumption of court business on 23 March 2020 in a staggered and progressive manner, including the re-opening of court/tribunal registries and offices in stages from 9 March 2020. Unfortunately, the resumption plans had to be halted in the light of the sudden worsening public health situation and the Government's announcement to reduce the risk of a large-scale outbreak in the community. Taking into account the fast changing public health situation and all relevant considerations, the Judiciary has announced on 22 March 2020 that save for urgent and essential business, GAP would be extended for two more weeks from 23 March 2020 until 5 April 2020, and be subject to review having regard to the prevailing public health situation. Court/tribunal registries and offices would also be generally closed during this period, except for urgent and essential business. The Judiciary further announced on 28 March 2020 that GAP would continue from 30 March to 13 April, and be subject to review having regard to the prevailing public health situation. It is important to underline that the safety of court users and Judiciary staff, including that of court users and Judiciary staff, remain paramount considerations in the handling of court operations by the Judiciary.

Social Distancing

7. The Judiciary has to strike a careful balance between the due administration of justice (particularly given the uncertainty of the duration of GAP) and the latest public health situation. Individual court cases or business on their own may not add very much to public health risks. However, if many cases or business are conducted at the same time at same court premises, their combined impact on public health risks as a whole may increase. As such, the Judiciary has to be prepared to adapt to ensure that court premises is smooth and that court premises, including office areas, are not overcrowded. This is reflected in the limited scope of business, including registry business (as revised from time to time), the manner in which cases are listed for hearing, the number of courts that are opened for hearing, the number of and manner in which magistrates opened for business, and the preventive and crowd control measures implemented.

8. With the extension of GAP to 13 April 2020, the Judiciary will continue to use various means to space out court proceedings, with suitable adjustments as appropriate to suit the latest situation. Where appropriate, the number of cases to be handled in the same courtroom at any one session will be reduced. This will in turn reduce the number of people who will need to be in a courtroom at any point in time. Additional holding space or waiting area(s) in other courtroom(s) or at court lobbies will be provided whenever possible so that fewer people will need to gather in a courtroom. Broadcasting of proceedings will be done on a need basis. For certain levels of court such as the MCs, more court buildings will operate on any given day so that the cases may be spread out for handling in more courtrooms.

9. There will also be capacity limits for each courtroom, court lobby, and registry areas to contain the people flow within reasonable limits and having regard to the need for social distancing. To help enforce such controls, queuing system will be implemented as appropriate. The Judiciary also urges court users, including legal practitioners, to minimise the number of people coming to the court.

10. Under such exceptional and fast changing public health situation, which is beyond the control of the Judiciary, it is inevitable that all stakeholders involved in the judicial system, including court users, have been affected, disrupted and inconvenienced to varying extent as a result. The Judiciary is fully aware of this, and has been taking proactive measures throughout GAP if the public health situation permits to address and alleviate the impact of GAP on the operation of the judicial system and its users. It is to be stressed again that at all times, it is the public interest that is paramount.

11. According to the Judiciaryôs original plan, criminal 2 March 2020 and court business would have resumed on 23 March 2020. In this regard, arrangements had been made since early March 2020 to progressively resume various services, such as expanding the scope of urgent and essential business and services of the court/tribunal registries. However, in the light of the fast changing public health situation, the Judiciary had to delay the resumption plans previously contemplated.

Mitigating Measures

12. The following paragraphs set out the measures from 29 January 2020 to 22 March 2020 in mitigating the impact of GAP. Where appropriate, relevant measures would continue to apply during the extended GAP period from 23 March 2020 onwards. All the measures were done having obtained the approval of the Chief Justice after striking a careful balance between public health considerations and the public interest involved in the administration of justice.

13. First, for hearings originally scheduled which were generally adjourned, the Judiciary had made special arrangements for all urgent and essential court hearings and business to be handled promptly during the period. Such urgent and essential court proceedings and business included the hearing of fresh remand cases, urgent bail reviews and urgent civil matters. In addition, the Judiciary recognized that the longer the general adjournment had become, the more matters might become urgent and essential. As such, the Judiciary had taken further steps as follows:

(a) It had been constantly reviewing the scope of urgent and essential business which should be handled during GAP and expanding its scope on a regular basis between 29 January 2020 to 22 March 2020; and

(b) Despite the general closure of court registries and offices, enhanced measures had constantly been introduced to handle the filing of additional types of documents and other matters in support of the expanded scope of urgent and essential business between 29 January 2020 and 22 March 2020. In fact, the scope of urgent and essential court business and the list of enhanced measures had been expanded eight times between 29 January 2020 and 22 March 2020.

14. Secondly, prior to 22 March 2020, the Judiciary had been making parallel preparation for an orderly and progressive resumption of court proceedings and business. There were two major challenges in this regard: to clear the backlog of cases adjourned during the period and take preparatory actions for cases scheduled for hearings upon the original intended expiry of GAP on 22 March 2020 or shortly thereafter. Court Leaders, assisted by listing JJOs, had been doing a lot of work with a view to facilitating an orderly resumption of proceedings as far as practicable at all levels of courts. The Judiciary had also done this in close liaison with external stakeholders as appropriate, as the operation of the judicial system necessitated the collaboration of all stakeholders concerned. The work done in this regard included:

(a) Proactive case management by all JJOs of cases assigned to them both between 29 January 2020 and 22 March 2020 and the period immediately after that, so that clear and prompt directions would be given to the parties as necessary. This would also enable those cases which would be ready for hearing upon the expiry of GAP (originally planned for 22 March 2020) to be re-fixed as early as practicable;

(b) Where appropriate, JJOs would consider or invite the parties to consider disposing the cases on paper as far as possible, in particular for civil cases, e.g.

interlocutory matters. It should be stressed that paper disposal is an existing and well-accepted means of processing cases without the need for oral hearing;

(c) As regards the hearing of cases after GAP (i.e. originally from 23 March 2020 onwards), the Judiciary had re-assured all stakeholders and parties that there would be sufficient lead time for notification and preparation, regardless of whether the cases would proceed as scheduled after GAP or be re-fixed; and

(d) Additional temporary JJOs would continue to be engaged as appropriate and more effective listing arrangements would be introduced where practicable to enhance the judicial capacity in dealing with the increased volume of judicial work culminated during GAP.

15. Members may wish to refer to the Information Note on General Adjourned Period which the Judiciary provided to the Panel on Administration of Justice and Legal Services on 25 March 2020 and the letter from the Judiciary Administrator to the Panel on 30 March 2020 for more details.

- End -

(Question Serial No. 0591)

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 about the criminal cases and civil disputes in which interpretations of Basic Law articles were required in hearing and adjudication at various levels of courts and tribunals in the past three years:

Year	Case Type	The articles of the Basic Law involved	No. of interpretations	Outcome of adjudications

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 13)

Reply:

The Judiciary does not maintain the requested statistics.

- End -

(Question Serial No. 0592)

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 various activities related to the Basic Law in which Judges at various levels of courts and members of the Judiciary participated in each of the past three years, including talks, seminars, etc.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 14)

Reply:

In the performance of their judicial duties which may involve issues related to the Basic Law, Judges and Judicial Officers normally make reference to relevant authorities, legal materials and studies.

For support staff of the Judiciary Administration, the Basic Law related courses in which they participated in the past three years include ï

(a) The Basic Law Course;

(b) The Basic Law Foundation Course;

(c) Basic Law Thematic Seminar: Relationship between the Central Government and the Hong Kong Special Ad

(d) HKSAR 20th Anniversary Basic Law Thematic Seminar: The Constitution of the Peopleôs Republic of China and t the Central Authorities and Hong Kong; and

(e) The Basic Law Course: The Constitution of the People's Republic of China and the Basic Law.

- End -

(Question Serial No. 2873)

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:

There has been an upsurge in the number of prosecution since the social events arising from the proposed legislative amendments, and the court has to deal with a large number of cases. Will the government consider allocate additional resources to set up a 24-hour special court in the magistracy to expedite the processing of these trials?

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 48)

Reply:

The Judiciary notes that at the moment, the majority of the cases related to recent s o c i a l e v e n t s (ñ S E c a s e s ò) a r e n o t y e t r e a coming months. In anticipation of the expected high volume of such cases, the Chief Justice has tasked the Court Leaders of all levels of courts to explore all means to ensure the expeditious processing of these cases.

2. Accordingly, a Task Group, comprising primarily the relevant Court Leaders, has been set up. In exploring the possible measures, the Task Group firmly bears in mind the following key principles:

(a) the proposed measures must be strictly in accordance with the law;
(b) the legitimate rights and interests of the parties, the fairness of the trial and the due process of the proceedings must be safeguarded;
(c) without compromising (a) and (b), cases should be processed expeditiously until conclusion; and
(d) the proposed measures must be practicable, taking acc o u n t o f t h e J r e s o u r c e s a n d o t h e r c o m p e t i n g d e m a n d s

3. Possible measures being explored include (i) longer sitting hours and Saturday sittings on a need basis; (ii) listing cases of various levels of courts at suitable court premises such as West Kowloon Law Courts Building depending on the nature and number of defendants etc.; (iii) more effective case management, including setting stricter procedural

timetable; and (iv) exploring the possibility of re-commissioning of the Tsuen Wan Law Courts Building. The Task Group is also gathering more information about practices adopted in other jurisdictions when faced with similar situation (such as the UK).

4. Regarding the suggestion to set up dedicated court(s) to handle SE cases, the Judiciary notes that for the criminal cases, they cover a wide range of offences (such as unlawful assembly, assault, arson and riots) that carry varying maximum sentence. The complexity (such as the number of charges, defendants and witnesses) and gravity also differ from case to case. Hence these cases would be tried in different levels of courts having regard to the sentence that may be imposed on conviction. For instance, the respective jurisdiction of the Magistrates' Courts and the District Courts are generally 2 and 7 years of imprisonment while more serious cases attracting higher sentence are dealt with in the Court of First Instance of the High Court. Similarly, for the civil cases, owing to the varying amount of claim and the different relief sought, they have to be brought and tried in different levels of court. Further, listing the expected high number of cases at different courts in accordance with usual listing practice is more preferable than centralizing them in few dedicated courts in terms of a more even distribution of workload and better deployment of judicial resources. In view of the above, it may not be practicable to set up a dedicated court to handle all cases related to the recent social events. It may not be the best and most expeditious way to dispose of these cases either.

5. As the operation of the judicial system requires the support and co-operation of many other stakeholders, including the legal profession, the Department of Justice, law enforcement agencies, Correctional Services Department, Legal Aid Department and other organizations such as the Duty Lawyer Service, etc., the Judiciary is consulting them on the proposed measures. While the original plan of the Task Group was to complete the consultation in Q1 2020, in view of the public health situation, the Judiciary has been closely monitoring the situation and will try to complete the consultation as soon as practicable.

6. On resources, the Judiciary has been trying its best to increase its judicial manpower as necessary at the relevant court levels, primarily at the DC and the MCs at this stage. For example, additional deputy Judges and Judicial Officers will be appointed and additional support staff are being or will be engaged or deployed to deal with the caseload. The Judiciary would also 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.

- End -

(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:

Hong Kong experienced incidents such as ñOccupy Movementsò in 2014, social events arising from the opposition to the proposed legislative amendments in 2014, and 2019 respectively that involved charging acts and unlawful disruptions of public order. Regarding these incidents, please inform this Council of the following:

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

2. Why have the courts not disposed of all the cases related to the 2014 and the 2016 incidents 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.: 5)

Reply:

For Occupy Movement, as at 1 March 2020, a total of 295 cases have been or being dealt with in various levels of courts. The breakdown is as follows:

Level of Court	**Criminal Cases**	**Civil Cases**	**Total**
Court of Final Appeal	4	0	4
High Court	52	77	129
District Court	2	8	10
Magistratesô	111	N.A.	111
Small Claims Tribunal	N.A.	41	41
Total	**169**	**126**	**295**

N.A. ï Not applicable

Separately, as at 1 March 2020, a total of 83 cases have been or are being dealt with in various levels of courts in relation to the incident in Mongkok Incident in 2016:

Level of Court	**Criminal Cases**
High Court	11
District Court	7
Magistratesô Courts	65
Total	**83**

For the recent social events, as at 1 March 2020, a total of 613 cases have been or being dealt with in various levels of courts. The breakdown is as follows:

Level of Court	**Criminal**	**Civil**	**Total**
High Court	86	43	129
District Court	29	8	37
Magistratesô	436	N.A.	436
Small Claims Tribunal	N.A.	11	11
Total	**551**	**62**	**613**

The Judiciary 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 on 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. In particular, in general, the total lapse of time between the related incidences and conclusion of any appeal cases will naturally be longer as these cases need to first go through the various stages of handling by the first-instance court and then any appeal before reaching the relevant court.

- End -

(Question Serial No. 1932)

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:

(a) of the number of criminal charge cases in which the defendants have been denied bail by the court and remained in custody for over a year pending a formal trial in the last three years;

(b) in what way the court will improve the situation in which people who have been charged are subject to long period of custody because their trials are still pending, and whether special resources will be allocated to deal with these cases.

Asked by: Hon HUI Chi-fung (LegCo internal reference no.: 6)

Reply:

(a) The Judiciary does not maintain the requested statistics.

(b) In general, defendants of criminal cases across all levels of court may apply for bail under the Criminal Procedure Ordinance (Cap. 221). The court need not admit a defendant to bail if it appears to the court that there are substantial grounds for believing that the defendant would fail to surrender to custody as the court may appoint; or commit an offence while on bail; or interfere with a witness or pervert or obstruct the course of justice.

I f d i s s a t i s f i e d w i t h a D i s t r i c t J u d g e prosecution and the defendant can apply to the Court of First Instance of the High C o u r t (ñ C F I ò) f o r r e v i e w o r v a r i a t i o n . such an application in accordance with the legal requirements under the Criminal Procedure Ordinance.

The time that a defendant is kept on remand pending trial varies from case to case and would depend on a number of factors. Evidently, the court could only list a case for trial when both parties are ready. The time is also affected by factors such as the time

needed for processing any duty lawyer or legal aid application, the anticipated length of the trial, the availability of counsel and the court's own availability.

The Judiciary always aims to deal with criminal cases expeditiously and efficiently as far as practicable, while at the same time ensuring that they are handled fairly and strictly in accordance with the law. Besides deploying additional judicial resources as required, other initiatives to enhance case management have also been taken. For example, the Practice Direction on criminal proceedings in the CFI was promulgated in June 2017 to enhance management of criminal proceedings. Since then, the average waiting time for the Criminal Fixture List has improved.

- End -

(Question Serial No. 1933)

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:

(1) of the number of cases involving accusations against the police in each of the past three years;

(2) of the number of cases involving accusations against the police last year, and among them, the number of cases which have not yet been concluded, and whether special resources will be allocated to arrange for these cases to be processed as soon as possible.

Asked by: Hon HUI Chi-fung (LegCo internal reference no.:7)

Reply:

The Judiciary does not maintain the requested statistics.

- End -

(Question Serial No. 1934)

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:

(a) What is the average time needed for a death inquest from the date of its commencement to the date of its findings? Which case took the longest time?

(b) What is the longest waiting time in days for the commencement of death inquests last year?

(c) Which case has the longest interval in days between the date of death and the commencement of the inquest? What is the average interval in days for all the cases?

Asked by: Hon HUI Chi-fung (LegCo internal reference no.: 8)

Reply:

(a) The Judiciary does not have the requested statistics.

(b) Waiting time for cases listed in the Co first hearing. In 2019, the longest court waiting time of the death inquests set down was 155 days.

(c) The Judiciary does not have the statistics available in respect of the time lapse between the death date of each reportable death 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. Every reportable death, supported by relevant reports such as the investigation report by the Police and the post mortem report by the clinical or forensic pathologist, are considered by the Coroner before deciding if there is sufficient information to conclude the case or ordering the Police to conduct further investigation and to seek for independent opinion from experts, where appropriate. The length of time required for further investigation and the preparation of independent expert report depends on which

aspect of the case has to be further looked into and the availability of the expert concerned. 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. When the Coroner considers that there is sufficient information and upon considering all the circumstances of the case, the Coroner shall decide whether to hold an inquest into the death.

- End -

(Question Serial No. 1975)

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) i n f o r m a t i o n a b o u t t h e C o r o n e r ô s C o u r t

(i) regarding reportable deaths

	Number of cases				
	2015-16	**2016-17**	**2017-18**	**2018-19**	**2019-20**
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				
	2015-16	**2016-17**	**2017-18**	**2018-19**	**2019-20**
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, what was the expenditure in the Coroner's Court 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.: 54)

Reply:

(a) The requested statistics about the Coroner's Court are set out in the table below:

(i) reportable deaths

	Number of cases				
	2015	2016	2017	2018	2019
Total	10 767	10 773	10 768	10 976	11 168
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	3 419	3 465	3 245	3 093	2 991
The Coroner granted a waiver of autopsy	7 348	7 308	7 523	7 883	8 177

	Number of cases				
	2015	2016	2017	2018	2019
The family of the deceased applied for a waiver of autopsy	1 127	953	984	880	790
The Coroner decided to investigate the cause of death	751	730	1 128	1 083	1 047
An inquest was held into the cause of death	100	77	117	161	130
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: ñN. A. ò s t a n d s f o r N o t A v a i l a b l e . s t a t i s t i c s o n t h e n u m b s t c o u l d o n d t a s c e r t a i n s w t h e c a u s e o f - o f d f e i a c t i h a ò l , a ñ p a p l n i c e n d f o r a S e c r e t a r y f o r J u s t i c e a p p l i e d f o r a

(ii) non-reportable deaths

G e n e r a l l y s p e a k i n g , t h e C o r o n e r ô s C o und e r s e c t i o n 4 o f t h e C o r o n e r s O r d i 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 h o l d a n i n q u e s t i n t o t h e d e a t h o f a p e o f f i c i a l T h e r e f o r e , t h e c i r c u m s t a n c e s 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 -

C O N T R O L L I N G O F F I C E R ô S

(Question Serial No. 1976)

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:

P l e a s e p r o v i d e t h e f o l l o w i n g i n f o r m a t i o n 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.: 55)

Reply:

The i n f o r m a t i o n r e q u e s t e d a b o u t t h e C o r o n e r follows:

	2015	**2016**	**2017**	**2018**	**2019**
(a) Number of deaths reported to the Coroner	10 767	10 773	10 768	10 976	11 168
(b) Number of further death investigation reports ordered	751	730	1 128	1 083	1 047
(c) Number of death inquests concluded	100	77	117	161	130

- End -

(Question Serial No. 2755)

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 view of health considerations due to the novel coronavirus situation, the Judiciary has recently decided to suspend the hearing of cases and close the registries for a period of up to one month, seriously affecting its operation. Has the Judiciary compiled statistics on the number of cases in the backlog? If yes, what are the estimates and details? If not, what are the reasons? Has the Judiciary formulated any measures to deal with the backlog of cases? If so, what are the details and estimates? If not, what are the reasons?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 74)

Reply:

General Adjourned Period

In view of public health considerations, the Judiciary has generally adjourned court proceedings from 29 January 2020. Correspondingly, the business of court/tribunal registries and offices were also affected.

2. The Judiciary has originally planned to end on 22 March 2020. In fact, prior to 22 March 2020, the Judiciary had been taking active steps to prepare for the resumption of court business on 23 March 2020 in a staggered and progressive manner, including the re-opening of court/tribunal registries and offices in stages from 9 March 2020. Unfortunately, the resumption plans had to be halted in the light of the sudden worsening public health situat on 21 March 2020 on enhanced measures to reduce the risk of a large-scale outbreak in the community.

3. Taking into account the fast changing public health situation and all relevant considerations, the Judiciary announced on 22 March 2020 that save for urgent and essential business, GAP would be extended until 5 April 2020, and be subject to review having regard to the prevailing public health situation. Court/tribunal registries and offices would

also be generally closed during this period, except for urgent and essential business. The Judiciary further announced on 28 March 2020 that GAP would continue from 30 March to 13 April, and be subject to review having regard to the prevailing public health situation. It is important to underline the fact that users and Judiciary staff, remain paramount considerations in the handling of court operations by the Judiciary.

4. The general adjournment and its duration are unprecedented amid an unprecedented public health challenge for the whole community, and the decision to impose and extend the GAP, as well as the determination of the scope of urgent and essential business that is to be dealt with during GAP, was made by the Chief Justice, as the head of the Judiciary, after striking a careful balance between public health considerations and the public interest involved in the due administration of justice, while at the same time taking into account any logistical and legal constraints. In striking the careful balance, an important consideration for the Judiciary has been to minimize the flow of people in court premises and avoid the gathering of crowds in confined areas such as courtrooms, court lobbies and registry areas as far as practicable for public health reasons. Court hearings during GAP have been limited to those which are urgent and essential, and that in conducting such urgent and essential hearings and other related court business, a whole range of preventive measures have been put in place to protect the well-being of all court users who are required to or need to attend court premises during the general adjournment, as well as Judges and Judicial Officers and staff of the Judiciary.

Social Distancing

5. The Judiciary has to strike a careful balance between the due administration of justice (particularly given the uncertainty of the duration of GAP) and the latest public health situation. Individual court cases or business on their own may not add very much to public health risks. However, if many cases or business are conducted at the same time at same court premises, their combined impact on public health risks as a whole may increase. As such, the Judiciary has been adopting appropriate measures to ensure that operations at court premises is smooth and that court premises, including office areas, are not overcrowded. This is reflected in the limited scope of business, including registry business (as revised from time to time), the manner in which cases are listed for hearing, the number of courts that are opened for hearing, the number of and manner in which court buildings are opened for business, and the preventive and crowd control measures implemented.

6. With the extension of GAP to 13 April 2020, the Judiciary will continue to use various means to space out court proceedings, with suitable adjustments as appropriate to suit the latest situation. Where appropriate, the number of cases to be handled in the same courtroom at any one session will be reduced. This will in turn reduce the number of people who will need to be in a courtroom at any point in time. Additional holding space or waiting area(s) in other courtroom(s) or at court lobbies will be provided whenever possible so that fewer people will need to gather in a courtroom. Broadcasting of proceedings will be done on a need basis. For certain levels of court such as the MCs, more court buildings will operate on any given day so that the cases may be spread out for handling in more courtrooms.

7. There will also be capacity limits for each courtroom, court lobby, and registry areas to contain the people flow within reasonable limits and having regard to the need for social distancing. To help enforce such controls, queuing system will be implemented as appropriate. The Judiciary also urges court users, including legal practitioners, to minimise the number of people coming to the court.

8. Under such exceptional and fast changing public health situation which is beyond the control of the Judiciary, it is inevitable that all stakeholders involved in the judicial system, including court users, have been affected, disrupted and inconvenienced as a result. The Judiciary is fully aware of this, and has been taking proactive measures throughout GAP if the public health situation permits to address and alleviate the impact of GAP on the operation of the judicial system and its users. It is to be stressed again that at all times, it is the public interest that is paramount.

9. According to the Judiciaryôs original 2020 and court business would have resumed on 23 March 2020. In this regard, arrangements had been made since early March 2020 to progressively resume various services, such as expanding the scope of urgent and essential business and services of the court/tribunal registries. However, in the light of the fast changing public health situation, the Judiciary had to delay the resumption plans previously contemplated.

Mitigating Measures

10. The following paragraphs summarize th 2020 to 22 March 2020 in mitigating the impact of GAP. Where appropriate, relevant measures would continue to apply during the extended GAP period from 23 March 2020 onwards. All the measures were done having obtained the approval of the Chief Justice after striking a careful balance between public health considerations and the public interest involved in the administration of justice.

11. Despite hearings originally scheduled during GAP have been generally adjourned, the Judiciary had made special arrangements for all urgent and essential court hearings and business to be handled promptly during the period. Such urgent and essential court proceedings and business include the hearing of fresh remand cases, urgent bail reviews and urgent civil matters. In addition, the Judiciary recognized that the longer the general adjournment had become, the more matters might become urgent and essential. As such, the Judiciary has taken further steps as follows:

(a) It had been constantly reviewing the scope of urgent and essential business which should be handled during GAP and expanding its scope on a regular basis; and

(b) Despite the general closure of court registries and offices, enhanced measures had constantly been introduced to handle the filing of additional types of documents and other matters in support of the expanded scope of urgent and essential business between 29 January 2020 and 22 March 2020. In fact, the scope of urgent and essential court business and the list of enhanced measures had been expanded eight times between 29 January 2020 and 22 March 2020.

12. Prior to 22 March 2020, the Judiciary had been making parallel preparation for an orderly and progressive resumption of court proceedings and business. There are two major challenges in this regard: to clear the backlog of cases adjourned during GAP and take preparatory actions for cases scheduled for hearings upon the original intended expiry of GAP on 22 March 2020 or shortly thereafter. Court Leaders, assisted by listing JJOs, had been doing a lot of work with a view to facilitating an orderly resumption of proceedings as far as practicable at all levels of courts. The Judiciary had also done this in close liaison with external stakeholders as appropriate, as the operation of the judicial system necessitates the collaboration of all stakeholders concerned. The work done in this regard includes:

(a) Proactive case management by all JJOs of cases assigned to them both between 29 January 2020 and 22 March 2020 and the period immediately after that, so that clear and prompt directions would be given to the parties during GAP as necessary. This would also enable those cases which would be ready for hearing upon the expiry of GAP (originally planned for 22 March 2020) to be re-fixed as early as practicable;

(b) Where appropriate, JJOs would consider or invite the parties to consider disposing the cases on paper as far as possible, in particular for civil cases, e.g. interlocutory matters. It should be stressed that paper disposal is an existing and well-accepted means of processing cases without the need for oral hearing;

(c) As regards the hearing of cases after GAP (i.e. originally from 23 March 2020 onwards), the Judiciary had re-assured all stakeholders and parties that there would be sufficient lead time for notification and preparation, regardless of whether the cases would proceed as scheduled after GAP or be re-fixed; and

(d) Additional temporary JJOs would continue to be engaged as appropriate and more effective listing arrangements would be introduced where practicable to enhance the judicial capacity in dealing with the increased volume of judicial work culminated during GAP.

13. The Judiciary had adopted a staggered and progressive approach in re-opening its registries and offices ahead of the cessation of GAP (originally planned for 22 March) and the resumption of court proceedings (originally planned for 23 March). This was an integral part of the orderly resumption plan for all aspects of court operation for all levels of court. The key features of re-opening of court registries and offices are as follows:

(a) The re-openings were launched in 4 phases ï
    (i) 9 March ï Registries of the Court of Final Appeal, the High Court and the Competition Tribunal;
    (ii) 12 and 13 March ï Registries of the Family Court and the District Court;
    (iii) 17 March ï Registries of the Lands Tribunal, the Magistrates ô Courts, Obscene Articles Tribunal and the C
    (iv) 19 March ï Registries of the Labour Tribunal and the Small Claims Tribunal; and

(b) Special arrangements had been made to regulate people flow and handle an upsurge of caseload during the initial period of the re-opening of registries and offices, including the introduction of ticketing and triage system, the provisions of expanded registry areas and counters, the enhancement of enquiry services by experienced staff, the provisions of drop boxes for documents which did not require immediate handling, the temporary suspension of some less urgent services and the lifting of suspended services when appropriate, etc.

Impact of GAP

14. The Judiciary has not kept precise statistics on cases and proceedings affected since the general adjournment on 29 January 2020. As the duration of GAP has to be constantly reviewed in the light of the latest public health situation, we can only provide a rough estimate. With the further extension of GAP, it is reasonable to estimate that for both court hearings and registry business for all levels of court, about 18% of the annual caseload would have been affected since the general adjournment on 29 January 2020. While it is unrealistic to expect that the accumulative workload could be absorbed and cleared immediately, the Judiciary will continue to adopt all necessary measures, including those mentioned under paragraph 10 to 12 above and redeploy or engage temporary registry staff, to clear the backlog of cases as expeditiously as possible.

15. Members may wish to refer to the Information Note on General Adjourned Period which the Judiciary provided to the Panel on Administration of Justice and Legal Services on 25 March 2020 and the letter from the Judiciary Administrator to the Panel on 30 March 2020 for more details.

- End -

(Question Serial No. 2763)

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 view of health considerations due to the novel coronavirus situation, the Judiciary has recently decided to suspend the hearing of cases and close the registries for a period of up to one month, seriously affecting its operation. Has the Judiciary considered formulating strategies in the long run to tackle epidemic of infectious diseases? If so, what are the estimates and details? If not, what are the reasons?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 72)

Reply:

In view of public health considerations, the Judiciary has generally adjourned court proceedings from 29 January 2020. Correspondingly, the business of court/tribunal registries and offices were also affected.

2. The Judiciary has originally planned to end on 22 March 2020. In fact, prior to 22 March 2020, the Judiciary had been taking active steps to prepare for the resumption of court business on 23 March 2020 in a staggered and progressive manner, including the re-opening of court/tribunal registries and offices in stages from 9 March 2020. Unfortunately, the resumption plans had to be halted in the light of the sudden worsening public heal on 21 March 2020 on enhanced measures to reduce the risk of a large-scale outbreak in the community.

3. Taking into account the fast changing public health situation and all relevant considerations, the Judiciary has announced on 22 March 2020 that save for urgent and essential business, GAP would be extended until 5 April 2020, and be subject to review having regard to the prevailing public health situation. Court/tribunal registries and offices would also be generally closed during this period, except for urgent and essential business. The Judiciary further announced on 28 March 2020 that GAP would continue from 30 March to 13 April, and be subject to review having regard to the prevailing public health

situation. It is important to underline that of court users and Judiciary staff, remain paramount considerations in the handling of court operations by the Judiciary. While during GAP, courts will continue to handle certain urgent and essential business, the Judiciary will put in place public health measures to ensure appropriate social distancing for court users attending to court business.

4. The general adjournment and its duration are unprecedented amid an unprecedented public health challenge for the whole community, and the decision to impose and extend the GAP, as well as the determination of the scope of urgent and essential business that is to be dealt with during GAP, was made by the Chief Justice, as the head of the Judiciary, after striking a careful balance between public health considerations and the public interest involved in the due administration of justice, while at the same time taking into account any logistical and legal constraints. The Judiciary has been taking proactive measures throughout GAP if the public health situation permits to address and alleviate the impact of GAP on the operation of the judicial system and its users. It is to be stressed that at all times, it is the public interest that is paramount.

5. During GAP where physical attendance at the court premises and contacts in person should be minimized and gathering of crowds should be avoided, the Judiciary has considered the feasibility and desirability of the greater use of IT to support and facilitate the conduct of court business during GAP and in the longer run. At the same time, suggestions have been put forward by some court users in the same direction. The major developments are summarized as follows.

6. First, the Judiciary takes a positive and proactive approach in the use of IT in support of the court operations but it is important to stress that any measure must be in accordance with the law. The Judiciary recognized the need and urgency for providing the legislative backing for the intended introduction of e-filing and transaction, including e-payment, for court proceedings. Since a few years ago, under the Information Technology Strategy Plan (ñITSPò), the Ju phases an integrated court case management enable an electronic mode for handling court-related documents and payments. The Court Proceedings (Electronic Technology) Bill, which seeks to provide the necessary legal basis, was introduced to the Legislative Council on 8 January 2020. Subject to the enactment of the Bill and some further subsidiary legislation, the iCMS will first be implemented at the District Court and part of the Magistrate passage of the Bill and bringing all these work to fruition as soon as practicable.

7. Since the general adjournment on 29 January 2020, there have been discussions as to whether court hearings can be conducted via alternative means/mode such as video conferencing (ñVCò) or telephone conferenc to attend court physically. The Judiciary notes that under the existing law, VC is permissible for taking evidence from witnesses from the overseas in both civil and criminal proceedings. It is also noted that there is currently no legislation specifically enabling hearing, other than the calling/giving of evidence, to be conducted through VC. According to an earlier legal advice, using VC for conducting the entire court hearing may not be permissible under the existing law. The Judiciary notes that there have been developments in this area recently, and is therefore taking an active step to look further into the matters as to whether the greater use of VC may be permissible under the existing law given the

exceptional circumstances of GAP and/or the prevailing public health situation, and if so, what specific conditions and safeguards would need to be imposed. Given the worsening public health situation and the extended duration of GAP, the Judiciary will continue to take active steps in exploring the feasibility of different options. As such, the Judiciary is examining the experience in other jurisdictions in using such alternative means/mode.

8. In addition, the Judiciary is looking into possible application of IT through administrative means. During GAP, the Judiciary has taken expedient steps to explore and introduce certain administrative measures within the confines of its IT security policy and practices. These include:

(a) Special email accounts have been created to enable parties to lodge certain documents to the court electronically to facilitate paper disposal;

(b) Consideration is being given to enlarging the scope of an existing electronic submission platform in the District Court for other courts. This platform will be extended to the High Court and the Family Court from 1 April 2020 to enable the electronic submission of documents including but not limited to those relating to hearings, e.g. list of authorities and hearing bundles;

(c) Given the public health concerns, the Judiciary appreciates that the demand for VC facilities may increase. The Judiciary has been procuring additional VC facilities as appropriate to meet the potential increase in demands.

9. Throughout GAP, having regard to the prevailing public health situation, it has been necessary for the Judiciary to put into place a whole range of preventive measures and crowd management arrangements to regulate the people flow within the 12 Judiciary premises, and avoid any gathering of crowds in confined areas including courtrooms and registry areas. The preventive measures include:

(a) Court users are required to undergo body temperature check and wear a surgical mask before they are allowed to enter and remain in the court premises. A court user who has a fever / refuses to undergo body temperature check / does not wear a surgical mask will be refused entry into or directed to leave the court premises;

(b) Court users who are subject to any quarantine requirement or medical surveillance of the Government should apply to the court for permission of absence/inform the court with reasons for absence as appropriate;

(c) Court users entering the court premises are required to walk on the disinfectant floor mat at the entrances;

(d) Cleaning and disinfection of public areas, frequently-touched surfaces (such as door handles, lift buttons and escalator handrails) and public toilets are performed at a higher frequency;

(e) The Canteen in the High Court Building and the Tuck Shop in the West Kowloon Law Courts Building will remain closed having regard to public health considerations;

(f) To maintain social distancing, the seating capacity of courtrooms and lobbies are reduced by about 50%. In addition, capacity limits are set for confined areas such as registries and account offices to avoid crowding of users; and

(g) Court users are strongly advised to maintain good personal hygiene at all times and disinfect their hands frequently during their stay in the court premises. Alcohol-based handrub is provided at entrances, registries and courtrooms of all Judiciary premises.

10. To support the above arrangements, queuing and other crowd control management measures as well as security controls to limit the number of court users entering and remaining in the Judiciary premises have been put in place as appropriate. The manpower requirements are suitably deployed among all the Judiciary premises to meet operational needs on a daily basis.

11. Members may wish to refer to the Information Note on General Adjourned Period which the Judiciary provided to the Panel on Administration of Justice and Legal Services on 25 March 2020 and the letter from the Judiciary Administrator to the Panel on 30 March 2020 for more details.

- End -

(Question Serial No. 2764)

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 view of the sharp increase in the number of cases that the Judiciary has to deal with due to the social events that started in June 2019,

(1) does the Judiciary collect any statistics of the number of relevant cases? If so, what are the respective numbers of criminal and civil cases involved in each level of court up to the date of the reply? If not, what are the reasons?

(2) does the Judiciary have any measures to cope with the increased number of cases? If so, what are the details and the estimates? If not, what are the reasons?

(3) Has the Judiciary considered engaging additional Judicial Officers to cope with the increased number of cases? If so, what are the number of the additional Judicial officers, the estimates, and the posts? If not, what are the reasons?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 73)

Reply:

As at 1 March 2020, a total of 613 cases have been or are being dealt with in various levels of courts in relation to the recent social events. The breakdown is as follows :

Level of Court	**Criminal Cases**	**Civil Cases**	**Total**
Court of First Instance of t h e H i g h C o u	86	43	**129**
D i s t r i c t C o u	29	8	**37**
M a g i s t r a t e s ô (ñ MC s ò)	436	N.A.	**436**
Small Claims Tribunal	N.A.	11	**11**
Total	**551**	**62**	**613**

N.A. ï Not Applicable

2. The Judiciary notes that at the moment, the majority of the cases related to recent social events (ñSE casesò) are not yet rea coming months. In anticipation of the expected high volume of such cases, the Chief Justice has tasked the Court Leaders of all levels of courts to explore all means to ensure the expeditious processing of these cases.

3. Accordingly, a Task Group, comprising primarily the relevant Court Leaders, has been set up. In exploring the possible measures, the Task Group firmly bears in mind the following key principles:

(a) the proposed measures must be strictly in accordance with the law;
(b) the legitimate rights and interests of the parties, the fairness of the trial and the due process of the proceedings must be safeguarded;
(c) without compromising (a) and (b), cases should be processed expeditiously until conclusion; and
(d) the proposed measures must be practi resources and other competing demands, and the sta

4. Possible measures being explored include (i) longer sitting hours and Saturday sittings on a need basis; (ii) listing cases of various levels of courts at suitable court premises such as West Kowloon Law Courts Building depending on the nature and number of defendants etc.; (iii) more effective case management, including setting stricter procedural timetable; and (iv) exploring the possibility of re-commissioning of the Tsuen Wan Law Courts Building. The Task Group is also gathering more information about practices adopted in other jurisdictions when faced with similar situation (such as the UK).

5. Regarding the suggestion to set up dedicated court(s) to handle SE cases, the Judiciary notes that for the criminal cases, they cover a wide range of offences (such as unlawful assembly, assault, arson and riots) that carry varying maximum sentence. The complexity (such as the number of charges, defendants and witnesses) and gravity also differ from case to case. Hence these cases would be tried in different levels of courts having regard to the sentence that may be imposed on conviction. For instance, the respective jurisdiction of the MCs and DC is generally 2 and 7 years of imprisonment while more serious cases attracting higher sentence are dealt with in the CFI. Similarly, for the civil cases, owing to the varying amount of claim and the different relief sought, they have to be brought and tried in different levels of court. Further, listing the expected high number of cases at different courts in accordance with usual listing practice is more preferable than centralizing them in few dedicated courts in terms of a more even distribution of workload and better deployment of judicial resources. In view of the above consideratio view is that it may not be practicable to set up a dedicated court to handle all cases related to the recent social events. It may not be the best and most expeditious way to dispose of these cases either.

6. As the operation of the judicial system requires the support and co-operation of many other stakeholders, including the legal profession, the Department of Justice, law enforcement agencies, Correctional Services Department, Legal Aid Department and other organizations such as the Duty Lawyer Service, etc., the Judiciary is consulting them on the

proposed measures. While the original plan of the Task Group was to complete the consultation in Q1 2020, in view of the public health situation, the Judiciary has been closely monitoring the situation and will try to complete the consultation as soon as practicable.

7. On resources, the Judiciary has been trying its best to increase its judicial manpower as necessary at the relevant court levels, primarily at the DC and the MCs at this stage. For example, additional deputy Judges and Judicial Officers will be appointed and additional support staff are being or will be engaged or deployed to deal with the caseload. The Judiciary would also 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.

- End -

(Question Serial No. 2774)

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 the Council whether the Judiciary has any training, courses, workshops or seminars, akin to continuing professional development, for Judges and Judicial Officers. If yes, please provide the details of such, the types of sessions provided, the breakdown of budget allocated to such in 2019-2020 and the proposed budget for the same in 2020-21.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 78)

Reply:

The Chief Justice accords high priority to judicial training. Appropriate 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 J u d i c i a l O f f i c e r s ô (ñ J J O s ò) p a r t i c i p a t i o n a v a i l a b i l i t y o f s u c h a c t i v i t i e s a n d J J O s ô Details of the judicial training activities in 2019-20 are in the **Annex** attached. In 2019-20, on top of in-house training organized and run by the Judicial Institute, $0.7 million was spent for judicial training programmes and we have earmarked $2.1 million in 2020-21 for the same purposes.

Annex

Judicial Training Activities Attended by Judges and Judicial Officers for the financial year 2019-20

Local Judicial Training Activities Organised by the Hong Kong Judicial Institute

Date	Activity
30.4.2019, 11.7.2019, 27.8.2019, 4.11.2019 & 9.12.2019	Induction briefings for Deputy Magistrates / Adjudicators
10.5.2019 & 23.8.2019	Sentencing workshops for Magistrates
29.4.2019, 16.9.2019 & 17.9.2019	Intervisioning sessions of Case Management workshop
May ï Sep 2019 & Dec 2019	Chinese judgment writing courses
25.5.2019	Talk on wildlife crime
24.6.2019	Sentencing Workshop and Reasons for Sentence for District Judges by the Hon Mr Justice ZERVOS, Justice of Appeal of the Court of Appeal of the High Court
8.7.2019, 15.7.2019, 5.8.2019, 12.8.2019, 19.8.2019 & 26.8.2019	Training courses on Chinese Input Method
10.7.2019	Course on E-bundle for Actual Hearing
11.7.2019	Sharing Session on External Mediation Master Scheme
19.7.2019	Case Management workshop for Magistrates
13.9.2019	Workshop on Delivery of Oral Decisions
18.11.2019, 25.11.2019 & 8.1.2020	Training courses on Legal Research
21.11.2019	Follow-up training on E-bundle for Actual Hearing
22.11.2019	Workshop on call-over hearings at tribunals
25.11.2019	Workshop on case management for District Court Masters

29.11.2019	Talk on Defamation for District Judges by the Hon Mr Justice LOK, Judge of the Court of First Instance of the High Court
12.12.2019	Talk entitled ñJudges and aged Actorsò by The Rt Hon Madan Non-Permanent Judge of the Court of Final Appeal

Other Local Training Activities Attended by Judges and Judicial Officers

Date	Activity
4.4.2019	A Sharing Session on Custodians of Intellectual Property, organised by the University of Hong Kong
24.6.2019	Workshop entitled ñHealthcar organised by the University of Hong Kong
16.7.2019	Talk entitled ñAnimals Make University of Hong Kong
17.9.2019	Seminar entitled ñConflict o proportionality testò by the Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong
20.9.2019	Talk entitled ñShould we sue doctors? of Hong Kong
28.11.2019	Seminar entitled ñReclaiming Fundamental Rights by the University of Hong Kong and the Chinese University of Hong Kong

Judicial Training Activities Organised with / by Other Jurisdictions / Organisations

Date	Activity
2 ï 21.6.2019	Intensive Study Programme for Judicial Educators in Canada, organised by the Commonwealth Judicial Education Institute

- End -

(Question Serial No. 6111)

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 handing down of written judgment by courts of various levels in the past three years. Has the Judiciary set any target in this regard for 2020? Is there any plan to set performance pledges on the time for the handing down of written judgment?

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 39)

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 2017 and 2019, the average time taken from conclusion of hearing to the delivery of judgment, with position as at 28 February 2020 are as follows:

Court Level	Type of Case	Average time taken for cases with hearings concluded in the year (days) *		
		2017	2018	2019
Court of Appeal of the High Court	Civil appeals	56	19	11
Court of First Instance of the High Court	Civil trials/ substantive hearings	92	84	45
	Tribunal and miscellaneous appeals	65	180	33

Court Level	Type of Case	Average time taken for cases with hearings concluded in the year (days) *		
		2017	2018	2019
District Court	Civil trials/ substantive hearings	104	63	44

* 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 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 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 -

Examination of Estimates of Expenditure 2020-21 Reply Serial No.

C O N T R O L L I N G O F F I C E R ô **JA026**

(Question Serial No. 6112)

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:

Regarding the waiting time from plea to date of trial f o r s u mm o n s e s i n t h Courts, please provide information on the average waiting time from plea to the first free date, and the average waiting time from the first free date to the first date of trial.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 75)

Reply:

O w i n g t o t h e d e s i g n o f t h e c a s e m a n a g e m e n t court waiting time for Summons Cases is calculated based on the duration from plea to the first date of trial, i.e. the actual date. The average court waiting times for Summons Cases o f t h e M a g i s t r a t e s ô C o u r t s f o r t h e p a s t t h

	Average Waiting Time (days)		
	2017	**2018**	**2019**
Summons Case - from plea to date of trial	65	76	67

- End -

(Question Serial No. 6113)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for CourtsôOperation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Regarding the Schemes on Judicial Assistants and Judicial Associates, please provide the details, number of Judicial Assistants and Judicial Associates and the expenditure for the past three years; as well as the estimated expenditure for 2020-21.

Asked by: Hon KWOK Wing-hang, Dennis (LegCo internal reference no.: 76)

Reply:

The Scheme on Judicial Assistants (ñJDAsò) in the Court of Final Appeal on legal researches and other work of the Court.

The Scheme on Judicial Associates aims to provide various legal and professional support to Judges of the High Court. The Judicial Associates Scheme are divided into two streams. Judicial Associates (General) (ñJudA(G)sò research work in the Judiciary, whereas Judicial Associates (Criminal Appeal) (ñJudA(CA)sò) provide assistance to Justic

The number of JDAs, JudA(G)s and JudA(CA)s as at 31 December in the past three years of 2017 to 2019 are as follows:

Position	**31.12.2017**	**31.12.2018**	**31.12.2019**
JDAs	5	5	6
JudA(G)s	5	7	7
JudA(CA)s	3	5	6

The expenditure for engaging JDAs, JudA(G)s and JudA(CA)s in the past three financial years from 2017-18 to 2019-20 and the estimated expenditure for 2020-21 are as follows:

	2017-18	**2018-19**	**2019-20**	**2020-21**
	Expenditure ($ million)			**Estimates ($ million)**
JDAs	4.2	4.3	5.1	5.5
JudA(G)s	4.9	6.4	8.8	11.0
JudA(CA)s	3.3	4.1	6.5	8.4

- End -

(Question Serial No. 1195)

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. Among them, what is the number of cases in which leave has been granted and the time spent on processing them? How many of these cases were legally aided?

Asked by: Hon LEE Wai-king, Starry (LegCo internal reference no.: 23)

Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2017 to 2019 are as follows:

Judicial Review Cases	2017	2018	2019
(a) No. of leave applications filed[1]	1 146	3 014	3 889
(b) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	11	15	10
(c) No. of application with leave granted[2]	53[3]	64[4]	9[5]
(d) Average processing time (from date of filing of leave application to date of decision)[2]	252 days	349 days	80 days
(e) No. of appeals against refusal of leave filed	57	410	372
(f) No. of substantive judicial review cases filed	29	40	15
(g) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	15	13	8
(h) No. of appeals against judicial review decisions filed	18	20	21

Remarks:

[1] The increase in number of applications for leave to judicial review in 2018 and 2019 is mainly due to increase in non-refoulement claim cases. There were 1 006, 2 851 and 3 727 non-refoulement claim cases in 2017, 2018 and 2019 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 2020. 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 10 cases of leave granted by Court of Appeal of the High Court on appeal.

[4] Statistics include 3 cases of leave granted by Court of Appeal of the High Court on appeal.

[5] Statistics include 1 case of leave granted by Court of Appeal of the High Court on appeal.

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.

- End -

CONTROLLING OFFI C E R ô S R E P

(Question Serial No. 2163)

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:

Owing to the novel coronavirus situation, the Judiciary has suspended certain business since 29 January with courts only dealing with urgent and essential cases. The impact of the general adjournment on all those involved is unprecedented. For the first time ever, the High Court has conducted the direction hearing of a civil case by using telephone conference facilities. In this regard, will the Administration inform this Council of:

1. Whether the Judiciary has explored the use of high technology in hearing cases during periods of exceptional circumstances while ensuring that the process is fair and just?

2. Will the Judiciary allocate resources for studying relevant legislation with a view to avoiding the building up of a huge backlog of overdue cases? If yes, what are the details? If no, what are the reasons?

Asked by: Hon Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 49)

Reply:

In view of public health considerations, the Judiciary has generally adjourned court proceedings from 29 January 2020. Correspondingly, the business of court/tribunal registries and offices were also affected.

2. The Judiciary has originally planned to end on 22 March 2020. In fact, prior to 22 March 2020, the Judiciary had been taking active steps to prepare for the resumption of court business on 23 March 2020 in a staggered and progressive manner, including the re-opening of court/tribunal registries and offices in stages from 9 March 2020. Unfortunately, the resumption plans had to be halted in the light of the sudden worsening public heal on 21 March 2020 on enhanced measures to reduce the risk of a large-scale outbreak in the community.

3. Taking into account the fast changing public health situation and all relevant considerations, the Judiciary has announced on 22 March 2020 that save for urgent and essential business, GAP would be extended until 5 April 2020, and be subject to review having regard to the prevailing public health situation. Court/tribunal registries and offices would also be generally closed during this period, except for urgent and essential business. The Judiciary further announced on 28 March 2020 that GAP would continue from 30 March to 13 April, and be subject to review having regard to the prevailing public health situation. It is important to underline that of court users and Judiciary staff, remain paramount considerations in the handling of court operations by the Judiciary. While during GAP, courts will continue to handle certain urgent and essential business, the Judiciary will put in place public health measures to ensure appropriate social distancing for court users attending to court business.

4. The general adjournment and its duration are unprecedented amid an unprecedented public health challenge for the whole community, and the decision to impose and extend the GAP, as well as the determination of the scope of urgent and essential business that is to be dealt with during GAP, was made by the Chief Justice, as the head of the Judiciary, after striking a careful balance between public health considerations and the public interest involved in the due administration of justice, while at the same time taking into account any logistical and legal constraints. The Judiciary has been taking proactive measures throughout GAP if the public health situation permits to address and alleviate the impact of GAP on the operation of the judicial system and its users. It is to be stressed that at all times, it is the public interest that is paramount.

5. During GAP where physical attendance at the court premises and contacts in person should be minimized and gathering of crowds should be avoided, the Judiciary has considered the feasibility and desirability of the greater use of IT to support and facilitate the conduct of court business during GAP and in the longer run. At the same time, suggestions have been put forward by some court users in the same direction. The major developments are summarized as follows.

6. First, the Judiciary takes a positive and proactive approach in the use of IT in support of the court operations but it is important to stress that any measure must be in accordance with the law. The Judiciary recognized the need and urgency for providing the legislative backing for the intended introduction of e-filing and transaction, including e-payment, for court proceedings. Since a few years ago, under the Information Technology Strategy Plan (ñITSPò), the Ju phases an integrated court case management enable an electronic mode for handling court-related documents and payments. The Court Proceedings (Electronic Technology) Bill, which seeks to provide the necessary legal basis, was introduced to the Legislative Council on 8 January 2020. Subject to the enactment of the Bill and some further subsidiary legislation, the iCMS will first be implemented at the District Court and part of the Magistrate passage of the Bill and bringing all these work to fruition as soon as practicable.

7. Since the general adjournment on 29 January 2020, there have been discussions as to whether court hearings can be conducted via alternative means/mode such as video

conferencing (ñVCò) or telephone conferenc
to attend court physically. The Judiciary notes that under the existing law, VC is permissible for taking evidence from witnesses from the overseas in both civil and criminal proceedings. It is also noted that there is currently no legislation specifically enabling hearing, other than the calling/giving of evidence, to be conducted through VC. According to an earlier legal advice, using VC for conducting the entire court hearing may not be permissible under the existing law. The Judiciary notes that there have been developments in this area recently, and is therefore taking an active step to look further into the matters as to whether the greater use of VC may be permissible under the existing law given the exceptional circumstances of GAP and/or the prevailing public health situation, and if so, what specific conditions and safeguards would need to be imposed. Given the worsening public health situation and the extended duration of GAP, the Judiciary will continue to take active steps in exploring the feasibility of different options. As such, the Judiciary is examining the experience in other jurisdictions in using such alternative means/mode.

8. In addition, the Judiciary is looking into possible application of IT through administrative means. During GAP, the Judiciary has taken expedient steps to explore and introduce certain administrative measures within the confines of its IT security policy and practices. These include:

(a) Special email accounts have been created to enable parties to lodge certain documents to the court electronically to facilitate paper disposal;

(b) Consideration is being given to enlarge the scope of an existing electronic submission platform in the District Court for other courts. This platform will be extended to the High Court and the Family Court from 1 April 2020 to enable the electronic submission of documents including but not limited to those relating to hearings, e.g. list of authorities and hearing bundles; and

(c) Given the public health concerns, the Judiciary appreciates that the demand for VC facilities may increase. The Judiciary has been procuring additional VC facilities as appropriate to meet the potential increase in demands.

9. It is to be stressed that apart from the consideration of compliance with the law, the Judiciary considers it important that any application of IT must be secure and the integrity of the specific aspects of the court operation involving the use of IT cannot be jeopardized or compromised. The Judiciary will continue to look into the matters having regard to these important considerations.

- End -

C O N T R O L L I N G O F F I C E R ô S

(Question Serial No. 2174)

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 various levels of court. With the recent social events, manpower situation poses a great challenge to the Judiciary. In this regard, please inform this Council of the following:

1. Apart from extending the retirement ages for judges to address the issue of shortage of judges, will the Judiciary allocate additional resources to engage more legal talents such as retired judges and lawyers to address the existing manpower issue? If so, what are the details? If not, why so?

2. How much in terms of resources will the Judiciary allocate for handling non-refoulement claim cases? What are the details?

3. Will the Judiciary allocate resources to assign ad hoc judges or set up designated divisions for the expeditious handling of the huge backlog of large-scale social event cases?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 72)

Reply:

1. The Judiciary has been conducting open recruitment exercises from time to time with a view to filling judicial vacancies, having regard to the overall judicial manpower situation and succession plan for different levels of court. In addition, pending the substantive filling of judicial vacancies through open recruitment, the Judiciary has been engaging temporary judicial resources as far as practicable to help maintain the level of judicial manpower required at different levels of court. 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.

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

The Judiciary has been closely monitoring the situation and considering how the upsurge of non-refoulement claim 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. The Judiciary is proposing to create one additional post of Justice of Appeal of the Court of Appeal of the High Court. The Judiciary intends to consult the Panel on Administration of Justice and Legal Services on the proposal. Associated support staff posts will be created to support the proposed additional judicial post under the established mechanism. In the meantime, the Judiciary would continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

Besides, the Government and the Judiciary have consulted the relevant LegCo Panel and stakeholders and obtained their general support to introduce legislative amendments to streamline court procedures and facilitate a more efficient handling of cases, including judicial review and appeals involving non-refoulement claims. The proposed legislative amendments have been introduced into the LegCo in January 2020 by the Government as part of the Statute Law (Miscellaneous Provisions) Bill 2019. We will keep in view the progress of the legislative exercise.

3. The Judiciary notes that at the moment, the majority of the cases related to recent social events (ñSE casesò) are not yet rea
coming months. In anticipation of the expected high volume of such cases, the Chief Justice has tasked the Court Leaders of all levels of courts to explore all means to ensure the expeditious processing of these cases.

Accordingly, a Task Group, comprising primarily the relevant Court Leaders, has been set up. In exploring the possible measures, the Task Group firmly bears in mind the following key principles:

(a) the proposed measures must be strictly in accordance with the law;
(b) the legitimate rights and interests of the parties, the fairness of the trial and the due process of the proceedings must be safeguarded;
(c) without compromising (a) and (b), cases should be processed expeditiously until conclusion; and
(d) the proposed measures must be practi
resources and other competing demands

Possible measures being explored include (i) longer sitting hours and Saturday sittings on a need basis; (ii) listing cases of various levels of courts at suitable court premises such as West Kowloon Law Courts Building depending on the nature and number of defendants etc.; (iii) more effective case management, including setting stricter procedural timetable; and (iv) exploring the possibility of re-commissioning of the Tsuen Wan Law Courts Building. The Task Group is also gathering more information about practices adopted in other jurisdictions when faced with similar situation (such as the UK).

Regarding the suggestion to set up dedicated court(s) to handle SE cases, the Judiciary notes that for the criminal cases, they cover a wide range of offences (such as unlawful assembly,

assault, arson and riots) that carry varying maximum sentence. The complexity (such as the number of charges, defendants and witnesses) and gravity also differ from case to case. Hence these cases would be tried in different levels of courts having regard to the sentence that may be imposed on conviction. For instance, the respective jurisdiction of the Magistrates' Courts and District Courts is generally 2 imprisonment while more serious cases attracting higher sentence are dealt with in the Court of First Instance of the High Court. Similarly, for the civil cases, owing to the varying amount of claim and the different relief sought, they have to be brought and tried in different levels of court. Further, listing the expected high number of cases at different courts in accordance with usual listing practice is more preferable than centralizing them in few dedicated courts in terms of a more even distribution of workload and better deployment of judicial resources. In view of the above considerations, the Judi may not be practicable to set up a dedicated court to handle all cases related to the recent social events. It may not be the best and most expeditious way to dispose of these cases either.

As the operation of the judicial system requires the support and co-operation of many other stakeholders, including the legal profession, the Department of Justice, law enforcement agencies, Correctional Services Department, Legal Aid Department and other organizations such as the Duty Lawyer Service, etc., the Judiciary is consulting them on the proposed measures. While the original plan of the Task Group was to complete the consultation in Q1 2020, in view of the public health situation, the Judiciary has been closely monitoring the situation and will try to complete the consultation as soon as practicable.

On resources, the Judiciary has been trying its best to increase its judicial manpower as necessary at the relevant court levels, primarily at the DC and the MCs at this stage. For example, additional deputy Judges and Judicial Officers will be appointed and additional support staff are being or will be engaged or deployed to deal with the caseload. The Judiciary would also 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.

- End -

(Question Serial No. 2179)

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:

Information shows that the sharp increase in the number of civil appeals is mainly caused by non-refoulement claim cases. There were up to 315 cases of this nature last year, representing 60% of the total number of 611 (civil appeals handled in the Court of Appeal). In this regard, may the Administration inform this Council:

- In each of the past three years, how many non-refoulement claim cases did the Judiciary dispose of? What are the respective percentages out of the total numbers of appeal cases?

- Regarding the non-refoulement claim cases that come from the Security Bureau, does the Judiciary have sufficient resources to handle these case in an expedited manner? How long does it take to dispose of a non-refoulement claim case?

- How does the Judiciary prevent abuse of resources?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 79)

Reply:

The number of civil appeals filed to the Court of Appeal of the High Court from 2017 to 2019, and among them the number of cases in relation to non-refoulement claim cases and the number of such cases being disposed of are as follows:

	2017	**2018**	**2019**
(a) No. of civil appeals filed	298	611	597
(b) No. of civil appeals in relation to non-refoulement claim cases	26	393	351
Percentage (b) / (a)	9%	64%	59%
(c) Amongst (b), no. of civil appeals in relation to non-refoulement claim cases being disposed of *	26	392	236
Percentage (c) / (b)	100%	99.7%	67%

Remarks:

* Statistics on the number of disposed civil appeals in relation to non-refoulement claim cases filed in the year captured the position as at 28 February 2020. Such statistics are live data which may vary at different report generation date and time.

The time taken for handling cases will be in general contingent upon a range of factors. In the light of the surge of non-refoulement claim cases, the Judiciary has been closely monitoring the situation and considering how such upsurge in caseload 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.

The Judiciary is proposing to create one additional post of Justice of Appeal of the Court of Appeal of the High Court. The Judiciary intends to consult the Panel on Administration of Justice and Legal Services on the proposal. Associated support staff posts will be created to support the proposed additional judicial post under the established mechanism. In the meantime, the Judiciary would continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

Besides, the Government and the Judiciary have consulted the relevant LegCo Panel and stakeholders and obtained their general support to introduce legislative amendments to streamline court procedures and facilitate a more efficient handling of cases, including judicial reviews and appeals involving non-refoulement claims. The proposed legislative amendments have been introduced into the LegCo in January 2020 by the Government as part of the Statute Law (Miscellaneous Provisions) Bill 2019. We will keep in view the progress of the legislative exercise.

To avoid abuses for judicial reviews, including those relating to non-refoulement claims, permission of the court is required before any application for judicial reviews can be instituted. This helps screen out cases which are not reasonably arguable with a realistic prospect of success.

- End -

(Question Serial No. 2919)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

(2) Support Services for Cou

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

The quality of Judiciary personnel, including those non-judicial personnel engaged in support work, does have a bearing on the standard of the rule of law in Hong Kong. In the revised estimate of 2020-2021, there is an increased provision of $219 million (14.4%), mainly for filling of vacancies, including a net increase of one judicial and 29 non-judicial posts. In this regard, please inform this Council:

(1) details and work allocation in respect of the net increase of 30 posts in 2020-2021;

(2) Director of Audit's report criticized the Judiciary for the slow progress in its technology plan, with the ñimplementati systemsò and the implementation of Stage 33 months respectively. The main reasons for such delays were manpower shortage and (excessively) long lead time in procurement of IT infrastructure. Please inform this Council whether manpower (resource) will be deployed to speed up the progress of the technology plan after the creation of the above-stated non-judicial posts, and whether it will review the framework for regulating the body in charge of the strategy plan? If so, what are the details? If not, why so?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 41)

Reply:

(1) In 2020-21, there will be deletion of 26 non-judicial posts and creation of one judicial post and 60 non-judicial posts resulting in a net increase of one judicial post and 34 non-judicial posts, comprising ï

(a) one judicial post and 29 non-judicial posts under or straddling Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, which accounts for about $219.0 million*; and

(b) five non-judicial posts under or straddling Programme (2), i.e. Support Services for Courts ô Operation*, which

*annual salaries calculated at mid-point

The net creation of one judicial post and 34 non-judicial posts are for the following purposes:

Purpose	Number of posts	Rank of posts
To cope with the increased workload of the Court of Appeal of the High Court	5	1 ï Justice of Appeal of the Court of Appeal of the High Court 1 ï Judicial Clerk 1 ï Personal Secretary I 1 ï Assistant Clerical Officer 1 ï Clerical Assistant
To cope with the surge in workload arising from the huge volume of non-refoulement claims cases filed with the High Court	3	1 ï Judicial Clerk 2 ï Assistant Clerical Officer
To provide continuous/enhanced support for the application of information technology in the Judiciary	9	1 ï Chief Executive Officer 1 ï Senior Judicial Clerk II 2 ï Systems Manager 1 ï Analyst/Programmer I 4 ï Analyst/Programmer II
To enhance existing services, such as strengthening of support for coping with increased workload in the High Court Registry, strengthening of support for the Clerk Office, strengthening of support for the Probate Registry, enhanced support to public communication and exchange activities, etc.	18(net)	1 ï Chief Information Officer 1 ï Principal Information Officer 1 ï Treasury Accountant 1 ï Accounting Officer II 1 ï Management Services Officer 1 ï Senior Judicial Clerk I 1 ï Senior Judicial Clerk II 3 ï Judicial Clerk 3 ï Personal Secretary II 2 ï Clerical Officer 3 ï Assistant Clerical Officer 1 ï Clerical Assistant *Offset by deletion of ï* *1 ï Senior Information Officer*
Total:	**35(net)#**	

[#] Comprising a net increase of one judicial post and 29 non-judicial posts under or straddling Programme (1) and five non-judicial posts under or straddling Programme (2) respectively

(2) As indicated by the Judiciary Administration in Chapter 6 of Report No. 73 of the Director of Audit, instead of resources being allocated, the manpower shortage issues which affected the progress of the implementation of projects under Information Technology Strategy mainly arose from the difficulties in Phase I (ITSP Phase I) over the years in recruiting sufficient T-contract staff at the rank of Analyst/Programmer. To address the issues, the Judiciary Administration will continue to explore all possible means, including considering the engagement of non-civil service contract staff and to recruit and retain technical staff with suitable skill sets. With regard to the concern of taking more than expected time for tendering, the Judiciary will adopt the measures stipulated in the prevailing guidelines / circular memorandum issued by the Office of the Government Chief Information Officer and the Financial Services and the Treasury Bureau of the Government in 2016 and 2017 respectively in planning and arranging future procurement exercises so as to shorten the related tendering process. The new creation of posts in part (1) above are not for the purpose of implementation of ITSP Phase I.

A review on the governance structure of ITSP Phase I has been completed and the new structure has been in place. In essence, a new Policy Group is formed to take a more strategic and overall look at the policy issues arising from the implementation of the new integrated court case management system which may cut across various levels of courts. Moreover, new dedicated sub-groups are formed to oversee the implementation in various levels of courts.

It is anticipated that, with the enhanced governance structure, the Judiciary Administration should be able to better monitor the ITSP implementation.

- End -

(Question Serial No. 6075)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

(a) By way of the following table, please provide information on the quantity, amount and stock level of the surgical masks manufactured by the Correctional Services Department (ñCSDò) that the Judiciary obtained each month from the Government Logistics Department (ñGLDò)

Month/Year	Quantity of CSI masks obtained	Amount of CSI masks obtained	Stock level of CSI masks

(b) By way of the following table, please provide information on the quantity, amount, stock level and consumption level of the surgical masks that the Judiciary obtained each month either from the GLD or by direct purchase in the past three years:

Month/Year	Quantity (and amount) of surgical masks obtained from the GLD	Quantity (and amount) of surgical masks obtained by direct purchase	Stock level	Consumption level

(c) By way of the following table, please provide information on the quantity, amount, stock level and consumption level of the N95 masks that the Judiciary obtained each month either from the GLD or by direct purchase in the past three years.

Month/Year	Quantity (and amount) of N95 masks obtained from the GLD	Quantity (and amount) of N95 masks obtained by direct purchase	Stock level	Consumption level

(d) By way of the following table, please provide information on the quantity, amount, stock level and consumption level of the protective gowns that the Judiciary obtained each month either from the GLD or by direct purchase in the past three years.

Month/Year	Quantity (and amount) of protective gowns obtained from the GLD	Quantity (and amount) of protective gowns obtained by direct purchase	Stock level	Consumption level

(e) By way of the following table, please provide information on the quantity, amount, stock level and consumption level of the protective coverall suits that the Judiciary obtained each month either from the GLD or by direct purchase in the past three years.

Month/Year	Quantity (and amount) of protective coverall suits obtained from the GLD	Quantity (and amount) of protective coverall suits obtained by direct purchase	Stock level	Consumption level

(f) By way of the following table, please provide information on the quantity, amount, stock level and consumption level of the protective face shields that the Judiciary obtained each month either from the GLD or by direct purchase in the past three years.

Month/ Year	Quantity of protective face shields purchased	Amount of protective face shields purchased	Stock level of protective face shields	Consumption level

(g) By way of the following table, please provide information on the quantity, amount, stock level and consumption level of the protective goggles that the Judiciary obtained each month either from the GLD or by direct purchase in the past three years.

Month/ Year	Quantity of protective goggles purchased	Amount of protective goggles purchased	Stock level of protective goggles	Consumption level

(h) Did the Judiciary supply or sell surgical masks, N95 masks, protective face shields, protective goggles, protective gowns and protective coverall suits to other institutions? If yes, please provide the relevant information including the quantity, consumption level and stock level in the following table:

Month / Year	Name of Institution/ Organisation	Form of Supply (e.g. sale, gift)	Surgical masks	N95 masks	Protective face shields	Protective goggles	Protective gowns	Protective Coverall Suits

(i) In the case that the Judiciary supplied or sold surgical masks, N95 masks, protective face shields, protective goggles, protective gowns, protective coverall suits to other institutions, what is the section and rank of the officers who made the decisions? Concerning each decision to supply or sell the items to other institutions, please provide details on the rank of the decision-maker, the date of decision-making and other relevant information.

Asked by: Hon MO Claudia (LegCo internal reference no.: 164)

Reply:

The Judiciary is an independent organisation separate from the Government. However, as it is a publicly-funded organisation, the Judiciary generally follows the relevant policies and guidelines of the Government in respect of procurement of stores and services and is subject to the Stores and Procurement Regulations issued by the Government.

Regarding the procurement of personal protective equipmen facing intense competition due to an upsurge in demand for and acute shortage of supply of PPE locally and overseas. The Judiciary is advised by the Government that it is not advisable at this stage to disclose specific details such as the stock level, place of origin, particulars of the suppliers, the quantity and the amount of purchase, timetables of delivery and consumption level in relation to PPE over the past few years and in the recent period, in order not to jeopardize the bargaining power of such procurement. The Judiciary has not provided any PPE to other organisations.

- End -

(Question Serial No. 0305)

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 estimated expenditure involved in handling non-refoulement claim cases that have been increasing? Have additional resources been allocated to expedite the handling of such cases. If yes, what are the details?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 101)

Reply:
The requested statistics on judicial review cases in the period from 2017 to 2019 are as follows:

	2017	**2018**	**2019**
(a) No. of leave applications filed^	1 146	3 014	3 889
(b) No. of appeals against refusal of leave filed	57	410	372
(c) No. of substantive judicial review cases filed	29	40	15
(d) No. of appeals against judicial review decisions filed	18	20	21

Remarks:

^ The increase in number of applications for leave to judicial review in 2018 and 2019 is mainly due to increase in non-refoulement claim cases. There were 1 006, 2 851 and 3 727 non-refoulement claim cases in 2017, 2018 and 2019 respectively.

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

The Judiciary has been closely monitoring the situation and considering how the upsurge of non-refoulement claim 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.

The Judiciary is proposing to create one additional post of Justice of Appeal of the Court of Appeal of the High Court. The Judiciary intends to consult the Panel on Administration of Justice and Legal Services on the proposal. Associated support staff posts will be created to support the proposed additional judicial post under the established mechanism. In the meantime, the Judiciary would continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

Besides, the Government and the Judiciary have consulted the relevant LegCo Panel and stakeholders and obtained their general support to introduce legislative amendments to streamline court procedures and facilitate a more efficient handling of cases, including judicial reviews and appeals involving non-refoulement claims. The proposed legislative amendments have been introduced into the LegCo in January 2020 by the Government as part of the Statute Law (Miscellaneous Provisions) Bill 2019. We will keep in view the progress of the legislative exercise.

- End -

(Question Serial No. 0306)

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:

For cases handled by the Small Claims Tribunal since 2018, how many of them the claim amounts exceeded $50,000? Regarding the estimates for the coming year, have resources been earmarked for coping with the projected caseload and the target waiting time (in days) of the Small Claims Tribunal? If yes, what are the details?

Asked by: Hon NG Wing-ka, Jimmy (LegCo internal reference no.: 102)

Reply:

The increase of the civil jurisdictional limit from $50,000 to $75,000 came into effect from 3 December 2018. The number of cases with claim amount above $50,000 filed to the SCT from 3 December 2018 to 31 December 2019 was 15 851.

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.

The estimated number of cases for the SCT in the 2020 is 55 880 and the target waiting time is 60 days. The Judiciary will closely monitor the situation and assess the impact of the increase of jurisdictional limit on the workload of the SCT.

- End -

(Question Serial No. 6330)

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 statistics regarding the following cases:

	2015	2016	2017	2018	2019
No. of cases where a divorce application was made					
among which the no. of cases where divorce mediation services were used					
No. of decrees of divorce issued					
i. no. of cases with a child custody or access order made					
ii. among which the no. of cases requiring a social investigation report as regards child custody and access arrangements					
iii. among which the no. of cases involving court hearing as regards child custody and access arrangements					
iv. among which the no. of cases where a sole custody order was made					
v. among which the no. of cases where a joint custody order was made					
vi. among which the no. of cases where a split custody order was made					
No. of cases where legal proceedings (independent of the divorce proceedings) for a child custody or access order were instituted					

Asked by: Hon SHIU Ka-chun (LegCo internal reference no.: 215)

Reply:

The information requested under the first 3 items is as follows:

	2015	**2016**	**2017**	**2018**	**2019**
No. of cases where a divorce application was made	21 467	21 954	23 302	22 998	22 074
Among which the no. of cases where mediation services were used*	235	237	231	212	233
No. of decrees of divorce issued	20 075	17 196	19 394	20 321	21 157

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

For the other requested information, the Judiciary does not keep such statistics.

- End -

(Question Serial No. 1993)

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.:801)

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 2017 to 2019 are provided below:

Cases Filed

	Cases Filed		
	2017	**2018**	**2019**
Court of Final Appeal			
application for leave to appeal	112	194	493
appeals	26	40	16
miscellaneous proceedings	0	0	0
Court of Appeal of the High Court			
criminal appeals	420	388	376
civil appeals	298	611	597
miscellaneous proceedings+	83	204	321
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases	449	421	424
confidential miscellaneous proceedings	382	402	340
miscellaneous proceedings (criminal)ú	374	789	684

	Cases Filed		
	2017	**2018**	**2019**
appeals from Magistra	659	620	603
civil jurisdiction[@]	17 719	18 605	19 050
probate cases	20 477	20 797	21 005
Competition Tribunal	2	3	1
District Court			
criminal cases	1 156	1 188	961
civil cases	20 550	21 453	25 942
family cases	23 634	23 345	22 386
Lands Tribunal	4 653	4 299	5 721
Magistratesô Courts	338 977	340 612	332 746
Coronerôs Court	131	167	117
Labour Tribunal	4 015	3 955	4 323
Small Claims Tribunal	51 012	55 007	55 879
Obscene Articles Tribunal	174	9 240	21 163

[+] 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.

[ú] 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		
	2017	**2018**	**2019**
Court of Final Appeal			
application for leave to appeal	125	137	174
appeals	31	36	22
miscellaneous proceedings	0	0	0

	Cases Disposed		
	2017	**2018**	**2019**
Court of Appeal of the High Court			
criminal appeals	375	382	381
civil appeals	224	507	560
miscellaneous proceedings[+]	39	178	203
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases	519	433	446
confidential miscellaneous proceedings	382	402	340
miscellaneous proceedings (criminal)[ú]	295	686	655
appeals from Magistra	719	555	585
civil jurisdiction[@]	14 915	14 196	14 678
probate cases	19 537	19 886	20 503
Competition Tribunal	0	0	0
District Court			
criminal cases	1 050	988	1 201
civil cases	18 781	18 227	18 569
family cases	19 698	20 620	21 438
Lands Tribunal	3 549	3 667	3 905
Magistratesô Courts	336 554	333 623	344 986
Coronerôs Court	117	161	130
Labour Tribunal	4 048	3 607	4 143
Small Claims Tribunal	51 509	54 355	55 304
Obscene Articles Tribunal	179	9 241	21 162

[+] 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.

[ú] 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)			
	2019 Target	**2017**	**2018**	**2019**
Court of Final Appeal				
application for leave to appeal				
Criminal - from notice of hearing to hearing	45	44	43	44
Civil - from notice of hearing to hearing	35	33	35	34
substantive appeal				
Criminal - from notice of hearing to hearing	100	90	98	98
Civil - from notice of hearing to hearing	120	118	111	113
Court of Appeal of the High Court				
Criminal ï from setting down of a case to hearing	50	47	49	49
Civil - from application to fix date to hearing	90	89	88	89
Court of First Instance of the High Court				
Criminal Fixture List - from filing of indictment to hearingÝ	-	164	167	167
Civil Fixture List - from application to fix date to hearing	180	163	168	173
Civil Running List - from not-to-be-warned date to hearing	30	16	38	29
appeals from Magistr a t e s õi fromCmolodgingof Notice of Appeal to hearing	90	91	103	105
District Court				
Criminal - from first appearance of defendants in District Court to hearing	100	152	187	191
Civil Fixture List - from date of listing to hearing	120	102	95	95
Civil Running List - from not-to-be-warned date to hearing	30	25	16	21

	Average Waiting Time (days)			
	2019 Target	2017	2018	2019
Family Court				
dissolution of marriage - from setting down of a case to hearing -				
Special Procedure List	35	34	35	35
Defended List (all hearings)	110	85	111	89
financial applications ï from setting down of a case to hearing	110-140	95	90	81
Lands Tribunal				
- from setting down of a case to hearing				
appeal cases	90	-^	20	35
compensation cases	90	60	38	38
building management cases	90	44	29	21
tenancy cases	50	23	19	17
Magistratesô Courts				
- from plea to date of trial				
summons	50	65	76	67
charge cases except for Juvenile Court -				
for defendants in custody	30-45	31	47	41
for defendants on bail	45-60	40	57	51
charge cases for Juvenile Court -				
for defendants in custody	30-45	-~	-~	30
for defendants on bail	45-60	48	58	58
Coronerôs Court				
- from date of listing to hearing	42	79	65	61
Labour Tribunal				
- from appointment to filing of a case	30	26	25	29
- from filing of a case to first hearing	30	24	25	25
Small Claims Tribunal				
- from filing of a case to first hearing	60	32	33	36
Obscene Articles Tribunal				
- from receipt of application to classification	5	3	3	2

- from referral by a magistrate to determination	21	-[#]	22	15

* As there are only three cases being set down for trial/substantive hearing in the Competition Tribunal, the waiting time is inapplicable. The target average waiting time will be considered when more cases are set down for trial/substantive hearing at the Competition Tribunal.

[Ý] The 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. The way to measure the average waiting time for the Criminal Fixture List and Criminal Expedited List and the setting of these targets are being considered in the light of the operation of the new measures and other relevant considerations.

^ 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 -

(Question Serial No. 1995)

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 Ob s c e n e A r t i c l e s T r i b u n a l -20.a n d t h e C o r

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 803)

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 C l a i m s T r i b u n a l , t h e O b s c e n e A r t i c l e s T r i 2019-20 are as follows ï

Tribunal/ Court	**Establishment**	**Number of posts**	**Annual salary at mid-point* ($)**
Lands Tribunal	31	3 ï District Judge 2 ï Member 8 ï Judicial Clerk grade staff 17 ï Clerical Staff 1 ï Office Assistant	23.4 million
Labour Tribunal	92	1 ï Principal Presiding Officer 8 ï Presiding Officer 13 ï Judicial Clerk grade staff 17 ï Tribunal Officer	58.5 million

Tribunal/ Court	Establishment	Number of posts	Annual salary at mid-point* ($)
		40 ï Clerical Staff 7 ï Secretarial Staff 4 ï Office Assistant 2 ï Workman II	
Small Claims Tribunal	78	1 ï Principal Adjudicator 11 ï Adjudicator 19 ï Judicial Clerk grade staff 46 ï Clerical Staff 1 ï Office Assistant	52.1 million
Obscene Articles Tribunal	7	2 ï Magistrate 5 ï Clerical Staff	5.4 million
Coroner Court	14	3 ï Coroner 1 ï Judicial Clerk grade staff 8 ï Clerical Staff 1 ï Secretarial Staff 1 ï Workman II	9.8 million

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

- End -

(Question Serial No. 1996)

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 these judicial review cases were legally aided?

Asked by: Hon TO Kun-sun, James (LegCo internal reference no.: 804)

Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2017 to 2019 are as follows:

	2017	2018	2019
(a) No. of leave applications filed^	1 146	3 014	3 889
(b) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	11	15	10
(c) Average waiting time from listing to hearing of leave application	55 days	42 days	41 days
(d) No. of appeals against refusal of leave filed	57	410	372
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave application	64 days	57 days	61 days
(f) No. of substantive judicial review cases filed	29	40	15
(g) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	15	13	8
(h) Average waiting time from listing to hearing of substantive case	97 days	95 days	95 days
(i) No. of appeals against judicial review decisions filed	18	20	21
(j) Average waiting time from listing to appeal hearing	97 days	141 days	118 days

Remarks:

^ The increase in number of applications for leave to judicial review in 2018 and 2019 is mainly due to increase in non-refoulement claim cases. There were 1 006, 2 851 and 3 727 non-refoulement claim cases in 2017, 2018 and 2019 respectively.

- End -

(Question Serial No. 0328)

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:

Currently, courts at various levels have to deal with a series of cases related to social events arising from the opposition to the proposed legislative amendments. May this Council be informed of the details, such as the types, particulars and number of cases, and the progress of handling these cases? What is the estimated time needed to complete the processing of these cases? Will the Judiciary allocate additional resources to expedite the processing of these cases, or even consider setting up express designated courts to centralize and expedite the processing of these cases? If so, what are the details? If not, what are the reasons?

Asked by: Hon WONG Ting-kwong (LegCo internal reference no.: 20)

Reply:

As at 1 March 2020, a total of 613 cases have been or are being dealt with in various levels of courts in relation to the recent social events. The breakdown is as follows :

Level of Court	**Criminal Cases**	**Civil Cases**	**Total**
Court of First Instance of t h e H i g h C o u	86	43	**129**
D i s t r i c t) C o u	29	8	**37**
M a g i s t r a t e s ô (ñ MC s ò)	436	N.A.	**436**
Small Claims Tribunal	N.A.	11	**11**
Total	**551**	**62**	**613**

(N.A. ï Not Applicable)

2. The Judiciary is not in a position to estimate the time required by the courts to handle a particular type of cases, as the processing and the eventual disposal of an individual case can be affected by a wide range of factors, including the complexity of the case, the preparedness of the parties, etc, some of which are beyond the control of the courts.

3. The Judiciary notes that at the moment, the majority of the cases related to recent social events (ñSE casesò) are not yet ready for trial and will be coming months. In anticipation of the expected high volume of such cases, the Chief Justice has tasked the Court Leaders of all levels of courts to explore all means to ensure the expeditious processing of these cases.

4. Accordingly, a Task Group, comprising primarily the relevant Court Leaders, has been set up. In exploring the possible measures, the Task Group firmly bears in mind the following key principles :

(a) the proposed measures must be strictly in accordance with the law;
(b) the legitimate rights and interests of the parties, the fairness of the trial and the due process of the proceedings must be safeguarded;
(c) without compromising (a) and (b), cases should be processed expeditiously until conclusion; and
(d) the proposed measures must be practicable having regard to the resources and other competing demands of interests.

5. Possible measures being explored include (i) longer sitting hours and Saturday sittings on a need basis; (ii) listing cases of various levels of courts at suitable court premises such as West Kowloon Law Courts Building depending on the nature and number of defendants etc.; (iii) more effective case management, including setting stricter procedural timetable; and (iv) exploring the possibility of re-commissioning of the Tsuen Wan Law Courts Building. The Task Group is also gathering more information about practices adopted in other jurisdictions when faced with similar situation (such as the UK).

6. Regarding the suggestion to set up dedicated court(s) to handle SE cases, the Judiciary notes that for the criminal cases, they cover a wide range of offences (such as unlawful assembly, assault, arson and riots) that carry varying maximum sentence. The complexity (such as the number of charges, defendants and witnesses) and gravity also differ from case to case. Hence these cases would be tried in different levels of courts having regard to the sentence that may be imposed on conviction. For instance, the respective jurisdiction of the MCs and DC is generally 2 and 7 years of imprisonment while more serious cases attracting higher sentence are dealt with in the CFI. Similarly, for the civil cases, owing to the varying amount of claim and the different relief sought, they have to be brought and tried in different levels of court. Further, listing the expected high number of cases at different courts in accordance with usual listing practice is more preferable than centralizing them in few dedicated courts in terms of a more even distribution of workload and better deployment of judicial resources. In view of the above considerations, the Judiciary's initial view is that it may not be practicable to set up a dedicated court to handle all cases related to the recent social events. It may not be the best and most expeditious way to dispose of these cases either.

7. As the operation of the judicial system requires the support and co-operation of many other stakeholders, including the legal profession, the Department of Justice, law enforcement agencies, Correctional Services Department, Legal Aid Department and other organizations such as the Duty Lawyer Service, etc., the Judiciary is consulting them on the proposed measures. While the original plan of the Task Group was to complete the

consultation in Q1 2020, in view of the public health situation, the Judiciary has been closely monitoring the situation and will try to complete the consultation as soon as practicable.

8. On resources, the Judiciary has been trying its best to increase its judicial manpower as necessary at the relevant court levels, primarily at the DC and the MCs at this stage. For example, additional deputy Judges and Judicial Officers will be appointed and additional support staff are being or will be engaged or deployed to deal with the caseload. The Judiciary would also 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.

C O N T R O L L I N G O F F I C E Rô S

(Question Serial No. S034)

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 respect of criminal cases, please provide information of:

(1) The number of search warrants applied for by the Police for inspecting the mobile phones of arrested persons or suspects in the past three years (Please list the number of search warrants applied for and actually granted by month). Among those cases with warrants granted for inspecting mobile phones, the number of cases where the phone in question was eventually not produced as an exhibit.

(2) The number of search warrants applied for by the Police for entering premises in the past three years (please list the number of search warrants applied for and actually granted by month). Among those cases with warrants granted, the number of cases where the items in the premises were eventually not produced as exhibits.

(3) The number of cases where bail was not granted in the past three years. Please set out the figures by month. Among those cases, what is the average duration of custody? What is the case with the longest period of custody and what is the duration?

Asked by: Hon HUI Chi-fung

Reply:

Magistrates process applications for search warrants as their statutory duties in accordance with the relevant legislative provisions. The Judiciary does not maintain the statistics requested.

As regards the handling of bail applications which are judicial proceedings handled by Judges and Judicial Officers, similar to the other criminal proceedings, the Judiciary does not maintain the information requested either.

- End -

C O N T R O L L I N G O F F I C E Rô S

(Question Serial No. S035)

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 regarding criminal cases :
The numbers of criminal cases handled by each judge in the District Court and each magistrate in the Magistratesô Courts in t

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
His Honour Judge KO			
His Honour Judge C K CHAN			
His Honour Judge Michael WONG			
His Honour Judge Stanley CHAN			
His Honour Judge LEUNG			
Her Honour Judge MELLOY			
His Honour Judge YIP			
Her Honour Judge LEVY			
His Honour Judge YIU			
His Honour Judge K W WONG			
His Honour Judge Douglas YAU			
His Honour Judge KWOK			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
His Honour Judge Josiah LAM			
His Honour Judge Anthony KWOK			
His Honour Judge DUFTON			
His Honour Judge SHAM			
Her Honour Judge WOODCOCK			
His Honour Judge HUI			
His Honour Judge Jack WONG			
Her Honour Judge LO			
His Honour Judge Johnny CHAN			
His Honour Judge Gary LAM			
His Honour Judge Andrew LI			
His Honour Judge AU-YEUNG			
His Honour Judge LEONG			
His Honour Judge YEE			
His Honour Judge YU			
His Honour Judge PANG			
His Honour Judge CASEWELL			
His Honour Judge Simon LO			
His Honour Judge TAM			
Her Honour Judge KOT			
His Honour Judge LAI			
His Honour Judge OWN			
Her Honour Judge Y F CHAN			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
His Honour Judge L W WONG			
His Honour Judge LIU			
His Honour Judge Edmond LEE			
Her Honour Judge TSUI			
His Honour Judge Clement LEE			
His Honour Judge LIN			
Her Honour Judge TSE			
His Honour Judge K K PANG			
His Honour Judge K C CHAN			
Her Honour Judge MAN			
Mr PANG Ho-chuen, Lawrence			
Mr NG Siu-lam, Alex			
Mr SO Wai-tak			
Ms CHAINRAI Bina			
Mr LAW Tak-chuen, Peter			
Mr LUI Kin-man, Simon			
Mr HO Chin-pang, Dick			
Miss YIM Shun-yee, Ada			
Mr MAK Kwok-cheung			
Mr TO Ho-shing			
Mr CHEANG Kei-hong			
Mr SO Man-lung, Don			
Mr WONG Kwok-fai, Raymond			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
Ms CHAN Wai-mun			
Miss CHOW Pok-fun, Josephine			
Mr YIP Sue-pui, Lawrence			
Mr WAN Siu-ming, Jason			
Miss CHUI Yee-mei, Ivy			
Mr LI Chi-ho			
Ms WONG Susan			
Ms LAU Yee-wan, Winnie			
Mr TANG Siu-hung, Daniel			
Mr CHEUNG Chi-wai, David			
Mr CHENG Lim-chi			
Ms LAM Mei-sze, Michelle			
Mr CHUM Yau-fong, David			
Mr SHUM Kei-leong, Timon			
Mr KO Wai-hung			
Miss HO Wai-yang			
Ms CHEUNG Kit-yee			
Ms CHEUNG Tin-ngan, June			
Ms WONG Sze-lai			
Miss NG Chung-yee, Debbie			
Ms HEUNG Shuk-han, Veronica			
Ms TO Kit-ling, Doris			
Ms SHUI Kelly			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
Ms CHENG Kam-lin, Catherine			
Mr CHAN Ping-chau, Kenneth			
Mr LEE Siu-ho			
Mr CHOW Chi-wei, Raymund			
Ms CHU Yuen-yee			
Mr CHAN David			
Ms WONG Nga-yan, Peony			
Mr WONG Sze-cheung, Colin			
Ms SO Ka-yin, Rita			
Miss LEE Kar-lok, Jacqueline			
Mr HO Chun-yiu			
Ms SOONG Wing-sum			
Ms LEUNG Ka-kie			
Ms TSUI May-har, Stephanie			
Ms LEUNG Siu-ling			
Mr IP Kai-leung, Jacky			
Mr PANG Leung-ting			
Ms CHUNG Ming-sun, May			
Miss CHAN Lo-yee, Louise			
Mr WONG Ching-yu, Edward			
Mr LAM Tsz-kan			
Mr LEUNG Man-liang, Matthew			
Miss LAU Suk-han			

Magistrate / District Judge	No. of Criminal Cases handled in 2017	No. of Criminal Cases handled in 2018	No. of Criminal Cases handled in 2019
Mr MOK Tze-chung, Andrew			
Miss LEUNG Nga-yan, Frances			
Mr LAM Hei-wei, Arthur			
Mr YU Chun-pong			

Asked by: Hon HUI Chi-fung

Reply:

Criminal cases are assigned to Judges and JJOs having regard to the nature of the cases, workload, expertise, experience and availability of JJOs at different levels of court. The Judiciary does not maintain statistics regarding the number of cases handled by each JJO.

- End -

(Question Serial No. S037)

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 accusations involving the Police, please inform this Council:

(1) among the criminal cases, of the number in which the defendant complained in Court of being subject to police violence;

(2) of the approach adopted by the Court in these cases;

(3) if the police officer involved in the complaint was a prosecution witness, whether the Court would take into account the statement/testimony of the officer before the complaint was dealt with.

Asked by: Hon HUI Chi-fung

Reply:

The Judiciary does not in general maintain any statistics on specific groups of accused or defendants. Hence, the Judiciary does not have the information requested.

In criminal proceedings, prosecutors and defendants may present evidence in support of their cases or arguments. If, in the course of court proceedings, there is any related allegation of the use of violence made against any law enforcement officers, the court will deal with the allegation strictly in according with the law to ensure a fair trial.

- End -

(Question Serial No. S038)

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:

Is the constitutional role of the Judiciary one of keeping a check and balance on the Government or complementing the Government?

Asked by: Hon HUI Chi-fung

Reply:

The Judiciary has the constitutional function of administering justice in Hong Kong in accordance with the law. Article 85 of the Basic Law provides that the courts of the Hong Kong Special Administrative Region (ñHKSARò) shall exercise judicial power independently, free from any interference. In the discharge of their duties, judges and judicial officers are to uphold the Basic Law, bear allegiance to the HKSAR, serve the HKSAR conscientiously, dutifully, in full accordance with the law, honestly and with integrity, safeguard the law and administer justice without fear or favour, self-interest or deceit.

- End -

(Question Serial No. S041)

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:

Since the start of the social events arising from the opposition to the proposed legislative amendments, many members of the public have questioned the way the Hong Kong Police handled dead body found cases, as well as their hasty conclusion in some of these cases that the deaths were ñnot suspiciousò. Regard ñnot suspiciousò by the police based on i social events:

1. How many of them had the police subsequently (A) continued with follow-up investigations; (B) ceased follow-up investigations?

2. Regarding the two types of ñnot suspici breakdown by these two types, the number of cases that the Coroner had directed that (A) further investigation be conducted; (B) a date be fixed for holding a death inquest;

3. Among the cases in which (A) the police had ceased follow-up investigation and (B) the Coroner had directed that no further investigation was required, is there any case in which an inquiry was reopened as a result of an objection from properly interested persons (including relatives of the deceased or legal representative)? If yes, what are the details?

4. Concerning deaths for which no direction had been given by the Coroner for further investigation, what are the records that

5. Many members of the public have questio relevant procedures as a whole. In view of this, will the Judiciary review the existing procedures, such as allowing forensic pathologists to get involved in the investigation as early as possible?

Asked by: Hon WU Chi-wai

Reply:

The Judiciary does not maintain statistics on the number of reportable death cases where the Police concluded. Hence, the Judiciary does not have the information requested.

In general, for every reportable death, a public hospital clinical pathologist or a Department of Health forensic pathologist will have examined the medical records of the deceased and the course of events leading to his death. The pathologist will have also carried out an external examination of the body. If he is still unable to determine a cause of death, he would advise the Coroner that it is necessary to perform an autopsy to ascertain the cause.

Every reportable death, supported by relevant reports such as the investigation report by the Police and the post mortem report by the clinical or forensic pathologist, would be considered by the Coroner. After considering all relevant information, including the expert opinions of the 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 determine whether there is sufficient information to enable him to conclude the case or to order the Police to carry out further investigation and to seek for independent opinion from expert, where appropriate.

When the Coroner considers that there is sufficient information and upon considering all the circumstances of the case, the Coroner shall decide whether to hold an inquest into the death.

Relevant records are kept in case files in

- End -