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Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2021-22

Controlling Officer : Judiciary Administrator

Session No. : 2

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CONTROLLING OFFICER'S REPLY**JA001****(Question Serial No. 0749)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

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

1. the number of urgent applications processed and the average processing time;
2. the number of applications for injunction orders / interim custody orders by victims of domestic violence;
3. the related expenditure and estimate for this year;
4. the number of applications for divorce by battered spouses for the past year and the proportion of such cases in which legal aid was sought;
5. the number of applications for maintenance and the number of successful applications.

Asked by: Hon CHENG Chung-tai (LegCo internal reference no.: 32)Reply:

The number of divorce cases filed to the Family Court for the period from 2018 to 2020 are as follows:

Year	2018	2019	2020
Number of divorce cases filed in the year	22 998	22 074	17 302

The Judiciary does not compile statistics on details in court cases which are held in confidence by the relevant courts.

As the various general operating expenses of the Judiciary (including utilities, administrative support, repair and maintenance, cleaning and security services, etc. for Judiciary premises) are flexibly redeployed for meeting the changing operational needs of various levels of court, the Judiciary does not have a breakdown of the operating expenses by types of cases or levels of court. For relevant reference, we append below information on the establishment, number of posts and estimated salary provision for Judges and Judicial Officers (“JJOs”) and support staff of the Family Court for the year 2020-21 -

Court	Establishment	Number of posts	Estimated salary provision* (\$ million)
Family Court	63	1 - Principal Family Court Judge 7 - District Judge 26 - Judicial Clerk grade staff 23 - Clerical staff 1 - Secretarial staff 5 - Workman II	44.3

* Estimated on the basis of prevailing annual salaries at mid-point; excluding fringe benefits and allowances claimable by eligible JJOs and civil service support staff.

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CONTROLLING OFFICER'S REPLY

JA002

(Question Serial No. 0750)

Head: (80) Judiciary

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

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Please inform this Council of the number of employees' compensation claims filed with the courts by employees in the past three years.

Asked by: Hon CHENG Chung-tai (LegCo internal reference no.: 33)

Reply:

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

Year	2018	2019	2020
Employees' Compensation Claims	3 038	3 046	2 659

- End -

CONTROLLING OFFICER'S REPLY**JA003****(Question Serial No. 0781)**Head: (80) JudiciarySubhead (No. & title): (000) Operational expensesProgramme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

Please provide the following information: in the past three years, the number of cases in which employees filed claims with the Labour Tribunal under Part VIA of the Employment Ordinance and the number of cases in which employees won favourable rulings.

Asked by: Hon CHENG Chung-tai (LegCo internal reference no.: 80)Reply:

The number of claims filed by employees pursuant to Part VIA of the Employment Ordinance (Cap. 57) and the number of cases ruled in favour of employees for the past three years are as follows –

	2018	2019	2020
Number of Part VIA claims filed	591	621	641
Number of Part VIA claims ruled in favour of employees	62	89	70

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CONTROLLING OFFICER'S REPLY

JA004

(Question Serial No. 2852)

Head: (80) Judiciary

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

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Please provide information on the numbers of applications and urgent applications for search warrants received and search warrants issued in the past three years.

Asked by: Hon CHENG Chung-tai (LegCo internal reference no.: 240)

Reply:

Application for search warrants forms part of the process of law enforcement agencies' investigation work on suspected breaches of laws before cases are brought before the court for adjudication. They are not related to court proceedings. The Judiciary does not maintain the statistics regarding applications for search warrants.

- End -

CONTROLLING OFFICER'S REPLY

JA005

(Question Serial No. 1625)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

1. Please set out the figures on the number of judicial review (“JR”) cases (including leave applications and substantive hearings), their average waiting time and the number of hearing days involved with breakdown by respective levels of court with JR jurisdiction in the past three years.
2. Among these JR cases, how many of them involved JR (including leave applications and substantive hearings) filed by non-refoulement claimants and what are their average waiting time and the number of hearing days involved?

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 1)

Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2018 to 2020 are as follows:

Judicial Review Cases	2018	2019	2020
Court of First Instance of the High Court			
(a) No. of leave applications filed	3 014	3 889	2 500
(b) No. of leave applications filed relating to non-refoulement claims	2 851	3 727	2 367
(c) Average waiting time from listing to hearing of leave application ¹	42 days	41 days	44 days
(d) No. of substantive judicial review cases filed	40	15	4
(e) No. of substantive judicial review cases filed relating to non-refoulement claims	19	1	0
(f) Average waiting time from listing to hearing of substantive judicial review case ¹	95 days	95 days	78 days
Court of Appeal of the High Court			
(g) No. of appeals against refusal of leave filed	410	372	450
(h) No. of appeals against refusal of leave filed relating to non-refoulement claims	392	350	413
(i) Average waiting time from listing to appeal hearing in respect of refusal of leave application ¹	57 days	61 days	58 days
(j) No. of appeals against judicial review decisions filed	20	21	12
(k) No. of appeals against judicial review decisions filed relating to non-refoulement claims	1	1	1
(l) Average waiting time from listing to appeal hearing ¹	141 days	118 days	75 days
Court of Final Appeal			
(m) No. of applications for leave to appeal (civil) filed ²	127	426	289
(n) No. of application for leave to appeal (civil) filed relating to non-refoulement claims	65	388	252
(o) No. of substantive appeals (civil) filed ²	11	8	11
(p) No. of substantive appeal (civil) filed relating to non-refoulement claims	0	0	0

Remarks:

¹ No separate average waiting time is available for non-refoulement claim cases.

² The figures are total number of cases filed to the Court of Final Appeal.

The Judiciary does not maintain statistics on the number of hearing days for judicial review cases including non-refoulement claim cases.

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CONTROLLING OFFICER'S REPLY**JA006****(Question Serial No. 1626)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

Please provide the following information in relation to the actual expenditure in the past three years and the estimated expenditure for 2021-22 by the level of court:

1. the quantity of and various expenses involved in reporting and transcripts for criminal cases, civil cases and other types of cases (if any);
2. projects adopting technology and other modern management tools and the various expenses involved.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 2)Reply:

1. The breakdowns of criminal and civil cases by levels of court in the past three years for which reporting service was provided are as follows:

Level of Court	2018		2019		2020	
	Criminal	Civil	Criminal	Civil	Criminal	Civil
Court of Final Appeal	0	121	4	119	12	140
High Court	4 322	29 942	4 152	32 914	3 434	23 194
District Court (including Family Court and Lands Tribunal)	3 977	21 915	4 612	22 832	6 081	17 048
Magistrates' Courts, Specialized Court and Other Tribunals	258 600	26 901	244 679	28 395	213 124	23 851
Total	266 899	78 879	253 447	84 260	222 651	64 233

For 2021, the Judiciary estimates that 253 450 criminal cases and 84 260 civil cases will require the provision of reporting service, making reference to requirements for normal operation of court business. The breakdowns of criminal and civil cases by levels of court in the past three years for which transcripts were produced are as follows:

Level of Court	2018		2019		2020	
	Criminal	Civil	Criminal	Civil	Criminal	Civil
Court of Final Appeal	2	4	1	1	2	0
High Court	969	686	987	672	635	510
District Court (including Family Court and Lands Tribunal)	952	396	1 073	369	653	301
Magistrates' Courts, Specialized Court and Other Tribunals	3 760	538	3 692	489	3 170	375
Total	5 683	1 624	5 753	1 531	4 460	1 186

For 2021, the Judiciary estimates that 5 750 criminal cases and 1 530 civil cases would require the production of transcripts with reference to requirements for normal operation of court business.

The actual expenditure on transcripts produced in the past three years by levels of court are as follows:

Level of Court	2018-19	2019-20	2020-21
Court of Final Appeal	\$5,643	\$2,165	\$2,171
High Court	\$3,163,546	\$2,405,905	\$2,840,581
District Court (including Family Court and Lands Tribunal)	\$1,768,414	\$1,696,803	\$1,507,202
Magistrates' Courts, Specialized Court and Other Tribunals	\$5,789,841	\$4,613,531	\$4,885,539
Total	\$10,727,444	\$8,718,404	\$9,235,493

The Judiciary does not maintain the breakdowns of expenditure on transcripts by types of cases. The estimated expenditure on transcripts for 2021-22 is \$12.95 million.

2. The Judiciary has been deploying the required manpower and financial resources on Information and Communications Technology ("ICT") for various initiatives involving the use of technology seeking to ensure efficiency in court operations on an on-going basis. These include the support for implementing the Judiciary's Information Technology Strategy Plan, audiovisual facilities to enable broadcasting at court premises, video conferencing facilities, etc. in the past few years. Since the manpower and other resources are flexibly deployed from time to time for meeting the changing operational needs of various initiatives, we have no breakdown on expenditure on each initiative at each level of court. The total recurrent ICT expenditure for 2020-21 is around \$218.7 million and the average annual increase in the past five years is 22%.

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CONTROLLING OFFICER'S REPLY

JA007

(Question Serial No. 1627)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

1. With regard to the actual expenditure in the past three years and the estimated expenditure for 2021-22, please provide information on the resources involved in providing support for the operation of the Resource Centre for Unrepresented Litigants, including the number of staff, salaries, allowances and work-related allowances; and the number of applications handled by the Resource Centre for Unrepresented Litigants in the past three years.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 3)

Reply:

The Resource Centre for Unrepresented Litigants ("the Centre") seeks to provide information and assistance on court rules and procedures to unrepresented litigants, who are parties to, or about to commence, civil proceedings in the High Court or the District Court except those relating to matrimonial, lands, employees' compensation and probate matters. The Centre provides assistance to unrepresented litigants on procedural matters only but does not give legal advice or make any comments on the merits of the case. Computer terminals with access to the Judiciary website and interlinked with the websites of relevant organisations, e.g. the Legal Aid Department, the Duty Lawyer Service or agencies which may offer free legal service to litigants are provided at the Centre. In addition, self-service photo-copying, writing areas, leaflets introducing the system of the civil proceedings in the High Court and the District Court, sample court forms and videos on court procedures are also available.

Information concerning the service provided by the Centre for the years 2018 to 2020 is set out as follows:

Facility / Service	Number of Use		
	2018	2019	2020
General counter enquiries	15 875	17 934	12 107
Telephone enquiries	3 125	3 088	4 104
Enquiries by other means (fax, letter and email)	326	396	282
Access to website	351 484 hits	415 225 hits	340 971 hits
Provision of brochures on civil proceedings	905	522	93
Provision of court forms	11 734	12 676	8 937

The support staff of the Centre and estimated salary provision in the past three years and for 2021-22 are as follows:

	2018-19	2019-20	2020-21	2021-22
Support staff	6	6	6	7
Estimated Salary Provision* (\$ million)	2.77	2.89	3.04	3.48

* Estimated on the basis of prevailing annual salaries at mid-point; excluding fringe benefits and allowances claimable by eligible civil service support staff.

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CONTROLLING OFFICER'S REPLY

JA008

(Question Serial No. 1628)

Head: (80) Judiciary

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

Programme: Not specified

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

1. With regard to the actual expenditure in the past three years and the estimated expenditure for 2021-22, please provide information on "Personal Emoluments" by the level of court:

	Number of Judges	Salaries	Allowances	Job-related allowances
Local Judges/ Judges of Chinese nationality				
Non-local Judges/ Judges not of Chinese nationality				

2. Please provide information on the above items of "Job-related allowances".

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 4)

Reply:

- (1) The Judiciary does not maintain statistics on the nationality of Judges and Judicial Officers ("JJOs") upon their appointment.

In accordance with Article 92 of the Basic Law, Judges and other members of the Judiciary of the Hong Kong Special Administrative Region ("HKSAR") shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions.

Under Article 90 of the Basic Law, the Chief Justice of the Court of Final Appeal ("CJ") and the Chief Judge of the High Court ("CJHC") shall be Chinese citizens who are permanent residents of the HKSAR with no right of abode in any foreign country.

Apart from the offices of the CJ and the CJHC, there is no nationality requirement in the Basic Law for any other JJOs.

The establishment of JJOs as at 1 March in 2019 to 2021 and the estimated establishment of JJOs in 2022 (as at 1 March) are as follows:

	1.3.2019	1.3.2020	1.3.2021	1.3.2022 (Estimate)
Establishment of JJOs	218 [^]	218 [^]	221 [^]	222 [^]

[^] *Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal*

The expenditure for the past three years and 2021-22 on Personal Emoluments for JJOs are set out in the table below:

	2018-19 Expenditure	2019-20 Expenditure	2020-21 Revised Estimates	2021-22 Estimates
	(\$ million)			
Salaries	423.1	423.3	485.0	585.0 [*]
Allowances	15.6	14.5	10.7	14.1
Job-related allowances	0.8	0.9	2.3	2.3

^{*} *including estimated provision for filling existing vacancies*

- (2) Job-related allowances refer to “Extraneous Duties Allowance (Responsibilities)” granted to JJOs who are regularly required to perform duties outside the scope of those normally performed by them.

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CONTROLLING OFFICER'S REPLY**JA009****(Question Serial No. 1629)**Head: (80) JudiciarySubhead (No. & title): (000) Operational expensesProgramme: Not specifiedControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

1. Please provide information on the actual expenditure in the past three years and the estimated expenditure for 2021-22 in support of the attendance of Judges (and Judicial Officers) from various levels at any open or closed-door activities, including seminars, training courses and visits etc. held by organisations other than the Judiciary;
2. Please set out the information regarding the organisers, regions and the items or content etc. of the above activities.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 5)Reply:

The actual expenditure in the past three years and estimated expenditure in 2021-22 on all major training and exchange activities for Judges and Judicial Officers which were organized by organizations other than the Judiciary are set out in the table below –

2018-19 (Actual Expenditure) (\$ million)	2019-20 (Actual Expenditure) (\$ million)	2020-21 (Actual Expenditure) (\$ million)	2021-22 (Original Estimate) (\$ million)
2.208	1.278	0	2.061

The list of activities in the past three years is at Annex. The relevant information is included in the Judiciary Annual Reports from 2018 to 2020 which are available on the Judiciary website.

Activities Participated by JJOs in Financial Years 2018-19 to 2021-22**Financial Year 2018-19**

Date	Activity
18-20.4.2018	Global Conference entitled “The HCCH 125 – Ways Forward: Challenges and Opportunities in an Increasingly Connected World”, organised by the Hague Conference on Private International Law
21-25.5.2018	The Hon Chief Justice Geoffrey MA delivered a speech entitled “Criticism of the courts and judges: informed criticism and otherwise” in the 2018 Oration of the Supreme Court of Queensland in Brisbane, Australia and gave lectures at the University of Melbourne and the University of New South Wales. The Hon Mr Justice Andrew CHEUNG, Chief Judge of the High Court, delivered talks at the above two universities as well as the University of Queensland
11-13.7.2018	The Hon Mr Justice Thomas AU and the Hon Mr Justice Anderson CHOW, Judges of the Court of First Instance of the High Court, attended Public Law Conference 2018 in Melbourne, Australia
12-14.9.2018	The Hon Chief Justice Geoffrey MA led a delegation to visit various courts in Zhejiang Province at the invitation of the Supreme People’s Court
12-15.9.2018	The Hon Mr Justice R A V RIBEIRO, Permanent Judge of the Court of Final Appeal, attended the Global Constitutionalism Seminar 2018 held at the Yale Law School in New Haven, Connecticut, the United States
18-21.9.2018	The Hon Madam Justice Queeny AU-YEUNG and the Hon Madam Justice Bebe CHU, Judges of the Court of First Instance of the High Court, attended the meeting of the Working Group on the draft Guide to Good Practice on Article 13(1)(b) of the 1980 Hague Child Abduction Convention held in The Hague, the Netherlands
21-25.9.2018	The Hon Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the Judicial Insolvency Network meeting and International Insolvency Institute’s 18th Annual Conference in New York, the United States
27-28.9.2018	The Hon Chief Justice Geoffrey MA and the Hon Madam Justice Mimmie CHAN, Judge of the Court of First Instance of the High Court, attended the second meeting of the Standing International Forum of Commercial Courts in New York, the United States

Date	Activity
19.10.2018	The Hon Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the 2nd Market-Orientated Bankruptcy Forum in Shenzhen
19-21.10.2018	His Honour Judge CHAN Chan-kok, Acting Principal Family Court Judge, attended an academic seminar on family law in Beijing
23-25.10.2018	Deputy High Court Judge Tony POON, Deputy Judge of the Court of First Instance of the High Court and Mr SO Wai-tak, Acting Chief Magistrate, attended the Judicial Leadership Program: Heads of Jurisdiction in Melbourne, Australia
28.10.2018-3.11.2018	A six-member delegation led by the Hon Mr Justice Johnson Lam, Vice-President of the Court of Appeal of the High Court, visited Family Courts and met with Family Judges in Singapore and Melbourne and Sydney, Australia
1-2.11.2018	The Hon Mr Justice Jeremy POON, Justice of Appeal of the Court of Appeal of the High Court, attended the 9th AIJA Appellate Judges' Conference in Brisbane, Australia
7.11.2018	The Hon Chief Justice Geoffrey MA spoke at the Bapsybanoo Marchioness of Winchester Lecture 2018 on "The Dependency of Business and Finance on the Common Law in Hong Kong: a Paradigm Jurisdiction" at the University of Oxford, United Kingdom
13-16.11.2018	Ms Stephanie TSUI, Magistrate, attended the 2018 Asia Pacific Coroners' Society Conference in Canberra, Australia
3-7.12.2018	The Hon Mr Justice Andrew Colin MACRAE, Vice-President of the Court of Appeal of the High Court, and Master June CHEUNG, Temporary Deputy Registrar of the High Court, visited various law courts in London, the United Kingdom
9-11.12.2018	The Hon Mr Justice Jeremy POON, Justice of Appeal of the Court of Appeal of the High Court, attended a Judicial Roundtable organised by the Shanghai University of Political Science and Law and Law Faculty of the University of Hong Kong in Shanghai
24.1.2019	The Hon Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the Conference on Cross-Border Bankruptcy (Liquidation) between the Mainland and Hong Kong SAR in Beijing
25-26.1.2019	Towering Judges Conference, organised by the Chinese University of Hong Kong

Date	Activity
14-16.2.2019	The Hon Chief Justice Geoffrey MA, the Hon Mr Justice R A V RIBEIRO, Permanent Judge of the Court of Final Appeal, and the Hon Mr Justice Peter NG, Judge of the Court of First Instance of the High Court, attended the Sixth Judicial Seminar on Commercial Litigation held in Sydney, Australia
27-28.2.2019	Judgment Writing and Oral Judgment Programme in Singapore, organised by the Singapore Judicial College
4-7.3.2019	The Hon Mr Justice Tony POON, Judge of the Court of First Instance of the High Court, visited the Judicial College, England and Wales and attended the Business of Judging Seminar in the United Kingdom
14.3.2019	The Hon Chief Justice Geoffrey MA delivered the lecture on “Limits and Limitations: How effective are the Courts in the Protection of Human Rights?” at the University of Zurich, Switzerland
20-21.3.2019	Assessing Credibility of Witnesses Programme in Singapore, organised by the Singapore Judicial College
29.3.2019	The Hon Madam Justice Bebe CHU, Judge of the Court of First Instance of the High Court, attended the 2019 Singapore Family Mediation Symposium held in Singapore
31.3.2019 - 2.4.2019	The Hon Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the Thirteenth Multinational Judicial Colloquium on Insolvency and the Offshore Meeting of the International Association of Restructuring, Insolvency & Bankruptcy Professionals (“INSOL”) International in Singapore

Financial Year 2019-20

Date	Activities
8-12.4.2019	The Hon Mr Justice Jeremy POON, Justice of Appeal of the Court of Appeal of the High Court, and the Hon Mr Justice Godfrey LAM, Judge of the Court of First Instance of the High Court, attended the 21st Commonwealth Law Conference held in Livingstone, Zambia
23-26.4.2019	The Hon Chief Justice Geoffrey MA delivered the Inaugural Caius Mok Law Lecture entitled “The Endless Search for the Right Answer: European Legal Principles as applied in Hong Kong” at the University of Cambridge. He also gave a talk at the lunch organised by the Hong Kong Association in London, the United Kingdom

Date	Activities
27-30.5.2019	The Hon Chief Justice Geoffrey MA and the Hon Mr Justice R A V RIBEIRO, Permanent Judge of the Court of Final Appeal, attended the Asia-Pacific Judicial Colloquium 2019 held in Singapore
30-31.5.2019	The Hon Madam Justice Queeny AU-YEUNG, Judge of the Court of First Instance of the High Court, attended the 9th Annual Competition Law Seminar for Asia-Pacific Judges in Bangkok, Thailand
2-21.6.2019	Intensive Study Programme for Judicial Educators in Canada, organised by the Commonwealth Judicial Education Institute
16-18.6.2019	The Hon Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the International Insolvency Institute's 19th Annual Conference in Barcelona, Spain
24-28.6.2019	The Hon Mr Justice Godfrey LAM, Judge of the Court of First Instance of the High Court, visited the Competition Appeal Tribunal in London, the United Kingdom
12-16.8.2019	The Hon Mr Justice Tony POON, Judge of the Court of First Instance of the High Court; His Honour Judge Justin KO, Acting Chief District Judge; Master HUI Ka-ho, Temporary Deputy Registrar of the High Court; Mr Victor SO Wai-tak, Acting Chief Magistrate and Master Simon LUI, Temporary Registrar of the District Court, visited various courts in Perth and Sydney, Australia to enhance understanding on how court case management can be improved through application of information technology
18-20.8.2019	The Hon Mr Justice LOK, Judge of the Court of First Instance of the High Court and His Honour Judge Kent YEE, District Judge, attended an international forum on intellectual property matters in Guangzhou
9-11.9.2019	The Hon Chief Justice Geoffrey MA; the Hon Mr Justice Andrew CHEUNG, Permanent Judge of the Court of Final Appeal; the Hon Mr Justice Jeremy POON, Acting Chief Judge of the High Court; the Hon Madam Justice Carlye CHU, Justice of Appeal of the Court of Appeal of the High Court; the Hon Mr Justice Tony POON, Judge of the Court of First Instance of the High Court; His Honour Judge Justin KO, Acting Chief District Judge; and Mr Victor SO Wai-tak, Acting Chief Magistrate, attended the "Fifth Seminar of Senior Judges of Cross-Strait and Hong Kong and Macao" in Zhanjiang
11-13.9.2019	The Hon Mr Justice R A V RIBEIRO, Permanent Judge of the Court of Final Appeal, attended the Global Constitutionalism Seminar 2019 held at the Yale Law School in New Haven, Connecticut, the United States

Date	Activities
22-26.9.2019	The Hon Mr Justice Tony POON, Judge of the Court of First Instance of the High Court, attended the 9th International Conference on the Training of the Judiciary of the International Organisation for Judicial Training in Cape Town, South Africa
23-26.9.2019	The Hon Chief Justice Geoffrey MA delivered a speech entitled “Hong Kong and the Rule of Law: Is it Tangible?” at the Asia-Pacific Regional Forum Lunch in the International Bar Association Annual Conference 2019 in Seoul, Korea. The Hon Chief Justice MA also gave a lecture at the Seoul National University. The Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal, delivered a speech entitled “Judges from other common law jurisdictions in the Hong Kong Court of Final Appeal” at the conference. The Hon Mr Justice Kevin Paul ZERVOS, Justice of Appeal of the Court of Appeal of the High Court also spoke at the conference
30.9-2.10.2019	The Hon Chief Justice Geoffrey MA; the Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal; the Hon Mr Justice Jeremy POON, Acting Chief Judge of the High Court; the Hon Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court; and the Hon Mr Justice Barnabas FUNG, Judge of the Court of First Instance of the High Court attended the celebrations of the 70th Anniversary of the Founding of the People’s Republic of China in Beijing
7-11.10.2019	The Hon Madam Justice Mimmie CHAN and the Hon Mr Justice David LOK, Judges of the Court of First Instance of the High Court, visited the Court of Appeal, the Intellectual Property Enterprise Court, the Patents Court, and the Commercial Court in London, the United Kingdom
16.10.2019	The Hon Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the 3rd International Conference on Market-Orientated Bankruptcy in Shenzhen
7.11.2019	The Hon Mr Justice Jonathan R HARRIS, Judge of the Court of First Instance of the High Court, attended the International Association of Restructuring, Insolvency & Bankruptcy Professionals (“INSOL”) International Tokyo One Day Seminar in Tokyo, Japan
8.12.2019	The Hon Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, attended a Forum on Case Law and Guiding Cases System in Beijing co-organised by the National Judges College and the City University of Hong Kong

Financial Year 2020-21

No such activity in this financial year.

- End -

CONTROLLING OFFICER'S REPLY**JA010****(Question Serial No. 1525)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

Hong Kong experienced incidents such as “Occupy Central”, “Mongkok Riot” and “social events arising from the opposition to the proposed legislative amendments” in 2014, 2016 and 2019 respectively that involved charging acts which caused unlawful disruptions of public order. Regarding these incidents, may the Administration inform this Council of the following:

1. In the form of a table, the updated information on the number of cases that have already been disposed of in various courts, and the expenditure involved.
2. Years have passed since the occurrence of the incidents of 2014, 2016 and 2019. Why have the courts not yet disposed of all the cases involved? 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.: 28)Reply:

For Occupy Movement, as at 28 February 2021, a total of 295 cases have been or being dealt with at various levels of courts since 2014. 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
Magistrates' Courts	111	N.A.	111
Small Claims Tribunal	N.A.	41	41
Total	169	126	295

Remarks:

N.A. – Not applicable

Separately, as at 28 February 2021, a total of 86 cases have been or are being dealt with at various levels of courts relating to the incident in Mongkok since 2016. The breakdown is as follows:

Level of Court	Criminal Cases
Court of Final Appeal	1
High Court	11
District Court	8
Magistrates' Courts	66
Total	86

Almost all of the above cases have been concluded. The progress of individual cases relating to Occupy Movement and Mongkok Incident is kept at individual court case files. The Judiciary does not maintain statistical information regarding the number of such cases concluded (including any appeals).

For cases relating to social events since 2019, as at 28 February 2021, a total of 1 752 cases have been or being dealt with at various levels of courts. The breakdown is as follows:

Level of Court	Criminal Cases	Civil Cases	Total
Court of Final Appeal	2	8	10
High Court #	241	59	300
District Court	253	11	264
Magistrates' Courts	1 166	N.A.	1 166
Small Claims Tribunal	N.A.	12	12
Total	1 662	90	1 752

Remarks:

Figure includes cases on bail applications.

Out of the 1 752 cases received, by end of February 2021, more than 1 100 cases or nearly 65% have been concluded at different level of courts. This is particularly so for cases at the Magistrates' Courts which are generally less complicated.

Expenditure involved in handling the above cases has been absorbed within the general operating expenses of the Judiciary (including utilities, administrative support, repair and maintenance, cleaning and security services, etc. for Judiciary premises) through flexible internal deployment depending on operational needs. The Judiciary does not have the breakdown of operating expenses by types of cases or levels of courts.

The time taken for handling these 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 (particularly defendants) involved, the time required by parties for case preparation, and the availability of parties and/or counsel, etc.

For cases relating to the Occupy Movement and Mongkok Incident, the lapse of time between the related incident and conclusion of any cases tended to be considerably long as these cases may need to go through various stages of handling by different levels of courts; and the time required for handling the cases was contingent upon a number of factors not fully under the control of the Court.

For social event cases, operational arrangements tend to be more complex, mainly because quite a number of them involve a large number of defendants¹, legal representatives, media and public viewers, and evidences in the form of large volume of video recordings. These have inevitably been posing challenges to the Judiciary in terms of judicial resources and supporting staff manpower, competing use of court premises, media and security arrangements.

Besides, the fluctuating public health situation arising from the COVID-19 pandemic over the past one year or so has posed further challenges to the Judiciary. The Judiciary has been adjusting court business and implementing appropriate social distancing measures to reduce people flow at court buildings in light of the changing public health situation. For example, hearings involving a large number of court users, many of which are related to social events, are fixed to be heard at appropriate times and intervals.

To ensure the expeditious processing of the social event and other similar cases at different levels of courts, the Judiciary has been taking a series of measures as and when appropriate, including the following :

- (a) engagement of additional judicial resources;
- (b) pro-active case management, including setting stricter procedural timetable;
- (c) listing cases at suitable court premises, such as the West Kowloon Law Courts Building, depending on the nature and number of defendants etc.;
- (d) carrying out conversion works for District Court courtrooms so that they may handle cases with more defendants;
- (e) enhancing broadcasting facilities for the relevant court buildings so that cases with more defendants may be handled;
- (f) lengthening court sitting hours as necessary;
- (g) arranging Saturday sittings as necessary; and
- (h) re-commissioning the Tsuen Wan Law Courts Building in the second half of 2021 for general criminal cases for the District Court.

- End -

¹ For illustration purpose, as at end of February 2021, out of the 253 social event criminal cases transferred to the District Court, about 12% involve more than 10 defendants each.

CONTROLLING OFFICER'S REPLY

JA011

(Question Serial No. 1526)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Courts around the world are moving from paper-based systems to greater use of information technology (IT) to speed up court proceedings. Not only does it bring about environmental benefits, filing and proceedings can also be done and conducted electronically. In spite of commencement of computerization in Hong Kong's courts in the 1990s, local court proceedings are still rather paper-based and manually operated. According to a study of the World Bank in 2019, Hong Kong scored a low grade of 1 on a 0-4 scale in "court automation". In this regard, will the Administration inform this Council:

1. After the outbreak of the COVID-19 epidemic, which brought court business to a halt, there have been renewed concerns over the slow progress of IT application in the Judiciary. Does the Administration have any measures to enable the courts to use technology in hearing cases in the future while ensuring that the process is fair and just?

2. According to the Audit report published in October 2019, the slow progress and delays in the Information Technology Strategy Plan were due to (i) manpower shortage and high turnover of contract staff; (ii) delays in hiring contractors; and (iii) long lead time in procurement of IT infrastructure. Has the Administration taken any steps to review the situation after the publication of the report? If so, what are the details?

Asked by: Hon HO Kwan-yiu, Junius (LegCo internal reference no.: 29)

Reply:

(1) The Judiciary has been making on-going efforts to make use of technology to enhance the efficiency of court operations. The impetus has substantially increased arising from the impact of COVID-19 epidemic in 2020. We have been proceeding at full steam with the implementation of a series of key technology initiatives including Information Technology Strategy Plan ("ITSP"), remote hearings, use of e-bundles at court hearings and e-appointment system. The adoption of such technologies is in line with the mainstream practice adopted by courts in other jurisdictions.

Information Technology Strategy Plan

Over the past few years, under the ITSP, the Judiciary has been developing by phases an integrated court case management system (“iCMS”) across all levels of courts for handling court-related documents and payments through an electronic mode. We have followed the incremental approach adopted by the other jurisdictions, i.e. starting with some types of proceedings and gradually extending it to other types of proceedings and/or court levels. As such, it has to take a considerable number of years from the first launch of electronic filing (“e-filing”) to the gradual extension(s) to most types of proceedings/court levels, which is in line with the direction of experience in other jurisdictions.

The system development work for Stage 1 courts is at an advanced stage. On the legislative front, the Court Proceedings (Electronic Technology) Ordinance (Cap. 638), enacted in July 2020, would give effect to the option of e-filing of documents to the court and service of documents between parties on a consent basis. We are planning to introduce the related court procedural rules (subsidiary legislation) into the Legislative Council required for giving effect to e-filing of documents in Stage 1 courts. Subject to their enactment and results of pilot runs with stakeholders (including law firms) in the coming few months, the Judiciary plans to implement e-filing for civil proceedings of District Court (“DC”) by phases starting from Q4, 2021. iCMS will then be fully implemented at the Summons Courts of the Magistrates’ Courts (“MCs”) and DC criminal cases.

For Stage 2 courts, detailed planning has started. We are preparing the necessary draft legislation, Practice Directions and the related users’ requirements. Given the complexity of the work flow and different court procedural rules for different types of proceedings, particularly those relating to the High Court (“HC”), we are examining the possibility of expediting the system development work particularly for the HC as far as possible.

Other Key Technology Initiatives

Besides ITSP, the Judiciary has also been implementing other technology initiatives to help enhancing the efficiency of court operations. These include :

- (a) greater use of remote hearings – the Judiciary has been promoting the use of more remote hearings for civil proceedings since April 2020. Following the issue of three Guidance Notes respectively in 2020, the Judiciary started with remote hearings using video-conferencing facilities for handling interlocutory applications at the High Court and then gradually extended it to more types of facilities (i.e. including phone hearings), more complicated court processes (such as trials) and other levels of civil courts (such as DC).

For criminal proceedings, as remote hearings cannot generally be used because of legal impediments, the Judiciary is working on the necessary legislative amendments to provide the court with the flexibility to order remote hearings as it

sees fit. We plan to introduce the relevant Bill into the Legislative Council in Q2, 2021;

- (b) e-appointment system for selected registry services – to minimize the need for court users to queue up for registry services and reduce people flow at court buildings due to the prevailing public health situation, the Judiciary introduced an e-appointment system for selected registry services for the Probate Registry, Family Court and Lands Tribunal in early March 2021. The operating experience so far has been positive. We will consider gradually extend the use of e-appointment system as appropriate;
- (c) use of e-bundles at court hearings – it generally speeds up court hearings because of the quicker retrieval of and referral to the relevant pages/documents in the case bundles. In particular, to tie in with the forthcoming implementation of ITSP, the Judiciary has been trying out e-bundle hearings for suitable DC civil cases since December 2020. Taking into account the operational experience, the Judiciary will see how best to encourage more e-bundle hearings at various court levels in the longer run; and
- (d) greater use of information technology (“IT”) and/or audio-visual (“AV”) facilities at court hearings – arising from the prevailing public health situation and the growing number of high profile cases which attract a lot of media and public presence, there has been a growing demand for the use of court extension broadcasting facilities. In addition, the need to present and handle digital evidence and exhibits at court hearings has increased, particularly for cases relating to the recent social events. All these rely on the use of IT/AV facilities in court buildings. Efforts will continue to be made to enhance the above capabilities at the relevant levels of court.

- (2) The Judiciary has duly followed up the recommendations of the Audit report published in October 2019. In particular, the Judiciary has taken a series of measures to address the issues regarding the slow progress and delays in the ITSP. Specifically, the Judiciary Administration has taken measures to recruit and retain technical staff with suitable skill sets. As regards the longer than expected time for tendering, the Judiciary will continue to follow closely 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 respectively in engagement of contractors as well as planning and arranging the procurement exercises so as to expedite the relevant tendering process. Details of all relevant follow-up actions in relation to the Audit report have been conveyed to the Public Accounts Committee.

- End -

CONTROLLING OFFICER'S REPLY**JA012****(Question Serial No. 1778)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Please provide a breakdown of figures of the establishment (by civil service posts and posts for Judges and Judicial Officers) and remuneration expenses of the Judiciary for the past three financial years.

Asked by: Hon LAU Ip-keung, Kenneth (LegCo internal reference no.: 23)

Reply:

The establishment (comprising Judges and Judicial Officers (JJO) posts and civil service posts) of the Judiciary as at 1 March in the past three years is as follows -

	1.3.2019	1.3.2020	1.3.2021
Establishment of the Judiciary, comprising -	1 960[^]	2 025[^]	2 061[^]
<i>JJO posts</i>	<i>218[^]</i>	<i>218[^]</i>	<i>221[^]</i>
<i>Civil service posts</i>	<i>1 742</i>	<i>1 807</i>	<i>1 840</i>

[^] *Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal*

Correspondingly, the estimated salary provision* for the past three years is as follows -

	2018-19	2019-20	2020-21
	(\$ million)		
Estimated salary provision*	1,265	1,364	1,467

* *Estimated on the basis of prevailing annual salaries at mid-point; excluding fringe benefits and allowances claimable by eligible JJOs and civil service support staff.*

- End -

CONTROLLING OFFICER'S REPLY**JA013****(Question Serial No. 1847)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

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 non-refoulement claim cases? What are 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.: 27)Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2018 to 2020 are as follows:

Judicial Review Cases	2018	2019	2020
Court of First Instance of the High Court			
(a) No. of leave applications filed	3 014	3 889	2 500
(b) No. of leave applications filed relating to non-refoulement claims	2 851	3 727	2 367
(c) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	15	10	1
(d) No. of leave application with leave granted ¹	101 ²	29 ³	5
(e) Average processing time (from date of filing of leave application to date of decision) ⁴	540 days	321 days	99 days

Judicial Review Cases	2018	2019	2020
Court of First Instance of the High Court			
(f) No. of substantive judicial review cases filed	40	15	4
(g) No. of substantive judicial review cases filed relating to non-refoulement claims	19	1	0
(h) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	13	8	0
Court of Appeal of the High Court			
(i) No. of appeals against refusal of leave filed	410	372	450
(j) No. of appeals against refusal of leave filed relating to non-refoulement claims	392	350	413
(k) No. of appeals against judicial review decisions filed	20	21	12
(l) No. of appeals against judicial review decisions filed relating to non-refoulement claims	1	1	1
Court of Final Appeal			
(m) No. of applications for leave to appeal (civil) filed ⁵	127	426	289
(n) No. of application for leave to appeal (civil) filed relating to non-refoulement claims	65	388	252
(o) No. of substantive appeals (civil) filed ⁵	11	8	11
(p) No. of substantive appeal (civil) filed relating to non-refoulement claims	0	0	0

Remarks:

- ¹ Statistics on the outcome of leave applications filed in a year reflect the position as at 31 January 2021. 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.
- ² Statistics include 4 cases of leave granted by Court of Appeal of the High Court on appeal.
- ³ Statistics include 2 cases of leave granted by Court of Appeal of the High Court on appeal.
- ⁴ The average processing times reflect the position as at 31 January 2021. Such figures may vary at different report generation date and time. The Judiciary only maintains statistics on the average processing time of leave applications at 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.

⁵ The figures are total number of cases filed to the Court of Final Appeal.

The Judiciary does not maintain statistics on the number of legally aided cases in respect of appeals against refusal of leave and appeals against judicial review decisions filed in the Court of Appeal of the High Court, and applications for leave to appeal (civil) and substantive appeals (civil) in the Court of Final Appeal.

- End -

CONTROLLING OFFICER'S REPLY

JA014

(Question Serial No. 2457)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Since the outbreak of the COVID-19 epidemic, for how many days has the Judiciary put in force the “General Adjourned Period” arrangements and what measures have been adopted to expedite the handling of the backlog of cases?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 21)

Reply:

Since January 2020, the operation of courts and tribunals has been considerably affected by the unprecedented challenges from the COVID-19 epidemic. In light of the evolving public health situation, the Judiciary has been adjusting its conduct of court business in various ways, striking a balance between public health risks and administration of justice.

In particular, the Judiciary adjourned all court proceedings (except urgent and essential hearings) for three months from 29 January to 3 May 2020. This came to be known as the General Adjourned Period (“GAP”).

Following the cessation of GAP, the Judiciary has been adopting appropriate social distancing measures (mainly for crowd control and compressing people flow) to ensure that courts can continue to carry on business as safely as circumstances permit. Where necessary, court proceedings and hearings have been scheduled with wider intervals, while the opening hours of registries and accounts offices have been adjusted. No further GAP has been arranged since early May 2020.

The Judiciary has also been making pro-active and dedicated efforts in clearing the backlog arising from GAP and/or COVID-19 as well as handling the maximum possible number of cases through the following measures :

- (a) Using alternative modes of disposal for civil proceedings, including mainly remote hearings and paper disposals. For remote hearings, the Judiciary started with using video-conferencing facilities (“VCF”) for handling interlocutory applications at the High Court and then gradually extended it to more types of facilities (i.e. by including

phone hearings), more complicated court processes (such as trials) and other levels of civil courts (such as District Court). From February 2020 to February 2021, a total of 688 remote hearings (including 96 hearings using VCF¹ and 592 phone hearings) were conducted by various levels of courts;

- (b) More flexible use of court premises, including priority use of courtrooms for criminal proceedings and adjusted half-day sitting hours²;
- (c) Increasing judicial manpower. The Judiciary has been launching from November 2020 a new round of recruitment exercises for Judges and Judicial Officers as well as judicial associates with a view to tackling the shortfall in judicial manpower. Continued efforts are also made to recruit external deputies as and when appropriate and necessary; and
- (d) Making greater use of other technology initiatives (other than remote hearings above) to enhance the efficiency of court operations. Key initiatives include greater use of electronic platforms to enable submission of court documents, expediting the full implementation of e-filing for civil proceedings for the District Court, greater use of e-bundles at suitable court hearings at the District Court, e-appointment system for selected registry services, and greater use of evidence presentation system to speed up certain criminal hearings.

With the above efforts in 2020, the Judiciary was able to maintain the court waiting times for civil cases at the High Court and District Court generally at normal levels. As regards the other court proceedings (particularly criminal proceedings), as the capacity of the courts has inevitably been reduced, the average court waiting times in 2020 were lengthened as compared with 2019.

- End -

¹ These are hearings with some parties physically absent from court during the proceedings.

² For example, to maximize the use of courtrooms due to COVID, the sitting hours of court hearings may be adjusted as necessary. For example, subject to the court's directions, half-day sittings may be adopted, with the sitting hours adjusted to 9:00 am to 1:00 pm for the morning sittings and 2:30 to 5:30pm for the afternoon sittings.

CONTROLLING OFFICER'S REPLY

JA015

(Question Serial No. 2458)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

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. In the past three years and the coming year, how much manpower was and will be deployed by the Judiciary to handle judicial reviews related to non-refoulement claims? Has the Judiciary assessed the extent to which the Statute Law (Miscellaneous Provisions) Bill 2019 has helped to enhance the efficiency of the courts? If the amendments to the Immigration Ordinance are passed, how will they help to improve the situation concerning the existing backlog of cases?
3. Will the Judiciary allocate resources to assign ad hoc judges or set up designated divisions for the expeditious handling of cases related to the social events that began in June 2019?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 22)

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. A new round of open recruitment exercise for Judges and Judicial Officers at different levels of court was launched in November 2020. The recruitment of Judges of the Court of First Instance of the High Court ("CFI") is in progress. The recruitment of District Judges was launched in late March 2021, which will be followed by that for Permanent Magistrates later in 2021. Pending the substantive filling of judicial vacancies through open recruitment, the Judiciary has continued to engage temporary judicial resources as far as practicable to help cope with its operational needs at different levels of court.

The Judiciary has been taking every possible measure to address issues arising from the tight manpower situation. With the approval of the Finance Committee of the

Legislative Council, an additional post of Justice of Appeal of the Court of Appeal of the High Court (“CA”) has been created in late March 2021.

2. During the past three years, the Judiciary deployed on average two Judges at the CFI to handle judicial review (“JR”) cases relating to non-refoulement claims, mainly applications for leave for JR. As for the CA, on average one Division (comprising either three Judges or two Judges) has been deployed to handle the related appeal cases. As for the Court of Final Appeal (“CFA”), the cases are related to applications for leave to appeal to the CFA which can be disposed of by the Appeal Committee. The Judiciary has, as far as possible, engaged the services of Non-Permanent Judges to assist in handling the cases.

Following the enactment of the Statute Law (Miscellaneous Provisions) Ordinance 2020, the High Court Ordinance (Cap. 4) has been amended to streamline court procedures and facilitate processing of cases in the CA, including JR cases relating to non-refoulement claims. The amendments provide for the following :

- (a) greater flexibility in the use of 2-Judge bench of the CA. The Judiciary will actively explore the feasibility of increasing the number of Divisions (in which a 2-Judge bench could dispose of more types of cases) for handling such cases taking into account other operational considerations; and
- (b) a clear legal basis for the Judiciary to promote just, expeditious and economical disposals of proceedings on paper where appropriate, thus increasing the overall efficiency of case handling.

The Judiciary is making use of the above flexibility in deploying judicial resources of the High Court, thereby increasing the effective capacity of the CA in handling cases. However, it would be difficult for the Judiciary to quantify the impact brought about by the legislative amendments to Cap. 4 as a wide range of factors can affect the processing and the eventual disposal of an individual case by the courts, including its complexity, the preparedness of the parties, etc, some of which are beyond the control of the courts.

In line with the principle of judicial independence, the Judiciary is generally not in a position to comment on the Government's proposed legislative proposal. As in the case of the Statute Law (Miscellaneous Provisions) Ordinance 2020, it is nevertheless difficult to assess the impact of the Government's proposed amendments to the Immigration Ordinance on the caseload relating to non-refoulement claims at the High Court as the latter will continually be affected by many factors.

3. The rapid and substantial upsurge in cases related to social events (“SE cases”) has brought unprecedented challenges to the Judiciary. Operational arrangements for SE cases tend to be more complex, mainly because quite a number of them involve a large number of defendants¹, legal representatives, media and public viewers, and evidences

¹ For illustration purpose, as at end of February 2021, out of the 253 social event criminal cases transferred to the District Court, about 12% involve more than 10 defendants each.

in the form of large volume of video recordings. These have inevitably been posing challenges to the Judiciary in terms of judicial resources and supporting staff manpower, competing use of court premises, media and security arrangements.

Besides, the fluctuating public health situation arising from the COVID-19 pandemic over the past one year or so has posed further challenges to the Judiciary. The Judiciary has been adjusting court business and implementing appropriate social distancing measures to reduce people flow at court buildings in light of the changing public health situation. For example, hearings involving a large number of court users, many of which are related to SE cases, are fixed to be heard at appropriate times and intervals.

Despite the aforesaid, the Judiciary has managed to accord suitable priority to handling the increasing number of such cases over the past year or so and has been taking a series of measures to ensure the expeditious processing of the SE cases at different levels of court as and when appropriate. These include:

- (a) engagement of additional judicial resources;
- (b) pro-active case management, including setting stricter procedural timetable;
- (c) listing cases at suitable court premises, such as the West Kowloon Law Courts Building, depending on the nature and number of defendants etc.;
- (d) carrying out conversion works for the courtrooms of the District Court so that they may handle cases with more defendants;
- (e) enhancing broadcasting facilities for the relevant court buildings so that cases with more defendants may be handled;
- (f) lengthening court sitting hours as necessary;
- (g) arranging Saturday sittings as necessary; and
- (h) re-commissioning the Tsuen Wan Law Courts Building in the second half of 2021 for general criminal cases for the District Court.

In addition to the above various measures to ensure expeditious processing of SE cases at different levels of courts, the Judiciary has also consulted relevant stakeholders on the suggestion of setting up dedicated court(s). As cases related to social events cover a wide range of offences with different sentencing regimes and diverse factual matrices, it would be very difficult, if not impossible, to put the cases into a single, or even a few categories, and to have them tried in dedicated court(s). Stakeholders generally consider that dedicated courts are neither practical nor desirable. Noting that stakeholders' views are in line with the Judiciary's assessment, the Judiciary does not consider it appropriate to pursue the proposal.

- End -

CONTROLLING OFFICER'S REPLY

JA016

(Question Serial No. 2486)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

With regard to the conducting of remote hearings at various levels of courts, please inform this Council of:

the number of cases concerning civil matters in civil courts in which remote hearing was used in the past year and the number of persons so involved;

the manpower and resources allocated in the past year to conduct research on hearing submissions by telephone, by video-conferencing or similar means of visual aid and generally making use of technology;

whether the Judiciary has any plans to have remote hearings conducted in more criminal and civil cases; if yes, of the details; if not, of the reasons for that?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 132)

Reply:

- (1) From February 2020 to February 2021, a total of 688 remote hearings (including 96 hearings using video-conferencing facilities ("VCF")^{Note} and 592 phone hearings) were conducted by various levels of courts.

^{Note} These are hearings with some parties physically absent from court during the proceedings.

The Judiciary does not maintain information on the number of court participants for each hearing.

- (2) On remote hearings, following the issue of three Guidance Notes respectively in April, June and December 2020, the Judiciary started such hearings by using VCF for handling interlocutory applications at the High Court and then gradually extended it to more types of facilities (i.e. by including phone hearings), more complicated court processes (such as trials) and other levels of civil courts (such as District Court).

Moreover, over the past year or so, the Judiciary has been working on the technical options so that more cost-effective and convenient technical options were now available for court users. Details are summarized below :

- (a) in April 2020, parties joining remote hearings needed to procure dedicated VCF hardware (i.e. hardware option);
- (b) from June 2020, parties only needed to procure a more cost-effective dedicated VCF software (i.e. software option) to use with normal desktop or laptop computer; and
- (c) from January 2021, parties will no longer need to procure any dedicated VCF hardware or software. They only need a normal computer with basic facilities (such as a camera), i.e. browser-based option. Court users can use common web browsers and normal desktop or laptop computer devices (but not mobile devices) to connect to the Judiciary's VCF.

In 2020-21, the Judiciary has deployed a total of 7 staff and incurred a total expenditure of HK\$3.2 million on hardware, software and implementation services for supporting remote hearings and related matters. In 2021-22, the Judiciary will continue to monitor the usage and the technical requirements regarding remote hearings and deploy appropriate resources to meet the operational needs.

- (3) In 2021-22, the Judiciary will continue to make greater use of remote hearings where appropriate. For civil proceedings, with the availability of the latest browser-based technical option, more court attendees including litigants in persons are expected to use remote hearings for suitable proceedings. Arrangements are being made to provide additional facilities at certain court buildings so that some court users may join court hearings remotely using court facilities other than the courtroom concerned.

Remote hearings cannot generally be used for criminal matters because of legal impediments. To further promote the use of remote hearings, the Judiciary is working on the necessary legislative amendments to provide the court with the flexibility to order remote hearings as it sees fit, having regard to all relevant circumstances, as well as the dual requirements of open justice and fairness. The Judiciary is consulting stakeholders on both the key legislative proposals as well as the operational and technical arrangements on remote hearings for criminal proceedings. Taking into account stakeholders' feedback and the time required to finalize the legislative amendments, we plan to introduce the relevant Bill into the Legislative Council in Q2, 2021.

- End -

CONTROLLING OFFICER'S REPLY**JA017****(Question Serial No. 2521)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

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; and
- (6) the number of cases involving the granting of access, with breakdown by male-and-female ratio and nationality.

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 20)Reply:

The respective numbers of divorce cases filed to the Family Court for the period from 2016 to 2020 are as follows:

Year	2016	2017	2018	2019	2020
Number of divorce cases filed in the year	21 954	23 302	22 998	22 074	17 302

The Judiciary does not compile statistics on details in court cases which are held in confidence by the relevant courts.

- End -

CONTROLLING OFFICER'S REPLY

JA018

(Question Serial No. 3010)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

1. Please provide the number of applications for leave for judicial review, the number of judicial reviews and the number of appeals against judicial review decisions, and their average waiting times in each of the past three years.

2. Among the above cases, how many of them are related to non-refoulement claims? With the passage of the Statute Law (Miscellaneous Provisions) Bill 2019, has there been any enhancement of efficiency in terms of the courts' handling of the relevant cases?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 23)

Reply:

(1) The statistics maintained by the Judiciary on judicial review ("JR") cases that are relevant to the question for the past three years from 2018 to 2020 are as follows:

JR Cases	2018	2019	2020
Court of First Instance of the High Court			
(a) No. of leave applications filed	3 014	3 889	2 500
(b) No. of leave applications filed relating to non-refoulement claims	2 851	3 727	2 367
(c) Average waiting time from listing to hearing of leave application ¹	42 days	41 days	44 days
(d) No. of substantive JR cases filed	40	15	4
(e) No. of substantive JR cases filed relating to non-refoulement claims	19	1	0
(f) Average waiting time from listing to hearing of substantive JR case ¹	95 days	95 days	78 days
Court of Appeal of the High Court (“CA”)			
(g) No. of appeals against refusal of leave filed	410	372	450
(h) No. of appeals against refusal of leave filed relating to non-refoulement claims	392	350	413
(i) Average waiting time from listing to appeal hearing in respect of refusal of leave application ¹	57 days	61 days	58 days
(j) No. of appeals against JR decisions filed	20	21	12
(k) No. of appeals against JR decisions filed relating to non-refoulement claims	1	1	1
(l) Average waiting time from listing to appeal hearing ¹	141 days	118 days	75 days
Court of Final Appeal			
(m) No. of applications for leave to appeal (civil) filed ²	127	426	289
(n) No. of application for leave to appeal (civil) filed relating to non-refoulement claims	65	388	252
(o) No. of substantive appeals (civil) filed ²	11	8	11
(p) No. of substantive appeal (civil) filed relating to non-refoulement claims	0	0	0

Remarks:

¹ No separate average waiting time is available for non-refoulement claim cases.

² The figures are total number of cases filed to the Court of Final Appeal.

(2) Following the enactment of the Statute Law (Miscellaneous Provisions) Ordinance 2020, the High Court Ordinance (Cap. 4) has been amended to streamline court

procedures and facilitate processing of cases in the CA, including JR cases relating to non-refoulement claims. The amendments provide for the following :

- (a) greater flexibility in the use of 2-Judge bench of the CA. The Judiciary will actively explore the feasibility of increasing the number of Divisions (in which a 2-Judge bench could dispose of more types of cases) for handling such cases taking into account other operational considerations; and
- (b) a clear legal basis for the Judiciary to promote just, expeditious and economical disposals of proceedings on paper where appropriate, thus increasing the overall efficiency of case handling.

The Judiciary is making use of the above flexibility in deploying judicial resources of the High Court, thereby increasing the effective capacity of the CA in handling cases, including non-refoulement claims. However, it would be difficult for the Judiciary to quantify the impact brought about by the legislative amendments to Cap. 4 as a wide range of factors can affect the processing and the eventual disposal of an individual case by the courts, including its complexity, the preparedness of the parties, etc, some of which are beyond the control of the courts.

- End -

CONTROLLING OFFICER'S REPLY**JA019****(Question Serial No. 3011)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

Please provide information on the size of the establishments (by ranks) and the expenditure on salaries and allowances respectively of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal, the Competition Tribunal and the Coroner's Court in the past three years and for the coming year. What are the respective numbers of cases filed with these Tribunals and their average waiting times in each (of the past three) years?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 27)Reply:

The establishment, number of posts and estimated salary provision for Judges and Judicial Officers ("JJOs") and support staff of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court for the past three years (i.e. 2018-19, 2019-20 and 2020-21) and the coming year (i.e. 2021-22) are as follows:

Tribunal/ Court	Establish- ment	Existing number of posts	Estimated salary provision* (\$ million)			
			2018-19	2019-20	2020-21	2021-22 (Estimate)
Lands Tribunal	31	3 – District Judge 2 – Member 8 – Judicial Clerk Grade Staff 17 – Clerical Staff 1 – Office Assistant	22.2	23.4	23.4	23.4

Tribunal/ Court	Establish- ment	Existing number of posts	Estimated salary provision* (\$ million)			
			2018-19	2019-20	2020-21	2021-22 (Estimate)
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 13 – Judicial Clerk Grade Staff [@] 17 – Tribunal Officer [@] 40 – Clerical Staff 7 – Secretarial Staff 4 – Office Assistant [@] 2 – Workman II [@]	56.3	58.5	58.5	58.5
Small Claims Tribunal	80	1 – Principal Adjudicator 11 – Adjudicator 21 – Judicial Clerk Grade Staff ^{&} 46 – Clerical Staff 1 – Office Assistant	49.4	52.1	53.6	53.6
Obscene Articles Tribunal	7	2 – Magistrate 5 – Clerical Staff	5.1	5.4	5.4	5.4
Coroner's Court	14	3 – Coroner 1 – Judicial Clerk Grade Staff 8 – Clerical Staff 1 – Secretarial Staff 1 – Office Assistant	9.3	9.8	9.8	9.8

* Estimated on the basis of prevailing annual salaries at mid-point; excluding fringe benefits and allowances claimable by eligible JJOs and civil service support staff.

@ 11 Judicial Clerk Grade posts and one Workman II post regraded from 11 Tribunal Officer posts and one Office Assistant post respectively in 2019-20.

& Including two Judicial Clerk Grade posts created and filled in 2020-21.

The Competition Tribunal is established under the Competition Ordinance (“the Ordinance”) as a specialised court with primary jurisdiction to hear and adjudicate competition-related cases. According to the Ordinance, every Judge of the Court of First Instance of the High Court (“CFI”), will, by virtue of his or her appointment as CFI Judge, be a member of the Competition Tribunal. The Ordinance provides that the Chief Executive shall, on the recommendation of the Judicial Officers Recommendation Commission, appoint two of the members of the Competition Tribunal to be the President and Deputy President of the Competition Tribunal respectively. The Ordinance also

provides that, among others, every Registrar, Senior Deputy Registrar and Deputy Registrar (“registrars”) of the High Court, by virtue of that appointment, holds the corresponding office or position in the Competition Tribunal. Where there is no case handled by the Competition Tribunal, the CFI Judges and registrars of the High Court will continue to discharge their normal duties as a CFI Judge and as a registrar of the High Court.

On 15 March 2013, the Judiciary obtained the approval of the Finance Committee of the Legislative Council to create a CFI Judge post and a Deputy Registrar post for the purpose of setting up the Competition Tribunal. The additional CFI Judge post seeks to re-compensate the projected total judicial time to be spent by the President, Deputy President and other CFI Judges/members of the Competition Tribunal on the work of the Competition Tribunal. Similarly, the additional Deputy Registrar post covers the estimated aggregate amount of time to be spent by the registrars of the High Court on the work of the Competition Tribunal.

A total of nine non-directorate civil service posts were created in the Judiciary for supporting the work of the Competition Tribunal. The estimated salary provision for these nine support staff for the past three years (i.e. 2018-19, 2019-20 and 2020-21) and the coming year (i.e. 2021-22) are as follows:

Civil Service establishment of the Competition Tribunal	Number of posts	Estimated salary provision# (\$ million)			
		2018-19	2019-20	2020-21	2021-22 (Estimate)
9	1 – Court Interpreter Grade Staff 3 – Judicial Clerk Grade Staff 4 – Clerical Staff 1 - Secretarial Staff	9.4	9.9	9.9	9.9

Estimated on the basis of prevailing annual salaries at mid-point; excluding fringe benefits and allowances claimable by eligible civil service support staff.

To ensure the optimal use of manpower resources having regard to the caseload of the Competition Tribunal and the increasing operational needs of the High Court, some of the non-directorate staff have been temporarily deployed to support the Judges and Judicial Officers in handling court hearings and registry business in the High Court in addition to supporting the operation and administration (including updating of rules and legal references) of the Competition Tribunal.

The number of cases filed and the court waiting time in the Competition Tribunal, the Lands Tribunal, the Coroner’s Court, the Labour Tribunal, the Small Claims Tribunal and the Obscene Articles Tribunal for the past three years from 2018 to 2020 are appended below:

Cases Filed

	Cases Filed		
	2018	2019	2020
Competition Tribunal	3	1	3
Lands Tribunal	4 299	5 721	4 432
Coroner's Court	167	117	98
Labour Tribunal	3 955	4 323	3 533
Small Claims Tribunal	55 007	55 879	39 821
Obscene Articles Tribunal	9 240	21 163	14 131

Court Waiting Time *(Note)*

	Average Waiting Time (days)		
	2018	2019	2020
Lands Tribunal			
- from setting down of a case to hearing			
appeal cases	20	35	39
compensation cases	38	38	29
building management cases	29	21	31
tenancy cases	19	17	24
Coroner's Court			
- from date of listing to hearing	65	61	70
Labour Tribunal			
- from appointment to filing of a case	25	29	61
- from filing of a case to first hearing	25	25	23
Small Claims Tribunal			
- from filing of a case to first hearing	33	36	41
Obscene Articles Tribunal			
- from receipt of application to classification	3	2	3
- from referral by a magistrate to determination	22	15	10

Note: As only a total of three cases have been set down for trial/substantive hearing in the Competition Tribunal since its establishment, 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 Tribunal.

Owing to the need for adjustments to court business and social distancing measures during the COVID-19 pandemic, the number of cases filed in 2020 to the various court levels has generally been reduced while the average waiting time lengthened as compared with 2019.

- End -

CONTROLLING OFFICER'S REPLY**JA020****(Question Serial No. 3019)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

1. Please provide information on the establishment and expenditure on the remuneration of judicial officers in the Family Court in each of the past three years, and the number of divorce cases filed in the year;
2. What are the average waiting times and the longest waiting times for the Special Procedure List, Defended List and financial applications in the Family Court in each of the past three years, and what are their respective target waiting times for the coming year?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 17)Reply:

The establishment of Judges and Judicial Officers (“JJOs”) in the Family Court as at 1 March in the past three years are as follows:

Judicial Rank	1.3.2019	1.3.2020	1.3.2021
Principal Family Court Judge	1	1	1
District Judge	4	4	7

The estimated salary provision of JJOs in the Family Court in the past three financial years from 2018-19 to 2020-21 is as follows:

	2018-19	2019-20	2020-21
Estimated salary provision* (\$ million)	13.3	14.0	22.4

* Estimated on the basis of prevailing annual salaries at mid-point; excluding fringe benefits and allowances claimable by eligible JJOs.

The number of divorce cases filed in the Family Court for the past three years from 2018 to 2020 are as follows:

Year	2018	2019	2020
Number of divorce cases filed in the year	22 998	22 074	17 302

The statistics on the average waiting time^{Note} and the longest waiting time for the relevant cases in the past three years from 2018 to 2020, and their respective target waiting times are as follows:

	2018	2019	2020	2021 Target
Special Procedure List				
Average Waiting Time (Days)	35	35	35	35
Longest Waiting Time (Days)	39	35	35	-
Defended List				
Average Waiting Time (Days)	111	89	69	110
Longest Waiting Time (Days)	204	226	152	-
Financial Applications				
Average Waiting Time (Days)	90	81	85	110 – 140
Longest Waiting Time (Days)	203	235	249	-

Note: the average waiting time counts from setting down of a case to hearing.

- End -

CONTROLLING OFFICER'S REPLY

JA021

(Question Serial No. 1275)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

“Matters Requiring Special Attention in 2021-22” include the promotion of the greater use of remote means of hearings for civil and criminal proceedings at all levels of courts, and the introduction of necessary legislative amendments in this connection.

Please inform this Council of the following:

(1) The numbers of civil and criminal cases in which remote means of hearings were adopted at various levels of courts in 2020-21, the effectiveness of using the remote means, as well as the major problems and limitations involved in the course of using them;

(2) How will the Judiciary make greater use of remote means of hearings in 2021-22? Will the Judiciary update the guidance note for remote hearings (Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 2: Expanded Video-Conferencing Facilities and Telephone))?

(3) Using remote means of hearings for criminal proceedings requires amendments to the existing legislation. What is the progress of the Judiciary's consultation with the stakeholders concerned, and what are the main views of the stakeholders?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 75)

Reply:

(1) In line with the Judiciary's commitment to making greater use of technology for enhancing the efficiency of court business, the Judiciary has been promoting the use of remote hearings on an incremental basis. From February 2020 to February 2021, a total of 688 remote hearings (including 96 hearings using video-conferencing facilities (“VCF”)^{Note} and 592 phone hearings) were conducted by various levels of courts. The breakdown is as follows :

	Remote hearings using VCF ^{Note}		Phone hearings
	Civil	Criminal	
Court of Final Appeal	5	1	0

	Remote hearings using VCF ^{Note}		Phone hearings
	Civil	Criminal	
High Court	76	0	530
District Court	0	0	62
Family Court	14	0	0
Total:	95	1	592

^{Note} These are hearings with some parties physically absent from court during the proceedings.

Following the issue of three Guidance Notes respectively in April, June and December 2020¹, the Judiciary started with remote hearings using VCF for handling interlocutory applications at the High Court and then gradually extended it to more types of facilities (i.e. by including phone hearings), more complicated court processes (such as trials) and other levels of civil courts (such as District Court).

While we encountered some technical challenges to some of the law firms at the initial stage, such teething issues have largely been resolved with the introduction of more cost-effective and convenient technical options over the past year or so, as summarized below:

- (a) in April 2020, parties joining remote hearings needed to procure dedicated VCF hardware (i.e. hardware option);
- (b) from June 2020, parties only needed to procure a more cost-effective dedicated VCF software (i.e. software option) to use with normal desktop or laptop computer; and
- (c) from January 2021, parties will no longer need to procure any dedicated VCF hardware or software. They only need a normal computer with basic facilities (such as a camera), i.e. browser-based option. Court users can use common web browsers and normal desktop or laptop computer devices (but not mobile devices) to connect to the Judiciary's VCF.

The experience of using remote hearings has so far been positive. It has provided the court with more flexible means of disposing with court proceedings, particularly in unforeseen circumstances, such as a prolonged epidemic.

- (2) In 2021-22, the Judiciary will continue to make greater use of remote hearings where appropriate. For civil proceedings, with the availability of the latest browser-based

¹ The following three guidance notes on remote hearings were issued :

- (a) Guidance Note for Remote Hearings for Civil Business in the High Court (Phase 1: Video Conferencing Facilities) issued in April 2020;
- (b) Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 2: Expanded Video-Conferencing Facilities and Telephone) issued in June 2020; and
- (c) Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 3: Wider Video-Conferencing Facilities and Telephone) issued in December 2020.

technical option, more court attendees including litigants in person are expected to use remote hearings for suitable proceedings. Arrangements are being made to provide additional facilities at certain court buildings so that some court users may join court hearings remotely using court facilities other than the courtroom concerned.

- (3) Remote hearings cannot generally be used for criminal matters because of legal impediments. To further promote the use of remote hearings, the Judiciary is working on the necessary legislative amendments to provide the court with the flexibility to order remote hearings as it sees fit, having regard to all relevant circumstances, as well as the dual requirements of open justice and fairness. The Judiciary is consulting stakeholders on both the key legislative proposals as well as the operational and technical arrangements on remote hearings for criminal proceedings. Taking into account stakeholders' feedback and the time required to finalize the legislative amendments, we plan to introduce the relevant Bill into the Legislative Council in Q2, 2021.

- End -

CONTROLLING OFFICER'S REPLY**JA022****(Question Serial No. 3209)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

Provision for 2021–22 is \$153.0 million (9.3%) higher than that for 2020–21. This is mainly due to filling of vacancies, a net increase of four non-judicial posts and replacement of minor plant and equipment in 2021–22.

Please inform this Council:

(1) of the details of filling the vacancies, the net increase of four non-judicial posts and replacement of minor plant as mentioned above;

(2) With regard to monitoring the waiting time and workload at various levels of courts and considering whether to increase the judicial manpower, for the High Court which had a rather long waiting time in the past, improvement is being made by streamlining procedures through legislative amendments and by the proposed creation of one permanent judicial post of Justice of Appeal of the Court of Appeal of the High Court. However, for the District Court, given the impact of COVID-19 epidemic and the increasing number of cases related to social events, and due to the deployment of District Judges to sit as Deputy High Court Judges to hear criminal cases, the average waiting time concerned exceeded the target. What are the ways to improve the waiting time in the District Court?

Asked by: Hon LIAO Cheung-kong, Martin (LegCo internal reference no.: 74)

Reply:

(1) Provision in 2021–22 is \$153.0 million (9.3%) higher than that for 2020–21. This is mainly due to :

- (a) increased salaries provision (as compared with that under 2020-21 Revised Estimate) for filling existing vacancies for judicial posts at about \$100 million, as illustrated below -

	2020-21 Original Estimate	2020-21 Revised Estimate	2021-22 Original Estimate*
	(\$ million)		
Salaries	579.4	485.0	585.0

*The salaries provision for judicial posts for 2021-22 Original Estimate of \$585.0 million is comparable with that for 2020-21 Original Estimate.

- (b) additional provision for a net increase of four non-judicial posts amounting to about \$3.3 million as follows –

Purpose	Number of posts	Rank of posts
To provide continuous/enhanced support for the use of information technology in the Judiciary	1	1 – Senior Judicial Clerk I
To cope with additional workload arising from the District Court (“DC”) satellites arrangements for expediting processing of court cases relating to social events	2	2 – Senior Judicial Clerk II
To support the re-commissioning of the former Tsuen Wan Law Courts Building	1	1 – Executive Officer I
Total:	4	

- (c) increased provision for replacement/procurement of minor plant and equipment items, which are beyond their normal serviceable life and/or economical repairs. The cash flow requirement of these items for 2021-22 are set out below –

Items	Cash flow requirement in 2021-22 (\$ million)
(1) Replacement of air-conditioning systems and chilled water pumps at the Fanling Law Courts Building	8.0
(2) Procurement of security screening systems and equipment for various law courts buildings	4.8
(3) Replacement of primary air units and air-handling units with associated pipeworks and valves at the Kwun Tong Law Courts Building	3.2
(4) Replacement of plate type heat exchangers system at the High Court Building	2.0
(5) Replacement of the sea water pump system of the Central Reclamation III Pump House which supports the Court of Final Appeal Building and the High Court Building	2.0
(6) Replacement of gondola system at the Shatin Law Courts Building	1.8
(7) Replacement of central control and monitoring system at the Labour Tribunal Building	1.7
(8) Replacement of central control and monitoring system at the High Court Building	1.3
(9) Replacement of control system of air-handling unit at the High Court Building	1.2

Items	Cash flow requirement in 2021-22 (\$ million)
(10) Replacement of central control and monitoring system at the Court of Final Appeal Building	0.9
(11) Revamp of interactive voice response systems of the Judiciary	0.9
(12) Replacement of closed-circuit television cameras at the Court of Final Appeal Building	0.5
(13) Replacement of central lighting control systems at the Tuen Mun Law Courts Building	0.4
Total	28.7

- (2) The average waiting times for the criminal cases in the DC in 2020 have exceeded their respective targets mainly due to the impact of COVID-19 epidemic, increasing number of cases related to social events (“SE cases”), and shortage in judicial manpower.

The rapid and substantial upsurge in SE cases has brought unprecedented challenges to the Judiciary. Operational arrangements for SE cases tend to be more complex, mainly because quite a number of them involve a large number of defendants¹, legal representatives, media and public viewers, and evidences in the form of large volume of video recordings. These have inevitably been posing challenges to the Judiciary in terms of judicial resources and supporting staff manpower, competing use of court premises, media and security arrangements.

The fluctuating public health situation arising from the COVID-19 pandemic over the past one year or so has posed further challenges to the Judiciary. The Judiciary has been adjusting court business and implementing appropriate social distancing measures to reduce people flow at court buildings in light of the changing public health situation. For example, hearings involving a large number of court users, many of which are related to SE cases, are fixed to be heard at appropriate times and intervals.

To help shorten the court waiting times of the DC, subject to any constraints of the court’s reduced capacity due to the general public health situation, the Judiciary has adopted or will adopt the following measures :

- (a) We have been exploring and implementing measures to ensure the expeditious processing of the SE cases at different levels of courts including DC. These include:
 - (i) pro-active case management, including setting stricter procedural timetable;

¹ For illustration purpose, as at end of February 2021, out of the 253 social event criminal cases transferred to the DC, about 12% involve more than 10 defendants each.

- (ii) listing cases at suitable court premises, such as the West Kowloon Law Courts Building, depending on the nature and number of defendants etc.;
 - (iii) carrying out conversion works for the courtrooms of the DC so that they may handle cases with more defendants;
 - (iv) enhancing broadcasting facilities for the relevant court buildings so that cases with more defendants may be handled;
 - (v) lengthening court sitting hours as necessary;
 - (vi) arranging Saturday sittings as necessary; and
 - (vii) re-commissioning the Tsuen Wan Law Courts Building in the second half of 2021 for non-SE criminal cases for the DC.
- (b) To address the shortage in judicial manpower for the DC in general (including but not limited to that related to SE cases), we have 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. A new round of open recruitment exercise for Judges and Judicial Officers at different levels of court was launched in November 2020. The recruitment of Judges of the Court of First Instance of the High Court is in progress. The recruitment of District Judges was launched in late March 2021, which will be followed by that for Permanent Magistrates later in 2021. 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 cope with its operational needs, including the need to handle a large number of SE cases.

- End -

CONTROLLING OFFICER'S REPLY

JA023

(Question Serial No. 0687)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Under "Matters Requiring Special Attention in 2021-22", the Judiciary mentioned the implementation of the Information Technology Strategy Plan ("ITSP") with a view to making available to court users an option of using electronic mode to conduct court proceedings, and the introduction of remote hearing. What are the details and what is the timetable? What are the manpower and expenditure involved?

Asked by: Hon QUAT Elizabeth (LegCo internal reference no.: 25)

Reply:

In line with the Judiciary's commitment to making greater use of technology for enhancing the efficiency of court business, the Judiciary has been taking proactive efforts in implementing the Information Technology Strategy Plan ("ITSP") and promoting the use of remote hearings on an incremental basis. Details are set out below.

ITSP

Over the past few years, under the ITSP, the Judiciary has been developing by phases an integrated court case management system ("iCMS") across all levels of courts for handling court-related documents and payments through an electronic mode.

Implementation of the ITSP is divided into 2 phases. Phase I of the ITSP is further divided into 2 stages :

- (a) Stage 1 mainly covers the IT infrastructure foundation and the development of iCMS of the District Court ("DC") and the Summons Courts of the Magistrates' Courts ("MCs"); and
- (b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court ("HC"), the remaining part of the MCs and the Small Claims Tribunal.

The system development work for Stage 1 courts is at an advanced stage. On the legislative front, the Court Proceedings (Electronic Technology) Ordinance (Cap. 638), enacted in July 2020, would give effect to the option of electronic filing (“e-filing”) of documents to the court and service of documents between parties on a consent basis. We are planning to introduce the related court procedural rules (subsidiary legislation) into the Legislative Council required for giving effect to e-filing of documents in Stage 1 courts. Subject to their enactment and results of pilot runs with stakeholders (including law firms) in the coming few months, the Judiciary plans to implement e-filing for DC civil proceedings by phases starting from Q4, 2021. iCMS will then be fully implemented at the Summons Courts of the MCs and DC criminal cases.

For Stage 2 courts, detailed planning has started. We are preparing the necessary draft legislation, Practice Directions and the related users’ requirements. Given the complexity of the work flow and different court procedural rules for different types of proceedings, particularly those relating to the HC, we are examining the possibility of expediting the system development work particularly for the HC as far as possible

The manpower requirements (including civil service and contract staff) for supporting the implementation of the ITSP projects vary at different stages of the project cycle depending on the evolving technical and operational needs. In 2021-22, an estimated total of around 80 (civil service and contract) staff will be deployed to support the ITSP projects and the estimated expenditure on hardware, software and implementation services is \$61.3 million.

Remote Hearings

On remote hearings, following the issue of three Guidance Notes respectively in April, June and December 2020¹, the Judiciary started such hearings by using video-conferencing facilities (“VCF”) for handling interlocutory applications at the High Court and then gradually extended it to more types of facilities (i.e. by including phone hearings), more complicated court processes (such as trials) and other levels of civil courts (such as District Court).

Moreover, over the past year or so, the Judiciary has been working on the technical options so that more cost-effective and convenient technical options were now available for court users. Details are summarized below :

- (a) in April 2020, parties joining remote hearings needed to procure dedicated VCF hardware (i.e. hardware option);

¹ The following three guidance notes on remote hearings were issued :

- (a) Guidance Note for Remote Hearings for Civil Business in the High Court (Phase 1: Video Conferencing Facilities) issued in April 2020;
- (b) Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 2: Expanded Video-Conferencing Facilities and Telephone) issued in June 2020; and
- (c) Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 3: Wider Video-Conferencing Facilities and Telephone) issued in December 2020.

- (b) from June 2020, parties only needed to procure a more cost-effective dedicated VCF software (i.e. software option) to use with normal desktop or laptop computer; and
- (c) from January 2021, parties will no longer need to procure any dedicated VCF hardware or software. They only need a normal computer with basic facilities (such as a camera), i.e. browser-based option. Court users can use common web browsers and normal desktop or laptop computer devices (but not mobile devices) to connect to the Judiciary's VCF.

From February 2020 to February 2021, a total of 688 remote hearings (including 96 hearings using VCF^{Note} and 592 phone hearings) were conducted by various levels of courts. The experience of using remote hearings has so far been positive. It has provided the court with more flexible means of disposing with court proceedings, particularly in unforeseen circumstances, such as a prolonged epidemic.

^{Note} These are hearings with some parties physically absent from court during the proceedings.

In 2021-22, the Judiciary will continue to make greater use of remote hearings where appropriate. For civil proceedings, with the availability of the latest browser-based technical option, more court attendees including litigants in person are expected to use remote hearings for suitable proceedings. Arrangements are being made to provide additional facilities at certain court buildings so that some court users may join court hearings remotely using court facilities other than the courtroom concerned.

Remote hearings cannot generally be used for criminal matters because of legal impediments. To further promote the use of remote hearings, the Judiciary is working on the necessary legislative amendments to provide the court with the flexibility to order remote hearings as it sees fit, having regard to all relevant circumstances, as well as the dual requirements of open justice and fairness. The Judiciary is consulting stakeholders on both the key legislative proposals as well as the operational and technical arrangements on remote hearings for criminal proceedings. Taking into account stakeholders' feedback and the time required to finalize the legislative amendments, we plan to introduce the relevant Bill into the Legislative Council in Q2, 2021.

In 2020-21, the Judiciary has deployed a total of 7 staff and incurred a total expenditure of HK\$3.2 million on hardware, software and implementation services for supporting remote hearings and related matters. In 2021-22, the Judiciary will continue to monitor the usage and the technical requirements regarding remote hearings and deploy appropriate resources to meet the operational needs.

- End -

CONTROLLING OFFICER'S REPLY

JA024

(Question Serial No. 1767)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

May the Administration inform this Council:

- (1) Is the increase in judicial posts adequate? If so, what are the reasons? If not, what are the reasons for not recruiting more judicial officers?
- (2) What is the average handling time of non-refoulement claim-related judicial review cases?
- (3) Apart from engaging additional officers, what are the specific measures to improve the efficiency in handling such cases and what is the implementation timetable? Will the Judiciary consider setting up a special court to expedite the hearing of non-refoulement claim-related cases, so as to avoid affecting the processing time of other judicial review cases?

Asked by: Hon QUAT Elizabeth (LegCo internal reference no.: 81)

Reply:

- (1) The Judiciary has all along been taking a pragmatic and prudent approach in planning and managing its judicial manpower for meeting the changing operational needs. We would continue to review and seek additional manpower resources in accordance with the established mechanism. With the approval of the Finance Committee of the Legislative Council, an additional post of Justice of Appeal of the Court of Appeal of the High Court ("Justice of Appeal") has been created in late March 2021. This would help augment the judicial manpower for dealing with the rising number and complexity of cases, including those relating to non-refoulement claims. The additional post of Justice of Appeal would not only increase listing flexibility and maximize the number of divisions that could be formed (i.e. five divisions, vis-à-vis four divisions at most before, at any one time given that three Justices of Appeal were required to form a division) for hearing cases, but also relieve the pressure on Judges of the Court of the First Instance of the High Court ("CFI").
- (2) It has been the established practice of the Judiciary to handle all cases in accordance with relevant rules and procedures, and to dispose of them as expeditiously and efficiently as reasonably practicable. That said, the Judiciary is not in a position to

provide any estimation of the time required by the courts to handle a particular type of case such as judicial review (“JR”) stemming from non-refoulement claims, as a wide range of factors can affect the processing and the eventual disposal of an individual case, including its complexity, the preparedness of the parties, etc, some of which are beyond the control of the courts.

- (3) In deploying judicial manpower, the Judiciary needs to strike a balance between competing demands between non-refoulement claims cases and other types of cases, to avoid unduly compromising the normal operation of the courts and affecting the services to be provided to other court users.

To enhance efficiency in disposal of cases including JR stemming from non-refoulement claims, the Judiciary has been taking the following measures in addition to increasing one Justice of Appeal post as set out above -

- (a) Following the enactment of the Statute Law (Miscellaneous Provisions) Ordinance 2020, the High Court Ordinance (Cap. 4) has been amended to streamline court procedures and facilitate processing of cases in the Court of Appeal of the High Court (“CA”), including JR cases relating to non-refoulement claims. The amendments provide for the following :
- (i) greater flexibility in the use of 2-Judge bench of the CA. The Judiciary will actively explore the feasibility of increasing the number of Divisions (in which a 2-Judge bench could dispose of more types of cases) for handling such cases taking into account other operational considerations; and
 - (ii) a clear legal basis for the Judiciary to promote just, expeditious and economical disposals of proceedings on paper where appropriate, thus increasing the overall efficiency of case handling.

The Judiciary is making use of the above flexibility in deploying judicial resources of the High Court, thereby increasing the effective capacity of the CA in handling cases;

- (b) Paper disposal will continue to be adopted to deal with suitable cases (interlocutory matters in particular);
- (c) The Judiciary is considering how best to make use of remote hearings to expedite the court processes as appropriate, particularly when the court has to reduce its capacity due to public health or other reasons;
- (d) From November 2020, the Judiciary has been conducting a new round of recruitment exercise for Judges and Judicial Officers at different levels of courts, including the High Court, with a view to increasing the substantive judicial manpower to cope with the operational needs of the courts. As CFI Judges may assist in CA work, additional CFI Judges would be able to help the CA in handling its cases, including non-refoulement claims;

- (e) The Judiciary has been engaging additional temporary judicial manpower at the CFI level to expedite the processing of applications for JR. This would facilitate the release of more CFI judges to help out with handling appeal cases at the CA level on a temporary basis; and
- (f) The Judiciary has been engaging Judicial Associates to assist Judges of the CA in research and other related work of court cases. The Judiciary will gradually expand the Judicial Associate scheme to support CFI Judges as well. This will enhance the efficiency of handling of High Court cases, including non-refoulement claims.

According to established court procedures, non-refoulement claim-related cases have to be handled by the CFI, the CA and the Court of Final Appeal, depending on the nature and stage of the case concerned. As a few courts are involved, the Judiciary considers it more effective and efficient to engage additional Judges and/or involve more Judges at each level of court to share out the workload, rather than setting up a special court for the purpose. This will effectively expand the overall handling capacity of the relevant courts, thereby enabling the processing of all the cases as expeditiously as possible.

- End -

CONTROLLING OFFICER'S REPLY

JA025

(Question Serial No. 2041)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not specified

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Please provide the following information in relation to the various levels of courts: (1) remuneration and establishment of Judges and Judicial Officers; and (2) details of training provided to the officers concerned on dealing with National Security Law cases, including the number of participants and their ranks.

Asked by: Hon QUAT Elizabeth (LegCo internal reference no.: 107)

Reply:

- (1) The establishment and monthly salary of Judges and Judicial Officers (“JJOs”) at different levels of court are as follows:

Position as at 1.3.2021			
Level of Court	Rank	Establishment	Monthly Salary (\$)
Court of Final Appeal	Chief Justice	1	387,400
	Permanent Judge	3 [^]	376,600
Court of Appeal of the High Court	Chief Judge of the High Court	1	376,600
	Justice of Appeal	13	339,550
Court of First Instance of the High Court	Judge of the Court of First Instance	34	323,650
High Court Masters' Office	Registrar	1	262,450
	Senior Deputy Registrar	4	239,300 – 253,900
	Deputy Registrar	10	224,250 – 237,750
District Court (including Family Court and Lands Tribunal)	Chief District Judge	1	262,450
	Principal Family Court Judge	1	239,300 – 253,900
	District Judge	42	224,250 – 237,750

Position as at 1.3.2021			
Level of Court	Rank	Establishment	Monthly Salary (\$)
	Member, Lands Tribunal	2	192,950 – 204,750
District Court Masters' Office	Registrar	1	177,700 – 188,400
	Deputy Registrar	8	162,550 – 172,450
Magistrates' Courts/ Specialised Court/ Other Tribunals	Chief Magistrate	1	224,250 – 237,750
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11	177,700 – 188,400
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/	76	162,550 – 172,450
	Magistrate		143,885 – 172,450
	Special Magistrate	11	93,525 – 110,500

Note

JJOs are also entitled to a range of fringe benefits and allowances, depending on the respective judicial ranks, and subject to their eligibility.

[^] *Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal*

- (2) All designated judges under the Article 44 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("National Security Law") will come from existing judges and judicial officers ("JJOs").

The Judicial Institute is responsible for organizing judicial training activities on various topics for all JJOs (including designated judges). JJOs' participation in such training activities mainly depends on their professional and operational needs, and their availability as permitted by their court diaries. Details of the judicial training activities organized in 2020-21 are in the **Annex** attached.

**Judicial Training Activities Attended by Judges and Judicial Officers
for the financial year 2020-21**

Local Judicial Training Organised by the Hong Kong Judicial Institute

Date	Activity	Number of Judges and Judicial Officers (at Various Ranks) Participated
27.4.2020, 20.5.2020, 7.7.2020, 18.8.2020, 5.11.2020, 22.1.2021, 23.2.2021	Induction briefings for Deputy Magistrates / Adjudicators	19
8 – 9.4.2020	Demonstration session on conducting remote hearing using video-conferencing facilities	19
5.5.2020	Training on digital evidence and exhibit handling	1
29 – 30.6.2020	Induction course for newly appointed Permanent Magistrates 2020	14
3.7.2020	Talk entitled “Judicial Impartiality and Public Confidence” by the Hon Mr Justice Albert WONG, Judge of the Court of First Instance of the High Court	72
7.8.2020	Training on Integrated Court Case Management System for Magistrates	7
11.9, 16.9 & 25.9.2020	Intervisioning sessions of case management workshop	18
14.9.2020	Competition Law Seminar	12
15.10.2020	Integrated use of courtroom information technology for hearing	8
13.11.2020	Introduction to the Family Court	14
19.11.2020	Training on the integrated use of courtroom IT for e-hearing/ trials	3
8.1.2021	Seminar by Occupational Safety and Health Council on Industrial Accidents – Falling from Heights	26
4, 12, 13, 14, 20, 22.1.2021	Training on Integrated Court Case Management System for District Judges	17

Date	Activity	Number of Judges and Judicial Officers (at Various Ranks) Participated
26.3.2021	Sentencing Workshop for Magistrates	20

- End -

CONTROLLING OFFICER'S REPLY**JA026****(Question Serial No. 2042)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

Please provide the number of applications for leave for judicial review, the number of judicial reviews and the number of appeals against judicial review decisions in each of the past two years. What is the number of cases in which leave was granted? How many of those judicial review cases were legally aided?

Asked by: Hon QUAT Elizabeth (LegCo internal reference no.: 108)Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past two years from 2019 to 2020 are as follows:

Judicial Review Cases	2019	2020
Court of First Instance of the High Court		
(a) No. of leave applications filed	3 889	2 500
(b) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	10	1
(c) No. of leave application with leave granted ¹	29 ²	5
(d) No. of substantive judicial review cases filed	15	4
(e) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	8	0

Judicial Review Cases	2019	2020
Court of Appeal of the High Court		
(f) No. of appeals against refusal of leave filed	372	450
(g) No. of appeals against judicial review decisions filed	21	12
Court of Final Appeal		
(h) No. of applications for leave to appeal (civil) filed ³	426	289
(i) No. of substantive appeals (civil) filed ³	8	11

Remarks:

- ¹ Statistics on the outcome of leave applications filed in a year reflect the position as at 31 January 2021. 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.
- ² Statistics include 2 cases of leave granted by Court of Appeal of the High Court on appeal.
- ³ The figures are total number of cases filed to the Court of Final Appeal.

The Judiciary does not maintain statistics on the number of legally aided cases in respect of appeals against refusal of leave and appeals against judicial review decisions filed in the Court of Appeal of the High Court, and applications for leave to appeal (civil) and substantive appeals (civil) in the Court of Final Appeal.

- End -

CONTROLLING OFFICER'S REPLY**JA027****(Question Serial No. 3240)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

In relation to the social events cases arising from the proposed legislative amendments in the past two years, please provide information in the form of a table showing the number and types of cases, the average time (days) taken from setting down of a case to handing down of written judgment; the average waiting time and the longest waiting time of cases. What are the expenditure involved in the last financial year and the estimates of expenditure for this financial year?

Asked by: Hon QUAT Elizabeth (LegCo internal reference no.: 106)Reply:

The rapid and substantial upsurge in cases relating to recent social event ("SE cases") has brought unprecedented challenges to the Judiciary. As at 28 February 2021, a total of 1 752 SE cases have been or being dealt with at various levels of court. The breakdown is as follows:

Level of Court	Criminal Cases	Civil Cases	Total
Court of Final Appeal	2	8	10
High Court #	241	59	300
District Court	253	11	264
Magistrates' Courts	1 166	N.A.	1 166
Small Claims Tribunal	N.A.	12	12
Total	1 662	90	1 752

Remarks:

Figure includes cases on bail applications.

Operational arrangements for SE cases tend to be more complex, mainly because quite a number of them involve a large number of defendants¹, legal representatives, media and public viewers, and evidences in the form of large volume of video recordings. These have inevitably been posing challenges to the Judiciary in terms of judicial resources and supporting staff manpower, competing use of court premises, media and security arrangements.

Besides, the fluctuating public health situation arising from the COVID-19 pandemic over the past one year or so has posed further challenges to the Judiciary. The Judiciary has been adjusting court business and implementing appropriate social distancing measures to reduce people flow at court buildings in light of the changing public health situation. For example, hearings involving a large number of court users, many of which are related to social events, are fixed to be heard at appropriate times and intervals.

Despite the above, the Judiciary has managed to accord suitable priority to handling the increasing number of such cases (including high profile ones) over the past year or so. Out of the 1 752 cases received, by end of February 2021, more than 1 100 cases or nearly 65% have been concluded at different levels of court. This is particularly so for cases at the Magistrates' Courts which are generally less complicated.

The Judiciary Administration does not maintain statistics for SE cases regarding the average time taken from the setting down of a case to handing down of written judgment, the average waiting time and the longest waiting time. But, in general, the time taken for handling these cases will be contingent upon a range of factors, including the complexity of the cases which impacts on the number of hearing days required, the number of parties (particularly defendants) involved, the availability of witnesses, the time required by parties for case preparation, and the availability of parties and/or counsel, etc.

Moreover, as the Chief Justice has indicated in his speech for the Legal Year Opening in 2021, hearings of selected criminal appeals or sentence reviews that are of general importance or otherwise draw wide public attention, including those relating to SE cases, are being expedited so as to enable the Court of Appeal to clarify the law where appropriate or give authoritative sentencing guidance in a timely manner.

Expenditure involved in handling the above cases has been absorbed within the general operating expenses of the Judiciary (including utilities, administrative support, repair and maintenance, cleaning and security services, etc. for Judiciary premises) through flexible internal deployment depending on operational needs. The Judiciary does not have the breakdown of operating expenses by types of cases or levels of court.

- End -

¹ For illustration purpose, as at end of February 2021, out of the 253 social event criminal cases transferred to the District Court, about 12% involve more than 10 defendants each.

CONTROLLING OFFICER'S REPLY

JA028

(Question Serial No. 1432)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

In 2020, due to the impact of the epidemic, the number of cases disposed of by the Small Claims Tribunal has fallen drastically when compared with the previous financial year. However, in the face of the epidemic, more members of the public have become unemployed, gone bankrupt and businesses have closed down. With the default rate of loans and debts expected to rise, it is anticipated that more and more members of the public will need to recover their debts through the Tribunal.

In this regard, in light of the increasing public demand for services of the Small Claims Tribunal, will the Judiciary allocate any financial provisions for undertaking research on increasing the jurisdictional limit of the Small Claims Tribunal? If yes, what are the details? If no, what are the reasons?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 33)

Reply:

The jurisdictional limit of the Small Claims Tribunal ("SCT") was increased from \$50,000 to \$75,000 with effect from 3 December 2018. The increase was made having regard to a comprehensive and objective analysis taking into account a host of factors, including the need to enhance access to justice, impact on demand for and operation of SCT's services, changes in economic indicators as well as stakeholders' views. We originally planned to conduct a review to see if there was a case for further revision of the jurisdictional limits after around two years of implementation.

Since then, the Judiciary has been closely monitoring the caseload of SCT following the previous increase in its jurisdictional limit. However, the latest caseload statistics from 2018 to 2020 indicate only a small increase in claims exceeding \$50,000 and a drop from 2019 to 2020. As court operation (including that of SCT) has been affected by the COVID-19 epidemic since early 2020, the statistics may not fully reflect the longer-term impact of this jurisdictional change.

Any further adjustment of the jurisdictional limit of the SCT would have a significant effect on its operation and caseload, hence delivery of its service to court users. It would be prudent for the Judiciary to collate more data over a longer time period with a view to assessing the need for any further changes in this regard.

- End -

CONTROLLING OFFICER'S REPLY**JA029****(Question Serial No. 1490)**Head: (80) JudiciarySubhead (No. & title): (661) Minor plant, vehicles and equipment (block vote)Programme: Not specifiedControlling Officer: Judiciary Administrator (Ms Esther LEUNG)Director of Bureau: Not applicableQuestion:

Provision under Subhead 661 Minor plant, vehicles and equipment (block vote) is \$28,741,000, representing a substantial increase of 157.4% over the previous financial year. Please provide details of the relevant expenditure.

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 55)Reply:

The increase in provision for 2021-22 is mainly due to increased requirement for replacement/procurement of minor plant and equipment items which are beyond their normal serviceable life and/or economical repair. Details are set out below:

Items	Cash flow requirement in 2021-22 (\$ million)
(1) Replacement of air-conditioning systems and chilled water pumps at the Fanling Law Courts Building	8.0
(2) Procurement of security screening systems and equipment for various law courts buildings	4.8
(3) Replacement of primary air units and air-handling units with associated pipeworks and valves at the Kwun Tong Law Courts Building	3.2
(4) Replacement of plate type heat exchangers system at the High Court Building	2.0
(5) Replacement of the sea water pump system of the Central Reclamation III Pump House which supports the Court of Final Appeal Building and the High Court Building	2.0

Items	Cash flow requirement in 2021-22 (\$ million)
(6) Replacement of gondola system at the Shatin Law Courts Building	1.8
(7) Replacement of central control and monitoring system at the Labour Tribunal Building	1.7
(8) Replacement of central control and monitoring system at the High Court Building	1.3
(9) Replacement of control system of air-handling unit at the High Court Building	1.2
(10) Replacement of central control and monitoring system at the Court of Final Appeal Building	0.9
(11) Revamp of interactive voice response systems of the Judiciary	0.9
(12) Replacement of closed-circuit television cameras at the Court of Final Appeal Building	0.5
(13) Replacement of central lighting control systems at the Tuen Mun Law Courts Building	0.4
Total	28.7

- End -

CONTROLLING OFFICER'S REPLY

JA030

(Question Serial No. 1491)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Under this Programme, as mentioned under "Matters Requiring Special Attention" in the new financial year, the Judiciary will implement the information technology strategy plan ("ITSP") for the Judiciary and make greater use of technology to enhance efficiency of court operations.

- (1) What are the effectiveness and progress of the ITSP since its implementation?
- (2) When is the entire project to enhance the efficiency of court operations expected to conclude?
- (3) In the new financial year, what are the manpower and expenditure earmarked for taking forward the above plan?

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 56)

Reply:

- (1) and (2) In line with the Judiciary's commitment to making greater use of technology for enhancing the efficiency of court business, the Judiciary has been taking proactive efforts in implementing the Information Technology Strategy Plan ("ITSP") and other key technology initiatives.

The Judiciary seeks to make greater use of technology to achieve the following benefits:

- (a) more flexible means of disposing with court proceedings;
- (b) more efficient use of limited court hearing time and facilities;
- (c) more convenient and efficient communications between the court and court users; and
- (d) more expeditious handling of court cases.

With greater use of technology, the court should also be in a better position to sustain the conduct of court business during unforeseen circumstances such as a prolonged epidemic.

ITSP

For ITSP, over the past few years, the Judiciary has been developing by phases an integrated court case management system (“iCMS”) across all levels of courts for handling court-related documents and payments through an electronic mode. The implementation of the ITSP is divided into 2 phases. Phase I of the ITSP is further sub-divided into 2 stages :

- (a) Stage 1 mainly covers the IT infrastructure required to support the long-term development and operation of the IT systems of the Judiciary, and the development of the iCMS of the District Court (“DC”), the Summons Courts of the Magistrates’ Courts (“MCs”); and
- (b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court (“HC”), the remaining part of the MCs and the Small Claims Tribunal.

The system development work for Stage 1 courts is at an advanced stage. On the legislative front, the Court Proceedings (Electronic Technology) Ordinance (Cap. 638), enacted in July 2020, would give effect to the option of electronic filing (“e-filing”) of documents to the court and service of documents between parties on a consent basis. We are planning to introduce the related court procedural rules (subsidiary legislation) in Legislative Council required for giving effect to e-filing of documents in Stage 1 courts. Subject to their enactment and results of pilot runs with stakeholders (including law firms) in the coming few months, the Judiciary plans to implement e-filing for DC civil proceedings by phases starting from Q4, 2021. iCMS will then be fully implemented at the Summons Courts of the MCs and DC criminal cases.

For stage 2 courts, detailed planning has started. We are preparing the necessary draft legislation, Practice Directions and the related users’ requirements. Given the complexity of the work flow and different court procedural rules for different types of proceedings, particularly those relating to the HC, we are examining the possibility of expediting the system development work particularly for the HC as far as possible.

Other Key Technology Initiatives

Besides ITSP, the Judiciary has also been implementing other technology initiatives to help enhancing the efficiency of court operations. These include -

- (a) greater use of remote hearings – the Judiciary has been promoting the use of more remote hearings for civil proceedings since April 2020. Following the issue of three Guidance Notes respectively in 2020, the Judiciary started with remote hearings using videoconferencing facilities for handling interlocutory applications at the HC and then gradually extended it to more types of facilities (i.e. including phone hearings), more complicated court processes (such as trials) and other levels of civil courts (such as DC).

For criminal proceedings, as remote hearings cannot generally be used because of legal impediments, the Judiciary is working on the necessary legislative amendments to provide the court with the flexibility to order remote hearings as it sees fit. We plan to introduce the relevant Bill into the Legislative Council in Q2, 2021;

- (b) e-appointment system for selected registry services – to minimize the need for court users to queue up for registry services and reduce people flow at court buildings due to the prevailing public health situation, the Judiciary introduced an e-appointment system for selected registry services for the Probate Registry, Family Court and Lands Tribunal in early March 2021. The operating experience so far has been positive. We will consider to gradually extend the use of e-appointment system as appropriate;
 - (c) use of e-bundles at court hearings – it generally speeds up court hearings because of the quicker retrieval of and referral to the relevant pages/documents in the case bundles. In particular, to tie in with the forthcoming implementation of ITSP, the Judiciary has been trying out e-bundle hearings for suitable DC civil cases since December 2020. Taking into account the operational experience, the Judiciary will see how best to encourage more e-bundle hearings at various court levels in the longer run; and
 - (d) greater use of IT and/or audio-visual (“AV”) facilities at court hearings – arising from the prevailing public health situation and the growing number of high profile cases which attract a lot of media and public presence, there has been a growing demand for the use of court extension broadcasting facilities. In addition, the need to present and handle digital evidence and exhibits at court hearings has increased, particularly for cases relating to the recent social events. All these rely on the use of IT/AV facilities in court buildings. Efforts will continue to be made to enhance the above capabilities at the relevant levels of court.
- (3) The manpower requirements (including civil service and contract staff) for supporting the implementation of the ITSP projects vary at different stages of the project cycle depending on the evolving technical and operational needs. In 2021-22, an estimated total of around 80 (civil service and contract) staff will be deployed to support the ITSP projects and the estimated expenditure on hardware, software and implementation services is \$61.3 million.

- End -

CONTROLLING OFFICER'S REPLY

JA031

(Question Serial No. 3098)

Head: (80) Judiciary

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

Programme: Not specified

Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)

Director of Bureau: Not applicable

Question:

Under Subhead 000 Operational expenses, there is a specific item called “Magistrates poor box” under “Other charges”, and the expenses are \$8,000. Please inform this Council of the details and purposes of the relevant expenses.

Asked by: Hon TSE Wai-chun, Paul (LegCo internal reference no.: 54)

Reply:

The purpose or use of the Magistrates Poor Box is for the relief of real need and distressed defendants as directed by Magistrates in appropriate cases. The allocation has remained at the level of \$8,000 per annum over the years having regard to the low actual spending.

- End -