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Replies to initial written questions raised by Legislative Council Members in examining the Estimates of Expenditure 2022-23

Controlling Officer : Judiciary Administrator

Session No. : 2

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Controlling Officer : Judiciary Administrator

Session No. : 2

Consolidated e-file name : JA-2S-e1.docx

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-JA001	S009	KAN Wai-mun, Carmen	80	(2) Support Services for Courts' Operation

CONTROLLING OFFICER'S REPLY

JA001

(Question Serial No. 0569)

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:

The Department of Justice mentioned in the Estimate that “legislative proposals to implement the Judiciary’s Information and Technology Strategy Plan to facilitate court users by providing them with an electronic option for court processes and to introduce remote hearings” would be made. In this regard, will the Administration inform this Committee of the following:

- (1) the respective resources and manpower spent in the past 3 years on studying and enhancing the application of technology;
- (2) since the mainland judicial departments are more experienced in the application of technology on handling judicial matters, does the Administration have any resource and manpower planning concerning exchanges with the mainland counterparts? Has there been any discussion concerning the specific link-up measures for the “mutual access” of the cross-bounder legal network in future? If yes, what are the details? And
- (3) does the Administration have any resource and manpower planning concerning promoting to practitioners the application of technology on handling judicial matters? If yes, what are the details?

Asked by: Hon CHAN Man-ki, Maggie (LegCo internal reference no.: 4)

Reply:

- (1) & (3) The Judiciary has been deploying the required manpower and financial resources on Information and Communications Technology (“ICT”) for implementing various initiatives involving the use of technology with a view to enhancing efficiency in court operations on an on-going basis. These include the Judiciary's Information Technology Strategy Plan (“ITSP”), enhancing audiovisual facilities to enable broadcasting at court premises, increasing video conferencing facilities, and promoting to practitioners the application of technology on handling judicial

matters, etc. in the past few years. Since the manpower and other resources are being flexibly deployed from time to time for meeting the changing operational needs of various initiatives, we have no breakdown on expenditure for each initiative. In 2022-23, the estimated recurrent expenditure relating to ICT initiatives is around \$240 million which accounts for 10% of the total estimated operating expenditure of the Judiciary. The average annual increase in the past five years is around 20%.

To ensure that the new ICT initiatives will meet the needs of court users, we have been liaising closely with our stakeholders, and seeking their views as appropriate. For illustration, in preparation for the implementation of the Integrated Court Case Management System (“iCMS”) at the District Court later this year, the Judiciary conducted pilot runs with key stakeholders, including the legal firms, to collate their feedback on how to improve the system. To facilitate court users (including the legal firms) in using the iCMS, we are planning to launch a dedicated webpage on the Judiciary’s website to provide relevant information (e.g. demonstration video clips, frequently asked questions, and user guides) and set up a Help Centre. Similarly, for remote hearings, we have made available guidance notes and demonstration videos on the Judiciary’s website.

- (2) The Judiciary has been maintaining a good working relationship with counterparts in the Supreme People’s Court (“SPC”) and other jurisdictions on matters relating to training and exchange programmes. Despite the disruptions arising from the COVID-19 pandemic in 2021, we managed to continue arranging exchanges between our judges and judicial officers (“JJOs”) and their counterparts in other jurisdictions through on-line video conferencing where appropriate and practicable. For instance, in May 2021, the Chief Justice of the Court of Final Appeal, the Chief Judge of the High Court and a Justice of Appeal of the Court of Appeal of the High Court met with the President of the SPC and visited other courts and government authorities in Beijing. In December 2021, a webinar was hosted by the SPC where the Judiciary Administrator, and 15 staff from the Judiciary Administration participated to gain further insights on the use of technology in the SPC and their other courts. We will continue to work closely with our counterparts for the purpose of arranging further exchanges and experience-sharing sessions when opportunities arise.

- End -

CONTROLLING OFFICER'S REPLY**JA002****(Question Serial No. 0296)**

Head: (80) Judiciary
Subhead (No. & title): (000) Operational expenses
Programme: (2) Support Services for Courts' Operation
Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)
Director of Bureau: Not applicable

Question:

The operation of courts and tribunals has been considerably affected since the outbreak of the COVID-19 epidemic. How many civil proceedings in total were conducted by way of remote hearing using video-conferencing facilities in various levels of court respectively from January 2020 up to now? What are the actual expenditure and the projected expenditure for the coming year on hardware, software, implementation services and staffing establishment for supporting remote hearings and related matters?

Asked by: Hon CHEUNG Kwok-kwan (LegCo internal reference no.: 2)

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 promoting the use of remote hearings at different levels of court where appropriate. From February 2020 to February 2022, around 1 000 remote hearings were conducted by various levels of courts mostly in civil proceedings, of which 238 were using video-conferencing facilities ("VCF"). The breakdown is as follows:

Level of Court	Remote hearings using VCF^{Note} in civil proceedings
Court of Final Appeal	10
High Court	159
District Court	2
Family Court	51
Small Claims Tribunal	2
Labour Tribunal	14
Total:	238

Note: These are hearings with Judges and/or Judicial Officers and/or one or more parties physically absent from the court during the proceedings.

With the availability of the browser-based technical option from January 2021, more court attendees can make use of remote hearings for suitable civil proceedings. In 2021-22, the Judiciary has provided additional facilities at the High Court Building and the Queensway Government Offices for court users to join hearings remotely.

The Judiciary has been deploying the required manpower and financial resources on Information and Communications Technology (“ICT”) for implementing various initiatives involving the use of technology which seek to enhance efficiency in court operations on an on-going basis. In 2022-23, the estimated recurrent expenditure relating to ICT initiatives is around \$240 million which accounts for 10% of the total estimated operating expenditure of the Judiciary. The average annual increase in the past five years is around 20%. With reference to the actual expenditure incurred in 2021-22, an estimated provision of \$15 million is for installation of information technology or audio-visual facilities and support equipment and related services in courtrooms and other office areas, including those required for supporting remote hearings. 8 staff members are estimated to be required for providing dedicated technical support to remote hearings. Additional expenditure and manpower support will be flexibly deployed within the Judiciary’s overall funding provision where necessary and justified.

- End -

CONTROLLING OFFICER'S REPLY**JA003****(Question Serial No. 0326)**

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:

Please provide information on 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 3 years, and also the establishment, number of posts and estimated salary provision for Judges and Judicial Officers ("JJOs") and support staff for the past 3 years and the coming year.

Asked by: Hon CHEUNG Kwok-kwan (LegCo internal reference no.: 3)

Reply:

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 2019 to 2021 are appended below:

Cases Filed

	Cases Filed		
	2019	2020	2021
Competition Tribunal	1	3	2
Lands Tribunal	5 721	4 432	4 358
Coroner's Court	117	98	154
Labour Tribunal	4 323	3 533	4 278
Small Claims Tribunal	55 879	39 821	45 649
Obscene Articles Tribunal	21 163	14 131	38

Court Waiting Time (Note)

	Average Waiting Time (days)		
	2019	2020	2021
Lands Tribunal			
- from setting down of a case to hearing			
appeal cases	35	39	-#
compensation cases	38	29	64
building management cases	21	31	25
tenancy cases	17	24	16
Coroner's Court			
- from date of listing to hearing	61	70	64
Labour Tribunal			
- from appointment to filing of a case	29	61	25
- from filing of a case to first hearing	25	23	22
Small Claims Tribunal			
- from filing of a case to first hearing	36	41	39
Obscene Articles Tribunal			
- from receipt of application to classification	2	3	2
- from referral by a magistrate to determination	15	10	-#

Not applicable as no such cases have been filed.

Note: As only a total of five 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.

The establishment, number of posts and estimated salary provision for Judges and Judicial Officers (“JJOs”) and support staff of the Lands Tribunal, the Coroner’s Court, the Labour Tribunal, the Small Claims Tribunal and the Obscene Articles Tribunal for the past three years (i.e. 2019-20, 2020-21 and 2021-22) and the coming year (i.e. 2022-23) are as follows:

Tribunal/ Court	Establish- ment	Existing number of posts	Estimated salary provision* (\$ million)			
			2019-20	2020-21	2021-22	2022-23 (Estimate)
Lands Tribunal	31	3 – District Judge 2 – Member 8 – Judicial Clerk Grade Staff 17 – Clerical Staff 1 – Office Assistant	23.4	23.4	23.4	23.4

Tribunal/ Court	Establish- ment	Existing number of posts	Estimated salary provision* (\$ million)			
			2019-20	2020-21	2021-22	2022-23 (Estimate)
Coroner's Court	14	3 – Coroner 1 – Judicial Clerk Grade Staff 8 – Clerical Staff 1 – Secretarial Staff 1 – Workman II	9.8	9.8	9.8	9.8
Labour Tribunal	91	1 – Principal Presiding Officer 8 – Presiding Officer 13 – Judicial Clerk Grade Staff@ 16 – Tribunal Officer@ 40 – Clerical Staff 7 – Secretarial Staff 2 – Office Assistant@ 4 – Workman II@	58.5	58.5	57.4	57.4
Small Claims Tribunal	80	1 – Principal Adjudicator 11 – Adjudicator 21 – Judicial Clerk Grade Staff& 46 – Clerical Staff 1 – Office Assistant	52.1	53.6	53.6	53.6
Obscene Articles Tribunal	7	2 – Magistrates 5 – Clerical Staff	5.4	5.4	5.4	5.4

* 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.

@ Including one Judicial Clerk Grade post and two Workman II posts regraded from one Tribunal Officer post and two Office Assistant posts respectively in 2021-22.

& 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-compense 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. 2019-20, 2020-21 and 2021-22) and the coming year (i.e. 2022-23) are as follows:

Civil Service establishment of the Competition Tribunal	Number of posts	Estimated salary provision# (\$ million)			
		2019-20	2020-21	2021-22	2022-23 (Estimate)
9	1 – Court Interpreter Grade Staff 3 – Judicial Clerk Grade Staff 4 – Clerical Staff 1 – Secretarial Staff	9.9	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 JJOs 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.

- End -

CONTROLLING OFFICER'S REPLY**JA004****(Question Serial No. 0488)**

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:

Please set out the figures on the number of judicial review (“JR”) cases (including leave applications and substantive hearings), their average waiting time and number of hearing days involved with breakdown by respective levels of court with JR jurisdiction for the past year. Please also provide in the form of a table the types of JR cases by nature, e.g. lands resumption, non-refoulement claims etc. In addition, please provide the number of JR cases that legal aid has been granted by the Legal Aid Department.

Asked by: Hon CHOW Ho-ding, Holden (LegCo internal reference no.: 6)

Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past year are as follows:

Judicial Review Cases	2021
Court of First Instance of the High Court	
(a) No. of leave applications filed	1 767
(b) No. of leave applications filed relating to non-refoulement claims	1 675
(c) Average waiting time from listing to hearing of leave application ¹	24 days
(d) No. of substantive judicial review cases filed	7
(e) No. of substantive judicial review cases filed relating to non-refoulement claims	1

Judicial Review Cases	2021
(f) Average waiting time from listing to hearing of substantive judicial review case ¹	98 days
Court of Appeal of the High Court	
(g) No. of appeals against refusal of leave filed	380
(h) No. of appeals against refusal of leave filed relating to non-refoulement claims	350
(i) Average waiting time from listing to appeal hearing in respect of refusal of leave application ¹	58 days
(j) No. of appeals against judicial review decisions filed	8
(k) No. of appeals against judicial review decisions filed relating to non-refoulement claims	1
(l) Average waiting time from listing to appeal hearing ¹	119 days
Court of Final Appeal	
(m) No. of applications for leave to appeal (civil) filed ²	564
(n) No. of application for leave to appeal (civil) filed relating to non-refoulement claims	510
(o) No. of substantive appeals (civil) filed ²	6
(p) No. of substantive appeal (civil) filed relating to non-refoulement claims	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 the other requested statistics on JR cases.

- End -

CONTROLLING OFFICER'S REPLY

JA005

(Question Serial No. 0214)

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:

The Basic Law states that the Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China. Judges of the courts at all levels and other members of the Judiciary in the Hong Kong must, in accordance with law, "swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China" when assuming office. The principle of "patriots administering Hong Kong" is in line with the policy of "One Country, Two Systems" and "persons administering Hong Kong" also includes judges in the Judiciary. In this connection, will the Judiciary inform this Council:

1. Whether the Judiciary will consider introducing a system for the newly appointed judges to learn about and to take examinations on the country's Constitution, as well as establishing a vetting mechanism? In what way will the Judiciary ensure the resolute implementation of the "patriots administering Hong Kong" principle and in what way will judges' performance be assessed to see if it is in line with this principle;
2. Whether the Judges College has any relevant courses? If yes, may the Judiciary provide the course information for our reference?
3. 25 years after the Reunification of Hong Kong, the judicial community is still following the British tradition of wearing wigs. This practice, failing to keep abreast of the times and giving the public an impression of an attachment to the colonial past, does not tally with the spirit of Article 105 of the Basic Law. Will the authority consider forgoing the attires and custom associated with colonial culture so as to show allegiance to the Hong Kong Special Administrative Region of the People's Republic of China?

Asked by: Hon HO Kwan-yiu, Junius (LegCo internal reference no.: 1)

Reply:

1. & 2. Article 92 of the Basic Law stipulates that judges are chosen on the basis of their judicial and professional qualities. Article 104 of the Basic Law stipulates that when assuming office, judges of the courts at all levels and other members of the Judiciary in the Hong Kong Special Administrative Region (“HKSAR”), must in accordance with law, swear to uphold the Basic Law of the HKSAR of the People’s Republic of China (“PRC”) and swear allegiance to the HKSAR of the PRC.

The Hong Kong Judicial Institute (“JI”) is responsible for organizing judicial training programmes for Judges and Judicial Officers (“JJOs”) at all levels of court for meeting their professional and operational needs from time to time.

To enhance judicial education and professional qualities of our judges, the JI started organizing various new and additional judicial training and exchange programmes for JJOs in 2021. Specifically, the JI organized a new series of seminars on Chinese law to strengthen understanding of the legal and judicial system of the Mainland. The first seminar on the Constitution of the PRC, the Basic Law and the National Security Law of the HKSAR was conducted in April 2021. It was followed by the second seminar on the constitutional role of the National People’s Congress and the development of the judicial system of the PRC in December 2021.

In May 2021, the Chief Justice of the Court of Final Appeal led an official delegation comprising the Chief Judge of the High Court, a Justice of Appeal of the Court of Appeal of the High Court together with support staff to participate in an official visit and exchange programme organized by the Supreme People’s Court (“SPC”) in Beijing. In December 2021, a webinar was hosted by the SPC in which the Judiciary Administrator, and 15 staff from the Judiciary Administration participated to gain further insights on the use of technology in the SPC and their other courts.

The JI will continue to organize more Chinese law seminars and exchange programmes in 2022-23.

3. It has been a longstanding tradition of the Hong Kong judicial community for judges to wear wigs and gowns in court. These symbolize the dignity of the courts and, to a certain extent, the continuity of the common law system in the HKSAR under “One Country, Two Systems”. As the Judiciary does not consider the proposal of forgoing wigs and gowns a priority subject of judicial reforms, there is no plan for such change at this stage. If this proposal is to be considered in future, there must be thorough consultation with different stakeholders in the judicial and legal community.

- End -

CONTROLLING OFFICER'S REPLY

JA006

(Question Serial No. 0742)

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:

As mentioned in the Estimate, court listings require considerable adjustment due to the COVID-19 epidemic. Please provide information on:

1. Work arrangements of court staff in circumstances where court sitting cannot be conducted; the deployment of such officers whose duties cannot be carried out in “work from home” mode; the relevant staffing establishment and the additional expenditure involved;
2. A significant number of trials have to be refixed due to the public health situation, yet the number of cases continues to grow, hence the persistent build-up of backlog and further lengthening of waiting time for trials. In order to avoid excessive waiting time and any adverse impact on the course of justice, what measures the Judiciary has to expedite the handling of cases, including how relisting is done, the extension of court sitting hours, and increase in manpower for shift work etc.;
3. Please set out, for the past 3 years, the number of cases conducted in the form of remote hearing, either in whole or in part; the additional expenditure involved; the ancillary facilities catering for remote hearings when planning for new or renovated court facilities, such as the acquisition of new video equipment, setting up of separate courtrooms specially for remote hearings etc.; and
4. While court accommodation cannot be increased within a short period of time and arrangement of physical hearings is being affected by social distancing measures, whether the Administration has adopted greater use of remote hearings to enable court operation to continue as usual despite the pandemic? Please inform this Council of the target and direction of the long-term development of the adoption of remote hearings for 2022; the current progress of achieving court businesses being conducted electronically and remotely; the additional staffing establishment and equipment expenses involved.

Asked by: Hon KAN Wai-mun, Carmen (LegCo internal reference no.: 4)

Reply:

Impact of COVID-19 Pandemic on Court Business

Court service is an essential public service. It enables the effective and efficient administration of justice which is integral to the Judiciary's constitutional duty to uphold the rule of law. The Judiciary has been closely monitoring the public health situation so as to enable the courts to continue to carry on business as safely as circumstances permit. To this end, the Judiciary has been adjusting court business and implementing appropriate social distancing measures to reduce people flow at court buildings from time to time. These measures include reducing the capacity of the public galleries of courtrooms, reducing registry opening hours, and fixing hearings involving many people at wider intervals.

The Judiciary had fully resumed court business from February 2021 with no special work from home arrangement for staff.

Since early 2022, the Judiciary has been adjusting court business in light of the fluctuating public health situation ever since the outbreak of the fifth wave of the omicron COVID-19 epidemic. Court hearings have been generally adjourned for around one month between 7 March and 11 April 2022 (the General Adjournment of Proceedings ("GAP") Period), with the exception of a specified list of proceedings and registry business. These mainly include urgent and essential business, cases which should continue to be processed as directed by the court, as well as other cases which can be disposed through alternative means such as paper disposals and remote hearings. After the GAP, the Judiciary will incrementally carry out more business having regard to the changing public health situation, with a view to resuming normal operations as quickly as possible once circumstances permit.

Taking into account the evolving public health situation and its impact on the manpower situation, the Judiciary has been flexibly deploying support staff at different levels of court with staggering working hours as far as practicable to support the operation of the reduced court business.

The total number of cases filed and disposed of in 2021 generally resumed to the level in 2019 before the pandemic; and the target court waiting times for civil cases were generally achieved. The need to clear cases affected by adjustments to court capacity in response to the evolving public health situation, and the impact of the influx of cases related to social events in 2019 ("SE") and national security since 2020 have inevitably affected the average court waiting times for some case types, mainly criminal cases.

The Judiciary has been making proactive efforts in addressing the inevitable impact of the reduction in court capacity arising from the GAP period through the following means -

- (a) Making greater use of alternative modes of disposal for civil proceedings, including remote hearings and paper disposals, as far as possible. From early 2020, the Judiciary started with using video-conferencing facilities ("VCF") on remote hearings of appeals at the Court of Final Appeal and interlocutory

applications at the High Court. We 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 (“DC”)). From February 2020 to February 2022, a total of 1 110 remote hearings (including 246 hearings using VCF ^{Note} and 864 phone hearings) were conducted by various levels of court. The breakdown is as follows:

	Remote hearings using VCF ^{Note}		Phone hearings
	Civil	Criminal	
Court of Final Appeal	10	8	0
High Court	159	0	715
District Court	2	0	149
Family Court	51	Not applicable	0
Small Claims Tribunal	2	Not applicable	0
Labour Tribunal	14	Not applicable	0
Total:	238	8	864

^{Note} These are hearings with Judges and/or Judicial Officers and/or one or more parties physically absent from the court during the proceedings.

- (b) Giving priority to processing the affected criminal cases (in particular those relating to the social events in 2019 and national security) through priority listings for on-going trials and trials deferred during GAP period, reserving suitable courtrooms with broadcasting facilities for observers for cases involving large number of defendants, as well as using paper submissions to replace/shorten hearings if possible;
- (c) Arranging half-day sittings with longer morning or afternoon sitting hours, to enable the handling of as many court hearings as possible, while achieving greater social distancing; and
- (d) Increasing judicial manpower and support staff. The latest round of recruitment exercises for Judges and Judicial Officers as well as judicial associates at different levels of court is in progress. Continued efforts are also made to recruit external deputies as and when appropriate and necessary. The support staff has also been enhanced.

Greater Use of Technology

The Judiciary is committed to making greater use of technology for enhancing the efficiency of court operations and mitigating the impact of a prolonged epidemic or other unforeseen circumstances on court business. The key technology initiatives being pursued are summarised below:

- (a) Information Technology Strategy Plan (“ITSP”) – Under ITSP, the Judiciary is planning to implement by phases an integrated Court Case Management System (“iCMS”) under ITSP across all levels of court for handling court-related documents and payments through an electronic mode. In Stage 1, iCMS will be rolled out in the DC and the Summons Courts of the Magistrates’ Courts (“MCs”) in 2022. In Stage 2, iCMS is expected to be

extended to the Court of Final Appeal, the High Court, the remaining part of the MCs and the Small Claims Tribunal as from 2024;

- (b) Greater use of remote hearings – The Judiciary has conducted over 1 000 remote hearings since 2020 and the experience has been positive. We have also made available guidance notes and demonstration videos on the website of the Judiciary¹, and will arrange pre-hearing connection tests and briefings for those who will join the hearings remotely. Arrangements have also been made to provide additional facilities at the High Court Building and at the Queensway Government Offices for court users to join hearings remotely. In 2022-23, the Judiciary will continue to monitor the usage and the technical requirements regarding remote hearings and deploy appropriate resources to meet the operational needs.

At present, there are legal obstacles which prevent the general application of remote hearings in criminal proceedings. For example, the existing law generally requires the defendant to be physically present at arraignment and trial in criminal proceedings. The Judiciary is working on necessary legislative amendments to give effect to the general application of remote hearings to criminal proceedings. The Judiciary is preparing detailed legislative amendments for the second round of consultations with stakeholders. The target is to introduce the Bill into the Legislative Council in 2022;

- (c) E-appointment system for selected registry services – To minimise 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, subsequent to introducing an e-appointment system for selected registry services for the Probate Registry, Family Court and Lands Tribunal in March 2021, the Judiciary has extended the service to the Appeals Registry of the High Court, the High Court Registry and the Integrated Mediation Office since January 2022. The operating experience so far has been positive. We plan to gradually extend the use of e-appointment system as appropriate;
- (d) Use of e-bundles at court hearings – E-bundles help to speed up court hearings because of the quicker retrieval of and referral to the relevant pages/documents in the case bundles. The Judiciary will encourage more e-bundle hearings at various court levels where appropriate in the longer run; and
- (e) Greater use of IT and/or audio-visual (“AV”) facilities at court hearings – The Judiciary has been making greater use of IT and/or AV facilities at court hearings, mainly for handling digital evidence and exhibits at court hearings, and broadcasting hearings in court extension areas. Efforts will continue to be made to enhance the above capabilities at the relevant levels of court.

The Judiciary has been deploying the required manpower and financial resources on Information and Communications Technology (“ICT”) for implementing various initiatives involving the use of technology which seek to enhance efficiency in court operations on an

on-going basis. In 2022-23, the estimated recurrent expenditure relating to ICT initiatives is around \$240 million which accounts for 10% of the total estimated operating expenditure of the Judiciary. The average annual increase in the past five years is around 20%. With reference to the actual expenditure incurred in 2021-22, an estimated provision of \$15 million is for installation of information technology or audio-visual facilities and support equipment and related services in courtrooms and other office areas, including those required for supporting remote hearings. 8 staff members are estimated to be required to providing dedicated technical support to remote hearings. Additional expenditure and manpower support will be flexibly deployed within the Judiciary's overall funding provision where necessary and justified.

Remarks:

¹ https://www.judiciary.hk/en/court_services_facilities/gap_remote_hearing.html

- End -

CONTROLLING OFFICER'S REPLY

JA007

(Question Serial No. 0748)

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:

On judicial training, please provide information on:

1. The staffing establishment (including remuneration and rank) of the Hong Kong Judicial Institute and the others that are engaged in handling matters on judicial training, and also the required qualifications for the posts concerned;
2. With the implementation of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("NSL"), what measures are in place to enhance the correct understanding of the Constitution, the Basic Law as well as the NSL among judges and the legal profession; and
3. Ever since the appointment of designated judges for NSL cases, what training has the authority provided to these judges to ensure their accurate understanding of the NSL and thorough grasp of the decision made by the Standing Committee of the National People's Congress, so as to enable them to correctly interpret the NSL in hearing the cases. Please state in detail the content of the training and the expenditure involved, and whether there is any mechanism for providing the designated judges with the most updated legal information and guidelines on a regular basis.

Asked by: Hon KAN Wai-mun, Carmen (LegCo internal reference no.: 10)

Reply:

1. The Hong Kong Judicial Institute ("JI") is responsible for organizing judicial training programmes for Judges and Judicial Officers ("JJOs") at all levels of court for meeting their professional and operational needs from time to time. JI is overseen by a Governing Body chaired by the Chief Justice of the Court of Final Appeal and composed of court leaders at respective court levels, two experienced judges in the High Court and the Judiciary Administrator.

The number of positions, monthly salary and qualification requirements for legal professionals in the JI are as follows:

Position as at 1.3.2022			
Position	Qualification	Monthly Salary (\$)	No. of position
Executive Director	Legally qualified with at least 10 years' post-qualification experience; or a degree with at least 10 years' post-qualification experience in senior administrative/ managerial and other related work	208,500 – 227,600	1
Director	Legally qualified with at least 8 years' post-qualification experience	126,220 – 135,470	2
Counsel	Legally qualified with at least 7 years' post-qualification experience	89,845 – 110,170	3

Currently, a judge of the Court of First Instance of the High Court has been designated to lead the JI with the support of two Directors and three Counsel, pending the recruitment of the Executive Director of the JI which is in progress.

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

The JI is responsible for organizing judicial training and professional education activities 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. In 2021, the JI organized a new series of seminars on Chinese law to strengthen understanding of the legal and judicial system of the Mainland. The first seminar on the Constitution of the People's Republic of China ("PRC"), the Basic Law and the National Security Law of the Hong Kong Special Administrative Region was conducted in April 2021. It was followed by the second seminar on the constitutional role of the National People's Congress and the development of the judicial system of the PRC in December 2021.

In May 2021, the Chief Justice of the Court of Final Appeal led an official delegation comprising the Chief Judge of the High Court, a Justice of Appeal of the Court of Appeal of the High Court together with support staff to participate in an official visit and exchange programme organized by the Supreme People's Court in Beijing.

The JI will continue to organize more Chinese law seminars and exchange programmes in 2022-23.

Details of the judicial training activities organized in 2021-22 are in the Annex attached. In 2021-22, \$0.2 million was spent on judicial training programmes (on top of in-house training provided by serving judges in the Judiciary with expenses absorbed within the Judiciary's operating expenditure) and an estimated provision of \$2.2 million was made for judicial training and related expenses in 2022-23.

**Judicial Training Activities Attended by Judges and Judicial Officers
for the financial year 2021-22**

Local Judicial Training Organised by the Hong Kong Judicial Institute

Date	Activity
21.4, 26.5, 5.8, 31.8, 29.12.2021 & 17.1.2022	Induction Briefings for Deputy Magistrates / Adjudicators
24.4.2021	Seminar on the Constitution of the People's Republic of China, the Basic Law and the National Security Law of the Hong Kong Special Administrative Region
30.4.2021	Sentencing Workshop for Magistrates
19.6.2021	Induction Course for District Judges and Magistrates
29.6.2021	Training on e-hearing for District Judges (Civil)
30.7.2021	Case Management Sharing Session
4.8.2021	Training on e-hearing for PI Judges and Masters
9.8 & 27.10.2021	Training on e-hearing for Family Judges
26.8.2021	Demonstration on Digital Evidence and Exhibit Handling for Magistrates
9.9 & 14.9.2021	Training on e-hearing for District Judges (Criminal)
30.9.2021	Training on Legal Research
23.10.2021	Seminar on Industrial Accidents – Electrocutation
11.12.2021	Seminar on the Constitutional Role of the National People's Congress and the Development of the Judicial System of the People's Republic of China

Other Local Judicial Training Activities Attended by Judges and Judicial Officers

Date	Activity
9.4.2021	Webinar entitled “Gross Negligence Manslaughter: Should it apply to healthcare practitioners?”, organized by the University of Hong Kong
3.5.2021	Webinar entitled “Foreign Judges on Domestic Courts: Joint Keynote presentation”, organized by the University of Hong Kong
31.5.2021	Webinar entitled “Digital Assets in Hong Kong: What are they and how are they taxed”, organized by the University of Hong Kong
1.6.2021	Webinar entitled “Permanent Bureau of the Hague Conference on Private International Law (“HCCH”) 1970 Evidence Convention and Remote Taking of Evidence by Video-link”, co-organised by Asian Business Law Institute and Permanent Bureau of the HCCH
11.6.2021	Webinar entitled “Conflicting Limitation Periods - A Comparison between Hong Kong and Mainland China”, organized by the Chinese University of Hong Kong
15.6.2021	Webinar entitled “Non Fungible Tokens: What's Beyond the Hype?”, organized by the Chinese University of Hong Kong
22.6.2021	Webinar entitled “Statutory Adjudication For The Construction Industry - Its Role And Effectiveness In National Dispute Resolution”, organized by the Hong Kong Institute of Arbitrators
2.7.2021	Webinar entitled “Justice, the courts and Covid-19: the need for the judiciary to innovate”, organized by the International Bar Association
29.7.2021	Webinar entitled “Overview and Latest Development of Shipping Law in Hong Kong”, organized by the Hong Kong Institute of Arbitrators
4.10.2021	Webinar entitled “Law on Mental Capacity”, organized by the Chinese University of Hong Kong
6.10.2021	Webinar entitled “Non-fungible Tokens and Digital Art: what are they and what do you get if you buy one?”, organized by the Chinese University of Hong Kong
7.10.2021	Webinar entitled “The Recognition and Enforcement of International Mediated Settlement Agreements”, organized by the Chinese University of Hong Kong
8.10.2021	Webinar entitled “New Empirical Study of Typologies of Animal Cruelty in Hong Kong”, organized by the University of Hong Kong

Date	Activity
15.10.2021	Webinar entitled “Gross Negligence Manslaughter: Lessons Learnt from <i>HKSAR v Chow Heung Wing, Stephen, Chan Kwun Chung & Mak Wan Ling</i> ”, organized by the Chinese University of Hong Kong
26.10.2021	Webinar entitled “A tale of Two Regions: the Dichotomy between Chinese and Hong Kong Data Privacy Regime”, organized by the Chinese University of Hong Kong
27.10.2021	Webinar entitled “Artificial Intelligence: Privacy and Ethics”, organized by the University of Hong Kong
28.10.2021	Webinar entitled “Res Judicata in International Arbitration”, organized by the Hong Kong Institute of Arbitrators
17.12.2021	Webinar entitled “Anti-suit Injunctions and FRAND Litigation in China”, organized by the Chinese University of Hong Kong
26.1.2022	Webinar entitled “Relational Autonomy: Rethinking Informed Consent in Healthcare from Cross-Cultural and Religious Perspectives”, organized by the University of Hong Kong
22.2.2022	Webinar entitled “Equality”, organized by the Chinese University of Hong Kong
24.2.2022	Webinar entitled “Determining the Law of International Arbitration Agreements - New Insight from the UK Supreme Court”, organized by the Hong Kong Institute of Arbitrators
25.2.2022	Webinar entitled “The Asian Principles for the Recognition and Enforcement of Foreign Judgments”, organized by the Chinese University of Hong Kong
9.3.2022	Webinar entitled “The Incursion of Antitrust into China's Platform Economy”, organized by the Chinese University of Hong Kong

- End -

CONTROLLING OFFICER'S REPLY

JA008

(Question Serial No. 0529)

Head: (80) Judiciary
Subhead (No. & title): (-)
Programme: Not Specified
Controlling Officer: Judiciary Administrator (Ms Esther LEUNG)
Director of Bureau: Not applicable

Question:

Concerning the handling of several cases related to the social events (“SE cases”) and the Hong Kong National Security Law in recent years as well as the protection of personal safety of Judges and Judicial Officers (“JJOs”), please inform this Council –

1. What is the number of cases disposed of and being dealt with by different levels of courts which are related to the illegal “Occupy Central” movement in 2014, “Mongkok Riot” in 2016, disturbances arising from the opposition to the proposed legislative amendments in 2019 and the Hong Kong National Security Law, and among these cases, how many were first handled or disposed of in 2021?
2. What measures have been taken by the Judiciary to ensure that the abovementioned SE cases are disposed of within reasonable time? What measures have been taken by the Judiciary to mitigate the adverse effects of COVID-19 on its efficiency of handling cases?
3. For 2019, 2020 and 2021, the number of occasions on which there was criminal damage (e.g. arson, graffiti) to the Judiciary’s various offices and various levels of court and magistracy; the number of occasions of threats of various kinds (e.g. threatening letters, powder, razor blades, phone calls with foul language) targeting JJOs, and the number of JJOs involved. In this regard, what measures have been taken by the Judiciary to step up security for all its offices, different levels of court and magistracy and protection for the JJOs (especially those handling SE cases and National Security Law cases); whether these measures involve extra expenses? If they do, what are the specific amounts?

Asked by: Hon LEUNG Mei-fun, Priscilla (LegCo internal reference no.: 1)

Reply:

- (1) to (2) For Occupy Movement in 2014 and the incident in Mongkok in 2016, all the criminal cases and its related appeals have been concluded. According to

operational experience, the majority of these cases were concluded within one to two years from the first day of hearing at the relevant level of court. The progress of individual civil cases is kept in the relevant 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 (“SE cases”) since 2019, as at 28 February 2022, a total of 2 079 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	9	8	17
High Court #	340	60	400
District Court	335	13	348
Magistrates’ Courts	1 301	N.A.	1 301
Small Claims Tribunal	N.A.	13	13
Total	1 985	94	2 079

Remarks:

Figure includes cases on bail applications.

N.A. – Not applicable.

By end of February 2022, more than 1 700 cases or around 83% of the 2 079 SE cases have been concluded at different levels of court. In particular, around 1 200 or about 94% of the 1 301 cases at the Magistrates’ Courts were concluded.

Separately, as at 28 February 2022, a total of 85 cases relating to the National Security Law (“NSL cases”) have been or are 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	0	2
High Court #	42	15	57
District Court	6	0	6
Magistrates’ Courts	20	N.A.	20
Total	70	15	85

Remarks:

Figure includes cases on bail applications.

N.A. – Not applicable.

By end of February 2022, 64 cases or around 75% of the 85 NSL cases have been concluded at different levels of court.

The rapid and substantial upsurge in SE cases since 2020 has been bringing unprecedented challenges to the Judiciary in terms of judicial resources, manpower support, competing use of court premises, media and security arrangements. As compared with ordinary criminal cases, operational experience indicates that arrangements for SE cases tend to be more complex and require longer hearing periods (over 20 or 30 days for some cases), mainly

because quite a number of them involve a large number of defendants (over 10 and up to 50 in recent cases), legal representatives, media and public viewers and evidences in the form of voluminous video recordings.

The actual time taken for disposing each SE criminal case is mainly contingent upon the time required to go through all the necessary steps and procedures to ensure due administration of justice (including a fair trial) **before** the case is ready to be set down for trial. Many of the factors involved are not within the control of the Judiciary.

When the case is ready for trial, the court will endeavour to fix an earliest possible date having regard to a number of factors including the diary of the presiding judge, its complexity and number of hearing days required, the number of parties (particularly defendants) involved, the availability of parties and/or counsel involved, the time required by parties for case preparation, etc.

For illustration purpose, before an SE criminal case is ready to be listed for trial at the District Court (“DC”), it usually requires time to complete the following procedures -

(a) Before transfer to the DC:

- (i) further investigation by the Police (and/or other law enforcement agencies) and seeking legal advice;
- (ii) proceedings in the Magistrates’ Courts and preparation of the documents for transfer of proceedings to the DC;

(b) After transfer to the DC:

- (i) the defendant to apply for legal aid or arrange private legal representation;
- (ii) discovery of evidence, i.e. for the prosecution to serve additional evidence (if any) on the defence and for the defence to request further evidence from the prosecution. This may be time-consuming given the large volume of video evidence and number of witnesses etc. for such cases in general; and
- (iii) providing legal advice to the defendant. This is critical as the timeliness of a guilty plea determines the amount of discount in sentencing, i.e. if a defendant pleads guilty at the earliest opportunity, he/she will get the maximum discount (as much as one-third) in sentencing;

(c) Case management considerations

The court may need to consider applications for consolidation of cases where defendants charged with charges founded on the same facts, or severance of cases for practical reasons if the case involves a large number of defendants. If the severed cases involve common witnesses and/or evidence, the trials may have to be arranged sequentially over a relatively long period of time.

The Judiciary has been taking proactive and multi-pronged measures in expediting the handling of SE cases with priority. The major measures taken are set out below:

- (a) Engagement of additional judicial resources: The Judiciary has been making continual efforts in increasing its judicial manpower and recruiting/deploying additional support staff to deal with the unprecedented surge in caseload. The number of criminal Judges in the DC has been increased by about 50%. The latest round of open recruitment exercises for Judges and Judicial Officers (“JJOs”) at different levels of court is in progress. New judicial appointments have been made as from 2021. Pending the substantive filling of judicial vacancies through open recruitment, the Judiciary has been engaging temporary judicial resources as far as practicable to help expedite the processing of the SE criminal cases;
- (b) Proactive case management: Presiding JJOs have been proactively managing SE cases to help ensure that they are disposed of within a reasonable time. These include imposing a tight procedural timetable, requiring justifications for adjournments and not accepting proposed adjournments from parties unless really justified, and requiring skeleton submissions to be submitted prior to the hearing. For cases involving a large number of defendants, the court may set down a trial date if most of the defendants are already ready for trial and may not accommodate the diaries of all the counsel concerned if only a small number of them cannot make it;
- (c) Longer court sitting hours and Saturday sittings: The courts have been exercising flexibility in sitting hours by extending court hearings beyond the normal court sitting hours or arranging Saturday sittings, where necessary in consultation with the parties, on a case-by-cases basis;
- (d) Provision and utilization of suitable court premises and facilities: The Judiciary has been making the best possible use of around 135 existing courtrooms suitable for the criminal cases in 11 law court buildings for handling around 60-70 hearings of SE cases each week. The Judiciary has also been adopting various measures to address the capacity constraints of existing courtrooms suitable for criminal cases by –
 - (i) converting the largest courtroom in the West Kowloon Law Courts Building (“WKLCB”) into a mega courtroom that can accommodate as many as 54 defendants (up from 12 previously) and 100 legal

representatives (from 18 previously), in addition to 50 family members of the defendants or members of the general public;

- (ii) using adjacent courtrooms and/or lobby areas for broadcasting court proceedings at the Wanchai Law Courts Building (“WLCB”) and WKLCB to enlarge the functional capacity of courtrooms (the “paired courtroom” arrangement);
- (iii) re-commissioning the Tsuen Wan Law Courts Building (“TWLCB”) (as from October 2021) for hearing DC cases which do not involve or attract many court users so as to free up courtrooms in the DC at WLCB for SE cases;
- (iv) listing DC cases at suitable court premises, such as the WKLCB, the Eastern Law Courts Building and the newly re-commissioned TWLCB depending on the nature and number of defendants etc. This seeks to enhance the overall capacity of DC in handling SE and other cases; and
- (v) planning to construct a mega courtroom in the WLCB which is capable of accommodating up to 50 defendants, 100 legal representatives and 100 family members, media representatives or members of the public, mainly for coping with SE and other cases involving a large number of defendants. This mega courtroom, together with three additional courtrooms and associated facilities, will be provided during the interim years before the commissioning of the proposed new DC building at Caroline Hill Road. The construction works are expected to start in mid-2022 and complete in 2023.

The fluctuating public health situation arising from the COVID-19 pandemic, particularly since early 2022, has posed further challenges to the Judiciary. The Judiciary has been making continued efforts in striking a balance between public health considerations and due administration of justice. To enable the courts to continue to carry on business (including the handling of SE cases) as safely as circumstances permit, the Judiciary has been adjusting court business and implementing appropriate social distancing measures from time to time to reduce people flow at court buildings. These measures include reduction of the capacity of the public galleries of courtrooms and fixing hearings with many defendants (including SE cases) at appropriate times and intervals.

Moreover, while physical court hearings have been generally adjourned for around one month between 7 March and 11 April 2022 (called the General Adjournment of Proceedings (“GAP”) Period), the court has continued to carry out urgent and essential business as well as a specified list of proceedings and registry business. These include certain proceedings for SE cases, as well as other cases which can be disposed through alternative means such as paper disposals and remote hearings. After the GAP, the Judiciary will incrementally carry out more business having regard to the changing public health situation,

with a view to resuming normal operations as quickly as possible once circumstances permit.

- (3) The number of incidents involving property damage in court buildings and intimidation of JJOs from 2019 to 2021 are as follows:

Nature of incident	Number of incidents	Remarks
Property damage	48	Mainly graffiti
Intimidation of JJOs	31	Involving 17 JJOs; mainly intimidating postal items

In light of the above security incidents, the Judiciary has appropriately stepped up security measures in court buildings so as to ensure the safety of JJOs, Judiciary staff and court users. The Judiciary has been putting in place security screening in court buildings by phases where practicable and appropriate. Apart from reporting the incidents to the Police, the Judiciary has been maintaining close liaison with the Police on enhancing security support, stepped up patrol by security personnel in court buildings, reminded Judiciary staff and security personnel to stay vigilant to ensure a timely response to security incidents. For the incidents involving intimidating postal items, the Judiciary has enlisted the assistance of the Hongkong Post to screen postal items addressed to court buildings before delivery. The Judiciary will keep the security measures under constant review with a view to ensuring a safe and secure environment on court premises.

In 2021-22, the Judiciary deployed around 60 additional security personnel to step up security in 13 court buildings and put in place security screening in the Court of Final Appeal Building and the WKLCB. The estimated additional expenditure on contract security personnel, security services and security screening equipment is around \$13.8 million.

The other recurrent expenditure involved in enhancing court security has been absorbed within the general operating expenses of the Judiciary through internal deployment.

- End -

CONTROLLING OFFICER'S REPLY

JA009

(Question Serial No. 0056)

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 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 3 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? What was the expenditure involved?
2. Whether any review has been conduct, following the passage of the Statute Law (Miscellaneous Provisions) Ordinance 2020, to see if there is any enhancement of efficiency in terms of the handling of the abovementioned cases? If yes, what are the details; if not, what are the reasons? and
3. As COVID-19 continues to rage on in Hong Kong, how will technology (such as remote hearings) be put to good use to speed up court proceedings?

Asked by: Hon QUAT Elizabeth (LegCo internal reference no.: 1)

Reply:

1. The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2019 to 2021 are as follows:

Judicial Review Cases	2019	2020	2021
Court of First Instance of the High Court			
(a) No. of leave applications filed	3 889	2 500	1 767

Judicial Review Cases	2019	2020	2021
Court of First Instance of the High Court			
(b) No. of leave applications filed relating to non-refoulement claims	3 727	2 367	1 675
(c) No. of leave applications with leave granted ¹	47 ²	13	16 ³
(d) Average processing time (from date of filing of leave application to date of decision) ⁴	610 days	218 days	79 days
(e) No. of substantive judicial review cases filed	15	4	7
(f) No. of substantive judicial review cases filed relating to non-refoulement claims	1	0	1
Court of Appeal of the High Court			
(g) No. of appeals against refusal of leave filed	372	450	380
(h) No. of appeals against refusal of leave filed relating to non-refoulement claims	350	413	350
(i) No. of appeals against judicial review decisions filed	21	12	8
(j) No. of appeals against judicial review decisions filed relating to non-refoulement claims	1	1	1
Court of Final Appeal			
(k) No. of applications for leave to appeal (civil) filed ⁵	426	289	564
(l) No. of application for leave to appeal (civil) filed relating to non-refoulement claims	388	252	510
(m) No. of substantive appeals (civil) filed ⁵	8	11	6
(n) 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 2022. 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 3 cases of leave granted by the Court of Appeal of the High Court on appeal.

³ Statistics include one case of leave granted by the Court of Appeal of the High Court on

appeal.

⁴ The average processing times reflect the position as at 31 January 2022. 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 the other requested statistics on judicial review cases.

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.

2. The Judiciary has been coping with the upsurge of judicial review applications and related appeal cases stemming from non-refoulement claims since 2017 through implementation of a number of pro-active measures.

Following the amendments to the High Court Ordinance (Cap. 4) through the Statute Law (Miscellaneous Provisions) Ordinance 2020 which took effect in January 2021 whereby the use of a 2-Judge bench of the Court of Appeal (i.e. “2-Judge CA”) has been extended to determine more types of cases, more appeal cases relating to non-refoulement claims could be heard by a 2-Judge CA instead of a 3-Judge CA. A new Practice Direction has been promulgated in June 2021 to streamline the relevant court procedures. We have also continued to promote the wider adoption of paper disposals to deal with suitable cases, including interlocutory matters in particular. In addition, we have increased judicial manpower to strengthen the courts’ capacity to handle the increasing caseloads, including creation of an additional Justice of Appeal of the CA post in March 2021 as well as deployment of temporary dedicated judicial manpower.

With these efforts, despite the continued influx of new cases filed each year, the courts have been disposing an increasing number of cases in recent years from 1 377 in 2019, to 1 811 in 2020, to 2 817 in 2021. As a related matter, it is worthwhile to note that the processing time of each individual case by the courts depends on a wide range of factors, including its complexity, the preparedness of the parties and other case management considerations, etc., some of which are beyond the control of the courts.

Looking ahead, the Judiciary will continue to monitor the situation and strengthen our efforts to enhance efficiency in processing non-refoulement claim-related cases as far as practicable.

3. The Judiciary has been making on-going efforts to make use of technology to enhance the efficiency of court operations. Since April 2020, the Judiciary has been conducting remote hearings for civil proceedings at different levels of court where appropriate. Over 1 000 remote hearings were conducted as of the end of 2021 and the experience has been positive. To promote the wider use of remote hearings, the Judiciary has made available guidance notes and demonstration videos on the website of the Judiciary¹, and will arrange pre-hearing connection tests and briefings for those who will join the hearings remotely. Arrangements have also been made to provide additional facilities at the High Court Building and the Queensway Government Offices for court users to join hearings remotely.

At present, there are legal obstacles to the general application of remote hearings to criminal proceedings. For example, the existing law generally requires the defendant to be physically present at arraignment and trial in criminal proceedings. The Judiciary is working on proposed legislative amendments to provide Judges and Judicial Officers with the flexibility to order remote hearings as appropriate, having regard to all relevant circumstances, as well as the dual requirements of open justice and fairness. The Judiciary is preparing detailed legislative amendments for the second round of consultations with stakeholders. The target is to introduce the Bill into the Legislative Council in 2022.

Remarks:

¹ https://www.judiciary.hk/en/court_services_facilities/gap_remote_hearing.html

- End -

CONTROLLING OFFICER'S REPLY

JA010

(Question Serial No. 0210)

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:

The average court waiting time for different types of criminal cases at the various levels of court in 2021 was prolonged mainly by the need to re-fix hearings affected by the reduction in court capacity since 2020 in light of the evolving public health situation. "Matters Requiring Special Attention in 2022-23" include the facilitation of the greater use of remote means of hearings for civil and criminal proceedings at all levels of courts where appropriate, the development of all necessary technologies for such purposes, as well as the introduction of necessary legislative amendments to enable the use of remote means of hearings as stated above. In this connection, please inform this Council:

Of the resources planned to be allocated to hold the relevant technology training activities; whether the Administration has detailed work plan, schedule and staffing establishment in relation to the introduction of the necessary legislative amendments to enable the use of remote means of hearings. If yes, what are the details; if no, what are the reasons.

Asked by: Hon YUNG Hoi-yan (LegCo internal reference no.: 2)

Reply:

The Judiciary has been making on-going efforts to make use of technology to enhance the efficiency of court operations. Since April 2020, the Judiciary has been conducting remote hearings for civil proceedings at different levels of court where appropriate. As at the end of 2021, over 1 000 remote hearings were conducted and the experience has been positive. To promote the wider use of remote hearings, the Judiciary has made available guidance notes and demonstration videos on the website of the Judiciary¹, and will arrange pre-hearing connection tests and briefings for those who will join the hearings remotely. Arrangements have also been made to provide additional facilities at the High Court Building and the Queensway Government Offices for court users to join hearings remotely. Since April 2020, the Judiciary has conducted over 1 000 remote hearings and the experience has been positive.

The Judiciary has been deploying the required manpower and financial resources on Information and Communications Technology (“ICT”) for implementing various initiatives involving the use of technology with a view to enhancing efficiency in court operations on an on-going basis. Supporting remote hearings is one of such initiatives. In 2022-23, the estimated recurrent expenditure relating to ICT initiatives is around \$240 million which accounts for 10% of the total estimated operating expenditure of the Judiciary. The average annual increase in the past five years is around 20%. With reference to the actual expenditure incurred in 2021-22, an estimated provision of \$15 million is for installation of information technology or audio-visual facilities and support equipment and related services in courtrooms and other office areas, including those required for supporting remote hearings. 8 staff members are estimated to be required for providing dedicated technical support to remote hearings. Additional expenditure and manpower support will be flexibly deployed within the Judiciary’s overall funding provision where necessary and justified.

At present, there are legal obstacles to the general application of remote hearings to criminal proceedings. For example, the existing law generally requires the defendant to be physically present at arraignment and trial in criminal proceedings. The Judiciary is working on proposed legislative amendments to provide Judges and Judicial Officers with the flexibility to order remote hearings as appropriate, having regard to all relevant circumstances, as well as the dual requirements of open justice and fairness. The Judiciary is preparing detailed legislative amendments for the second round of consultations with stakeholders. The target is to introduce the Bill into the Legislative Council in 2022.

Remarks:

¹ https://www.judiciary.hk/en/court_services_facilities/gap_remote_hearing.html

- End -

CONTROLLING OFFICER'S REPLY

S-JA001

(Question Serial No. S009)

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. What training has been provided to the designated judges to help them accurately understand the Law on Safeguarding National Security in Hong Kong ("NSL")?
2. Pursuant to Article 65 of the NSL, the power of interpretation of NSL shall be vested in the Standing Committee of the National People's Congress. How does the authority ensure that designated judges can interpret NSL correctly in hearing the cases?
3. Are designated judges provided with the most updated legal information and guidelines about NSL?

Asked by: Hon KAN Wai-mun, Carmen

Reply:

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

The Hong Kong Judicial Institute ("JI") is responsible for organizing judicial training and professional education activities 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.

In 2021, the JI organized a new series of seminars on Chinese law to strengthen understanding of the legal and judicial system of the Mainland. The first seminar on the Constitution of the People's Republic of China ("PRC"), the Basic Law and the NSL was conducted in April 2021. The seminar aimed at enhancing JJOs' general understanding of the latest developments of the Constitution of the PRC, the Basic Law and the NSL. The programme included presentations by Mr Justice Ribeiro, Permanent Judge of the Court of

Final Appeal (“CFA”) on a CFA decision related to the NSL, and Professor Albert Chen, Faculty of Law of the University of Hong Kong (“Professor Chen”) on the Constitution of the PRC, the Basic Law and the NSL. There was also a video presentation of two keynote speeches delivered by Mr Zhang Yong, Vice-chairperson of the Legislative Affairs Commission, Hong Kong Special Administrative Region (“HKSAR”) Basic Law Committee and Macao SAR Basic Law Committee of the Standing Committee of the National People’s Congress (“NPC”) during the Basic Law 30th Anniversary Legal Summit held on 17 November 2020, on the Constitution of the PRC and the Basic Law: the constitutional basis of the HKSAR as well as the systems and mechanisms for safeguarding national security respectively.

The second seminar on the constitutional role of the NPC and the development of the judicial system of the PRC was conducted in December 2021. The seminar aimed at keeping JJOs abreast of the constitutional role of the NPC and the Chinese legislative system, as well as the latest developments relating to the judicial system of the PRC. The programme included a presentation by Professor Chen on the NPC, the NPC Standing Committee and the Chinese legislative system as well as a video presentation by Mr Yang Wanming, Vice-President of the Supreme People’s Court (“SPC”) and Grand Justice on the judicial system of the PRC and its recent development.

These two seminars were attended by around 200 people including JJOs, representatives from the Hong Kong Bar Association, the Law Society of Hong Kong and other stakeholders within the legal sector, and legal academics.

In May 2021, the Chief Justice of the CFA led an official delegation comprising the Chief Judge of the High Court, a Justice of Appeal of the Court of Appeal of the High Court together with support staff to participate in an official visit and exchange programme organized by the SPC in Beijing.

The JI will continue to organize more Chinese law seminars and exchange programmes in 2022-23.

Details of the judicial training activities organized in 2021-22 are in the [Annex](#) attached.

**Judicial Training Activities Attended by Judges and Judicial Officers
for the financial year 2021-22**

Local Judicial Training Organized by the Hong Kong Judicial Institute

Date	Activity
21.4, 26.5, 5.8, 31.8, 29.12.2021 & 17.1.2022	Induction Briefings for Deputy Magistrates / Adjudicators
24.4.2021	Seminar on the Constitution of the People's Republic of China, the Basic Law and the National Security Law of the Hong Kong Special Administrative Region
30.4.2021	Sentencing Workshop for Magistrates
19.6.2021	Induction Course for District Judges and Magistrates
29.6.2021	Training on e-hearing for District Judges (Civil)
30.7.2021	Case Management Sharing Session
4.8.2021	Training on e-hearing for PI Judges and Masters
9.8 & 27.10.2021	Training on e-hearing for Family Judges
26.8.2021	Demonstration on Digital Evidence and Exhibit Handling for Magistrates
9.9 & 14.9.2021	Training on e-hearing for District Judges (Criminal)
30.9.2021	Training on Legal Research
23.10.2021	Seminar on Industrial Accidents – Electrocutation
11.12.2021	Seminar on the Constitutional Role of the National People's Congress and the Development of the Judicial System of the People's Republic of China

Other Local Judicial Training Activities Attended by Judges and Judicial Officers

Date	Activity
9.4.2021	Webinar entitled “Gross Negligence Manslaughter: Should it apply to healthcare practitioners?”, organized by the University of Hong Kong
3.5.2021	Webinar entitled “Foreign Judges on Domestic Courts: Joint Keynote presentation”, organized by the University of Hong Kong
31.5.2021	Webinar entitled “Digital Assets in Hong Kong: What are they and how are they taxed”, organized by the University of Hong Kong
1.6.2021	Webinar entitled “Permanent Bureau of the Hague Conference on Private International Law (“HCCH”) 1970 Evidence Convention and Remote Taking of Evidence by Video-link”, co-organised by Asian Business Law Institute and Permanent Bureau of the HCCH
11.6.2021	Webinar entitled “Conflicting Limitation Periods - A Comparison between Hong Kong and Mainland China”, organized by the Chinese University of Hong Kong
15.6.2021	Webinar entitled “Non Fungible Tokens: What’s Beyond the Hype?”, organized by the Chinese University of Hong Kong
22.6.2021	Webinar entitled “Statutory Adjudication For The Construction Industry - Its Role And Effectiveness In National Dispute Resolution”, organized by the Hong Kong Institute of Arbitrators
2.7.2021	Webinar entitled “Justice, the courts and Covid-19: the need for the judiciary to innovate”, organized by the International Bar Association
29.7.2021	Webinar entitled “Overview and Latest Development of Shipping Law in Hong Kong”, organized by the Hong Kong Institute of Arbitrators
4.10.2021	Webinar entitled “Law on Mental Capacity”, organized by the Chinese University of Hong Kong
6.10.2021	Webinar entitled “Non-fungible Tokens and Digital Art: what are they and what do you get if you buy one?”, organized by the Chinese University of Hong Kong
7.10.2021	Webinar entitled “The Recognition and Enforcement of International Mediated Settlement Agreements”, organized by the Chinese University of Hong Kong
8.10.2021	Webinar entitled “New Empirical Study of Typologies of Animal Cruelty in Hong Kong”, organized by the University of Hong Kong

Date	Activity
15.10.2021	Webinar entitled “Gross Negligence Manslaughter: Lessons Learnt from <i>HKSAR v Chow Heung Wing, Stephen, Chan Kwun Chung & Mak Wan Ling</i> ”, organized by the Chinese University of Hong Kong
26.10.2021	Webinar entitled “A tale of Two Regions: the Dichotomy between Chinese and Hong Kong Data Privacy Regime”, organized by the Chinese University of Hong Kong
27.10.2021	Webinar entitled “Artificial Intelligence: Privacy and Ethics”, organized by the University of Hong Kong
28.10.2021	Webinar entitled “Res Judicata in International Arbitration”, organized by the Hong Kong Institute of Arbitrators
17.12.2021	Webinar entitled “Anti-suit Injunctions and FRAND Litigation in China”, organized by the Chinese University of Hong Kong
26.1.2022	Webinar entitled “Relational Autonomy: Rethinking Informed Consent in Healthcare from Cross-Cultural and Religious Perspectives”, organized by the University of Hong Kong
22.2.2022	Webinar entitled “Equality”, organized by the Chinese University of Hong Kong
24.2.2022	Webinar entitled “Determining the Law of International Arbitration Agreements - New Insight from the UK Supreme Court”, organized by the Hong Kong Institute of Arbitrators
25.2.2022	Webinar entitled “The Asian Principles for the Recognition and Enforcement of Foreign Judgments”, organized by the Chinese University of Hong Kong
9.3.2022	Webinar entitled “The Incursion of Antitrust into China’s Platform Economy”, organized by the Chinese University of Hong Kong

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