

For Information

Legislative Council **Panel on Administration of Justice and Legal Services**

Caseload of the District Court **after the implementation of the** **District Court (Amendment) Ordinance**

Purpose

The purpose of this paper is to inform Members of the caseload situation in the District Court during the first six-month period from 1 September 2000 to 28 February 2001 after the implementation of the District Court (Amendment) Ordinance.

Background

2. The District Court (Amendment) Ordinance was passed by the Legislative Council on 17 May 2000. The main provisions of the District Court (Amendment) Ordinance include :

- (a) Raising the jurisdictional limits of the civil jurisdiction of the District Court as follows :
 - (i) the civil jurisdiction (including that on personal injury cases) from \$120,000 to \$600,000;
 - (ii) the jurisdiction on recovery of land from a rateable value of \$100,000 to \$240,000;
 - (iii) the jurisdiction where the title of land is in question from a rateable value of \$100,000 to \$240,000; and
 - (iv) equity jurisdiction from \$120,000 to \$600,000 or \$3,000,000 where land is involved; and

- (b) Introducing a Master System, similar to that of the High Court, into the District Court to deal with the less contentious interlocutory applications in an expeditious manner.

3. To tie in with the commencement of the District Court (Amendment) Ordinance, the Rules of the District Court and the District Court Civil Procedure (Fees) (Amendment) Rules, made by the District Court Rules Committee, were passed by the Legislative Council on 21 June 2000.

4. Both the District Court (Amendment) Ordinance and the two sets of Rules have come into operation with effect from 1 September 2000.

Caseload Situation in the District Court

5. A 6-month report on the caseload of the District Court since the commencement of the District Court (Amendment) Ordinance is at the Annex. The salient trends are highlighted in the following paragraphs.

(a) No. of cases filed

6. The total number of cases filed may give an impression that there was a decrease of 9% over the corresponding period in the previous years. A closer examination of the breakdown of the figures, however, provides the following explanations:

- (i) Of 15,921 cases filed during the period between September 2000 to February 2001, 4,330 cases were Inland Revenue Department actions on recovery of tax payment, which the District Court has exclusive jurisdiction. The increase in jurisdictional limits has no impact on them. The 50% reduction from 9,010 to 4,330 cases was mainly attributed to the temporary suspension of filing by IRD from September to November 2000 due to computer enhancement work carried out in the Department. The filing of IRD cases resumed since December 2000; and
- (ii) There was an increase of non-IRD civil cases filed in the District Court from 8,444 to 11,591 by 37%, of which the

number of writs filed between 1 September 2000 and 28 February 2001 was 4,820. Compared with 1,608 recorded over the corresponding period of the previous year, there was a drastic increase of about 200%. They included the following new types of cases – 201 personal injury claims, 870 recovery of land cases and 391 mortgage actions.

(b) No. of Interlocutory Hearings

7. The number of interlocutory hearings increased by 71% when compared to the corresponding period in the preceding year.

(c) No. of Trials Listed

8. It should be noted that it would take at least about nine months for cases filed after 1 September 2000 to come to the stage of trial. As such, the impact of the increase in jurisdictional limits on number of trials could only be assessed after summer this year.

(d) No. of Taxation

9. There was also a substantial increase of over 30% in the number of taxation cases handled by the District Court when compared to the corresponding period in the preceding year.

10. So far, the District Court is coping well with the increased caseloads and the new procedural framework:

- (a) A Listing Judge is now responsible for dealing with pre-trial reviews and listing of civil matters. Other civil judges deal with trials and contested interlocutory summons adjourned to them by Masters. A judge is charged to oversee personal injury actions. Additional judges would be deployed to handle civil cases when more trials are coming on stream;
- (b) There were two to three Masters dealing with civil work in the first six months. A Practice Master was on duty everyday;
- (c) The District Court Registry has been strengthened to cope with additional cases filed;

- (d) Additional courtrooms and the refurbished registry are available to help cope with the increasing workload and the new procedural framework adopted; and
- (e) Masters and staff are undergoing continuing training to ensure efficient discharge of their duties.

11. The implementation of the District Court (Amendment) Ordinance has so far been smooth. We would continue to monitor the situation and aim to make another report to Members in 6 months' time.

Caseload situation in the High Court

12. As some of the District Court caseload may be diverted from the High Court, we are also monitoring the civil caseload situation in the latter. It is noted that for the first 6-month period from September 2000 to February 2001, there were decreases in the number of cases filed (19%), the number of interlocutory hearings (26%) and the number of taxation handled (27%) when compared to the corresponding period in the previous year. There was an increase of 10% with regard to the number of trials listed. We would continue to monitor the situation closely.

Judiciary Administration
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Annex**Impact of New Civil Jurisdictional Limits
on Civil Caseload in the District Court**

	(A) 1.9.2000 – 28.2.2001	(B) 1.9.1999 – 29.2.2000	(A) - (B)	
			No. of cases	% of change
1. No. of Case filed :	15,921	17,454	-1,533	-8.8%
(a) Non-IRD cases	11,591	8,444	+3,147	+37.3%
(b) IRD cases	4,330*	9,010	-4,680	-51.9%
2. No. of interlocutory hearings	6,050	3,529	+2,521	+71.4%
3. No. of trials listed	304	318	-14	-4.4%
4. No. of Taxation	1,722	1,309	+413	+31.6%

* IRD (Inland Revenue Department) actions on recovery of tax payment are filed electronically. The filing of IRD cases was withheld in the months of Sept, Oct, and Nov 2000 due to the computer enhancement work carried out in IRD.