

Your ref. CB2/PL/AJLS+MP
 Our ref. SC(CR) 25/2/1 Pt 10

21 August 2003

With Chinese Translation

Mrs. Percy Ma
 Clerk to LegCo AJLS Panel
 Legislative Council Building
 8 Jackson Road
 Central, Hong Kong
 (Fax : 2509 9055)

Dear Mrs. Ma,

**Panels on Administration of Justice and Legal Services and
 Manpower**

Joint meeting on 19 June 2003

I refer to your letter of 8 August 2003 and forward the following comments on actions arising from the minutes of the above meeting :

- (a) Paragraph 37 – amount of claims involved in execution of court orders in Labour Tribunal cases

	<u>2001</u> \$m	<u>2002</u> \$m
Judgment debt	18.0	19.7
Amount recovered	6.5	4.7

The amount recovered depended on the wealth of the debtors and the value of assets seized by our Bailiffs.

(b) Paragraph 42(a) – Short term measures to improve the operation of Labour Tribunal

(i) Listing

Three call-over courts are conducting a 3 months' experiment in listing cases separately in the morning and in the afternoon to examine the impact on the time spent by parties while waiting for their cases to be heard. If the results are favourable, the question of extension of such arrangements to other courts will be examined.

(ii) Settlement of cases

All Presiding Officers have been reminded to exercise care, particularly during call over and mention hearings, to avoid any perception by the parties that they are being pressurized towards settlement. Where the parties wish, cases could be referred to the Tribunal Officers to deal with possible settlement.

(iii) Mention hearings

A standard direction for filing of documents will be designed and used by Tribunal Officers and Presiding Officers to ensure parties submit all relevant documents on time prior to the hearings. A clear warning would be given to parties that unless there s good reasons the hearings may proceed despite non-compliance. The number of mention hearings will thus be able to be minimized, aiming at only one mention-hearing for each case.

(iv) Trials

All Presiding Officers have been reminded to be more vigilant in controlling the length of trials and to minimize the number of part-heard cases.

(v) Witnesses

All Presiding Officers will remind witnesses to leave and wait outside court for their turn to give evidence. This has been a standard practice for all trial courts.

(vi) Standardisation of Forms

A dialogue has been established with the Labour Department to examine whether the forms used in filing claims in the Labour Department and the Labour Tribunal could be standardised.

(vii) Separate Locations

While structurally it is not possible to merge the Labour Tribunal courts at the Pioneer Centre and the Eastern Magistrates Court Building, a reminder has been sent to registry staff on the established practice that parties attending courts in one of the locations can file their documents at the registry at either location.

Yours sincerely,

(Wilfred Tsui)
Judiciary Administrator

c.c. Permanent Secretary for Economic (Fax : 3101 1066)
Development and Labour (Labour)