

**Replies to written questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2005-06**

**Controlling Officer : Judiciary Administrator
Session No. : 12 File name : S-JA-e1.rtf**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-JA01	SV22	Audrey EU	80	Courts and Tribunals
S-JA02	S023	HO Chun-yan, Albert	80	Courts and Tribunals
S-JA03	S057	KWONG Chi-kin	80	Courts and Tribunals
S-JA04	S058	KWONG Chi-kin	80	Courts and Tribunals

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-JA01

Question Serial No.

SV22

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: The Judiciary Administrator to advise on the Administration's consideration to Hon Audrey EU's suggestion that indicators on the estimated time from the commencement of legal proceedings to the availability of judgment at different levels of courts should be provided for public information.

Asked by: Hon. Audrey EU

Reply:

(1) It is not possible to give such indicators for reasons including : (i) The progress of various kinds of proceedings, particularly civil proceedings, from commencement to trial is largely within the control of the parties. (ii) The court has limited control of the length of trial. (iii) Even within a certain level of court, there is an infinite variety to the nature and complexity of cases and an overall indicator is not possible.

(2) As to time taken to deliver judgments after trial:

- (a) This does not arise in proceedings in many levels of court. For example, in criminal proceedings in the District Court and the Magistrates' Courts and in proceedings in the Small Claims and Labour Tribunals, oral judgments are usually given immediately after trial, transcripts of which will be available.
- (b) Where judgment is reserved, for example in civil cases in the High Court, the Judiciary's position is that :
 - (i) A judge should deliver judgments within a reasonable time taking into account the complexity of the matter and other work commitments.
 - (ii) Standard time limits could not be set given the infinite variety in the nature and complexity of cases and the circumstances.
 - (iii) The Court Leaders and the Chief Justice will continue to monitor the situation closely to ensure that reserved judgments are delivered within a reasonable time.

Signature _____

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 16.4.2005

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-JA02

Question Serial No.

S023

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: Follow-up question to JA014

Please give the number of cases of Magistrates' courts that have to be refixed due to the court's lack of time to deal with them on the day listed for trial for each of the past three years

Asked by: Hon. HO Chun-yan, Albert

Reply:

The Judiciary has not kept statistics on the information requested.

It is believed from experience that less than 5% of the cases listed for trial had to be refixed due to the court's lack of time to deal with them on the day listed for trial, and that it is not materially different from the position in the past years.

Signature _____

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 16.4.2005

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-JA03

Question Serial No.

S057

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: The Administration stated in the Programme concerned that the civil caseload in the District court is projected to rise slightly, however, at the same time Judiciary will delete 5 permanent clerical/secretarial posts in the District Court. Will this have any impact on the handling of District Court cases? Does the Administration have any measures to cope with the rising trend of caseload and the increasing number of complex cases in District Court?

Asked by: Hon. KWONG Chi-kin

Reply:

The five clerical/secretarial posts in the District Court planned for deletion in 2005-06 are all vacant posts. Their deletion would not affect the operation of the District Court.

The Judiciary would monitor the workload of the District Court including the case complexity. Where possible having regard to budgetary constraints, the Judiciary would redeploy internal resources to increase judicial manpower temporarily when necessary. When the point is reached that the waiting times are considered to be unacceptable, the question of providing additional resources to the Judiciary will have to be raised and addressed by the Administration and the Legislature.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 16.4.2005

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

Reply Serial No.

S-JA04

Question Serial No.

S058

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

1. The Administration stated in Note 3 and Note 6 under Programme (1) that the waiting time for High Court would be improved. However, at the same time, the Administration is going to delete 9 vacant permanent clerical/assistant posts in the High Court. Will this reduction of posts have any impact on the court waiting time?
2. To improve the long waiting time in High Court, the Administration has planned to deploy additional resources. However, only one deputy High Court Judge has been appointed for that purpose and there has been no increase in the establishment and overall financial resources for the Judiciary. Will such arrangement be adequate to meet the needs?

Asked by: Hon. KWONG Chi-kin

Reply:

- (a) The nine clerical/secretarial posts in the High Court planned for deletion in 2005-06 are all vacant posts. Their deletion would not affect the operation of the High Court and have no implication on the waiting times thereat.
- (b) The Judiciary would monitor the workload and waiting times at the High Court carefully. Where possible having regard to budgetary constraints, the Judiciary would redeploy internal resources to increase judicial manpower temporarily when necessary. When the point is reached that the waiting times are considered to be unacceptable, the question of providing additional resources to the Judiciary will have to be raised and addressed by the Administration and the Legislature.

Signature _____

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 16.4.2005