

**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 : JA-e1.rtf**

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JA002	0502	LI Fung-ying	80	Courts and Tribunals Support Services for Courts' Operation
JA003	0741	NG Margaret	80	Courts and Tribunals
JA004	0800	LEE Chu-ming, Martin	80	Courts and Tribunals
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JA008	1165	KWONG Chi-kin	80	Courts and Tribunals
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JA014	1849	HO Chun-yan, Albert	80	Courts and Tribunals

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA001

Question Serial No.

0501

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: With regard to the average waiting time (days) of Labour Tribunal, be it from appointment to filing of a case or from filing of a case to first hearing, the actual waiting times in both 2003 and 2004 are shorter than the target waiting time of 30 days. Given the said actual waiting times being well within the targets, will the Judiciary set a shorter target waiting time in these two areas? If not, what is the reason?

Asked by: Hon. LI Fung-ying

Reply:

Although the economy has improved, the caseload of the Labour Tribunal is expected to stay at a relatively high level. It is prudent to keep the planned waiting time in 2005 at 30 days from appointment booking to filing of claim. The Labour Tribunal will, however, strive to achieve an actual waiting as short as possible as in previous years.

The planned waiting time of 30 days from filing of claim to first hearing is set pursuant to section 13(1)(a) of the Labour Tribunal Ordinance (Cap. 25) which provides that a claim must be listed for a first hearing on a date not earlier than 10 days and not later than 30 days from filing of the claim unless the parties agree otherwise. The actual waiting time achieved in the past few years was about 24 to 25 days. The planned waiting time of 30 days is thus reasonable and realistic.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA002

Question Serial No.

0502

Head: 80 Judiciary

Subhead (No. & title):

Programme:

(1) Courts and Tribunals

(2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: It is estimated that 49 posts will be deleted in 2005-06. Please inform this Council:

1. What are the posts, ranks, years of service and terms of appointment of the staff involved, and in what way will these posts be deleted?
2. Will the deletion of these posts involve reduction of staff in the Labour Tribunal? If so, how many staff members will be reduced and what posts will be involved?
3. Will there be any impact on the operation of the Labour Tribunal when these posts are deleted? If so, please give the details and what measures will be taken to minimize the impact?

Asked by: Hon. LI Fung-ying

Reply:

1. The 49 posts intended for deletion in 2005-06 are all vacant permanent posts. No serving staff will be affected. The posts are –

Rank	<u>No. of Posts</u>
Executive Officer II	3
Clerical Officer	1
Assistant Clerical Officer	12
Clerical Assistant	1
Office Assistant	13
Personal Secretary I	1
Typist	5
Librarian	1
Senior Radio Mechanic	1
Assistant Chief Bailiff	1
Head Property Attendant	1
Property Attendant	8
Workman II	1
Total	<u>49</u>

- 2.&3. There is no reduction of posts in the Labour Tribunal and hence there is no impact on its operation.

Signature _____

Name in block letters _____

Wilfred Tsui

Post Title _____

Judiciary Administrator

Date _____

8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA003

Question Serial No.

0741

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: The Judiciary stated in the programme concerned that the planned waiting times for all types of cases in 2005 are generally much longer than the actual waiting times in 2004, especially for appeal cases, criminal cases of the Court of Appeal, appeals from Magistrates' Courts, civil cases of District Court, the Lands Tribunal, Labour Tribunal and Small Claims Tribunal. Is it attributable to the closure/merger exercise of some of the Magistrates or any other reasons? What measures will the Judiciary undertake in 2005-06 to enhance the relevant work processes to cope with the increase?

Asked by: Hon. NG Margaret

Reply:

The planned waiting times in 2005 are mostly formulated with reference to the target waiting times which are the Judiciary's performance pledges made in accordance with either legislative provisions or recommendations of the Court Users' Committees. The lower than target waiting time reported for 2004 for the type of cases mentioned actually reflected over-achievement. Given that there is no evidence that the number of cases will come down in 2005-06 and in the light of financial constraints, it is prudent to set the planned waiting times in 2005 at the same level as our performance pledges. We shall, however, continue to strive to shorten the actual waiting times as much as possible in practice.

The closure exercise in respect of the magistrates' courts is not a factor in the setting of 2005 planned waiting times in respect of cases mentioned.

To cope with the increasing workload in 2005-06, the Judiciary will redeploy resources to increase judicial manpower temporarily in areas facing pressure. It will also continue with its process re-engineering initiatives to streamline tasks and procedures in the Judiciary Administration to enhance efficiency.

There is, however, a limit as to what the Judiciary can do. It is a fundamental principle that the quality of justice must not be compromised and must be maintained. If there comes a point of time when the waiting times are considered to be unacceptable, the question of additional resources will have to be raised and properly addressed.

Signature _____

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA004

Question Serial No.

0800

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: The Judiciary stated in the programme concerned that "The civil caseload in the District Court is projected to rise slightly owing to the increase in civil jurisdictional limit and the increase in personal injuries claims. However, the impact is expected to be balanced off to some extent by the decrease in tax claims." If this is the case, how come the planned waiting time for civil cases in District Court in 2005-06 is much longer than the actual waiting time in 2004? Will the Judiciary undertake any measures in 2005-06 to improve the anticipated situation? If yes, what is the expenditure involved? If no, what is the reason?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

In the District Court, although the actual waiting time in 2004 for civil cases was 54 days, the actual waiting time achieved in 2003 was 108 days. Having regard to the experience in the last two years, it would be prudent to set the 2005 planned waiting time at the same level as the performance pledge target of 120 days.

We will monitor the situation and, in the light of the actual number of cases filed, strive to keep the actual waiting time as short as possible.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA005

Question Serial No.

0801

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: The Judiciary stated in the programme concerned that the “waiting time for Criminal Running List cases would be improved in 2005 with deployment of additional resources from August 2004.” Regarding the additional resources so deployed, please provide the respective figures on the increased establishment and the amount of additional provision actually allocated.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The additional resources, in terms of one Deputy High Court Judge, were redeployed within the Judiciary. There has been no increase in the establishment and overall financial resources for the Judiciary for that purpose.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA006

Question Serial No.

0802

Head: 80 Judiciary

Subhead (No.& title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: The Judiciary stated in the programme concerned that the “waiting time for Civil Running List cases would be improved in 2005 with deployment of additional resources from October 2004.” Regarding the additional resources so deployed, please provide the respective figures on the increased establishment and the amount of additional provision actually allocated. Please explain why, even with deployment of additional resources, the planned waiting time for the Civil Running List cases in 2005-06 is still much longer than the waiting time in 2003.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The additional resources, in terms of one Deputy High Court Judge, were redeployed within the Judiciary. There has been no increase in the establishment and overall financial resources for the Judiciary for that purpose.

The actual waiting time in 2003 was 53 days, whereas the actual waiting time in 2004 was 116 days. It is therefore prudent to set the 2005 planned waiting time at the same level as the performance pledge target of 90 days having regard to the experience in the past two years.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA007

Question Serial No.

0803

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: Please give the monthly average utilization rates of the system for e-Enquiry of Hearing Dates and the Revamped Legal Reference System since their introduction in May 2004 and September 2004 respectively, and please give the expenditure estimated for the maintenance of the two systems in 2005.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The monthly average utilization rates of the systems are as follows:

<u>System</u>	<u>Monthly Average Utilization Rate</u>
E-Hearing Date Enquiry System	4,118 (no. of enquiries)
Revamped Legal Reference System	633,718 (hit rate)

The estimated expenditure for the maintenance of the two systems in 2005 is \$450,000, covering support staff cost, hardware and software maintenance cost.

Signature _____

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA008

Question Serial No.

1165

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: With regard to dissolution of marriage cases in Family Court, be it the cases in the Special Procedure List or the Defended List, the waiting time (days) in 2004 failed to meet the planned target. What is the reason? Has the Judiciary planned to undertake any improvement measures in 2005-06? If yes, what is the resource involved and if no, what is the reason?

Asked by: Hon. KWONG Chi-kin

Reply:

The caseload of the family court had increased significantly in 2002 and 2003. The numbers of cases filed were as follows :

<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>
15,742	17,197	17,670	16,126

Many cases filed in 2003 and even some in 2002 were still going through their proceedings in 2004, resulting in great demand on the court's time. Hearings for interlocutory matters and enforcement proceedings for maintenance payments in 2004, for example, had increased by 5% over 2003. Hence, longer waiting times were recorded in 2004 for the Special Procedure List and the Defended List. With the reduction in caseload in 2004, it is expected that waiting times in 2005 will be better.

Additional resources, in terms of one Senior Judicial Clerk II, have been redeployed since the end of 2004 within the Judiciary to deal with directions for trial, with a view to assisting in speeding up the trial process. There has been no increase in the establishment and overall financial resources for the Judiciary for that purpose.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA 009

Question Serial No.

1166

Head: 80 Judiciary

Subhead (No. & title): 700 General non-recurrent

Programme:

(1) Courts and Tribunals

(2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: The Judiciary is required to put in place infrastructure and to provide other supporting services for the implementation of the Civil Justice Reform under Item 523 Implementation of the Civil Justice Reform. Please set out the progress made in this aspect in 2004-05. Please state the target and the estimated expenditure for this item for 2005-06.

Asked by: Hon. KWONG Chi-kin

Reply:

In 2004-05, the Steering Committee on Civil Justice Reform ("CJR"), established to oversee the implementation of the recommendations of the Final Report on CJR, has been working on drawing up drafting instructions on the necessary amendments to the relevant primary and subsidiary legislation.

Further the Steering Committee has been working on formulating an information technology enhancement strategy to support the reformed procedures, and the detailed system design.

In 2005-06, the Steering Committee (i) will continue its work on legislative amendments and information technology enhancement and (ii) it will also start devising a training strategy and training programmes for Judges and administrative staff. It is expected that \$2.26 million will be used for (i) and (ii).

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA010

Question Serial No.

1405

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

- Question: (a) In the Court of First Instance of the High Court, with regard to the item "Civil Running List-from setting down of a case to hearing" the average waiting time in 2004 lengthened by 63 days as compared with that in 2003, and failed to meet the 90-day target. What is the reason?
- (b) And in furtherance of the above question, the Administration stated in Note 6 that additional resources would be deployed to address the problem. What are the details of the plan and what is the expenditure involved?

Asked by: Hon. KWONG Chi-kin

Reply:

- (a) Of the 96 cases set down in the Civil Running List in 2004, 46 were subsequently found not ready for trial after setting down mainly because of the non-availability of witnesses or the making of interlocutory applications for further orders and directions. As waiting time is calculated from setting down of the cases in the List to the date of trial, the actual waiting time was lengthened.
- (b) The additional resources, in terms of one Deputy High Court Judge from October 2004, were redeployed within the Judiciary. There has been no increase in the establishment and overall financial resources for the Judiciary for that purpose.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA011

Question Serial No.

1410

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: In 2005-06, the Judiciary will delete 49 posts, namely 31 posts under Programme (1) Courts and Tribunals and 18 posts under Programme (2) Support Services for Courts' Operation. Please give details on the service divisions, ranks and nature (such as permanent or contract posts) of the posts involved, as well as the amount of savings in expenditure that can be achieved.

Asked by: Hon. KWONG Chi-kin

Reply:

The 49 posts intended for deletion in 2005-06, detailed below, are all vacant permanent posts. They are mainly clerical and secretarial posts in various court registries and administrative units responsible for registry functions and general support.

	<u>No. of Posts</u>	<u>Posts Involved</u>
(a) <u>Programme (1)</u>		
Court of Final Appeal	1	1 senior mechanic
High Court	10	9 clerical / secretarial staff and 1 workman
District Court	5	5 clerical /secretarial staff
Magistrates' Courts / Tribunal	15	13 clerical / secretarial staff and 2 property attendants
(b) <u>Programme (2)</u>		
Supporting Sections	18	3 executive officers, 1 assistant chief bailiff, 1 librarian, 7 property attendants and 6 clerical/secretarial staff
Total	49	

The reduction of these 49 posts would result in a savings of about \$8 million in notional annual mid-point salary values.

Signature _____

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA012

Question Serial No.

1847

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: What are the respective numbers of deputy judges appointed in 2002, 2003, 2004 and the current year up to now and their tenure of office. What is the policy on the appointment of deputy judges in the coming year?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The respective numbers of deputy judges and judicial officers (JJOs) appointed by ranks as at 1.4.2002, 1.4.2003, 1.4.2004 and 1.4.2005 are at the Annex.

Where budgetary constraints permit, deputy JJOs are appointed to meet operational needs, usually for the following periods :

		<u>Period</u>
1.	Court of First Instance and High Court Registry appointed from within the Judiciary*	9 months
2.	District Court appointed from within the Judiciary*	6 months
3.	Deputies in the Small Claims and Labour Tribunals and the Magistrates' Courts	9 months

* Where appointed from the profession, the period is 1 month.

The period of appointment may be extended if necessary to meet operational needs, e.g. where the case is part heard.

The policy to appoint deputy JJOs to meet operational needs where budgetary constraints permit will remain unchanged in the coming year.

Signature _____

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 8.4.2005

Appointment of Deputy Judges and Judicial Officers

Rank	As at 1.4.2002		As at 1.4.2003		As at 1.4.2004		As at 1.4.2005	
	Internal*	External*	Internal	External	Internal	External	Internal	External
1. Deputy Judges of the Court of First Instance	13	2	13	1	7	0	13	0
2. Temporary Deputy Registrars, High Court	5	1	5	1	6	1	5	0
3. Deputy District Judges	10	0	12	1	6	0	12	0
4. Deputy Magistrates	1	28	0	6	2	7	1	9
5. Deputy Special Magistrates	0	3	0	4	0	2	0	3
Total	29	34	30	13	21	10	31	12

*Note : Internal – appointments from lower courts

External – appointments from the legal profession

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION****JA013**

1848

Head: 80 JudiciarySubhead (No. & title):Programme: (1) Courts and TribunalsControlling Officer: Judiciary AdministratorDirector of Bureau: Judiciary Administrator

Question: Regarding the time taken from conclusion of hearing to the date of delivery of judgment for civil cases heard in the District Court, the Court of First Instance and the Court of Appeal between early 2004 and now, please give the number of cases that took more than 3 months, 6 months, 9 months and 12 months respectively.

Asked by: Hon. HO Chun-yan, AlbertReply:

To provide a more complete picture on the time taken for judgments to be delivered after conclusion of hearing in civil cases, the following table sets out the requested information from 2002 to 2004.

Time taken from conclusion of hearing to date of delivery of judgment*

Time between decision/judgment reserved and date of delivery	No. of civil cases											
	Court of Appeal			Court of First Instance – Minor Appeals			Court of First Instance			District Court		
	2002	2003	2004	2002	2003	2004	2002	2003	2004	2002	2003	2004
More than 3 months and up to 6 months	5	4	11	0	2	0	21	36	27	2	2	9
More than 6 months and up to 9 months	0	2	2	0	0	1	3	12	13	0	4	2
More than 9 months and up to 1 year	0	0	3	0	1	0	3	1	2	0	0	0
Over 1 year	1	0	1	0	0	0	5	0	0	0	0	0

*Note : A judgment reserved in a particular year may be delivered in a subsequent year. For example, under Court of Appeal, the figure of 1 for “over 1 year” in 2002 means that the judgment was reserved in 2002 and was delivered over 1 year later after 2002.

Signature _____

Name in block letters Wilfred TsuiPost Title Judiciary AdministratorDate 8.4.2005

**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA014

Question Serial No.

1849

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question: Please give the average waiting time for trial in 2004 with regard to cases heard in the Magistrates' Courts. How many cases that were waiting to be heard had to be re-fixed on the trial day as a result of the court's lack of time to conduct the hearing? How much longer did the litigants have to wait due to re-listing?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The average waiting time for trial in 2004 at magistrates' courts was about 10 weeks.

No statistics have been kept on cases that had to be re-fixed as a result of the court not being able to deal with them on the day fixed for the hearing. However, it is believed from experience that less than 5% of the cases listed for trial had to be re-fixed because they could not be dealt with on the listed day due to the court's lack of time. Such cases will be re-fixed to a date as soon as possible usually between 1 to 3 months.

Signature _____

Name in block letters _____ Wilfred Tsui

Post Title _____ Judiciary Administrator

Date _____ 8.4.2005