

**Replies to initial written questions raised by Finance Committee Members in
Examining the Estimates of Expenditure 2007-08**

**Controlling Officer : Judiciary Administrator
Session No. : 17**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
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JA002	1116	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
JA003	1117	Hon. LEE Chu-ming, Martin	80	Support Services for Courts' Operation
JA004	1118	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
JA005	1119	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
JA006	1120	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
JA007	1121	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
JA008	1122	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
JA009	1123	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
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**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

Reply Serial No.

JA001

Question Serial No.

1113

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

With regard to the Resource Centre For Unrepresented Litigants, please give the number of litigants seeking legal support through the Centre, the size of the establishment, and the actual expenditure for the year 2006-07 and what are the projected number of litigants, size of the establishment and expenditure for the year 2007-08?

Asked by: Hon. LEE Chu-ming, Martin

Reply: The information for the years 2006 and 2007 is as follows:

	<u>2006</u>	<u>2007</u> (Estimate)
No. of Users:		
Visits	4 784	5 000
Telephone enquiries	2 979	3 000
Access to webpage	266 866	300 000
Staff strength	5	5
Approximate salary expenditure	\$1,800,000	\$1,800,000

It should be noted that to maintain the impartiality of the Judiciary, the Resource Centre does not provide legal advice. It provides information and assistance on court rules and procedures in relation to civil proceedings in the High Court or the District Court except matrimonial, lands, employees' compensation and probate matters. Although the Judiciary Administration has no information as to whether the users of the services of the Resource Centre are litigants or would-be litigants, it is believed that they are likely to be.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA002

Question Serial No.

1116

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The target waiting time from application to fix date to hearing for the Civil Fixture List of the Court of First Instance of High Court is set at 180 days. To a lot of litigants, 180 days is still a long waiting time. Does the Judiciary have any ongoing measures to improve the relevant work process with a view to further shortening the waiting time of the said type of cases? If yes, please give details.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The target waiting time and the planned target for 2007 are both set at 180 days for cases on the Civil Fixture List of the Court of First Instance. In setting the target waiting time, consideration has to be given to allowing adequate time for parties to prepare their cases. The Judiciary has always strived to keep the actual waiting time as short as practicable and will redeploy its resources to the pressure areas whenever necessary. In this regard, additional judicial resources have been deployed and as a result, the actual waiting time for the Civil Fixture List of the Court of First Instance has reduced from 233 days in 2005 to 124 in 2006. The Judiciary will continue to monitor the waiting time closely.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA003

Question Serial No.

1117

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In 2007-08, the Judiciary would introduce the bill concerning the Civil Justice Reform into the Legislative Council. Has any assessment been made of the financial implications of the bill for the Judiciary? If yes, please provide information on the mechanism and result of the assessment. If no, what is the reason for not making any assessment?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

It is expected that the legislation to be introduced into the Legislative Council in 2007 to implement the Civil Justice Reform would streamline civil proceedings and eliminate unnecessary steps, thereby tending to lessen the strain on judicial resources. However, some of the proposed legislative amendments may increase the workload of the courts. It is difficult to estimate with any degree of precision at this stage as to the financial implication for the Judiciary. The Judiciary will continue to assess the possible resource implications of the implementation of the reform. Any additional resource requirements will be acquired in accordance with normal procedures of resource allocation.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17 March 2007

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

Reply Serial No.

JA004

Question Serial No.

1118

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please set out the figures on the number of applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decision for the past 3 years i.e. 2004, 2005 and 2006, and their respective average waiting times. How many of those applications for judicial reviews were legally aided?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The information requested is as follows:

Judicial Review Cases

	2004	2005	2006
No. of leave applications	150	155	132
No. of cases with at least one of the parties being legally aided as at filing of application	12	10	10
Average waiting time from listing to hearing of leave application*	33 days	30 days	22 days
No. of appeals against refusal of leave	15	21	16
Average waiting time from listing to appeal hearing in respect of refusal of leave	89 days	55 days	52 days
No. of substantive judicial review cases	72	91	70
Waiting time from listing to hearing of substantive case	153 days	179 days	84 days
No. of appeals against judicial review decision	16	16	33

	2004	2005	2006
Average waiting time from listing to appeal hearing	152 days	84 days	102 days

* A great majority of cases are disposed of on paper. While there are no figures, it is our experience that they are normally disposed of on paper in about three days.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA005

Question Serial No.

1119

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunal and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In 2006-07, what percentage out of the total provisions was allocated as financial resource for handling judicial reviews? What is the projected percentage for 2007-08?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

Many judges and judicial officers at the level of the High Court and above are involved in dealing with judicial review cases among other cases. Likewise, court support staff assist in the handling of judicial review cases among all types of cases. The Judiciary does not have breakdown for resources specifically for dealing with judicial review cases.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA006

Question Serial No.

1120

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In light of the increase in the number of judicial reviews in recent years, has the Judiciary allocated any corresponding resources to cope with the increase in workload? If yes, what are the resources allocated for such purpose? If no, please give the reason for not doing so.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

There are 132 judicial review applications in 2006, compared with 155 in 2005 and 150 in 2004. The number of applications in 2006 has therefore decreased by about 12% to 15% as compared with the previous two years.

The Judiciary considers that there are sufficient resources for dealing with judicial review applications.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA007

Question Serial No.

1121

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please give details on the establishment and strength of family mediators for the years 2004-05, 2005-06 and 2006-07 respectively and what are the expenses involved?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

There are no Family Mediators on the establishment of the Judiciary Administration.

The Judiciary Administration runs a Mediation Co-ordinator's Office which is staffed by a Mediation Co-ordinator and a clerk. The Mediation Co-ordinator's Office holds information sessions on family mediation and assists parties willing to receive mediation service in selecting their mediators who are all outside the Judiciary Administration. The salary expenditure of the Mediation Co-ordinator's Office for the recent three years are approximately as follows:

<u>2004 - 05</u>	<u>2005 - 06</u>	<u>2006 - 07</u> (revised estimate)
\$1,000,000	\$950,000	\$920,000

The establishment of the Mediation Co-ordinator's Office remains unchanged for the past three years and the salary costs have decreased due to staff changes.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA008

Question Serial No.

1122

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please give the number of cases handled by family mediators for the year 2006-07.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The Mediation Co-ordinator's Office holds information sessions on family mediation and assists parties willing to receive mediation service in selecting their mediators who are all outside the Judiciary Administration.

In 2006-07, the Mediation Co-ordinator's Office has held information sessions for 439 people and referred 113 cases to mediators in the private sector for mediation service.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA009

Question Serial No.

1123

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Has the Judiciary conducted any survey on the society's demand regarding family mediators, and will the Judiciary consider increasing the size of the establishment of the family mediators?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

There are now 98 Family Mediators who are on the list of the panel of family mediators kept by the Mediation Co-ordinator's Office (MCO Panel). They are accredited by the Hong Kong International Arbitration Centre. In 2006-07, the Mediation Co-ordinator's Office referred 113 cases to mediators on the MCO Panel. At present, the mediators on the MCO Panel can sufficiently cope with the demand for such services. The Mediation Co-ordinator's Office will continue to put qualified Family Mediators on the MCO Panel upon their application.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

Examination of Estimates of Expenditure 2007-08

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

Reply Serial No.

JA010

Question Serial No.

1168

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

With regard to the specific measures to be taken by the Judiciary for the implementation of the Civil Justice Reform in 2007-08, what is the expenditure required and what are the objectives?

Asked by: Hon. NG Margaret

Reply:

In 2007-08, the Judiciary will continue to focus its work on the necessary legislative amendments for the implementation of Civil Justice Reform ("CJR"), and aims to introduce the necessary legislation into the Legislative Council in 2007. It is estimated that about \$2M will be required in 2007-08 under Head 80 Subhead 700 for this purpose. The Judiciary will also study the area of information technology enhancement which is necessary to support the implementation of the reformed procedures.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA011

Question Serial No.

1169

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding dissolution of marriage cases in the Family Court, the actual waiting time from setting down of case to hearing for Special Procedure List increased drastically from 29 days in 2005 to 45 days in 2006. What is the reason for this? Note 4 (page 153) states that an additional Family Judge has been assigned since September 2006 to deal with the increasing workload. Please set out the monthly workload regarding these cases in 2005 and 2006. Is there any increase in the 2007 estimated expenses to cope with the increasing workload? If yes, what is the increase in amount and describe in detail how it operates?

Asked by: Hon. NG Margaret

Reply:

The number of cases filed in the Family Court increased by 9% in 2006 over 2005, being 18 544 cases and 16 947 cases respectively. The workload of the Family Court in respect of the Special Procedure List increased correspondingly, as reflected by the number of such cases dealt with by the courts each month as follows:

Special Procedure List cases dealt with in 2005 and 2006

Month	2005	2006
January	888	1 289
February	1 195	1 320
March	908	1 689
April	1 428	1 193
May	1 137	1 379
June	1 246	1 541
July	1 246	1 289

Month	2005	2006
August	1 440	1 515
September	1 463	1 679
October	1 502	1 504
November	1 604	2 027
December	1 242	1 784
Total	15 299	18 209

The increased workload under the Special Procedure List in 2006 was a major contributing factor to the lengthening of the waiting time from 29 days in 2005 to 45 days in 2006.

In order to cope with the increased workload, the Judiciary has operated one additional court in the Family Court since September 2006, resulting in seven courts in total. This measure has helped to reduce the waiting time for the Special Procedure List to 33 days in the last six months. This is within the target waiting time of 35 days.

The costs of operating the additional court are budgeted for in the 2007-08 draft estimates. It is estimated that they amount to about \$1,800,000 per annum.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA012

Question Serial No.

1170

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please explain the reasons for the reduction of 5.5% in the 2006-07 revised estimate and the increase of 12% in the 2007-08 estimate.

Asked by: Hon NG Margaret

Reply:

The decrease of 5.5% (\$40.3M) in the 2006-07 revised estimate is mainly due to the part year effect of the salary and related payments for new judges and judicial officers appointed in 2006-07, vacancies arising from natural wastage, reduced requirements for hire of services and reduced cash flow for non-recurrent items; partly offset by slight increase in general departmental expenses and cash flow requirement for capital projects.

The increase of 12% (\$82.4M) in the 2007-08 estimate is mainly due to the full year effect of judges and judicial officers posts filled in 2006-07 and to be filled in 2007-08, the deployment of resources to the Judiciary for performing various statutory functions including those under the Electoral Affairs Commission Ordinance and the Interception of Communications and Surveillance Ordinance, filling of some vacancies and new posts of support staff, salary increment, and increases in requirement for hire of services and general departmental expenses.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 17 March 2007

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

Reply Serial No.

JA013

Question Serial No.

1171

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

What are the concrete measures for developing a bilingual court system in Hong Kong, what is the estimated expenditure involved in 2007-08, what are the objectives, and how to assess the progress in providing the service?

Asked by: Hon. NG Margaret

Reply:

Article 9 of the Basic Law stipulates that in addition to the Chinese language, English may be used as an official language in court proceedings.

In accordance with section 5(1) of the Official Languages Ordinance (Cap. 5), a judge may use either Chinese or English or both in conducting court proceedings. In deciding which one of the official languages is to be used, the paramount consideration is the just and expeditious disposal of the cause or matter before the judge, having regard to all the circumstances of the case.

Regardless of which language the judge chooses to use, a party to the court proceedings may use either or both of the official languages. Court documents may be submitted in either Chinese or English, and are translated, if necessary, into the language the judge decides to use in the court proceedings.

The Judiciary maintains a bilingual court system through enhancing the bilingual capacity of the judges and judicial officers (JJOs) and the provision of interpretation and translation services for the courts. Without compromising judicial and professional quality, the policy of the Judiciary is to strive to increase the number of bilingual JJOs. At present, about 70% of our JJOs are bilingual.

The table below sets out the distribution of English and Chinese trials in 2005 and 2006. It illustrates that the courts are conducting more trials in Chinese.

**Ratio of English and Chinese trials at different court levels
(2005-2006)**

	2005	2006
<i>Court of Appeal</i>		
<u>Criminal cases</u>		
English	76%	65%
Chinese	24%	35%
<u>Civil cases</u>		
English	76%	74%
Chinese	24%	26%
<i>Court of First Instance</i>		
<u>Criminal cases</u>		
English	77%	74%
Chinese	23%	26%
<u>Civil cases</u>		
English	86%	85%
Chinese	14%	15%
<u>Appeal from lower courts</u>		
English	34%	34%
Chinese	66%	66%
District Court		
Criminal cases		
English	86%	63%
Chinese	14%	37%
<u>Civil cases</u>		
English	62%	55%
Chinese	38%	45%
<u>Magistrates' Courts</u>		
<u>Charge cases</u>		
English	39%	32%
Chinese	61%	68%
<u>Summonses</u>		
English	6%	5%
Chinese	94%	95%

Sufficient resources are provided for the operation of interpretation and translation services in support of the bilingual court system. These services are mainly provided by the court interpreters with an establishment of 167 at all ranks. While there is no breakdown for resources in support of the bilingual court system, the bulk of such resources are for the court interpreters at total salary costs of about \$77 million in 2007–08.

In addition, in 2007-08, about \$1,100,000 and \$500,000 will be provided for enhancing the bilingual skills of the JJOs and court interpreters respectively.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

Reply Serial No.

JA014

Question Serial No.

1172

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the summonses in Magistrates' Courts, the target waiting time is set at 50 days. However, the actual waiting time was 94 days in 2005 and 95 days in 2006 with an increase of 1 day. In spite of that, the planned waiting times is set at 50 days for 2007. What plans does the Judiciary have to effectively reduce the waiting time of these cases to such a large extent? Is there any increase in the relevant provisions? What are the reasons for the failure to meet the targets in 2005 and 2006?

Asked by: Hon. NG Margaret

Reply:

During the past two years, the Judiciary has been giving priority attention to charge cases as far as deployment of resources for the Magistrates' Courts is concerned. This is particularly important because many charge cases involve defendants in custody. The result is satisfactory and the average waiting time for charge cases involving defendants in custody has been maintained within the target and furthermore brought down from 44 days in 2005 to 42 days in 2006.

Summons cases in the Magistrates' Courts are mainly dealt with by Special Magistrates. Many of such cases are related to hawking and traffic offences.

The Judiciary has been monitoring the average waiting time for summons cases. A recruitment for Special Magistrates, with necessary financial provisions budgeted for in the 2007-08 draft estimates, is in hand and is expected to be completed within this year. It is expected that the average waiting time for summons cases would be improved with the appointment of new Special Magistrates. In the interim, Deputy Special Magistrates are being deployed on a temporary basis to relieve the workload.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 17 March 2007

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

JA015

Question Serial No.

1318

Head : 703 Buildings

Subhead : 3029LJ Relocation of Labour
Tribunal to the South Kowloon
Law Courts Building

Programme :

Controlling Officer : Director of Architectural Services

Director of Bureau : Judiciary Administrator

Question : Regarding the improvement works under the relevant sub-head, please inform this Committee of :

- (a) the progress of the works in 2006-07 and the percentage of works completed;
- (b) the progress of the works in 2007-08; and
- (c) the expected completion date of the works.

Asked by : Hon. KWONG Chi-kin

Reply : (a) Works commenced on 3 July 2006. By the end of February 2007, about 60% of works have been completed.

(b) & (c) Works will be completed in the third quarter of 2007 as scheduled.

Signature _____

Name in block letters _____ C. H. YUE

Post Title _____ Director of Architectural Services

Date _____ 13 March 2007