

**Replies to initial written questions raised by Finance Committee Members in
Examining the Estimates of Expenditure 2008-09**

**Controlling Officer : Judiciary Administrator
Session No. : 8**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
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JA002	0887	Hon. KWONG Chi-kin	80	Courts, Tribunals and Various Statutory Functions
JA003	1119	Hon. NG Margaret	80	Courts, Tribunals and Various Statutory Functions
JA004	1120	Hon. NG Margaret	CWRF 703	Courts, Tribunals and Various Statutory Functions
JA005	1775	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
JA006	1776	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
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JA010	1780	Hon. LEE Chu-ming, Martin	80	Support Services for Courts' Operation
JA011	1781	Hon. LEE Chu-ming, Martin	80	Courts, Tribunals and Various Statutory Functions
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**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA001

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

0886

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

- (a) The planned waiting time of the Labour Tribunal in 2008 from appointment to filing of a case is 30 days. However, the waiting times in 2006 and 2007 were only 12 and 10 days respectively. What is the reason for not considering setting a shorter waiting time?
- (b) The waiting times from appointment to filing of a case in 2006 and 2007 were shorter than the target of 30 days. What was the reason for this?
- (c) What were the longest, shortest and average waiting times from first hearing to conclusion in 2006 and 2007?

Asked by: Hon. KWONG Chi-kin

Reply:

- (a) The existing target, i.e. an average waiting time of 30 days, from appointment to filing is not unreasonable having regard to the fluctuating caseload of the Labour Tribunal. The Tribunal will keep the target under constant review to see if any revision should be made taking into account all relevant factors.

- (b) The average waiting times from appointment to filing in 2006 and 2007 were shorter than the target of 30 days. It was due to various factors, including reduced caseloads in recent years.
- (c) In the Labour Tribunal, there were 6,543 cases and 6,066 cases concluded in 2006 and 2007 respectively, of which 5,834 cases and 5,107 cases were concluded after hearing correspondingly. Over 90% (i.e. 5,292 and 4,709) of the cases heard were concluded in less than three months from first hearing to conclusion whereas less than 1% [i.e. 28 cases (0.5%) and 38 cases (0.7%)] were concluded in 12 months or more in the respective years.

The average time taken from first hearing to conclusion was 24 days in 2006 and 22 days in 2007. The shortest waiting time in 2006 and 2007 was less than one day, that was, the claims were concluded at the first hearing. The longest time was 2,031 days in 2006 and 1,945 days in 2007. It was mainly because the two cases concerned were adjourned sine die pending criminal investigation or appeal.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

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

JA002

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

0887

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Judiciary carries out enhancements through measures such as improving the listing system, pre-trial reviews and appropriate deployment of judicial resources. What enhancements have been made in respect of the Labour Tribunal?

Asked by: Hon. KWONG Chi-kin

Reply:

The enhancements carried out by the Labour Tribunal in respect of the above-mentioned areas are as follows –

- (a) Following the recommendations made by the Working Party on the Review of the Labour Tribunal in 2004, the number of pre-trial hearings has been reduced to streamline proceedings. In general, pre-trial hearings are generally dispensed with in simple claims. For claims that are not simple, there is normally only one such hearing. Further pre-trial hearings would only be conducted in exceptional cases involving a large number of parties and documents or complex issues;
- (b) Since April 2006, claims filed by the same claimant or against the same defendant are listed for hearing on the same date and in the same court where practicable;
- (c) Appropriate judicial resources are deployed to enable the Tribunal to meet its waiting time targets; and
- (d) Since January 2008, the Tribunal has been relocated from a commercial building to a renovated law courts building in South Kowloon. The relocated Tribunal provides better facilities for its users.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

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

JA003

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

1119

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In explaining that the target waiting time for compensation cases was exceeded and that the target waiting times for both summons and charge cases could not be met, the Judiciary mentioned in both instances that additional "temporary judicial resources" were deployed to relieve the problem. Please provide information as to under which programme such "temporary judicial resources" were allocated. Also, will any additional resources be deployed in 2008 for the purpose of dealing with waiting times falling short of targets? If yes, please give details as to the use of such provisions.

Asked by: Hon. NG Margaret

Reply:

The additional temporary judicial resources were allocated under Programme (1): Courts, Tribunals and Various Statutory Functions.

The Judiciary has been closely monitoring the waiting times of the Lands Tribunal and the Magistrates' Courts, amongst others, and would continue to deploy necessary resources to keep them within the targets.

Regarding the Lands Tribunal, additional temporary judicial resources, in terms of a Deputy District Judge, were deployed to the Tribunal in late 2007 to help to shorten the waiting times of compensation and other cases. Improvements have since been observed, with the average waiting time of the compensation cases reduced from 141 days in 2007 to 117 days for the period between September 2007 and February 2008. Resources are made available in the 2008-09 Draft Estimates to enable the continual deployment of additional temporary judicial resources to improve the waiting times of compensation and other cases in the Lands Tribunal.

Regarding the Magistrates' Courts, six newly recruited Special Magistrates took office in mid 2007 and additional temporary judicial resources, in terms of two additional Deputy Magistrates and two additional Deputy Special Magistrates, were also deployed over the period from late 2007 to early 2008 to improve the waiting times. As a result, all the waiting times of the Magistrates' Courts have been reduced over the past six months. The waiting times for charge cases for the period between September 2007 and February 2008 are within targets, i.e. 40 days for defendants in custody and 58 days for defendants on bail, while the waiting time for summons is reduced from 95 days in 2007 to 74 days for the period between September 2007 and February 2008. The Judiciary has included in the 2008-09 Draft Estimates financial provisions for the engagement and deployment of temporary judicial and support staff resources at the Magistrates' Courts with a view to improving the waiting times.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

Examination of Estimates of Expenditure 2008-09
CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION

Reply Serial No.

JA004

Question Serial No.

1120

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 : Please inform this Committee of the Judiciary's timetable for the relocation of the Labour Tribunal to more accessible premises and the details of the estimated funding required.

Asked by : Hon. NG Margaret

Reply : The Labour Tribunal has been relocated to the former South Kowloon Law Courts Building at Gascoigne Road, Yaumatei since January 2008. The approved project estimate is \$67.1 million.

Signature _____

Name in block letters _____ C. H. YUE

Post Title _____ Director of Architectural Services

Date _____ 17 March 2008

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

JA005

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

1775

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide the number of inquests held in the Coroner's Court for the years 2005, 2006 and 2007.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The numbers of death inquests concluded over the past three years are as follows:-

<u>2005</u>	<u>2006</u>	<u>2007</u>
189	210	185

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

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

JA006

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

1776

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide the number of inquests which commenced upon request of the Secretary for Justice for the years 2005, 2006 and 2007.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The Judiciary does not have available statistics of the number of death inquests which commenced upon request of the Secretary for Justice.

Signature _____

Name in block letters _____ EMMA LAU _____

Post Title _____ Judiciary Administrator _____

Date _____ 27 March 2008 _____

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

JA007

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

1777

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 the applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decisions in 2007, and their respective average waiting times? How many of those judicial review cases were legally aided?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The information requested is as follows:

Judicial Review Cases

	2007
(a) No. of leave applications	143
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	19
(c) Average waiting time from listing to hearing of leave application*	13 days
(d) No. of appeals against refusal of leave	18
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	43 days
(f) No. of substantive judicial review cases	74
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	17

(h) Average waiting time from listing to hearing of substantive case	100 days
(i) No. of appeals against judicial review decisions	23
(j) Average waiting time from listing to appeal hearing	125 days

*A great majority of cases are disposed of on paper. While there are no available 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 27 March 2008

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

JA008

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

1778

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The average waiting times for appeal cases, compensation cases, building management cases and tenancy cases in the Lands Tribunal have increased drastically in 2007 when compared with those in 2006 and the waiting time for compensation cases has even exceeded the target. Will the Judiciary set out:

- (a) the details of additional temporary judicial resources deployed in the above circumstances; and
- (b) whether consideration will be given to increasing the Judiciary's financial provision allocated to the Lands Tribunal?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

- (a) The Judiciary has been closely monitoring the waiting times of the Lands Tribunal, amongst others, and would continue to deploy necessary resources to keep them within the targets.

In 2007, three of the average waiting times (namely, appeal cases, building management cases and tenancy cases) of the Tribunal were within targets. The waiting time of compensation cases, which involved a very small number of cases, was 141 days. Additional temporary judicial resources, in terms of a Deputy District Judge, were deployed to the Tribunal in late 2007 to help to shorten the waiting times of compensation and other cases. Improvements have since been observed, with the average waiting time of the compensation cases reduced from 141 days in 2007 to 117 days for the period between September 2007 and February 2008.

- (b) Resources are made available in the 2008-09 Draft Estimates to enable the continual deployment of additional temporary judicial resources to help to shorten the waiting times of compensation and other cases in the Lands Tribunal.

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Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

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

JA009

Question
Serial No.

1779

Head: 80 Judiciary

Subhead (No. & title):

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Under this programme, please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court.

Asked by: Hon. LEE Chu-ming, Martin

Reply:

The establishment, number of posts and approximate salary expenditure for Judges and staff of the Lands Tribunal, Labour Tribunal, Small Claims Tribunal, Obscene Articles Tribunal and Coroner's Court are as follows:

Tribunal/Court	Establishment	No. of posts	Approximate salary expenditure (\$)*
Lands Tribunal	23	2 – District Judge 1 – Member 4 – Judicial Clerk 15 – Clerical Staff 1 – Office Assistant	9.6 million
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk 28 – Tribunal Officer 38 – Clerical Staff 8 – Secretarial Staff 6 – Office Assistant 1 – Workman II	37.9 million

Tribunal/Court	Establishment	No. of posts	Approximate salary expenditure (\$)*
Small Claims Tribunal	44	1 – Principal Adjudicator 7 – Adjudicator 9 – Judicial Clerk 25 – Clerical Staff 2 – Office Assistant	19.3 million
Obscene Articles Tribunal	7	2 – Magistrate 4 – Clerical Staff 1 – Office Assistant	3.4 million
Coroner's Court	11	3 – Coroner 6 – Clerical Staff 1 – Secretarial Staff 1 – Office Assistant	5.4 million

* The estimates have included any acting allowances payable in individual cases where acting appointments are necessary.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

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

JA010

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

1780

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 2007-08. What are the projected number of litigants, size of the establishment and expenditure for the year 2008-09?

Asked by: Hon. LEE Chu-ming Martin

Reply:

The information for the years 2007 and 2008 is as follows:

	<u>2007</u>	<u>2008</u> (Estimate)
Number of use		
Visits	9 900	10 000
Telephone enquiries	3 100	3 400
Access to webpage	290 000	319 000
	<u>2007-08</u>	<u>2008-09</u> (Draft Estimate)
<u>Approximate expenditure</u>	\$1,800,000	\$1,800,000
Staff strength	5	5

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 available 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 27 March 2008

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

JA011

Question Serial
No.

Head: 80 Judiciary

Subhead (No. & title):

1781

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

- (a) Please provide information on the establishment, strength and the expenditures of family mediators for the years 2005, 2006 and 2007 respectively.
- (b) Please give the number of cases handled by family mediators for the year 2007-08.
- (c) Has the Judiciary conducted any research on whether there is sufficient demand from the society for family mediators? If yes, what are the findings?

Asked by: Hon. LEE Chu-ming, Martin

Reply:

- (a) The role of the Mediation Co-ordinator's Office is to act as a focal point for family mediation enquiries. The Office conducts information sessions on family mediation and reports the attendance of the parties concerned to the court. It also provides pre-mediation consultation and assists those parties willing to receive mediation service in selecting their mediators, who undertake actual mediation sessions outside the Judiciary. The Office also acts generally as a liaison office and answers public enquiries. As such, there are no Family Mediators on the establishment of the Mediation Co-ordinator's Office.

The Mediation Co-ordinator's Office is staffed by a Mediation Co-ordinator and clerical staff. Its salary expenditures for the recent three years are approximately as follows:

	<u>2005 - 06</u>	<u>2006 - 07</u>	<u>2007 - 08</u> (Revised Estimate)
Strength	1 Mediation Co-ordinator	1 Mediation Co-ordinator	1 Mediation Co-ordinator
Salary expenditure	1 Clerk \$950,000	1 Clerk \$920,000	1.5 Clerk \$980,000

The change in salary expenditure in 2006-07 over 2005-06 was mainly due to staff changes. The salary expenditure in 2007-08 represents an increase of \$60,000 (or 6.5%) over 2006-07. It is mainly due to salary adjustments in 2007-08 and part-year effect of additional manpower resources since December 2007.

- (b) In 2007-08, the Mediation Co-ordinator's Office has organized 190 information sessions (including pre-mediation consultations) for 400 participants, and referred 80 cases (involving 160 parties) to the mediators in the private sector for mediation service. It is noted that some parties may choose to directly approach private mediators without referral.
- (c) The Judiciary does not conduct any research on the demand of the society for family mediators. It is however noted that as at mid March 2008, there are 99 family mediators on the list of the Panel of Family Mediators, accredited by the Hong Kong International Arbitration Centre, kept by the Mediation Co-ordinator's Office. There are no difficulties in making referrals from the Office to these family mediators. The Office will continue to put qualified family mediators on the list upon application.

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Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

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

JA012

Question
Serial No.

2333

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 inform the Council as to how much resources will be allocated by the Judiciary for 2008-09 to improve the listing systems and please give details of such improvement measures.

Asked by: Hon. Li Kwok-ying

Reply:

The Judiciary has always strived to keep the waiting time at various levels of courts within targets in listing cases for hearing and would continue to deploy necessary resources for this purpose. In this regard, the Judiciary has included provisions in the 2008-09 Draft Estimates for the proposed creation of an additional 8 posts of judges and judicial officers and the creation of 17 civil service posts to provide support to judges and judicial officers. In addition, the Judiciary has included in the 2008-09 Draft Estimates financial provisions for the engagement and deployment of temporary judicial and support staff resources at various levels of courts to keep the waiting times within targets.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

JA013

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

Question
Serial No.

2334

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 provide information on the manpower and expenditure input by the Judiciary in 2008-09 in order to perform statutory functions under the following Ordinances:

- (a) the Electoral Affairs Commission Ordinance;
- (b) the Interception of Communications and Surveillance Ordinance; and
- (c) the Securities and Futures Ordinance.

Asked by: Hon.LI Kwok-ying

Reply:

In 2008-09, the estimated manpower and expenditure input for performing the following statutory functions are:

	<u>Estimates</u> (\$)
(a) Electoral Affairs Commission Ordinance – Approximately 50% of the time of the Judge of the Court of First Instance of the High Court who is appointed as Chairman of the Electoral Affairs Commission	1.3 million
(b) Interception of Communications and Surveillance Ordinance – Two Judges of the Court of First Instance of the High Court, 4 support staff and related operational expenses	11.1 million
(c) Securities and Futures Ordinance – One Judge of the Court of First Instance of the High Court	2.3 million

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008

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

JA014

Question
Serial No.

2718

Head: 80 JudiciarySubhead (No. &
title):

Programme: (1) Courts, Tribunals and Various Statutory Functions
(2) Support Services for Courts' Operation

Controlling Officer: Judiciary AdministratorDirector of Bureau: Judiciary AdministratorQuestion:

- (a) Regarding consultancy studies for which financial provision has been allocated in 2007-08, please provide details in the following format:

Names of consultants (if available)	Contents of studies	Revised estimate (\$)	Progress of consultancy studies (planning/ in progress/ completed)	The Administration's follow-up action on the consultancy reports and the progress (if available)	If completed, have they been published? If yes, in what way? If no, for what reason?

- (b) Will there be any financial provision allocated for commissioning consultancy studies in 2008-09? If yes, please provide the following details:

Names of consultants (if available)	Contents of studies	Expenditure (\$)	Progress of consultancy studies (planning/ in progress/ completed)	If they are expected to be completed in 2008-09, will they be published? If yes, in what way? If no, for what reason?

Asked by: Hon. EU Yuet-mee, AudreyReply: There are no consultancy studies carried out in 2007-08 by the Judiciary.

At present, the Judiciary has no plans to commission any consultancy studies in 2008-09, and has not made any specific provision for this purpose in the 2008-09 Draft Estimates.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 27 March 2008