

**Replies to supplementary questions raised by Finance Committee Members
in examining the Estimates of Expenditure 2009-10**

**Controlling Officer: Judiciary Administrator
Session No. : 5**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-JA01	S021	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions
S-JA02	S022	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions
S-JA03	S023	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions
S-JA04	S024	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions
S-JA05	S025	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions
S-JA06	S026	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions
S-JA07	SV006	Hon. LAU Kin-ye, Miriam	80	Courts, Tribunals and Various Statutory Functions
S-JA08	SV008	Hon. EU Yuet-mee, Audrey	80	Courts, Tribunals and Various Statutory Functions

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

S-JA01

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S021

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

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 2008-09. What are the projected number of litigants, size of the establishment, and expenditure for the year 2009-10?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information for the years 2008 and 2009 is as follows –

	<u>2008</u>	<u>2009</u> (Estimate)
Number of use		
Visits	10 100	10 500
Telephone enquiries	2 900	3 000
Access to webpage	242 000	250 000
	<u>2008-09</u>	<u>2009-10</u> (Draft Estimate)
Approximate expenditure	\$1,800,000	\$2,880,000
Staff strength	5	6

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 30.3.2009

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

S-JA02

Head: 80 Judiciary Subhead (No. & title):

Question Serial No.

S022

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. HO Chun-yan, Albert

Reply:

The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers 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	Annual salary at mid-point * (\$)
Lands Tribunal	24	2 – District Judge 1 – Member 5 – Judicial Clerk grade staff 15 – Clerical Staff 1 – Office Assistant	10.4 million
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 38 – Clerical Staff 8 – Secretarial Staff 6 – Office Assistant 1 – Workman II	39.4 million

Tribunal/Court	Establishment	No. of posts	Annual salary at mid-point* (\$)
Small Claims Tribunal	46	1 – Principal Adjudicator 7 – Adjudicator 9 – Judicial Clerk grade staff 27 – Clerical Staff 2 – Office Assistant	20.3 million
Obscene Articles Tribunal	7	2 – Magistrates 4 – Clerical Staff 1 – Office Assistant	3.4 million
Coroner's Court	11	3 – Coroner 6 – Clerical Staff 1 – Secretarial Staff 1 – Office Assistant	5.5 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 30.3.2009

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

S-JA03

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S023

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

- (1) Please provide information on the establishment, strength and the expenditures of family mediators for the years 2006-07, 2007-08 and 2008-09 respectively.
- (2) Please give the number of cases handled by family mediators for the year 2008.

Asked by: Hon. HO Chun-yan, Albert

Reply:

- (1) 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 facilitates those parties willing to receive mediation service in selecting their mediators. The Office also acts generally as a liaison office and answers public enquiries. Mediation services are conducted by mediators outside the Judiciary.

The Mediation Co-ordinator's Office is staffed by a Mediation Co-ordinator and clerical staff. There are no Family Mediators on the establishment of the Mediation Co-ordinator's Office. The Office's salary expenditures for the recent three years are approximately as follows –

	<u>2006-07</u>	<u>2007-08</u>	<u>2008-09</u> (Revised Estimate)
Strength	1 Mediation Co-ordinator	1 Mediation Co-ordinator	1 Mediation Co-ordinator
	1 Clerk	1.5 Clerk	2 Clerks
Salary expenditure	\$920,000	\$980,000	\$1,250,000

The change in salary expenditure in 2008-09 over 2007-08 is mainly due to salary adjustments in 2008-09 and the effect of additional clerical support since April 2008.

- (2) In 2008-09, the Mediation Co-ordinator's Office has organized 225 information sessions (including pre-mediation consultations) for 445 participants, and referred 90 cases (involving 180 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.

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Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

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

S-JA04

Head: 80 Judiciary Subhead (No. & title):

Question Serial No.

S024

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide 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 2008, and their respective average waiting times? How many of those judicial review cases were legally aided?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information requested is as follows –

Judicial Review Cases

	2008
(a) No. of leave applications	147
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	25
(c) Average waiting time from listing to hearing of leave application*	15 days
(d) No. of appeals against refusal of leave	23
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	48 days
(f) No. of substantive judicial review cases	63
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	19

	2008
(h) Average waiting time from listing to hearing of substantive case	98 days
(i) No. of appeals against judicial review decisions	18
(j) Average waiting time from listing to appeal hearing	112 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 30.3.2009

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

S-JA05

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S025

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide the numbers of inquests held in the Coroner's Court for the years 2006, 2007 and 2008.

Asked by: Hon. HO Chun-yan, Albert

Reply:

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

<u>2006</u>	<u>2007</u>	<u>2008</u>
210	185	145

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

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

S-JA06

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S026

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 2006, 2007 and 2008.

Asked by: Hon. HO Chun-yan, Albert

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 30.3.2009

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

S-JA07

Head: 80 Judiciary Subhead (No. & title):

Question Serial No.

SV006

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Judiciary was requested to provide information on a breakdown, by types of offences involved and the enforcement departments concerned, of the summons cases from 2005 to 2008.

Asked by: Hon. LAU Kin-yee, Miriam

Reply:

The summons cases are made up of departmental summonses, driving-offence points summonses, fixed penalty summonses (traffic), fixed penalty summonses (public cleanliness offences) and private summonses. A breakdown is provided at **Annex 1**.

The departmental summonses involve 38 enforcing departments/agencies involving various offences under different ordinances. A list of these departments/agencies is at **Annex 2**.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

Caseload of Summonses

Types of Summons	Caseload			
	2005	2006	2007	2008
Departmental Summonses ¹	153 889	149 725	158 009	183 280
Driving-Offence Points Summonses ²	3 258	4 114	4 460	5 094
Fixed Penalty Summonses (Traffic) ³	855	1 004	1 103	1 202
Fixed Penalty Summonses (Public Cleanliness Offences) ⁴	499	532	426	458
Private Summonses ⁵	3	6	0	2
Total	158 504	155 381	163 998	190 036

¹ The departmental summonses include summonses taken out by 38 enforcing departments/agencies other than driving-offence points summonses, fixed penalty summonses (traffic) and fixed penalty summonses (public cleanliness offences).

² For offences involved in the driving-offence points summonses, they are disqualification applications taken out by the Commissioner for Transport against persons from holding or obtaining a driving licence under the Road Traffic (Driving-offence Points) Ordinance, Cap. 375.

³ For offences involved in the fixed penalty summonses (traffic), they are offences taken up by the Commissioner of Police and Director of Housing under the following ordinances:

- Fixed Penalty (Traffic Contraventions) Ordinance, Cap. 237;
- Fixed Penalty (Criminal Proceedings) Ordinance, Cap. 240; and
- Housing (Traffic Contraventions) (Fixed Penalty) Bylaw, Cap. 283C.

⁴ For offences involved in the fixed penalty summonses (public cleanliness offences), they are offences under the Fixed Penalty (Public Cleanliness Offences) Ordinance, Cap. 570. Pursuant to the Schedule to the Ordinance, the power to take out the summonses is rested with the following authority:

- Commissioner of Police
- Director of Agriculture, Fisheries and Conservation
- Director of Environmental Protection
- Director of Food and Environmental Hygiene
- Director of Housing
- Director of Leisure and Cultural Services
- Director of Marine

⁵ Private summonses are taken out by individuals.

**Departmental Summonses taken out by
Enforcement Departments/Agencies**

Enforcing Departments/Agencies	Number of Departmental Summonses			
	2005	2006	2007	2008
Agriculture, Fisheries and Conservation Department	1 398	1 563	1 493	1 565
Buildings Department	3 012	3 077	3 039	3 124
Customs and Excise Department	2 562	4 123	2 858	2 806
Companies Registry	3 464	6 029	6 127	5 442
Central Traffic Prosecutions Division, Hong Kong Police Force	65 921	52 743	56 166	68 863
Department of Health	0	11	2 929	5 945
Electrical and Mechanical Services Department	506	511	412	962
Environmental Protection Department	286	337	487	471
Food and Environmental Hygiene Department	17 392	22 809	25 661	26 951
Fire Services Department	603	510	654	477
Home Affairs Department	34	41	66	74
Housing Department	90	157	158	345
Hospital Authority	80	60	28	16
Hong Kong Police Force ¹	8 812	6 902	6 860	6 931
Highways Department	119	110	120	84
Immigration Department	605	720	635	540
Inland Revenue Department	30 829	31 417	31 193	43 134
Kowloon-Canton Railway Corporation ²	1 097	1 555	1 576	271
Leisure and Cultural Services Department	203	139	124	48

¹ Cases involved offences other than traffic summonses.

² Summonses involved offences committed before the Rail Merger on 2 December 2007.

Enforcing Departments/Agencies	Number of Departmental Summonses			
	2005	2006	2007	2008
Labour Department	5 568	5 008	5 277	5 142
Lands Department	20	30	19	26
KCRC - Light Rail Division ²	1 428	1 920	1 855	220
Marine Department	1 262	1 127	924	867
MTR Corporation Limited ³	239	307	151	1 218
New Hong Kong Tunnel Co. Ltd.	586	503	317	420
Official Receiver's Office	444	730	700	618
Office of The Telecommunications Authority	377	414	271	300
Planning Department	92	154	190	237
Route 3 (CPS) Company Ltd	1 205	844	878	655
Rating and Valuation Department	0	0	15	1
Securities and Futures Commission	237	150	373	198
Social Welfare Department	6	17	11	23
Tate's Cairn Tunnel Co. Ltd.	327	319	295	223
Transport Department	3 620	3 959	4 959	4 260
Television and Entertainment Licensing Authority	206	234	78	26
Western Harbour Tunnel Company Limited	406	340	437	595
KCRC - West Rail ²	640	633	505	52
Water Supplies Department	213	222	168	150
Total	153 889	149 725	158 009	183 280

³ Summonses included offences committed after the Rail Merger on 2 December 2007.

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

S-JA08

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

SV008

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Judiciary was requested to provide information on the basis on which the user satisfaction rating of 90% was obtained in respect of the Resource Centre for Unrepresented Litigants, and the report of the relevant user satisfaction survey.

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

The Judiciary Administration had conducted a user satisfaction survey in 2005 to gauge feedback and views from the users of the Resource Centre. Regarding services provided by the Resource Centre, the key findings of the survey are as follows –

- (i) Over 90% of the respondents were satisfied with the services provided by the Resource Centre; and
- (ii) Over 95% of the respondents were satisfied with the performance of the staff of the Resource Centre.

For details, please refer to the attached paper, which was submitted to the Bills Committee on Civil Justice (Miscellaneous Amendments) Bill 2007 in May 2007.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 30.3.2009

**Bills Committee on
Civil Justice (Miscellaneous Amendments) Bill 2007**

Resource Centre for Unrepresented Litigants

Purpose

This paper provides Members with information concerning the Resource Centre for Unrepresented Litigants (“the Resource Centre”).

Background

2. At the Bills Committee meeting on 15 May 2007, Members asked the Judiciary Administration to provide the following information:

- (a) results of the user satisfaction survey conducted by the Judiciary Administration on the Resource Centre; and
- (b) nature of questions/information frequently asked/sought by users of the Resource Centre.

The Resource Centre

3. The Resource Centre was set up by the Judiciary on 22 December 2003 to provide unrepresented litigants with advice on court rules and procedural matters in civil proceedings in the High Court and the District Court. Given the importance of maintaining the impartiality and neutrality of the Judiciary, the Resource Centre does not provide legal advice. As regards procedural matters relating to matrimonial, lands, employees’ compensation and probate matters, assistance will continue to be provided by the staff of the respective registries.

User Satisfaction Survey

4. In the summer of 2005, the Judiciary Administration conducted a user satisfaction survey (“the survey”) to gauge feedback and views from the users of the Resource Centre. Face-to-face interviews with the users of the

Resource Centre were carried out throughout the month of July 2005. The same questionnaire was also posted on the website of the Resource Centre for online completion. There were 185 respondents. Among them, 171 were users of the Resource Centre and 14 were online responses.

5. The key findings of the survey are as follows:

(a) Regarding services provided by the Resource Centre:

- (i) Over 90% of the respondents were satisfied with the services provided by the Resource Centre;
- (ii) Over 95% of the respondents were satisfied with the performance of the staff of the Resource Centre; and
- (iii) Over 70% of the respondents found the information provided in the pamphlets in the Resource Centre useful.

(b) Regarding demand for extended scope and services:

- (i) A majority of the respondents considered that it would be helpful if assistance could be provided by social workers or law students to help them understand what happened during the court proceedings; and
- (ii) A majority of the respondents also suggested that free legal advice and Duty Lawyers Service should be made available at the Resource Centre.

6. The survey results were examined by the Consultative Committee on the Resource Centre for Unrepresented Litigants, which was appointed by the Chief Justice to consider firstly the extent to which the Resource Centre had achieved its objectives and secondly what further improvements could be made. A report is being compiled for submission to the Chief Justice in the third quarter of the year.

Usage of Facilities and Services

7. Since the establishment of the Resource Centre, the usage of its facilities and services has been increasing steadily. The following statistics are relevant:

Facility / Service	No. of Users		
	2004	2005	2006
General Counter enquiries	4 268	3 877	4 784
Collection of brochures on civil proceedings	517	265	347
Collection of court forms	884	963	1 863
Computer facilities for legal information	90	190	617
Viewing of videos on court procedure	74	27	31
Photocopying service	6 609 pages	5 974 pages	10 396 pages
Telephone enquiries	2 591	2 746	2 979
Access to website	174 968 hits	154 404 hits	266 866 hits

8. Based on experience, the Resource Centre has drawn up a set of frequently asked questions (at the **Annex**) raised by the users. Such questions, with brief answers, are uploaded to the Resource Centre website for general information.

Judiciary Administration
May 2007

**Frequently Asked Questions
Raised by Users of the Resource Centre
for Unrepresented Litigants**

- Q1: Do I have to appear in Court if I apply for default judgment?
- Q2: If I lost the case, is it necessary for me to pay the solicitors fee of the other side? If yes, how much?
- Q3: My claim is allowed by the Labour Tribunal, but my employer has not paid the wages due for work done or made the payment. I have already got a Certificate of Award from the Labour Tribunal and I am required to pay a fee when I register the certificate with the District Court. I want to know for what purpose such a fee is paid and whether I am required to pay an additional fee on application for a writ of execution (a writ of fieri facias).
- Q4: What steps have to be taken if I want to have a stay of execution of the judgment/order pending appeal in the Court of Appeal?
- Q5: Why does the judgment creditor still enforce the judgment/order entered against me when I have already lodged an appeal against it?
- Q6: What would happen if the Bailiff is denied admittance to a building or if no person answers or is in the building in respect of which he has a warrant to distrain?
- Q7: If the bailiff finds the premises in respect of which he has a warrant to distrain is deserted, can the landlord regain possession of the premises?
- Q8: Can I appeal against the decision of the Registrar of the High Court on an appeal from the refusal of legal aid?
- Q9: Can I appeal to the Court of Appeal against the refusal of leave to appeal against the award of the Labour/Small Claims Tribunal?
-