

**Replies to initial written questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2010-11**

**Controlling Officer : Judiciary Administrator
Session No. : 13**

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JA003	0626	Hon. HO Chun-yan, Albert	80	Support Services for Courts' Operation
JA004	0627	Hon. HO Chun-yan, Albert	80	Courts, Tribunals and Various Statutory Functions
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**CONTROLLING OFFICER'S REPLY TO
INITIAL WRITTEN QUESTION**

JA001

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

0624

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 2009, 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 on judicial review cases in 2009 is as follows –

(a) No. of leave applications	144
(b) No. of leave applications with at least one of the parties being legally aided as at filing of application	33
(c) Average waiting time from listing to hearing of leave application*	28 days
(d) No. of appeals against refusal of leave	22
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave	87 days
(f) No. of substantive judicial review cases	65
(g) No. of substantive judicial review cases with at least one of the parties being legally aided as at filing of substantive application	22
(h) Average waiting time from listing to hearing of substantive case	125 days
(i) No. of appeals against judicial review decisions	20
(j) Average waiting time from listing to appeal hearing	142 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 18.3.2010

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

JA002

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

0625

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide information on the establishment, strength and the expenditures of family mediators for the years from 2007-08 to 2009-10 respectively.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The role of the Family 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. Mediations are conducted by mediators outside the Judiciary.

The Family 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>2007 – 08</u>	<u>2008 – 09</u>	<u>2009 – 10</u>
Strength	1 Mediation Co-ordinator 1.5 Clerk	1 Mediation Co-ordinator 2 Clerks	1 Mediation Co-ordinator 2 Clerks
Salary expenditure	\$980,000	\$1,250,000	\$1,280,000

The change in salary expenditure in 2009-10 over 2008-09 is mainly due to staff changes and salary adjustment in 2008-09.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA003

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

0626

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please give the number of cases handled by family mediators in 2009-10.

Asked by: Hon. HO Chun-yan, Albert

Reply:

In 2009-10, the Family Mediation Co-ordinator's Office has organized 318 information sessions (including pre-mediation consultations) for 690 participants, and referred 170 cases (involving 340 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. Mediations are conducted by mediators outside the Judiciary.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA004

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

0627

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 2007, 2008 and 2009.

Asked by: Hon. HO Chun-yan, Albert

Reply:

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

<u>2007</u>	<u>2008</u>	<u>2009</u>
185	145	193

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2010

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Reply Serial No.

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

JA005

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

0628

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 the request of the Secretary for Justice for the years 2007, 2008 and 2009.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The Judiciary does not have available statistics of the number of death inquests which commenced upon the request of the Secretary for Justice before 2009.

For 2009, no inquest was commenced upon the request of the Secretary for Justice.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA006

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

1184

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the average waiting times in the Labour Tribunal, the average waiting time from Appointment to Filing of a Case in 2009 was 11 days longer than that of 2008, representing an increase of over 60%, while there was only a slight increase of 1 day from Filing of a Case to First Hearing. What is the reason for that?

Asked by: Hon. NG Margaret

Reply:

There was an influx of cases in the last quarter of 2008 and first quarter of 2009 due to economic downturn. This led to a drastic increase in the number of appointments for filing of cases for those few months. As a result, the waiting time from appointment to filing had been lengthened despite the deployment of more Tribunal officers. Nonetheless, it was still within the target of 30 days.

To cope with the sudden upsurge of cases, the listing arrangements were enhanced so that more efforts and time were put in by the judicial officers to handle extra cases for a period of time. In addition, more cases were adjourned, settled and withdrawn before the first hearing in 2009 when compared to 2008. As a result, the average waiting time was only slightly increased for 1 day from Filing of a Case to First Hearing.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA007

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

1185

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Regarding the civil cases in the District Court, the average waiting time from the Date of Listing to Hearing in 2009 is 19 days more than that in 2008, and the planned waiting time for 2010 is 120 days, while the number of cases handled by the District Court in 2008 and 2009 are more or less the same. Will the Judiciary inject additional resources to shorten the hearing time? If yes, what are the specific arrangements to be made? If no, what is the reason?

Asked by: Hon. NG Margaret

Reply:

The average waiting time for civil cases in the District Court increased because some judicial resources were deployed to help reduce the waiting time for the Family Court and the Lands Tribunal in 2009. Nonetheless, it was still within the target of 120 days.

Having regard to the current workload of the District Court, the Judiciary will inject additional judicial resources to the District Court in 2010 to strive to keep the average waiting time within target. It is planned that one additional deputy district judge will be appointed to the District Court to hear civil cases starting from April 2010 onwards.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA008

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

1186

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In respect of the Resource Centre for Unrepresented Litigants, please provide information on the following:

- (a) What is the number of users the Centre served respectively in 2008 and 2009?
- (b) What provision is being made for the Centre in 2010-11? What is the change in funding when compared with the provision for 2009-10?

Asked by: Hon. NG Margaret

Reply:

- (a) The information for the years 2008 and 2009 is as follows:

	<u>2008</u>	<u>2009</u>
Number of use		
Visits	10 100	12 300
Telephone enquiries	2 900	3 100
Access to webpage	242 000	340 000

- (b) The expenditures of the Resource Centre for 2009-10 and 2010-11 are approximately as follows:

	<u>2009-10</u>	<u>2010-11</u> (Draft Estimate)
Approximate expenditure	\$2,880,000	\$2,520,000

The change in expenditure in 2010-11 over 2009-10 is mainly due to staff changes and salary adjustment in 2009-10.

Signature _____

Name in block letters _____

EMMA LAU

Post Title _____

Judiciary Administrator

Date _____

18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

JA009

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

Question Serial No.

1626

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 Support Services for Courts' Operation, the provision for 2010-11 as stated in the Analysis of Financial and Staffing Provision is almost 10% higher than that of last year. Please provide information on the distribution of creation and deletion of civil service posts and non-civil service contract positions under this Programme by ranks, functions and service divisions.

Asked by: Hon. LI Fung-ying

Reply:

In 2010-11, there will be deletion of 13 civil service posts and creation of seven civil service posts resulting in a net reduction of six civil service posts, and an increase of five non-civil service positions under or straddling Programme (2). These posts and positions are for enhancing professional support for major works projects, enhancing support services for courts' operation and rationalization of administrative support services. The net effect is that the changes will bring about a less than \$500,000 increase in expenditure in 2010-11.

The increased provision of \$22.4 million for Programme (2) in 2010-11 is mainly due to the filling of some vacancies, salary increment, and increase in requirement for hire of services and general departmental expenses.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2010

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

JA010

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

1635

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

In 2008 and 2009, the workload of bailiff services has been increasing. The executions attempted increased from 22 276 in 2008 to 24 277 in 2009, with an expected increase to reach 24 280 in 2010; while the summons services attempted increased from 84 416 in 2008 to 88 335 in 2009, with an expected increase to reach 88 340 in 2010.

- (i) Please provide information on the establishment and strength of Bailiffs for 2008 and 2009 respectively, and the projected establishment and strength for 2010.
- (ii) Please provide information on the establishment and strength of Bailiff's Assistants for 2008 and 2009 respectively, and the projected establishment and strength for 2010.

Asked by: Hon. LI Fung-ying

Reply:

- (i) The establishment and strength in respect of Bailiff for 2008, 2009 and the projected establishment and strength for 2010 are as follows –

Year	Establishment	Strength
2008	27	22
2009	27	26
2010*	27	24

- (ii) The establishment and strength in respect of Bailiff's Assistants for 2008, 2009 and the projected establishment and strength for 2010 are as follows –

Year	Establishment	Strength
2008	43	38
2009	43	37
2010*	43	35

* Recruitment exercises to enhance the manpower positions for both Bailiff and Bailiff's Assistant in 2010 are in progress.

Signature _____

Name in block letters _____

EMMA LAU

Post Title _____

Judiciary Administrator

Date _____

18.3.2010

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

JA011

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

1866

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

As regards the Bailiff services, please give the number of complaints lodged with the Judiciary for the years 2007, 2008 and 2009, and the substance of these complaints.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The number of complaints lodged with the Judiciary in 2007, 2008 and 2009 about Bailiff services is as follows:

<u>2007</u>	<u>2008</u>	<u>2009</u>
9	17	22

The contents of these complaints are mainly about the procedures in executing the court orders, the attitude of staff when dealing with the complainants and the quality of service such as delays in court order execution.

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA012

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

1867

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 Resource Centre, the size of the establishment, and the actual expenditure for the year 2009-10. What are the projected number of litigants, size of the establishment and expenditure for the year 2010-11?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The information for the years 2009 and 2010 is as follows:

	<u>2009</u>	<u>2010</u> (Estimate)
Number of use		
Visits	12 300	12 500
Telephone enquiries	3 100	3 500
Access to webpage	340 000	350 000
	<u>2009-10</u>	<u>2010-11</u> (Draft Estimate)
Approximate expenditure	\$2,880,000	\$2,520,000
Staff strength	6	6

The change in expenditure in 2010-11 over 2009-10 is mainly due to staff changes and salary adjustment in 2009-10.

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 18.3.2010

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

JA013

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

1868

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	Number of posts	Annual salary at mid-point * (\$)
Lands Tribunal	25	2 – District Judge 1 – Member 6 – Judicial Clerk grade staff 15 – Clerical Staff 1 – Office Assistant	10.9 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	38.6 million

Tribunal/Court	Establishment	Number of posts	Annual salary at mid-point* (\$)
Small Claims Tribunal	49	1 – Principal Adjudicator 7 – Adjudicator 12– Judicial Clerk grade staff 27 – Clerical Staff 2 – Office Assistant	21.7 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 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA014

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

2441

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide details regarding the consultations conducted for policy formulation and assessment under all Programmes in the following format.

Please provide details in the following format regarding consultations for which financial provision has been allocated in 2009-10:

Names / Contents of consultations	Revised estimate (\$)	Progress of consultations (under planning / in progress / completed)	Mode of consultations (such as collection of written responses, forums, focus groups), number of times, names of groups consulted, number of consultees	Follow-up action on the result of consultations and the progress (if available)	If completed, have they been published? If yes, in what way? If no, for what reason?
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Asked by: Hon. EU Yuet-mee, Audrey

Reply: The Judiciary has not conducted any consultation for policy formulation and assessment in 2009-10.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2010

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

JA015

Question Serial No.

Head: 80 Judiciary

Subhead (No. & title):

2442

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide details regarding the consultations conducted for policy formulation and assessment under all Programmes in the following format.

Have any financial provisions been earmarked for consultations in 2010-11? If yes, please provide the following details:

Names / Contents of consultations	Expenditure (\$)	Progress of consultations (under planning / in progress / completed)	Mode of consultations (such as collection of written responses, forums, focus groups), number of times, names of groups consulted, number of consultees	If they are expected to be completed in the financial year 2010-11, will they be published? If no, for what reason?
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Asked by: Hon. EU Yuet-mee, Audrey

Reply: At present, the Judiciary has no plans to conduct any consultations for policy formulation and assessment in 2010-11, and has not made any specific provision for this purpose in the 2010-11 Draft Estimates.

Signature _____

Name in block letters _____ EMMA LAU

Post Title _____ Judiciary Administrator

Date _____ 18.3.2010

Examination of Estimates of Expenditure 2010-11

Reply Serial No.

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

JA016

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

3100

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

What is the number of enquiries the Resource Centre for Unrepresented Litigants received last year? Please give a breakdown by level of court handling the cases in respect of which litigants sought assistance.

Asked by: Hon. IP Wai-ming

Reply:

The breakdown of the enquiries by court level in 2009 is as follows:

High Court cases	13 850
District Court cases	1 270
Family Court / Tribunal / Magistrates' Courts cases	180
Non-judiciary related matters	<u>100</u>
Total	15 400

Signature _____

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 18.3.2010