

District Court (Amendment) Bill 1999
Caseload and Manpower Resources

Purpose

The purpose of this note is to inform Members of :

- (a) The projected caseload situations in the High Court, the District Court and the Small Claims Tribunal respectively upon the implementation of the new jurisdictional limits proposed in the District Court (Amendment) Bill; and
- (b) The manpower plan and other arrangements being put in place to tie in with the proposed changes in the jurisdictional limits.

Caseload Situation

2. A table showing the current and projected caseload situation in the High Court, District Court and the Small Claims Tribunal is at the Annex.

3. In considering the caseload situation, it should be pointed out that:

- (a) It is relevant to consider the number of cases filed, the number of interlocutory hearings held, the number of trials listed and the number of taxation bills handled as all of them would have an impact on manpower planning. While the number of cases filed would impact on the workload of the registry staff, the number of trials would impact heavily on the workload of judges. The number of interlocutory applications and the number of taxation bills handled will impact on the workload of the judges, masters and registry staff;
- (b) In assessing the impact of the new jurisdictional limits on the manpower requirements of the courts, we should take into consideration not only the number of cases or hearings or trials, but also the complexity of the cases/hearings/trials concerned;

- (c) We make projections on the basis of historical data available but we also build in appropriate assumptions where appropriate. We also make reference to hidden demand. We recognize that the projections may need to be adjusted if there is a change in circumstances on which our original assumptions are based; and
- (d) We need to monitor the actual caseload situation under the new limits closely so that necessary adjustments could be made.

4. Referring to the Annex, the main points are highlighted as follows:-

(a) High Court

- (i) About 17,000 cases may be diverted to District Court. While this represents a decrease of about 50% of the existing caseload of the Court of First Instance (about 35,000 in 1999) which has increased drastically since 1997 as a result of the economic downturn, the estimated new caseload at 18,000 represents about 75% of its previous workload before 1997 (about 24,000);
- (ii) About 40% of the interlocutory hearings may be diverted to the District Court. According to experience, a considerable number of interlocutory hearings in the High Court are complex and contentious. It is anticipated that many of the diverted hearings would be more complicated than the current District Court cases ;
- (iii) About 30% of the trials listed may be diverted. The average length of trial days in the High Court is about 3-5 days, whereas that in the District Court is about 1.5 days; and
- (iv) About 50% of taxation cases may be diverted. At present, about 700 District Court bills are taxed in the High Court. These bills will be returned to the District Court after the enactment of the Bill and therefore will add to the workload of the District Court.

(b) District Court

- (i) There would be a moderate increase of about 20% in the

number of cases filed and taxation bills handled;

- (ii) There may, however, be a drastic increase in the number of interlocutory applications which would impact on the workload of judges, masters and registry staff; and
- (iii) There may be an increase of 30% in the number of trials listed but cases diverted from the High Court should be more complicated and the average length of these trials will be longer.

(c) Small Claims Tribunal

The new caseload situation was estimated back in mid-1999 when we were planning for additional resources to cope with the increase in jurisdictional limits for the SCT from \$15,000 to \$50,000. The new limit for the SCT took effect on 19.10.1999, and we are now closely monitoring the situation to see if necessary adjustments to our original projections should be made after the new limit has been in force for some time.

Manpower Planning

Redeployment of resources from the High Court

5. At present, 16 judges (including deputy judges), 11 masters (including deputy masters) and 67 non-judicial staff are dealing with civil cases and interlocutory hearings in the Court of First Instance of the High Court. With the reduction in the number of cases filed with the High Court, there is some scope in redeploying resources to the District Court. We plan to redeploy two Deputy Judges of the High Court, two deputy High Court Masters and 10 non-judicial staff to the District Court. The proposed redeployment of resources is made having regard to the rising trend in the number of civil cases before the Court of First Instance (a 45% increase in the number of civil cases in 1998 alone over the previous year, against the background of an average increase of 17% over the past 5 years), and the current waiting time of civil cases to be heard by the Court of First Instance (224 days as at end 1999, as compared with 154 days in 1996 and 194 days in 1997). With the diversion of some cases to the District Court, it is hoped that the waiting time of the Court of First Instance could be reduced to a level within our

target of 180 days.

Additional resources for the District Court

6. At present, four District Judges are assigned to deal with civil cases, including all interlocutory applications. Taxation bills exceeding \$50,000 are dealt with by High Court Masters. Under the new District Court civil procedures, interlocutory applications with no or no serious arguments and all taxation bills of District Court cases will be dealt with by legally qualified District Court Masters. District Judges will continue to deal with interlocutory applications with serious arguments and conduct trials. In the light of the estimated number of interlocutory hearings and taxation bills to be diverted from the Court of First Instance, we plan to create three legally qualified posts - one post of Registrar and two posts of Deputy Registrars (to be called District Court Masters). An additional four District Judges would be assigned to handle the increase in trials as well as interlocutory applications with serious arguments. With the increase in the jurisdictional limits for personal injury cases and land cases, some of the civil judges will be designated to handle these special lists. As regards supporting staff, 40 non-judicial staff are handling civil cases in the District Court. It is estimated that we require an addition of 14 staff to strengthen the District Court registry and 10 staff to provide direct support for judges and judicial officers under the new set up.

7. Under the District Court (Amendment) Bill, we have secured additional resources for the creation of 3 posts of Judges and Judicial Officers (JJOs) and 14 non-judicial posts. The rest of the resource requirements, i.e. 4 JJOs and 10 non-JJO posts, will be met by redeployment of resources from the High Court.

Additional resources for the Small Claims Tribunal

8. In the light of the anticipated increase in the workload arising from the increase in the financial limit of the Small Claim Tribunal, we have established an additional court with 1 judicial post and 3 supporting staff. We shall monitor the caseload situation and the waiting time of the Tribunal under the new financial limit.

Additional Court Facilities

9. To cope with the increase in the number of trials and hearings, we require seven additional courtrooms in the District Court. We have already drawn up a plan for the construction of 5 additional courtrooms on the 12th floor of Wanchai Tower. It is anticipated that the construction work would be completed by April 2000, and the new courtrooms could be put to use before mid-2000. It should also be pointed out that at present, two courtrooms in the District Court are temporarily used by High Court Masters and these two courtrooms will be returned to the District Court upon the implementation of the new jurisdictional limits.

Development of Judges and Judicial Officers

10. The Judicial Studies Board is organizing a series of seminars for District Judges in anticipation of the increase in civil jurisdiction of the District Court. A seminar on civil trials was held in November 1999 and more will be held in the coming months on topics such as personal injuries, interlocutory matters, and land cases so that more District Judges will be better equipped for civil trials. It is also our intention to set up special lists with judges specializing in personal injury cases and land cases.

Annex

**Impact of New Civil Jurisdictional Limits
Caseload in High Court , District Court and Small Claims
Tribunal**

I. High Court

	Existing Average Caseload	Diversion to DC	Estimated New Caseload
a) Case filed ⁽¹⁾	35,000	-17,000	18,000 (-50%)
b) No. of interlocutory hearings	38,000	-15,200	22,800 (-40%)
c) No. of trials listed	1,240	-370	870 (-30%)
d) No of taxation	3,000	-1,600	1,400 (-50%)

II. District Court

	Existing Average Caseload	Diversion to SCT or Reduced caseload	Diversion from HC	Hidden demand	Estimated New Caseload
a) Cases filed ⁽²⁾	42,000	-10,000	17,000	2,000	51,000(+20%)
b) No. of Interlocutory hearings	7,600	-2,500	15,200	400	20,700(+170%)
c) No. of trials listed	630	-210	370	30	820(+30%)
d) Total No. of Taxation	3,400	-1100	1,600	200	4,100(+20%)

III. Small Claims Tribunal

	Existing Average Caseload	Diversion from DC Or Increased workload	Hidden Demand	Estimated New Caseload
a) Cases filed	56,000	10,000	5,600	71,600 (+30%)
b) No. of pre-trial hearings	46,000	8,400	4,600	59,000(+30%)
c) No. of trials listed	3,000	210	300	3,510 (+20%)

Notes:

- (1) These include civil appeals to Court of First Instance (CFI) from lower courts, general civil cases, personal injuries cases, cases under special lists such as admiralty, administrative law, company winding up, bankruptcy and commercial list. Probate cases are excluded.
- (2) These include general civil actions instituted, all miscellaneous proceedings, stamp appeals, Employee Compensation Claims applications and distraints. Matrimonial cases are excluded.