

**Replies to written questions raised by Finance Committee Members in examining the  
Estimates of Expenditure 2003-04**

**Controlling Officer : Judiciary Administrator  
Session No. : 11 File name : JA-e1.doc**

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Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA001

Question Serial No.

0122

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Regarding consultancy studies for policy making and assessment (if any) commissioned by the above bureau and departments, please provide details in the following format:

- (1) Please provide the following details on the consultancy studies for which financial provision has been allocated respectively in 2001-02 and 2002-03:

Name of consultants (if available)	Description	Consultancy fees	Progress on consultancy studies (planning/ in progress / completed)	The Administration's follow-up action on the study reports and the progress made	Reasons for no follow-up action on the study reports and whether other measures are available to deal with the subjects under study

- (2) Please provide the following details on the consultancy studies for which financial provision has not been allocated respectively in 2001-02 and 2002-03, though consultancy studies have been made during the year:

Name of consultants (if available)	Description	Consultancy fees	Progress on consultancy studies (planning/ in progress / completed)	The Administration's follow-up action on the study reports and the progress made	Reasons for no follow-up action on the study reports and whether other measures are available to deal with the subjects under study

- (3) Has financial provision been allocated for commissioning consultancy studies in 2003-04? If yes, please provide the following details:

Name of consultants (if available)	Description	Consultancy fees	Status of consultancy studies (planning/ in progress / completed)

Asked by: Hon. HO Sau-lan, Cyd

Reply:

- (1) No specific financial provision has been made for consultancy studies in 2001-02 and 2002-03.
- (2) The Judiciary has deployed \$0.7 million from its Save and Invest Account to fund the following study in 2002-03:

Name of consultants (if available)	Description	Consultancy fees	Progress on consultancy studies (planning/ in progress / completed)	The Administration's follow-up action on the study reports and the progress made	Reasons for no follow-up action on the study reports and whether other measures are available to deal with the subjects under study
Sir Anthony Mason, former Chief Justice of Australia	A study on the appropriate system for the determination of judicial remuneration in Hong Kong having regard to the experience in a number of overseas jurisdictions	\$700,000	completed	–	The Chief Justice is considering the report on the study.

- (3) No financial provision has been set aside in 2003-04 for consultancy studies.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA002

Question Serial No.

0739

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : As given in paragraph 5 under the 2003 (Plan) column, in Court of Final Appeal the average waiting time of Criminal matters from notice of hearing to hearing is anticipated to increase from 83 days in 2002 to 100 days and that of Civil cases from 63 days in 2002 to 120 days. What is the reason for that? Is it due to an insufficiency of resource? How much resource will be needed if the actual average waiting time in 2002 is to be maintained?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The planned waiting times for 2003 are set with regard to the target waiting times shown under the Target column. The fact that the actual waiting times were shorter than target meant that we had over-achieved. Taking the experience of the past years and the many factors (e.g. availability of non-permanent judges and counsel's diary) that may affect waiting times into consideration, it would be prudent to set the planned waiting times for 2003 at the same level as the target waiting times. Nevertheless, the Judiciary will strive to keep the actual waiting time as short as practicable.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA003

Question Serial No.

0740

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : As given in paragraph 5 under the 2003 (Plan) column, the average waiting time of all types of cases in Lands Tribunal is anticipated to increase sharply, particularly those of Building Management cases and Tenancy cases are anticipated to be more than two times and nearly three times as much as before respectively. What is the reason for that? Is it due to an insufficiency of resource? How much resource will be needed if the actual average waiting time in 2002 is to be maintained?

Asked by: Hon. HO Chun-yan, Albert

Reply:

The target waiting time in the Lands Tribunal for appeal, compensation and building management cases is 100 days for each category. In the light of actual performance, the respective waiting times under the 2003 (Plan) have been shortened to 80 days. Nevertheless, the Judiciary will strive to keep the actual waiting time as short as practicable.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

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

Reply Serial No.

JA004

Question Serial No.

0741

Head: 80 Judiciary

Subhead(No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Please provide figures on how much resource has the judiciary allocated to each level of the courts for ensuring that litigants can use Chinese in court proceedings in order that the target of Use of Chinese at all court levels can be reached.

Asked by: Hon. HO Chun-yan, Albert

Reply:

The Judiciary maintains a bilingual court system through enhancing the bilingual capacity of the Judges and Judicial Officers (JJOs) and the provision of an interpretation service in courts.

Without detriment to judicial and professional quality, the policy of the Judiciary is to strive to increase the number of bilingual JJOs. About 63 % of our existing JJOs are fully bilingual and their spread is as follows:

**Court  
Bilingual Judges and Judicial Officers**

Court of Appeal

16

Court of First Instance

District Court, Family Court and Lands Tribunal

18

Magistrates' Courts and other Tribunals

64

We have sufficient JJOs to conduct hearings of cases which are considered suitable to be heard in Chinese.

Court Interpreters are deployed at various levels of courts to provide interpretation services when needed. The deployment of resources for such services is as follows:

**Court**  
**No. of Court Interpreters**

Court of Appeal and Court of First Instance

31

District Court, Family Court and Lands Tribunal

36

Magistrates' Courts and other Tribunals

63

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA005

Question Serial No.

0761

Head: 80 Judiciary

Subhead(No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : In 2003-04, the Judiciary will improve the services for the jurors. What are the details of the plan and the expenditure involved?

Asked by: Hon. LAU Hon-chuen, Ambrose

Reply:

At present, 220 and 150 jurors are summoned to attend court on Mondays and Wednesdays respectively. If on the day of summon, jury empanelling is not required by any of the courts or the jurors are among those not selected, they will be asked to re-attend a second time in the same week. On the second attendance, if they are again not selected, or there is no court asking for empanelling, they will be exempted for jury service for 2 years.

To reduce inconvenience to jurors, we are planning to introduce in May this year a system whereby 120 jurors will be summoned every day of the week. With that, jurors will be required to attend court only once under a summons. The same exemption arrangements will apply if they are not selected.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003



Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA006

Question Serial No.

0801

Head: 80 Judiciary

Subhead(No. & title): 000

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Regarding the cases handled by the Labour Tribunal in the last two years, how long did it take on average for a case to proceed from the date of appointment to the conclusion of trial in each of these two years? Is it expected that there will be improvement in work efficiency in 2003 as far as this aspect is concerned?

Asked by: Hon. LAU Chin-shek

Reply:

The information is as follows :

<u>Year</u>	Average time taken from appointment to conclusion of cases (including award, dismissal, <u>settlement and withdrawal</u> )
2001	59 days
2002	56 days

The improvement was achieved despite an increase in caseload from 10 450 cases in 2001 to 12 326 cases in 2002. The same level of service is expected to be maintained in 2003.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA007

Question Serial No.

0854

Head: 80 Judiciary

Subhead(No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : In respect of exploring opportunities for using information technology to replace manual work, what specific plan does the Judiciary have for the year 2003-04 and what will be the expenditures involved?

Asked by: Hon. NG Margaret

Reply:

The Judiciary's specific plans to use information technology to replace manual work for 2003-04 are as follows:

1. Setting up an information kiosk in the High Court lobby to ease the workload of the information counter.
2. Transmission of information on potential jurors from the Immigration Department electronically to eliminate manual data input.
3. Consolidate management information, reports and statistical data and providing them on-line so as to eliminate the manual compilation of separate reports.
4. Electronic processing of applications for trial transcripts with the Digital Audio Recording and Transcription Service provider to replace manual ordering.
5. Standardizing and computerizing the payment collection arrangement of the Accounts Office in order to reduce data re-entry.

It is intended that any additional costs arising from the above improvements will be absorbed within the existing resources of the Judiciary.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA008

Question Serial No.

0910

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question :

- (a) Will the Judiciary Administrator inform this Council the estimated number of bankruptcy petitions to be received by the High Court for 2003-04? What is the average waiting time in respect of this type of petition?
- (b) Does the Judiciary have any specific measures to cope with the increasing number of bankruptcy petitions and what is the amount of financial provision allocated for this purpose?

Asked by: Hon. TO Kun-sun, James

Reply:

- (a) There were 26 916 bankruptcy petitions filed in 2002, averaging 2 243 cases per month. In the first two and a half months of 2003, the monthly average dropped by about 9% to 2 040. If this declining pattern sustains for the rest of the year, we estimate that there would be about 24 000 bankruptcy petitions in 2003.

The average waiting time for hearing is about 5 to 6 weeks.

- (b) Since April 2002, the Judiciary has doubled the number of Masters' sessions to hear bankruptcy petitions from two half-days to four half days per week. The number of petitions to be heard in a session has also been increased with enhanced staffing support to deal with the pre-hearing procedural matters. These measures are achieved through deployment of existing resources.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

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

Reply Serial No.

JA009

Question Serial No.

0911

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : The number of cases handled by Labour Tribunal in 02-03 increased by over 17% when compared with that in 01-02, and it is estimated that the figure will further go up by 7 %. What provision the Judiciary has made and how many staff members will be so employed or redeployed by the Judiciary to cope with the expected increase in caseload and workload?

Asked by: Hon. TO Kun-sun, James

Reply:

Over the past few years, the Labour Tribunal has implemented the following enhancement measures:

- (i) increasing the number of Tribunal Officers from 29 in 1999 to 38 at present;
- (ii) setting up three additional day courts since January 2000, making 13 days courts in total to increase the capacity of the courts to deal with trials;
- (iii) deploying judicial resources flexibly, e.g. shifting callover (first hearing) and trial courts internally so that incoming claims and those ready for trial could both be handled within reasonable times;
- (iv) enhancing the quality of support staff by providing Tribunal Officers with training courses on mediation skills and other training programmes so as to upgrade their knowledge and skills in working with the litigants.

With the implementation of the above measures, the average waiting times at the Labour Tribunal have been maintained well within targets as follows :

Waiting Time (days)

Target

2000

2001

2002

2003

(as at 28.2.03)

**From appointment to filing of a case**

**30**

**11**

**14**

**19**

**12**

**From filing of a case to callover hearing**

**30**

**21**

**24**

**25**

**24**

The Judiciary will continue to improve efficiency in the Labour Tribunal. It is not anticipated that extra resources will be required.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA010

Question Serial No.

0960

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : May the Judiciary inform this Council on what basis it estimates that regarding Criminal cases in the District Court, the waiting time taken from first appearance of defendants in the District Court to hearing will increase drastically by 47% in 2003?

Asked by: Hon. TSANG Yok-sing, Jasper

Reply:

The number of criminal cases in the District Court increased from 1 192 in 2001 to 1 334 in 2002, but the waiting time from first appearance to hearing was shortened from 92 days in 2001 to 68 days in 2002, against the target waiting time of 100 days. The Judiciary expects that the number of criminal cases in the District Court would stay at a high level and there may be a need to deploy resources to relieve pressure on civil cases, so it is prudent to keep the 2003 (Plan) waiting time the same as that of the target waiting time. Nevertheless, the Judiciary will always strive to achieve an actual waiting time as short as practicable.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA011

Question Serial No.

0961

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : May the Judiciary inform this Council:

The Judiciary estimates that the average waiting time of cases to be handled by the Family Court will be within target in 2003. However, this still means an increase over the actual waiting time in 2002. In this regard, will any reform be introduced to shorten the waiting time? If so, what are the details?

Asked by: Hon. TSANG Yok-sing, Jasper

Reply:

Apart from noticeable improvements in the actual waiting times for cases under the special procedure lists in 2002, for which the 2003 (Plan) waiting time has been reduced from 35 days to 30 days, it would be prudent to keep the planned waiting times for other cases in 2003 at the same levels as the target waiting times. Nevertheless the Judiciary will strive to keep the actual waiting times as short as practicable.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

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

Reply Serial No.

JA012

Question Serial No.

1005

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Please provide:

- (a) the establishment and strength (as at 1 March 2003) for implementing the above programme areas by the following categories:
- I : Ranks with starting pay at MPS 45 & above (including Directorate)
  - II : Ranks with starting pay at MPS 34 to 44
  - III : Ranks with starting pay at MPS 12 & 27
  - IV : Ranks with starting pay at MPS 11 & below
- (please provide breakdown by programme areas)
- (b) the number of posts (by ranks) already deleted or redeployed in 2002-03 to enhance productivity and optimize resources; and
- (c) the number of posts (by ranks) to be deleted or redeployed in 2003-04 to accomplish the Government's "3R1M" objective.

Asked by: Hon. CHOW LIANG Shuk-ye, Selina

Reply:

- (a) A table showing the establishment and strength as at 31 March 2003 by various categories and programme areas is as follows:

Categories of Posts	Courts and Tribunals		Support Services for Courts' Operation	
	Establishment	Strength	Establishment	Strength
I) Ranks with starting pay at MPS 45 & above (including Directorate)	185	160	6	5
II) Ranks with starting pay at MPS 34 to 44	64	60	65	58
III) Ranks with starting pay at MPS 12 & 27	49	38	53	51
IV) Ranks with starting pay at MPS 11 & below	868	779	272	211
<b>Total</b>	<b>1166</b>	<b>1037</b>	<b>396</b>	<b>325</b>

Note: In addition, there are 293 posts at MPS 13-26 and MPS 28-33 making a total establishment of 1855.



(b) The following posts have been deleted in 2002-03 to enhance productivity and optimize resources:

<u>Rank</u>	<u>No.</u>
Assistant Clerical Officer	7
Court Reporter	14
Property Attendant	6
Supplies Attendant	1

(c) Similar to the Government's "3R1M" objective, we have started a comprehensive business process re-engineering exercise. The number of non-civil service contract staff is expected to be reduced from 162 as at 31.12.2002 to 42 in 2003-04. Civil Service posts will also be reduced, but the number of posts to be deleted will depend on the results of the second Voluntary Retirement Scheme.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA013

Question Serial No.

1015

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Please provide the number of cases with a waiting time of more than 30 days from appointment to filing of a case for the past three years. Please give the proportion of such cases in the total number of cases.

Asked by: Hon. LEE Cheuk-yan

Reply:

Labour Tribunal			
Year	No. of cases of which the waiting time from appointment to filing of claim exceeded 30 days	Total no. of cases filed	%
2000	455	9,611	4.73
2001	728	10,450	6.97
2002	340	12,326	2.76

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA014

Question Serial No.

1016

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Please provide the number of cases with a waiting time of more than 30 days from filing of a case to first hearing for the past three years. Please give the proportion of such cases in the total number of cases.

Asked by: Hon. LEE Cheuk-yan

Reply:

The answer is none. According to section 13(1)(a) of the Labour Tribunal Ordinance, Cap. 25, the date for hearing of a claim must not be earlier than 10 days nor later than 30 days from the filing of a claim.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA015

Question Serial No.

1072

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : The caseload of Small Claims Tribunal has increased significantly. Will the Judiciary inform the Council what measures will be taken in 2003-04 to cope with this caseload in order to avoid the increase in waiting time?

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

Much of the increase in the caseload of the Small Claims Tribunal is attributable to the voluminous claims lodged by service companies, such as mobile phone network companies and building management companies, against their clients. To meet the increased demand, the Small Claims Tribunal has allocated sessions to deal with such claims in batches. Other than this relief measure, the Small Claims Tribunal has taken other steps as follows :

- (a) to optimise the resources of each court by dealing with more claims each day;
- (b) to make greater use of information technology so as to standardise and speed up work processes; and
- (c) to hold experience sharing sessions among the Tribunal Officers so as to improve their knowledge and skills.

The actual waiting times achieved in 2001 and 2002 were within the target of 60 days. It is expected that the same can be achieved in 2003.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA016

Question Serial No.

1073

Head: 80 Judiciary

Subhead(No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Will the Judiciary inform this Council the details and expenditure involved with regard to improving the services for the jurors in 2003 – 04?

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

At present, 220 and 150 jurors are summoned to attend court on Mondays and Wednesdays respectively. If on the day of summon, jury empanelling is not required by any of the courts or the jurors are among those not selected, they will be asked to re-attend a second time in the same week. On the second attendance, if they are again not selected, or there is no court asking for empanelling, they will be exempted for jury service for 2 years.

To reduce inconvenience to jurors, we are planning to introduce in May this year a system whereby 120 jurors will be summoned every day of the week. With that, jurors will be required to attend court only once under a summons. The same exemption arrangements will apply if they are not selected.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA017

Question Serial No.

1074

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Will the Judiciary inform the Council what measures are to be taken in 2003-04 to assist the unrepresented litigants in civil proceedings and the expenditure so involved?

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

The Judiciary is setting up a Resource Centre for Unrepresented Litigants which should be ready in the latter half of 2003. It will provide services and facilities to assist unrepresented litigants in civil proceedings to understand and follow court procedures relating to their cases. The Resource Centre will also facilitate access to the various pro bono legal services provided by the legal profession and other organizations.

The Centre will be housed in the High Court Building, with fitting-out works costing about \$2 million. Staffing support will be arranged through internal re-deployment.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA018

Question Serial No.

1303

Head: 80 Judiciary

Subhead(No. & title): 000 Operational Expenses

Programme: (1) Courts and Tribunals (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Please provide the number of non-civil service contract staff employed and the level of expenditure involved in 2002-03. Are there any plans to employ more or less non-civil service contract staff in 2003-04? If so, what are the reasons? And what will be the number of staff and the level of expenditure involved?

Asked by: Hon. LEE Cheuk-yan

Reply:

There were 162 non-civil service contract staff in the Judiciary as at 31 December 2002. Expenditure in 2002/03 amounted to \$25M. We do not have any plan to employ additional non-civil service contract staff in 2003/04. In fact, as a result of continuous business process re-engineering efforts, we anticipate that the number of non-civil service contract staff in the Judiciary will be reduced to 42 in 2003/04, with expenditure also reduced to about \$10M.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

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

Reply Serial No.

JA019

Question Serial No.

1356

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Regarding the subject of ensuring that both Chinese and English can be used at various levels of the courts in relation to "Courts and Tribunals" under Programme (1), please supply the figures on the ratio of hearings conducted in Chinese to those conducted in English in each of the following levels of courts:

- (1) Court of Final Appeal;
- (2) Court of Appeal;
- (3) Court of First Instance;
- (4) District Court; and
- (5) Magistracy.

Asked by: Hon. HO Sau-lan, Cyd

Reply:

The following table shows the ratios between the use of English and Chinese in conducting trials at different levels of courts in 2002:

	<b>2002</b>	
	Language used in trial	
	English	Chinese
<b><i>Court of Final Appeal</i></b>	100%	0%
<b><i>Court of Appeal</i></b>		
Criminal Appeal	66.9%	33.1%
Civil Appeal	2.6%	97.4% *
<b><i>Court of First Instance</i></b>		
Criminal Case	75.1%	24.9%
Civil Case	83.4%	16.6%
Appeals from lower court	31.3%	68.7%
<b><i>District Court</i></b>		
Criminal Case	70.9%	29.1%
Civil Case	61.6%	38.4%
<b><i>Magistrates' Courts</i></b>		
Charge Case	31.9%	68.1%
Summonses	6.2%	93.8%

Note:\* A large proportion of the civil appeal cases filed in 2002 were Right of Abode cases, most of which were tried in Chinese. This percentage was severely distorted as a result.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003



Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA020

Question Serial No.

1357

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : In regard to "Courts and Tribunals" under Programme (1), please give the number of people who applied for a writ of habeas corpus in 2001 and 2002 respectively and the number of successful applications. What were the average waiting times involved? What was the maximum waiting time? Were there any occasions when an applicant was removed or deported from Hong Kong in the course of the hearing of his case or without his case being heard. If the answer is yes, please give details of those cases.

Asked by: Hon. HO Sau-lan, Cyd

Reply:

There were four writs of habeas corpus in 2001 and two in 2002. The waiting times for these writs ranged from 0 days to 26 days, with an average waiting time of 7.8 days. In respect of the four writs in 2001, two were withdrawn, one dismissed and one adjourned sine die. The two writs in 2002 were both dismissed. No applicant was removed or deported from Hong Kong in the course of the hearing or without the case being heard.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA021

Question Serial No.

1375

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : Under the 2001 (actual) column and 2002 (actual) column, the average waiting time for Civil cases in the Court of Final Appeal from notice of hearing to hearing increased from 32 days to 52 days. Please tell this Council:

- What are the reasons for the significant increase in waiting time?
- Will more resource be allocated to meet the increase in civil caseload? If yes, please give the details? If no, for what reasons?

Asked by: Hon. MAK Kwok-fung, Michael

Reply:

During 2002, there were difficulties in fixing hearing dates for some cases so as to accommodate counsel's diary. In particular, there were two leave applications for which hearing dates could not be fixed for several months due to the unavailability of counsel. Hence, the average waiting time was lengthened.

As explained above, the lengthened waiting time was not related to resources in the Court of Final Appeal.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA022

Question Serial No.

1490

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : What measures will the Judiciary undertake to bring down the court waiting time generally? The waiting time of the Civil cases in the Court of Appeal of the High Court and that of the cases on the Criminal fixture list in the Court of First Instance of the High Court were particularly far behind the targets. Is the long waiting time attributable to saving expenditure and the decrease in the number of judges?

Asked by: Hon. NG Margaret

Reply:

The Judiciary monitors the court waiting times closely. Measures being taken to keep the waiting times within reasonable limits include the following :

- (a) to exercise stringent control on the estimation of length of trials or readiness of proceeding to trial by conducting pre-trial reviews;
- (b) to match cases with judges of relevant expertise and experience so that the hearing time is not unnecessarily lengthened; and
- (c) to re-deploy internal resources to increase the number of deputy judges on a short-term basis.

In the case of the Court of Appeal, the long waiting time was caused by the need to deal with 4,800 Right of Abode appeal cases in 2002. For the Criminal Fixture List in the Court of First Instance of the High Court, the waiting time had been affected in the last couple of years by some lengthy and complex trials. The long waiting time was not attributable to efficiency savings in both cases.

Signature \_\_\_\_\_

Name in block letters Wilfred Tsui

Post Title Judiciary Administrator

Date 21.3.2003

Examination of Estimates of Expenditure 2003-04

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

Reply Serial No.

JA023

Question Serial No.

1495

Head: 80 Judiciary

Subhead(No. & title):

Programme: (1) Courts and Tribunals

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question : With regard to the continuous increase in bankruptcy petitions, will the Judiciary inform the Council what measures will be taken in 2003-04 to cope with this caseload in order to avoid the increase in waiting time?

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

Since April 2002, the Judiciary has doubled the number of Masters' sessions to hear bankruptcy petitions from two half days to four half days per week. The number of bankruptcy petitions to be heard in a session has also been increased with enhanced staffing support to deal with the pre-hearing procedural matters.

The number of bankruptcy petitions filed in the first two months of 2003 has slightly dropped. If such trend continues, the current waiting time of 5 to 6 weeks for hearing should be able to be maintained.

Signature \_\_\_\_\_

Name in block letters \_\_\_\_\_ Wilfred Tsui

Post Title \_\_\_\_\_ Judiciary Administrator

Date \_\_\_\_\_ 21.3.2003