

立法會
Legislative Council

LC Paper No. LS5/03-04

**Paper for the House Committee Meeting
on 17 October 2003**

**Legal Service Division Report on
Proposed Resolution under section 73A
of the District Court Ordinance (Cap. 336)**

The Chief Secretary for Administration has given notice to move a motion under section 73A of the District Court Ordinance at the Legislative Council meeting on 29 October 2003.

Background

2. With effect from September 2000, the general financial limits of the civil jurisdiction of the District Court were increased from \$120,000 to \$600,000. At that time, the Administration indicated that, subject to the outcome of a review to be conducted by the Judiciary, it would further increase the financial limits to \$1,000,000 in 2 years' time. The proposed resolution seeks to implement the increase of the jurisdictional limits of the District Court from \$600,000 to \$1,000,000 with effect from 1 December 2003.

3. According to the review conducted by the Judiciary (as summarised in the draft speech of the Chief Secretary for Administration), the costs of litigation in the District Court are about one-third lower than those in the High Court. The review also indicates that the new caseload for the District Court arising from the proposed increase in the jurisdictional limit should be manageable and an adequate pool of judges for the additional caseload is available.

Consultation with the Legal Professions and LegCo Panel

4. At the meeting of the Panel on Administration of Justice and Legal Services held on 31 March 2003, the Judiciary Administration briefed members on, inter alia, its proposal to raise the financial limits of the civil jurisdiction of the District Court from \$600,000 to \$1,000,000.

5. A member was concerned about the capacity of District Court in handling caseload if the civil jurisdictional limit was increased from \$600,000 to

\$1,000,000. The Judiciary Administration responded that the number of cases filed in the District Court was estimated to increase by 5% as a result of the proposed increase of jurisdictional limit of the District Court and it would keep the staffing and resource position of the District Court and the High Court under review and make appropriate adjustments where necessary.

6. Another member raised the concern that due to the persistent deflation and fall in property prices in Hong Kong in the past few years, more cases had in fact fallen under the jurisdiction of the District Court. He also said that since the proposal to reform the civil justice system in Hong Kong which was being considered by the Working Party appointed by the Chief Justice might result in a more proactive case management approach to streamline the civil procedure in the High Court, more people would be encouraged to seek redress in the High Court. He was of the opinion that the Administration should reconsider whether there was an urgent need for further increase in the jurisdictional limits of the District Court.

7. The Law Society of Hong Kong supports the proposed increase in the jurisdictional limits of the District Court. The Hong Kong Bar Association, however, has raised 3 concerns in a letter dated 30 April 2003 (LC Paper No. CB(2)1955/02-03(01)):-

- (a) the legal costs in litigating in the High Court and the District Court;
- (b) the quality of judges hearing civil cases in the District Court;
- (c) the leave requirement for appeal for District Court cases.

8. The Hong Kong Bar Association said in the letter that it would not oppose to the increase of the jurisdictional limits of the District Court on the whole, but it hoped that their concerns would receive the proper attention of the Judiciary. The Judiciary Administration responded to those concerns as follow (LC Paper No. CB(2)2140/02-03(01)):-

- (a) The Judiciary Administration confirmed that their statistics on legal costs are based on different cases in different periods and the Judiciary Administration concluded that such statistics illustrated litigation costs were in general lower for cases tried in the District Court.
- (b) The Judiciary has placed heavy emphasis on developing the civil expertise of the District Court and it was confident that it had an adequate pool of judges with civil experience to cope with the proposed increase in the jurisdictional limits of the District Court.

- (c) The Judiciary was of the view that issues in relation to appeals in the District Court should not be addressed separately for the time being and they should await the outcome of the review in the context of Civil Justice Reform and would then consider how to take the matter further from there.

9. At the AJLS Panel meeting held on 26 May 2003, members agreed that as the policy aspect of the proposal had been considered by the Panel, the Administration could take steps to implement the proposal and it would be a matter for the House Committee to decide whether a subcommittee should be formed to consider the proposed amendments.

Conclusion

10. The substance of the proposed resolution involves an important aspect of the administration of justice. In view of the concerns raised by some members at the AJLS Panel meeting on 31 March 2003 and the Hong Kong Bar Association, we recommend that a sub-committee be formed to scrutinize the proposed resolution.

Prepared by

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