

**Replies to supplementary questions raised by Finance Committee Members in  
examining the Estimates of Expenditure 2008-09**

**Controlling Officer : Judiciary Administrator  
Session No. : 8**

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
<a href="#">S-JA001</a>	S008	Hon LAU Wai-hing, Emily	80	Support Services or Courts' Operation
<a href="#">S-JA002</a>	S031	Hon WONG Kwok-hing	80	Courts, Tribunals and Various Statutory Functions
<a href="#">S-JA003</a>	S032	Hon WONG Kwok-hing	80	Courts, Tribunals and Various Statutory Functions
<a href="#">S-JA004</a>	SV004	Hon NG Margaret	80	Courts, Tribunals and Various Statutory Functions Support Services or Courts' Operation

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

**S-JA001**

Question Serial  
No.

S008

Head: 80 Judiciary

Subhead (No. & title):

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Follow-up on Reply Serial No. JA010

According to paragraph 13 of Head 80, the Judiciary Administration said the Judiciary will, through the Resource Centre for Unrepresented Litigants, offer more assistance to these people. Please list the resources being deployed and whether any additional services will be offered to help the growing number of unrepresented litigants?

Asked by: Hon. LAU Wai-hing, Emily

Reply:

To maintain the impartiality of the Judiciary, the Resource Centre for Unrepresented Litigants 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. In 2008-09, the annual provision for the Resource Centre is \$1.8 million with an establishment of five staff.

We will continue to enhance support to unrepresented litigants in the High Court and District Court through the Resource Centre. In this connection, a revamped Steering Committee on Resource Centres for Unrepresented Litigants under the chairmanship of Madam Justice Chu has been set up by the Chief Justice since 2008 to advise on, amongst other matters, policy, operational and practical matters related to the operation of the resource centre for unrepresented litigants in the Judiciary. The Steering Committee is now working on the updating of reference materials in preparation for the implementation of the Civil Justice Reform.

Signature \_\_\_\_\_

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 11 April 2008

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

S-JA002

Head: 80 Judiciary

Subhead (No. & title):

Question Serial No.

S031

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Follow-up on Reply Serial No. JA002

Apart from the recommendations made by the Working Group on the Review of the Labour Tribunal in 2004, having regard to the current situation that there are cases where Labour Tribunal awards are not enforced and the employees are unable to recover the arrears of wages, will the Judiciary allocate resources to further review and improve the existing mechanism for the enforcement of Labour Tribunal awards, by drawing reference to the Labour Tribunal systems in other jurisdictions?

Asked by: Hon. WONG Kwok-hing

Reply:

Many of the recommendations in the *Report of the Working Group on the Review of the Labour Tribunal* ("the Report") released in 2004 have been implemented by administrative measures. There remains a few recommendations which require amendments to primary and subsidiary legislation for implementation. The Judiciary has issued drafting instructions for these recommendations and will liaise with the Administration for their introduction into the Legislative Council.

Since the release of the Report in 2004, the Judiciary is aware that the Administration has been considering possible measures to improve the existing mechanism for the enforcement of Labour Tribunal awards. The Judiciary would keep in view any suggestions from the Administration which may impact on the powers of the Labour Tribunal in respect of the enforcement of awards made by the Tribunal, and will give serious consideration to such suggestions as appropriate.

Signature \_\_\_\_\_

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 11 April 2008

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

**S-JA003**

Question Serial  
No.

Head: 80 Judiciary

Subhead (No. & title):

S032

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Follow-up on Reply Serial No. JA001

In 2006-2007, 6,543 and 6,066 cases were concluded in the Labour Tribunal respectively. Did the Administration collect any statistics on the number of awards enforced? If yes, what is the result of the statistics? If not, will the Administration consider collecting the statistics for this purpose?

Asked by: Hon. WONG Kwok-hing

Reply:

Out of the 6,543 and 6,066 cases concluded in the Labour Tribunal in 2006 and 2007, the number of cases where monetary awards were made (including arrears of wages, wages in lieu of notice, severance payment, etc) was 5,383 and 4,742 respectively. It should be noted that as claims generally have multiple items and in some cases there are more than one claimants, it is difficult to differentiate the cases that are successful or unsuccessful. For instance, a claimant may succeed in one or two items of a claim but fail in the others. The above figure only shows the number of awards for general reference.

As at 7 April 2008, of these 5,383 and 4,742 cases, 2,681 and 2,332 were cases where the amounts awarded were recovered with full or partial payment made through the Labour Tribunal respectively. It should however be noted that as employees and employers may choose to settle payment of the monetary awards on their own, the Labour Tribunal does not have available statistics in this regard.

It is understood that the Administration is considering measures to address the issues related to the enforcement of the Labour Tribunal awards. The Judiciary would provide comments and inputs to the Administration on any proposals which may impact on the Judiciary as appropriate.

Signature \_\_\_\_\_

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 11 April 2008

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

**S-JA004**

Question Serial  
No.

Head: 80 Judiciary

Subhead (No. & title):

SV004

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

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

The Judiciary was requested to provide the Panel on Administration of Justice and Legal Services papers on the following subjects:-

- (a) Details of the completed or planned renovation works to improve the setting of the Family Court and make the facilities more user-friendly; and
- (b) Measures to facilitate public understanding of the changes in rules and practices to be implemented under the Civil Justice Reform.

Asked by: Hon. NG Margaret

Reply:

We are preparing the papers as requested by Members, and will submit them to the Panel on Administration of Justice and Legal Services as soon as practicable.



Signature \_\_\_\_\_

Name in block letters EMMA LAU

Post Title Judiciary Administrator

Date 11 April 2008