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### Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2015-16

Controlling Officer : Judiciary Administrator

Session No. : 2

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**CONTROLLING OFFICER'S REPLY**

**S-JA01**

**(Question Serial No.S0004)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

In 2014-2015, what was the number of users of the Resource Centre for Unrepresented Litigants?

Asked by: Hon WONG Kwok-hing

Reply:

The requested information for the year 2014 is as follows:

	<b><u>2014</u></b>
Number of use	
Visits	11 900
Telephone enquiries	3 100
Access to webpage	235 200

- End -

**CONTROLLING OFFICER'S REPLY****S-JA02****(Question Serial No. S0005)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

So far as the High Court and the District Court were concerned, what were the numbers of unrepresented litigants and the types of cases involved?

Asked by: Hon WONG Kwok-hing

Reply:

The Judiciary only maintains statistics on the number of hearings involving unrepresented litigants in the High Court and the District Court, and the numbers and percentages of such hearings in 2014 are as follows:

Court Level	Type of Case	Number (and percentage) of hearings involving unrepresented litigants *
		2014
Court of Appeal of the High Court	Criminal appeals	152 (48%)
	Civil appeals	39 (20%)
Court of First Instance of the High Court	Criminal trials	13 (7%)
	Civil trials/ substantive hearings	104 (33%)
	Appeals from Magistrates' Courts	355 (56%)
	Tribunal and Master appeals	151 (61%)
District Court	Criminal trials	31 (4%)
	Civil trials/ substantive hearings	126 (58%)

\* Hearings involving unrepresented litigants refer to those hearings in which at least one of the parties is unrepresented.

- End -

**CONTROLLING OFFICER'S REPLY**

**S-JA03**

**(Question Serial No. S0006)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Regarding “the preparation for the full operation of the Competition Tribunal as provided for under the Competition Ordinance (Cap. 619), including the preparation of subsidiary legislation relating to court procedural rules”, will the Judiciary inform this Council:

1. the estimated expenditure and the size of the establishment of the Competition Tribunal for each year;
2. There are difficulties in the recruitment of judicial officers at various levels of court. Does the Competition Tribunal have the above difficulties? If so, will the operation of the Competition Tribunal be affected?

Asked by: Hon WONG Kwok-hing

Reply:

According to the Competition Ordinance (“the Ordinance”) (Cap. 619), every judge of the Court of First Instance of the High Court (“CFI”), will, by virtue of his or her appointment as CFI Judge, be a member of the Competition Tribunal (“the Tribunal”). The Ordinance also provides that, among others, every Registrar, Senior Deputy Registrar and Deputy Registrar (“registrars”) of the High Court, by virtue of that appointment, holds the corresponding office or position in the Tribunal.

The Judiciary expects that the setting up of the Competition Tribunal would create additional workload on the Judges and Judicial Officers (“JJOs”) (as well as the supporting staff) of the CFI. On 15 March 2013, the Judiciary obtained the approval of the Finance Committee of the Legislative Council (“LegCo”) to create a CFI judge post and a Deputy Registrar post. The additional CFI judge post seeks to re-compensate the projected total judicial time to be spent by the President, Deputy President and other CFI Judges/members of the Tribunal on the work of the Tribunal. Similarly, the additional Deputy Registrar

post covers the estimated aggregate amount of time to be spent by the registrars of the High Court on the work of the Tribunal. Besides, a total of nine non-directorate civil service posts have been approved for providing the necessary support.

At present, the President and the Deputy President of the Tribunal have been appointed. Besides, two Deputy Registrars have also been helping out on the preparatory work relating to the Tribunal. These are sufficient for the preparatory stage.

When the Ordinance comes into full operation, as some of the cases are likely to be first investigated by the Competition Commission, the Judiciary expects that the initial caseload for the Tribunal may not be that great. The present line-up of the JJOs should suffice at the early stage. Moreover, other JJOs at the CFI level may help the work of the Tribunal if there is over-spilling of competition cases at any one time which cannot be handled by the President and Deputy President of the Tribunal.

On financial provision, the Judiciary has earmarked about \$24 million in 2015-16 to cover the recurrent expenses.

- End -

**CONTROLLING OFFICER'S REPLY**

**S-JA04**

**(Question Serial No. S0007)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

The Judiciary stated that the manpower in the High Court, particularly in the Court of Appeal, was not sufficient to cope with the operational needs. There were also constraints in the deployment of judicial manpower in the High Court as a result of the elevation of Judges to higher positions and retirement of Judges. Despite the two rounds of open recruitment exercises for Judges of the Court of First Instance of the High Court completed by the Judiciary in 2012 and 2013, not all of the vacancies could be filled. In this connection, may the Judiciary inform this Council of the following:

1. What were the vacancies that could not be filled?
2. The numbers of civil and criminal cases affected due to the fact that the above vacancies could not be filled; and
3. The reason(s) why the recruitment of those judicial officers was unsuccessful. Was it related to the remuneration and workload involved? If yes, will the Judiciary conduct a review of the ranking, remuneration and conditions of service of judicial officers? What will be the contents of the review?

Asked by: Hon WONG Kwok-hing

Reply:

- (1) The number of unfilled vacancies of Judge of the Court of First Instance of the High Court (“CFI Judge”) is 11 as at 1 April 2015. The latest recruitment exercise for CFI Judges which was launched in October 2014 is still in progress.
- (2) It is not possible to quantify how many cases are affected by the judicial vacancies as these would be influenced by other factors such as complexity of cases and hearing time required for each case. It is, however, fair to assume that not filling vacancies will have an effect on judicial operations. Pending the filling of judicial vacancies by substantive CFI Judges, the Judiciary will continue to engage deputy judges as far as practicable to assist in meeting the pressing operational needs. As at 1 April 2015, there are altogether 13 Deputy High Court Judges, 10 appointed from within the Judiciary and 3 appointed from outside the Judiciary, sitting to hear cases in the Court of First Instance of the High Court.
- (3) In filling judicial vacancies, the Judiciary always bears in mind that the high standards expected of Judges and Judicial Officers (“JJOs”) are maintained and only the most suitable persons are appointed.

On the recruitment of JJOs, this has largely been successful. There are some difficulties in the recruitment at the level of the Court of First Instance of the High Court. To address such difficulties, the Judiciary is conducting various reviews, including one on the terms and conditions of service of JJOs and another on retirement ages. The review on the terms and conditions of service of JJOs covers the existing package of benefits and allowances provided for JJOs, including housing benefits, medical benefits and education allowances, etc. The review will not cover the part on judicial pay, which will be taken care of under a separate mechanism. For the review on retirement ages of JJOs, a comprehensive study is being conducted with a view to making recommendations on the statutory retirement ages of JJOs at all levels of court.

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