

## Index Page

### Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2017-18

**Controlling Officer : Judiciary Administrator**

**Session No. : 5**

**File Name : JA-1-e1.doc**

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
<a href="#">JA001</a>	2778	CHAN Chi-chuen	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA002</a>	5683	CHEUNG Chiu-hung, Fernando	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA003</a>	5684	CHEUNG Chiu-hung, Fernando	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA004</a>	5685	CHEUNG Chiu-hung, Fernando	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA005</a>	6418	CHEUNG Chiu-hung, Fernando	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA006</a>	6458	CHEUNG Chiu-hung, Fernando	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA007</a>	2152	CHU Hoi-dick	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA008</a>	2045	HO Kwan-yiu, Junius	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA009</a>	2376	HO Kwan-yiu, Junius	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA010</a>	2379	HO Kwan-yiu, Junius	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA011</a>	2632	HUI Chi-fung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA012</a>	2635	HUI Chi-fung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA013</a>	2637	HUI Chi-fung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA014</a>	2644	HUI Chi-fung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA015</a>	1393	KWOK Wing-hang, Dennis	80	-
<a href="#">JA016</a>	1394	KWOK Wing-hang, Dennis	80	-
<a href="#">JA017</a>	1675	KWOK Wing-hang, Dennis	80	-
<a href="#">JA018</a>	3246	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA019</a>	3247	KWOK Wing-hang, Dennis	80	(2) Support Services for Courts' Operation
<a href="#">JA020</a>	3248	KWOK Wing-hang,	80	(1) Courts, Tribunals and

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
		Dennis		Various Statutory Functions
<a href="#">JA021</a>	5184	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA022</a>	5185	KWOK Wing-hang, Dennis	80	-
<a href="#">JA023</a>	5186	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA024</a>	5187	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA025</a>	5189	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA026</a>	5190	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA027</a>	5191	KWOK Wing-hang, Dennis	80	(2) Support Services for Courts' Operation
<a href="#">JA028</a>	6674	KWOK Wing-hang, Dennis	80	(2) Support Services for Courts' Operation
<a href="#">JA029</a>	6675	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA030</a>	6676	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA031</a>	6677	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA032</a>	6681	KWOK Wing-hang, Dennis	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA033</a>	6682	KWOK Wing-hang, Dennis	80	(2) Support Services for Courts' Operation
<a href="#">JA034</a>	0464	LAU Ip-keung, Kenneth	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA035</a>	3244	LEE Wai-king, Starry	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA036</a>	3069	LEUNG Kwok-hung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA037</a>	3077	LEUNG Kwok-hung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA038</a>	3225	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA039</a>	3226	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA040</a>	3263	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA041</a>	4893	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA042</a>	4894	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA043</a>	4895	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
<a href="#">JA044</a>	4896	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA045</a>	4897	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA046</a>	4898	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA047</a>	4899	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA048</a>	4900	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA049</a>	4901	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA050</a>	4981	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA051</a>	4982	LEUNG Kwok-hung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA052</a>	4983	LEUNG Kwok-hung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA053</a>	4984	LEUNG Kwok-hung	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA054</a>	6960	LEUNG Kwok-hung	80	(2) Support Services for Courts' Operation
<a href="#">JA055</a>	1128	LEUNG Mei-fun, Priscilla	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA056</a>	3419	LEUNG Yiu-chung	80	-
<a href="#">JA057</a>	3438	LEUNG Yiu-chung	80	(2) Support Services for Courts' Operation
<a href="#">JA058</a>	1452	LIAO Cheung-kong, Martin	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA059</a>	1490	TO Kun-sun, James	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA060</a>	2600	TSE Wai-chun, Paul	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA061</a>	3879	YEUNG Alvin	80	(2) Support Services for Courts' Operation
<a href="#">JA062</a>	3979	YICK Chi-ming, Frankie	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#">JA063</a>	3980	YICK Chi-ming, Frankie	80	(2) Support Services for Courts' Operation
<a href="#">JA064</a>	5825	YIU Chung-yim	80	(2) Support Services for Courts' Operation
<a href="#">JA065</a>	5826	YIU Chung-yim	80	(2) Support Services for Courts' Operation
<a href="#">JA066</a>	5828	YIU Chung-yim	80	(2) Support Services for Courts' Operation
<a href="#">JA067</a>	5829	YIU Chung-yim	80	(2) Support Services for Courts' Operation

<b>Reply Serial No.</b>	<b>Question Serial No.</b>	<b>Name of Member</b>	<b>Head</b>	<b>Programme</b>
<a href="#"><u>JA068</u></a>	2877	YUNG Hoi-yan	80	(1) Courts, Tribunals and Various Statutory Functions
<a href="#"><u>JA069</u></a>	2881	YUNG Hoi-yan	80	(2) Support Services for Courts' Operation

**CONTROLLING OFFICER'S REPLY****JA001****(Question Serial No. 2778)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide information for the past year on the following:

- (1) The establishment and operating expenses of the Obscene Articles Tribunal.
- (2) In the form of a table, the number of cases and the categories of articles classified by the Obscene Articles Tribunal as Class I (neither obscene nor indecent), Class II (indecent) or Class III (obscene) before and after publication; the number of cases in which a request for review was made and out of that the number of cases in which the classification was confirmed or altered.
- (3) The number of users of the Obscene Articles Tribunal's repository and the manpower and expenditure involved.

Asked by: Hon CHAN Chi-chuen (Member Question No. 9)Reply:

- (1) The establishment (including Judicial Officer and support staff) and approximate expenditure of the Obscene Articles Tribunal in 2016-17 are as follows:

	<b>2016-17</b>
Establishment	7
Approximate expenditure (including salary expenditure and departmental expenses)	\$5.6 million

- (2) The total number of articles classified by the Obscene Articles Tribunal in exercising its statutory administrative classification function in 2016 and their results are set out as follows:

	<b>2016</b>	
	<b>Before publication</b>	<b>After publication</b>
<b>Class I</b> <i>(neither obscene nor indecent)</i>	56	0
<b>Class II</b> <i>(indecent)</i>	161	0
<b>Class III</b> <i>(obscene)</i>	2	0
<b>Total</b>	<b>219</b>	<b>0</b>

There was no review case in respect of classified cases in 2016.

- (3) The number of usage of the Obscene Articles Tribunal's repository which keeps articles submitted for administrative classification in 2016 was seven and the total number of articles searched was seven.

One Assistant Clerical Officer is deployed to provide general and logistical support for both the registry and the repository of the Obscene Articles Tribunal. His duties include collation of newspaper cuttings, records management and filing, assisting the Officer-in-charge of the Obscene Articles Tribunal in making logistic arrangements and liaising with adjudicators, logistic support to visitors and other court support work, etc.

The approximate expenditure for the above-mentioned Assistant Clerical Officer in 2016-17 is as follows:

	<b>2016-17</b>
Approximate expenditure (including salary expenditure and departmental expenses)	\$0.3 million

- End -

**CONTROLLING OFFICER'S REPLY**

**JA002**

**(Question Serial No. 5683)**

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:

In the form of a table, please provide information on the actual waiting time (days) from setting down of a case to hearing of dissolution of marriage in the Family Court in the past five years:

- (1) Average actual waiting time of cases in the special procedure list, defended list and general procedure list.
- (2) The longest actual waiting time of cases in the special procedure list, defended list and general procedure list and the number of cases involved.
- (3) Of the above, please explain for the time required.
- (4) Average actual waiting time for financial applications (please set out the time according to the categories).
- (5) The longest actual waiting time for financial applications (please set out the time according to the categories).
- (6) In furtherance, please explain for the time required.

In respect of the above six items, what are the expenditure in the last financial year and the estimates of expenditure for the next financial year?

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 2460)

Reply:

The Judiciary only maintains statistics on average waiting time that measures the period from date of listing to first free date of the court. The Judiciary however, does not maintain statistics on actual waiting time which is contingent upon a range of factors including the time required by parties for case preparation, the availability of parties and/or counsel, etc.

The statistics of the average waiting time, the longest waiting time and the number of cases involved for cases listed on Special Procedure List (there is no general procedure list) and Defended List for the past five years from 2012 to 2016 are as follows:

	Target	2012	2013	2014	2015	2016
<b>Special Procedure List</b>						
Average Waiting Time (Days)	35	33 (21 212)	33 (22 687)	32 (20 488)	34 (19 564)	34 (16 298)
Longest Waiting Time (Days) <sup>#</sup>	-	42 (18)	36 (132)	37 (80)	36 (50)	35 (14 743)
<b>Defended List</b>						
Average Waiting Time (Days) <sup>*</sup>						
(a) one day hearing	110	98 (34)	108 (26)	-	-	-
(b) all hearings	110	-	-	97 (37)	93 (29)	65 (18)
Longest Waiting Time (Days) <sup>#</sup>	-	181 (1)	181 (1)	186 (1)	173 (1)	100 (2)

<sup>\*</sup> Upon endorsement by the Court Users' Committees, all Defended List hearings (instead of just one-day hearing) in the Family Court are covered under the target with effect from 1 January 2014. The target waiting time remains unchanged.

<sup>#</sup> The figures in brackets indicate the number of cases involved.

For Financial Applications, there is no breakdown by categories. The requested information on the average waiting time and the longest waiting time for cases listed for the past five years from 2012 to 2016 are as follows:

	Target	2012	2013	2014	2015	2016
<b>Financial Applications</b>						
Average Waiting Time (Days) <sup>^</sup>						
(a) from filing of Summons to hearing	110 – 140	83	86	-	-	-
(b) from setting down of a case to hearing	110 - 140	-	-	84	91	86
Longest Waiting Time (Days)	-	460	224	170	181	161

<sup>^</sup> Upon endorsement by the Court Users' Committees, the target for financial applications in the Family Court is re-worded as "from setting down of a case to hearing" with effect from 1 January 2014. The target waiting time remains unchanged.

From operational experience, the reasons for longer waiting time are the availability of court and/or the directions given by judges of not listing a trial or hearing before a particular future date for allowing more time for parties to consider mediation and settlement.

The Judiciary does not have the breakdown of the operation expenses by types of cases or levels of courts.

- End -



**CONTROLLING OFFICER'S REPLY**

**JA003**

**(Question Serial No. 5684)**

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:

Please provide information on:

- (1) the number of domestic violence cases that required court interpreting and/or translation services in the past five years, the statistics on the languages involved in these cases and the gender of the users of the services;
- (2) the number of divorce cases that required court interpreting and/or translation services in the past five years, the statistics on the languages involved in these cases and the gender of the users of the services.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 2461)

Reply:

Court interpreters are deployed at various levels of courts, including Family Court, to provide interpreting services when needed. The Judiciary does not maintain separate breakdown of services by types of cases or levels of courts.

- End -

**CONTROLLING OFFICER'S REPLY****JA004****(Question Serial No. 5685)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide the following information in relation to the Family Court:

- (1) remuneration and establishment of Judges and Judicial Officers;
- (2) details of training provided to the officers concerned on dealing with domestic violence cases.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. 2462)Reply:

- (1) The establishment and remuneration of Judges and Judicial Officers ("JJOs") in the Family Court are as follows:

<b>Position as at 31.3.2017</b>				
<b>Level of Court</b>	<b>Rank</b>	<b>Establishment</b>	<b>Judicial Service Pay Scale Point</b>	<b>Monthly Salary \$</b>
Family Court	Principal Family Court Judge	1	14	210,200 – 223,000
	District Judge	4	13	197,000 – 208,850

As at 31 March 2017, there are six substantive Judges and four deputy Judges deployed to sit at the Family Court to hear cases.

- (2) Resources have all along been provided for judicial training activities. JJOs' participation in judicial training activities depends on the availability of such activities and JJOs' availability as permitted by their court diaries. Family Court Judges attended training on dealing with domestic violence cases in 2014 and on family law from time to time. With the recent establishment of the Judicial Institute, the Institute will also attend to the need for training for the JJOs in this regard.

- End -

**CONTROLLING OFFICER'S REPLY****JA005****(Question Serial No. 6418)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide the following figures for the past five years:

- (1) The number of divorce cases processed by the courts, and the average time needed for handling legally-aided divorce applications;
- (2) The number of divorce cases with unreasonable behavior as the ground, in particular divorces sought on the ground of domestic violence;
- (3) The number of divorce/separation cases in which nominal maintenance of \$1 per year was received from former spouses;
- (4) The number of cases in which joint custody order was made, with breakdown by nationality;
- (5) The number of cases involving the granting of custody, with breakdown by male-and-female ratio and nationality;
- (6) The number of cases involving the granting of access, with breakdown by male-and-female ratio and nationality;
- (7) The number of cases in which parents were requested by the courts to take part in co-parenting courses, with breakdown by male-and-female ratio and nationality.

Asked by: Dr Hon Fernando Cheung Chiu-hung (Member Question No. 1759)Reply:

The Judiciary does not maintain the requested statistics.

However, the Judiciary maintains the numbers of divorce cases filed in a year that may be relevant to the first part of item (1). Such figures for the past five years are as follows:

Year	2012	2013	2014	2015	2016
Number of divorce cases filed in the year	23 255	22 960	21 980	21 467	21 954

- End -

**CONTROLLING OFFICER'S REPLY****JA006****(Question Serial No. 6458)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide the respective numbers of Care and Protection Orders that the courts, the Police Force and the Social Welfare Department applied for under the Protection of Children and Juveniles Ordinance (Cap. 213) in the past five years, as well as the numbers of the Orders so granted, with a breakdown by category of the care or protection needed.

Asked by: Dr Hon Fernando Cheung Chiu-hung (Member Question No. 1916)Reply:

Care and Protection Orders can be granted either on applications by government departments such as the Hong Kong Police Force, the Social Welfare Department and the Customs and Excise Department, or on the court's own initiative.

The number of Care and Protection Orders granted under the Protection of Children and Juveniles Ordinance (Cap. 213) in the past five years are as follows:

<b>In relation to cases brought about by</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Hong Kong Police Force	484	354	300	188	185
Social Welfare Department	359	280	309	269	235
Customs and Excise Department	0	1	0	20	20
<b>Total</b>	<b>843</b>	<b>635</b>	<b>609</b>	<b>477</b>	<b>440</b>

The Judiciary does not keep information on the breakdown of the above figures by (a) whether they are granted on application or on the court's own initiative; and (b) by category of the Care and Protection Orders.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA007**

**(Question Serial No. 2152)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Not Specified (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Regarding cases in relation to the Oaths and Declarations Ordinance (Cap. 11), please state (i) the salaries and allowances; and, (ii) Government rent and other expenses involved for the past five years.

Asked by: Hon CHU Hoi-dick (Member Question No. 37)

Reply:

The Judiciary does not have the breakdown of the operating expenses by types of cases.

- End -

**CONTROLLING OFFICER'S REPLY****JA008****(Question Serial No. 2045)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Hong Kong experienced incidents such as “Occupy Central” and “Mongkok Riot” in 2014 and 2016 respectively that involved charging acts and unlawful disruptions of public order. Regarding these incidents, please inform this Council:

In the form of a table, with breakdown by category of these two major incidents, the number of cases that have already been disposed of in various courts, and the expenditure involved.

Asked by: Hon HO Kwan-yiu, Junius (Member Question No. 10)

Reply:

- (1) As at 1 March 2017, a total of 273 cases have been or are being dealt with in various levels of courts in relation to the Occupy Movement. The breakdown is as follows:

<b>Level of Court</b>	<b>Criminal Cases</b>	<b>Civil Cases</b>	<b>Total</b>
High Court	48	68	116
District Court	1	7	8
Small Claims Tribunal	0	40	40
Magistrates' Courts	109	0	109
<b>Total</b>	<b>158</b>	<b>115</b>	<b>273</b>

- (2) Separately as at 1 March 2017, a total of 67 cases have been or are being dealt with in various levels of courts in relation to the incident in Mongkok in February 2016:

<b>Level of Court</b>	<b>Criminal Cases</b>
High Court	2
District Court	4
Magistrates' Courts	61
<b>Total</b>	<b>67</b>

- (3) The workload brought about by these cases has been handled within the existing resources of the Judiciary.
- (4) The Judiciary does not have the breakdown of the operating expenses by types of cases or levels of courts.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA009**

**(Question Serial No. 2376)**

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:

It is noted that under the Judiciary's staffing arrangement in the budget estimates for 2017-2018, there will be an estimated increase of 15 directorate posts in the Judiciary this year. Please inform this Council:

- (1) Of the estimated increase of posts, how many of them are judges and judicial officers?
- (2) As regards the estimated additional directorate posts for judges and judicial officers, will the appointments be made under the principle of "giving priority to local legal talents"?

Asked by: Hon HO Kwan-yiu, Junius (Member Question No. 42)

Reply:

- (1) In 2017-18, subject to the endorsement of the Establishment Subcommittee ("ESC") and approval of the Finance Committee ("FC") of the Legislative Council, there will be an increase of 15 directorate posts, of which 14 are judicial posts. These include four posts of District Judge, five posts of Deputy Registrar, District Court, four posts of Adjudicator, Small Claims Tribunal and one post of Magistrate. The remaining one post is a supernumerary non-judicial post of Principal Executive Officer ("PEO") at D1 level for a period of three years from 2017-18 to 2019-20 to provide directorate and strategic support to the formulation of an accommodation strategy for the Judiciary in the long term. The Judiciary will be consulting the Panel on Administration of Justice and Legal Services on the proposed 14 permanent judicial posts and one supernumerary PEO post before submitting the proposals to the ESC for endorsement and the FC for approval.



- (2) It should be pointed out that as stipulated under Article 92 of the Basic Law, judges and judicial officers (“JJOs”) shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. Apart from the office of the Chief Justice and the Chief Judge of the High Court, there is no nationality requirement in the Basic Law for other JJOs.

Appointments of Judges of the Court of First Instance of the High Court, District Judges and Magistrates are made through open recruitment exercises. In each open recruitment exercise, advertisements for the judicial posts are published in the Judiciary website and newspapers. Eligible candidates from local and overseas can apply for those posts on an equal basis. Candidates will be appointed as JJOs if they are found suitable on the basis of their judicial and professional qualities and are recommended by the Judicial Officers Recommendation Commission, which is an independent statutory body set up to make recommendations to the Chief Executive on judicial appointments.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA010**

**(Question Serial No. 2379)**

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:

According to the latest list of judges and judicial officers, there are only a total of 67 Magistrates and Special Magistrates in various districts. As they are required to handle more than 300 000 cases a year, they are under immense pressure. In this connection, please inform this Council of:

- (1) the number of additional Magistrates the Judiciary will employ in the financial year 2017-2018.
- (2) whether there is any plan to set up funds to provide training to experienced local solicitors or local legal scholars, who uphold the Basic Law, for them to join the basic level of the local judicial system, so as to solve the manpower shortage problem at that level in the long run.

Asked by: Hon HO Kwan-yiu, Junius (Member Question No. 43)

Reply:

- (1) In 2017-18, subject to the endorsement of the Establishment Subcommittee and approval of the Finance Committee of the Legislative Council, there will be an increase of ten judicial posts at the magisterial level and equivalent, including five posts of Deputy Registrar, District Court, four posts of Adjudicator, Small Claims Tribunal and one post of Magistrate. With a view to filling the existing vacancies and new posts at the magisterial level and equivalent, a new round of recruitment of Permanent Magistrates has been launched in end 2016 and the exercise is in progress.
- (2) It should be pointed out that as stipulated under Article 92 of the Basic Law, judges and judicial officers of the Judiciary of the Hong Kong Special Administrative Region shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. Recruitment exercises of Magistrates conducted in the past few years (in 2009, 2011 and 2014) were largely

successful and no recruitment difficulty was observed. It is outside the ambit of the Judiciary to finance training of local legal professionals outside the Judiciary.

To address the operational and development needs at the magisterial and equivalent level, the Judiciary will continue to fill vacancies through open recruitment and engage deputy judicial officers where necessary as a stop gap measure while keeping in view of the judicial manpower situation for the need of any new judicial posts at this level.

- End -

**CONTROLLING OFFICER'S REPLY****JA011****(Question Serial No. 2632)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court for the year 2016-17.

Asked by: Hon HUI Chi-fung (Member Question No. 14)Reply:

The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers ("JJOs") and support staff of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court for the year 2016-17 are as follows:

<b>Tribunal/ Court</b>	<b>Establish- ment</b>	<b>No. of Posts</b>	<b>Annual Salary at Mid-point* (\$)</b>
Lands Tribunal	31	3 – District Judge 2 – Member 8 – Judicial Clerk grade staff 17 – Clerical Staff 1 – Office Assistant	20.4 million
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 39 – Clerical Staff 8 – Secretarial Staff 5 – Office Assistant 1 – Workman II	52.1 million

<b>Tribunal/ Court</b>	<b>Establish-m ent</b>	<b>No. of Posts</b>	<b>Annual Salary at Mid-point* (\$)</b>
Small Claims Tribunal	69	1 – Principal Adjudicator 7 – Adjudicator 18 – Judicial Clerk grade staff 41 – Clerical Staff 2 – Office Assistant	37.0 million
Obscene Articles Tribunal	7	2 – Magistrate 4 – Clerical Staff 1 – Office Assistant	4.7 million
Coroner's Court	14	3 – Coroner 1 – Judicial Clerk grade staff 8 – Clerical Staff 1 – Secretarial Staff 1 – Workman II	8.6 million

\* The estimates have included any acting allowances payable in individual cases where acting appointments are necessary.

- End -

**CONTROLLING OFFICER'S REPLY****JA012****(Question Serial No. 2635)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide the number of applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decisions for the past three years, and their respective average waiting times? How many of those judicial review cases were legally aided?

Asked by: Hon HUI Chi-fung (Member Question No. 15)Reply:

The information requested on judicial review cases in the period from 2014 to 2016 is as follows:

	<b>2014</b>	<b>2015</b>	<b>2016</b>
(a) No. of leave applications filed	168	259	228
(b) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	52	64	24
(c) Average waiting time from listing to hearing of leave application	39 days	47 days	49 days
(d) No. of appeals against refusal of leave filed	22	23	13
(e) Average waiting time from listing to appeal hearing in respect of refusal of leave application	76 days	77 days	70 days
(f) No. of substantive judicial review cases filed	91	77	31

	<b>2014</b>	<b>2015</b>	<b>2016</b>
(g) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	57	52	18
(h) Average waiting time from listing to hearing of substantive case	106 days	94 days	91 days
(i) No. of appeals against judicial review decisions filed	9	20	21
(j) Average waiting time from listing to appeal hearing	109 days	126 days	85 days

- End -

**CONTROLLING OFFICER'S REPLY****JA013****(Question Serial No. 2637)**

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:

Please provide the respective figures on the caseload, the number of cases concluded and the court waiting time at various levels of courts in 2016-2017.

Asked by: Hon HUI Chi-fung (Member Question No. 16)

Reply:

As the financial year 2016-17 has yet to end, the figures on the number of cases filed, the number of cases disposed of and the court waiting time at various levels of courts in the year 2016 are provided below:

**Cases filed and Disposed of**

	<b>Cases filed 2016</b>	<b>Cases Disposed 2016</b>
<b>Court of Final Appeal</b>		
application for leave to appeal	129	131
appeals	32	33
miscellaneous proceedings	0	0
<b>Court of Appeal of the High Court</b>		
criminal appeals	400	381
civil appeals	246	273
<b>Court of First Instance of the High Court</b>		
criminal jurisdiction		
criminal cases	497	506
confidential miscellaneous proceedings	405	405
appeals from Magistrates' Courts	702	713
civil jurisdiction	19 467	16 497



	<b>Cases filed 2016</b>	<b>Cases Disposed 2016</b>
probate cases	18 368	18 189
<b>Competition Tribunal</b>	0	0
<b>District Court</b>		
criminal cases	1 215	1 075
civil cases	21 902	18 692
family cases	22 297	17 515
<b>Lands Tribunal</b>	4 629	3 853
<b>Magistrates' Courts</b>	334 048	327 788
<b>Coroner's Court</b>	83	77
<b>Labour Tribunal</b>	4 326	4 048
<b>Small Claims Tribunal</b>	49 169	48 794
<b>Obscene Articles Tribunal</b>	226	222

**Court Waiting Time**\*

	<b>Target</b>	<b>Average Waiting Time (days) 2016</b>
<b>Court of Final Appeal</b>		
application for leave to appeal		
Criminal - from notice of hearing to hearing	45	42
Civil - from notice of hearing to hearing	35	33
substantive appeal		
Criminal - from notice of hearing to hearing	100	98
Civil - from notice of hearing to hearing	120	117
<b>Court of Appeal of the High Court</b>		
Criminal - from setting down of a case to hearing	50	46
Civil - from application to fix date to hearing	90	86
<b>Court of First Instance of the High Court</b>		
Criminal Fixture List - from filing of indictment to hearing	120	291
Criminal Running List - from setting down of a case to hearing	90	96
Civil Fixture List - from application to fix date to hearing	180	155
Civil Running List - from not-to-be-warned date to hearing	30	13

	<b>Target</b>	<b>Average Waiting Time (days) 2016</b>
appeals from Magistrates' Courts - from lodging of Notice of Appeal to hearing	90	105
<b>District Court</b>		
Criminal - from first appearance of defendants in District Court to hearing	100	118
Civil Fixture List - from date of listing to hearing	120	99
Civil Running List - from not-to-be-warned date to hearing	30	15
<b>Family Court</b>		
dissolution of marriage - from setting down of a case to hearing -		
Special Procedure List	35	34
Defended List (all hearings)	110	65
financial applications - from setting down of a case to hearing	110-140	86
<b>Lands Tribunal</b>		
- from setting down of a case to hearing		
appeal cases	90	30
compensation cases	90	41
building management cases	90	35
tenancy cases	50	26
<b>Magistrates' Courts</b>		
- from plea to date of trial		
summons	50	67
charge cases except for Juvenile Court -		
for defendants in custody	30-45	36
for defendants on bail	45-60	41
charge cases for Juvenile Court -		
for defendants in custody	30-45	49
for defendants on bail	45-60	39
<b>Coroner's Court</b>		
- from date of listing to hearing	42	39
<b>Labour Tribunal</b>		
- from appointment to filing of a case	30	27
- from filing of a case to first hearing	30	26
<b>Small Claims Tribunal</b>		
- from filing of a case to first hearing	60	34

	Target	Average Waiting Time (days) 2016
<b>Obscene Articles Tribunal</b>		
- from receipt of application to classification	5	3
- from referral by a magistrate to determination	21	- <sup>#</sup>

\* Since there was no application/claim filed in the Competition Tribunal up to end 2016, the average waiting time is inapplicable. The endorsement by the Competition Tribunal Court Users' Committee regarding the target waiting time will be obtained later.

<sup>#</sup> As there is no application for determination filed, the waiting time is inapplicable.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA014**

**(Question Serial No. 2644)**

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 courts are often required to deal with cases involving human rights, civil rights, political rights and freedom of expression in recent years. In this connection, please provide information on:

- (1) In the past three years, did the Judiciary provide resources to enhance training to Judges on the abovementioned areas? If yes, what are the details; if not, what are the reasons?
- (2) The training expenditure on the abovementioned areas for the past three years and the estimate for 2017-18.

Asked by: Hon HUI Chi-fung (Member Question No. 18)

Reply:

- (1) The Chief Justice accords high priority to judicial training. Resources have all along been provided for judicial training activities on various fronts, such as family law, commercial litigation, competition law, public law, etc. Judges and Judicial Officers' ("JJOs") participation in judicial training activities depends on the availability of such activities and JJOs' availability as permitted by their court diaries. Details of the judicial training activities in the past three financial years are in the Annex attached.
- (2) The actual expenditure for judicial training activities in 2014-15, 2015-16 and 2016-17 is \$0.9 million, \$1.0 million and \$0.4 million respectively and the estimate for 2017-18 is \$0.7 million.

**Judicial Training Activities Attended by Judges and Judicial Officers  
for the Financial Years 2014-15 to 2016-17**

**Financial Year 2014-15**

**Local Judicial Training Activities Organised by the Hong Kong Judicial Institute**

<b>Date</b>	<b>Activity</b>
22.5 – 26.7.2014	Judgment Writing Workshops by Professor Anselmo REYES, Professor of Legal Practice of the University of Hong Kong
29.5.2014	Lord Collins in Conversation – A Session of Questions and Answers by The Rt Hon the Lord COLLINS of Mapesbury, Non-Permanent Judge of the Court of Final Appeal
4 – 6.6.2014	Seminar on Competition Law by Prof. Dr. Andreas KELLERHALS, Director of the Europe Institute and Director of the L.L.M. Programme in International Business Law at the University of Zurich, Switzerland
10.7.2014	Talk entitled “The Strengths of the Common Law” by the Hon Mr Justice William GUMMOW, Non-Permanent Judge of the Court of Final Appeal
6.9.2014	Visit to the Headquarters of the Independent Commission Against Corruption
30.10.2014	Talk entitled “Institutional Integrity and Public Law” by the Hon Mr Justice James SPIGELMAN, Non-Permanent Judge of the Court of Final Appeal
13.11.2014	Talk entitled “Mediation: Recent Judicial Decisions” by Mr Michael KALLIPETIS QC
8, 10 – 12.12.2014	Judgment Writing Workshops by Professor Anselmo REYES, Professor of Legal Practice of the University of Hong Kong
28 – 30.1.2015	Induction Course for Magistrates and Special Magistrates
28.3.2015	Magistrates’ Workshop on “Introduction to the Work of the District Court”

**Other Local Training Activities Attended by the Judges and Judicial Officers**

<b>Date</b>	<b>Activity</b>
14.4.2014	UCL-HKU Conference on Judicial Review in a Changing Society, co-hosted by the University of Hong Kong and the University College London
20 – 21.6.2014	Course on Vulnerable Witnesses, organised by the Hong Kong Advocacy Training Council

Date	Activity
5.7.2014	Civil Justice Reform Training – Joint General Seminar: “CJR Update”, co-organised by the Hong Kong Bar Association and the Hong Kong Academy of Law (of the Law Society of Hong Kong)
6.11.2014	Sharing session on domestic violence for Family Court Judges, organised by the Social Welfare Department
22.1.2015	Common Law Lecture entitled “Vicarious Liability on the Move”, organised by the University of Hong Kong
27.1.2015	Talk entitled “Private Financial Adjudication in Family Cases”, organised by the Hong Kong Bar Association

## Judicial Training Activities Organised with/by Other Jurisdictions/ Organisations

Date	Activity
10 – 11.10.2014	12th Annual University of South Australia Competition and Consumer Workshop in Adelaide, Australia, organised by the University of South Australia
15 – 17.10.2014	Competition Law Workshop for Asia-Pacific Judges in Seoul, Korea, organised by the Organisation for Economic Cooperation and Development/Korea Policy Centre
11 – 14.11.2014	Asia Pacific Coroners Society Conference 2014 in Melbourne, Australia, organised by the Asia Pacific Coroners Society
1 – 6.3.2015	Economics Institute for Competition Judges Programme in Singapore, organised by the Global Antitrust Institute
21– 24.3.2015	The Eleventh Multinational Judicial Colloquium and the INSOL International Annual Regional Conference in San Francisco, the United States, organised by the INSOL International, the United Nations Commission on International Trade Law and the World Bank

## **Financial Year 2015-16**

### **Local Judicial Training Activities Organised by the Hong Kong Judicial Institute**

<b>Date</b>	<b>Activity</b>
24.9.2015	Talk about Magna Carta by The Rt Hon The Lord JUDGE
21.11.2015	Visit to Correctional Services Department's Institutions at Lantau – Shek Pik Prison, Sha Tsui Correctional Institution, Lai Chi Rehabilitation Centre and Tong Fuk Correctional Institution
18.12.2015	Case Management Workshop by the Hon Mr Justice Frank STOCK, Non-Permanent Judge of the Court of Final Appeal
2 – 4.2.2016	Hong Kong Competition Tribunal Workshop
10.3.2016	Coroners' Workshop

### **Other Local Training Activities Attended by the Judges and Judicial Officers**

<b>Date</b>	<b>Activity</b>
6.5.2015	Seminar on Handling Financial Expert Witnesses, organised by the Hong Kong Advocacy Training Council
8.5.2015	Seminar entitled "Issue Estoppel Under the New York Convention", organised by the University of Hong Kong
12.5.2015	Colloquium on the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (the "New York Convention"), organised by the International Council for Commercial Arbitration
20.5.2015	Talk entitled "Developments in Celebrity Image Rights", organised by the Hong Kong Bar Association
24.6.2015	Lecture entitled "Parental Responsibility Disputes in the Australian Family Court: Lessons from a Decade of Reform", organised by the University of Hong Kong
23.9.2015	DVC Oxford / HKU Fellowship Lecture on Competition Law, organised by the University of Hong Kong
29.9.2015	Lecture entitled "Money Laundering and its Combat: Art, Football, and Churches", organised by the University of Hong Kong
26.10.2015	Talk entitled "Hearsay Reform", organised by the Hong Kong Bar Association
27.10.2015	Common Law Lecture entitled "Developing Common Law in Hong Kong" by the Hon Mr Justice Robert Tang, Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong
27.10.2015	Seminar entitled "The Recent Reform of the Application for Judicial Review in England: Lessons for Hong Kong?", organised by the University of Hong Kong
30.10.2015	Seminar entitled "Legislation and Adjudication of Juvenile crimes in Mainland China", organised by the University of Hong Kong



Date	Activity
31.10.2015	Seminar entitled “Magna Carta and the Rule of Law in Hong Kong”, jointly organised by the Chinese University of Hong Kong, City University of Hong Kong and the University of Hong Kong
6.11.2015	Talk on Money Laundering, organised by the Hong Kong Bar Association
9.11.2015	Lecture entitled “The Right to Vote and Restrictions on Eligibility: a Critical Assessment of the Jurisprudence of the European Court of Human Rights”, organised by the University of Hong Kong
11 – 13.11.2015	Meeting of the International Hague Network of Judges in Hong Kong, organised by the Hague Conference on Private International Law
12.11.2015	Lecture entitled “Challenges in the Development of International Family Law: Reflections by the Chief Justice of the Family Court of Australia”, organised by the University of Hong Kong
13 – 14.11.2015	The Third Children’s Issues Forum, jointly organised by the Law Society of Hong Kong, the Hong Kong Family Law Association, the University of Hong Kong and the Chinese University of Hong Kong
23.11.2015	Conference entitled “Financial Crime, Risk and the Rule of Law” jointly organised by the University of Hong Kong and University College London
24.11.2015; 1.12.2015	Lectures entitled “Judicial Review” and “The Importance of Simplicity and Clarity of Language in the Law”, organised by the University of Hong Kong
26.11.2015	Lecture entitled “Aspects of Criminal Justice in Hong Kong” by the Hon Mr Justice Frank STOCK, Non-Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong
14.1.2016	Talk entitled “Expert Evidence in Criminal Trials – Assessing Reliability, Ensuring Independence and Promoting Scientific Rigour”, organised by the Hong Kong Bar Association
21.1.2016	Talk entitled “Reading Statutes – the Vital Aspect of All Legal Practice?” by the Hon Mr Justice William GUMMOW AC, Non-Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia
2.2.2016	Lecture entitled “Reading Law – Justice Scalia and Professor Garner discuss their co-authored book, Reading Law: The Interpretation of Legal Texts”, organised by the University of Hong Kong
10.3.2016	Talk entitled “Open Justice – Seen to be Done or Seem to be Done” by the Hon Mr Justice James SPIGELMAN AC QC, Non-Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia
14.3.2016	Lecture entitled “Equality and the Law: A Canadian Journey”, organised by the University of Hong Kong
22.3.2016	Seminar entitled “Hong Kong’s Hidden Stories: I am Hong Kong Too”, organised by the University of Hong Kong
23.3.2016	Lecture entitled “The Art of Being a Judge”, organised by the University of Hong Kong

## **Judicial Training Activities Organised with/by Other Jurisdictions/ Organisations**

<b>Date</b>	<b>Activity</b>
6 – 10.4.2015	Singapore Judicial College Course entitled “Strategies of Case Management: Challenges, Solutions and Innovation” in Singapore
15 – 16.6.2015	International Insolvency Institute’s Fifteenth Annual Conference in Naples, Italy
25 – 26.6.2015	Asia-Pacific Symposium entitled “Towards the Well-Being of the Child Through the Hague Child Abduction and Protection of Children Conventions” in Macau, jointly organised by Law Reform and International Law Bureau of the Macao SAR, the Department of Justice of the Hong Kong SAR, and the Asia Pacific Regional Office of the Hague Conference on Private International Law
27 – 31.7.2015	Judicial Governance Programme in Singapore, organised by the Singapore Civil Service College
13 – 15.10.2015	Competition Law Workshop for Asia-Pacific Judges in Busan, South Korea, organised by the Organisation for Economic Cooperation and Development / Korean Policy Centre
16 – 19.11.2015	Commonwealth and Common Law International Family Justice Conference in Coogee, Australia, organised by Family Court of Australia
18 – 20.11.2015	Third Rule of Law Conference in Beijing, jointly organised by the University of Hong Kong, University College London and the Peking University
3 – 4.3.2016	International Business of Judging Course in Northampton, England, organised by the Judicial College, England and Wales

## **Financial Year 2016-17**

### **Local Judicial Training Activities Organised by the Hong Kong Judicial Institute**

<b>Date</b>	<b>Activity</b>
28.4.2016	Talk entitled “Advocacy, Ethics and the Role of the Expert – Some English Reflections” by The Rt Hon The Lord CLARKE of Stone-cum-Ebony, Non-Permanent Judge of the Court of Final Appeal
28.5.2016	Workshop at Tuen Mun Children and Juvenile Home
30.5.2016	Talk on Chinese Judgment Writing by the Hon Mr Justice Patrick CHAN, Non-Permanent Judge of the Court of Final Appeal
14 – 15, 25 – 26 & 28 – 29.7.2016	Judgment Writing Workshops by Professor Anselmo REYES, Professor of Legal Practice of the Faculty of Law, the University of Hong Kong
20.7.2016	Talk entitled “The Law against Money Laundering: The June Cases” by the Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal
September – October 2016	Case Management Workshops by the Hon Mr Justice Frank STOCK, Non-Permanent Judge of the Court of Final Appeal
22.9.2016	Talk on Public Order Offences by His Honour Judge KWOK Wai-kin and His Honour Judge Alex LEE
11.11.2016	Family Law Seminar
11.11.2016	Talk entitled “A Child’s Human Rights” by The Rt Hon the Baroness Hale of Richmond, Deputy President of The Supreme Court, United Kingdom
16.11.2016	Talk entitled “Case Management and Decision Making by District Court Judges and Masters” by the Hon Madam Justice Carlye CHU, Justice of Appeal of the Court of Appeal of the High Court and the Hon Madam Justice Queeny AU-YEUNG, Judge of the Court of First Instance of the High Court
21 – 22.11.2016	Judgment Writing Workshop by Professor Anselmo REYES, Professor of Legal Practice of the Faculty of Law, the University of Hong Kong
1.12.2016	Case Management Workshop by the Hon Mr Justice Frank STOCK, Non-Permanent Judge of the Court of Final Appeal
31.3.2017	Magistrates’ Workshop on “Skills on handling Self Represented Parties”

### **Other Local Training Activities Attended by Judges and Judicial Officers**

<b>Date</b>	<b>Activity</b>
11.4.2016	Seminar entitled “Advocacy in Times when The Rule of Law is under Threat”, organised by the Hong Kong Advocacy Training Council
12.4.2016	Lecture entitled “Freedom of Expression for Those Who Wish to Destroy Freedoms for Others”, organised by the University of Hong Kong

<b>Date</b>	<b>Activity</b>
9 – 11.6.2016	6th LAWASIA Family Law & Children's Rights Conference 2016, organised by the LAWASIA
16.6.2016	Talk entitled "A comparison of the approached of the Australian Constitution and the Basic Law to rights and freedoms" by the Hon Mr Justice Murray GLEESON AC, Non-Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia
21.6.2016	Co-parenting Seminar entitled "The Crossroad to Parental Responsibility – Pilot Practice of Child-focused Co-parenting Work in Hong Kong", organised by the Hong Kong Family Welfare Society
12.9.2016	Seminar entitled "When Judges Must Play Moral Philosopher", organised by the University of Hong Kong
27.10.2016	Common Law Lecture entitled "Outraging public decency: In your face and up your skirt – the dynamism and limits of the common law" by the Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong
3.11.2016	Talk entitled "The influence of Australian Judges on the Hong Kong Court of Final Appeal" by the Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia
17.11.2016	Lecture entitled "Understanding Cross-Border Insolvency in the Hong Kong Context" by the Hon Mr Justice Jonathan HARRIS, Judge of the Court of First Instance of the High Court, organised by the University of Hong Kong
5.12.2016	12th Annual Conference entitled "Innovation, Creativity, Technology: The Impact of Competition Law in Asia", organised by the Asian Competition Forum
8.12.2016	Talk entitled "R v Jogee, and Mary Jane Veloso", organised by the Hong Kong Bar Association
18.2.2017	The 2nd Guardianship Conference, organised by the Guardianship Board

### **Judicial Training Activities Organised with/by Other Jurisdictions/ Organisations**

<b>Date</b>	<b>Activity</b>
18 – 20.5.2016	International Conference for Chief Coroners 2016 in London, United Kingdom, organised by the Chief Coroner of England and Wales
5 – 7.6.2016	International Insolvency Institute's 16th Annual Conference in Tokyo, Japan
15 – 17.6.2016	Study Visit to Judicial Commission of New South Wales in Sydney, Australia
6 – 8.7.2016	International Conference on "Culture, Dispute Resolution and The Modernised Family" in London, United Kingdom organised by the International Centre for Family Law, Policy and Practice

Date	Activity
5 – 7.10.2016	6 <sup>th</sup> Annual Competition Law Workshop for Asia-Pacific Judges in Seoul, South Korea, organised by the Organisation for Economic Cooperation and Development / Korean Policy Centre
8 – 11.11.2016	Asia Pacific Coroners' Society Conference in Perth, Australia organised by the Asia Pacific Coroners' Society
17 – 22.3.2017	The Twelfth Multinational Judicial Colloquium on Insolvency co-organised by the INSOL International, the United Nations Commission on International Trade Law and the World Bank Group and the Tenth Quadrennial Congress of INSOL International in Sydney, Australia

- End -

**CONTROLLING OFFICER'S REPLY****JA015****(Question Serial No. 1393)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: Not SpecifiedControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively for the year 2016-17 and on the vacant posts for judges and judicial officers for the past three years of the Court of Final Appeal, the Court of Appeal of the High Court, the Court of First Instance of the High Court, the District Court and various Magistrates' Courts.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 38)

Reply:

The number of posts (including Judges and Judicial Officers ("JJOs") and support staff) under Programme (1), i.e. Courts, Tribunals and Various Statutory Functions is 1 469 for 2016-17.

The establishment and remuneration of JJOs at all levels of courts is as follows:

Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
Court of Final Appeal	Chief Justice	1	19	340,250
	Permanent Judge	3^	18	330,850
Court of Appeal of the High Court	Chief Judge of the High Court	1	18	330,850
	Justice of Appeal	13	17	298,250

<b>Level of Court</b>	<b>Rank</b>	<b>Establish- ment</b>	<b>Judicial Service Pay Scale Point</b>	<b>Monthly Salary \$</b>
Court of First Instance of the High Court	Judge of the Court of First Instance	34	16	284,250
High Court Masters' Office	Registrar	1	15	230,500
	Senior Deputy Registrar	4	14	210,200 – 223,000
	Deputy Registrar	6	13	197,000 – 208,850
District Court (including Family Court and Lands Tribunal)	Chief District Judge	1	15	230,500
	Principal Family Court Judge	1	14	210,200 – 223,000
	District Judge	35	13	197,000 – 208,850
	Member, Lands Tribunal	2	12	169,450 – 179,850
District Court Masters' Office	Registrar	1	11	156,100 – 165,450
	Deputy Registrar	3	10	142,800 – 151,500
Magistrates' Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	1	13	197,000 – 208,850
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11	11	156,100 – 165,450
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/	71	10	142,800 – 151,500
	Magistrate		7-10	126,385 – 151,500
	Special Magistrate	11	1 - 6	82,150 – 97,060

<sup>^</sup>Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.

The number of vacancies of JJOs at different levels of courts as at 1 March in the past three years of 2015 to 2017 are as follows:

<b>Level of Court</b>	<b>As at 1.3.2015</b>	<b>As at 1.3.2016</b>	<b>As at 1.3.2017</b>
Court of Final Appeal	0	0	0
Court of Appeal of the High Court	0	1	1
Court of First Instance of the High Court	10	9	7
High Court Masters' Office <sup>*</sup> and District Court (including Family Court and Lands Tribunal)	2	8	4
District Court Masters' Office <sup>#</sup> , Magistrates' Courts/Specialized Court/Other Tribunals	12	20	31

\* Duties of the High Court Masters' Office are mostly taken up by District Judges deployed under the Judiciary's cross-posting policy.

# Duties of the District Court Masters' Office are all taken up by Magistrates deployed under the Judiciary's cross-posting policy.

- End -



**CONTROLLING OFFICER'S REPLY****JA016****(Question Serial No. 1394)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: Not SpecifiedControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively for the year 2016-17 and on the vacant posts for judges and judicial officers for the past three years of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 39)Reply:

The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers ("JJOs") and support staff of the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court for the year 2016-17 are as follows:

<b>Tribunal/ Court</b>	<b>Establish- ment</b>	<b>No. of Posts</b>	<b>Annual Salary at Mid-point* (\$)</b>
Lands Tribunal	31	3 – District Judge 2 – Member 8 – Judicial Clerk grade staff 17 – Clerical Staff 1 – Office Assistant	20.4 million
Labour Tribunal	92	1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 39 – Clerical Staff 8 – Secretarial Staff 5 – Office Assistant 1 – Workman II	52.1 million

<b>Tribunal/ Court</b>	<b>Establish- ment</b>	<b>No. of Posts</b>	<b>Annual Salary at Mid-point* (\$)</b>
Small Claims Tribunal	69	1 – Principal Adjudicator 7 – Adjudicator 18 – Judicial Clerk grade staff 41 – Clerical Staff 2 – Office Assistant	37.0 million
Obscene Articles Tribunal	7	2 – Magistrate 4 – Clerical Staff 1 – Office Assistant	4.7 million
Coroner's Court	14	3 – Coroner 1 – Judicial Clerk grade staff 8 – Clerical Staff 1 – Secretarial Staff 1 – Workman II	8.6 million

\* The estimates have included any acting allowances payable in individual cases where acting appointments are necessary.

Regarding the judicial vacancies in the Lands Tribunal, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court, it should be noted that District Judges and Members of the Lands Tribunal are deployed to sit in the Lands Tribunal. For the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court, Principal Magistrates and Permanent Magistrates are deployed under the Judiciary's cross-posting policy to perform judicial duties in the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Coroner's Court. In addition, deputy JJOs from both within and outside the Judiciary would be engaged to sit in the District Court, the Lands Tribunal and various tribunals at the magisterial level to hear cases.

The number of vacancies of substantive District Judges and equivalent, Members of the Lands Tribunal, Principal Magistrates and Permanent Magistrates and equivalent who are deployed to work in the courts/tribunals in question as at 1 March in the past three years of 2015 to 2017 is as follows:

<b>Judicial Rank</b>	<b>1.3.2015</b>	<b>1.3.2016</b>	<b>1.3.2017</b>
District Judge and equivalent	2	8	4
Member of the Lands Tribunal	0	0	0
Principal Magistrate and Permanent Magistrate and equivalent	12	20	30

As at 1 March 2017, there were eight deputy Judges sitting in the District Court (excluding the Family Court), one deputy Judge sitting at the Lands Tribunal and 33 deputy Judicial Officers sitting at the magisterial level (including the various tribunals).

- End -

**CONTROLLING OFFICER'S REPLY**

**JA017**

**(Question Serial No. 1675)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Please provide information on the size of establishment, number of staff, ranks, salaries, allowances and vacant posts respectively of the Competition Tribunal for the year 2016-17.

In 2016-17, what were the duties of the Competition Tribunal while there was no need to handle any case?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 40)

Reply:

- (1) According to the Competition Ordinance (“the Ordinance”), 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 the Chief Executive shall, on the recommendation of the Judicial Officers Recommendation Commission, appoint two of the members of the Tribunal to be the President and Deputy President of the Tribunal respectively. 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.
- (2) On 15 March 2013, the Judiciary obtained the approval of the Finance Committee of the Legislative Council to create a CFI Judge post and a Deputy Registrar post for the purpose of setting up the Tribunal. The additional CFI Judge post seeks to re-compense 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. The approximate salary expenditure of one CFI Judge and one Deputy Registrar, calculated at annual salary at mid-point, is around \$3.4 million and \$2.4 million respectively.

- (3) As at 1 March 2017, the number of judicial vacancies in the ranks of CFI Judge, Registrar, Senior Deputy Registrar and Deputy Registrar of the High Court is as follows:

<b>Judicial Rank</b>	<b>Vacancies as at 1.3.2017</b>
CFI Judge	7
Registrar, High Court	0
Senior Deputy Registrar, High Court	2 <sup>#</sup>
Deputy Registrar, High Court	6 <sup>#</sup>

# Vacancies in ranks of registrars of the High Court are all taken up by District Judges deployed under the Judiciary's cross-posting policy.

- (4) Besides, a total of nine non-directorate civil service posts have been approved for providing the necessary support. As at 1 March 2017, all the nine non-directorate civil service posts have been filled. The establishment and approximate salary expenditure for these nine non-directorate support staff are as follows:

<b>Establishment</b>	<b>No. of Posts</b>	<b>Annual Salary at Mid-point* (\$)</b>
9	1 – Court Interpreter Grade Staff 3 – Judicial Clerk Grade Staff 5 – Clerical and Secretarial Grades Staff	3.9 million

\* The estimates have included any acting allowances payable in individual cases where acting appointments are necessary.

- (5) As mentioned in paragraph 1, every CFI Judge, will by virtue of his or her appointment as CFI Judge, be a member of the Tribunal. Where there is no case handled by the Tribunal, the CFI Judges will continue to discharge their normal duties as a CFI Judge to hear cases listed before the CFI.
- (6) For the non-directorate staff, some are deployed to support the High Court Judges and Judicial Officers and would provide support for court hearing as their normal duties; some are deployed to the Competition Tribunal Registry to maintain its daily operation and administration including updating of rules and legal references, and at the same time, would assist in the work of other registries of the High Court.

- End -

**CONTROLLING OFFICER'S REPLY****JA018****(Question Serial No. 3246)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Regarding the work of the Small Claims Tribunal, could the Judiciary inform this Council of:

- (1) The number of claims in the Small Claims Tribunal in the past three years, and in the form of the following table:

<b>Amount involved (HK\$)</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
1-10,000			
10,001-20,000			
20,001-30,000			
30,001-40,000			
40,001-50,000			
Total			

- (2) Has any study been conducted on increasing the jurisdictional limit of claims handled in the Small Claims Tribunal? If yes, what are the details? If no, what are the reasons?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 41)

Reply:

- (1) The number of claims in the Small Claims Tribunal ("SCT") in the period from 2014 to 2016 are as follows:

<b>Claim Amount (HK\$)</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
≤10,000	27 547	26 409	26 059
>10,000 - ≤ 20,000	5 945	5 561	5 925
>20,000 - ≤ 30,000	4 144	4 249	4 521
>30,000 - ≤ 40,000	2 960	3 139	3 234
>40,000 - ≤ 50,000	9 487	10 417	9 430
Total	50 083	49 775	49 169

- (2) In 2015-16, the Judiciary conducted a review and consultation exercise on proposed adjustments to the civil jurisdictional limits of the District Court (“DC”) and the SCT. In general, the Judiciary proposed to adjust their jurisdictional limits upward with a view to enhancing access to justice.

After conducting analysis on the possible impact the proposed upward adjustments to the civil jurisdictional limits at both the DC and the SCT may have on caseloads and resources, for the SCT, the Judiciary is proposing to increase its jurisdictional limit from \$50,000 to \$75,000. In this regard, the proposed adjustment has received general support from all stakeholders.

The Judiciary is now finalizing the proposals with regard to the proposed increases of the civil jurisdictional limits of the SCT (and also those of the DC). The Judiciary intends to consult the Panel on Administration of Justice and Legal Services of the Legislative Council on the final proposals in April 2017.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA019**

**(Question Serial No. 3247)**

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:

Please inform this committee the details about (i) the type of service and support provided by the Resource Centre for Unrepresented Litigants, (ii) the caseload of the centre and the average contact time, (iii) the budget for the centre in the past three years, and (iv) the proposed budget and size establishment for 2017-18.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 42)

Reply:

- (1) The Resource Centre for Unrepresented Litigants (“the Centre”) provides information and assistance on court rules and procedures to unrepresented litigants, who are parties to, or about to commence, civil proceedings in the High Court or the District Court except those relating to matrimonial, lands, employees’ compensation and probate matters. The Centre provides assistance to unrepresented litigants on procedural matters only and does not give legal advice or make any comments on the merits of the case. Computer terminals with access to the Judiciary website and interlinked with the websites of relevant organisations, e.g. the Legal Aid Department, the Duty Lawyer Service or agencies which may offer free legal service to litigants are provided at the Centre. In addition, self-service photo-copying, writing areas, leaflets introducing the system of the civil proceedings in the High Court and the District Court, sample court forms and videos on court procedures are also available.
- (2) Information concerning the service provided by the Centre for the years 2014 to 2016 are set out as follows:

<b>Number of Use</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Visits	11 902	12 324	12 437
Average contact time per visit	3.4 minutes	3.5 minutes	3.3 minutes
Telephone enquiries	3 063	3 223	3 334
Average contact time per telephone call	7.6 minutes	5.9 minutes	5.8 minutes
Collection of brochures on civil proceedings	975	889	988
Access to website	235 191 hits	296 884 hits	316 555 hits

3. The Centre has an establishment of six staff. The expenditure for 2014-15 to 2016-17 and estimated expenditure for 2017-18 are set out as follows:

	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18 Estimate</b>
Approximate expenditure	\$3.0 million	\$3.1 million	\$2.8 million	\$2.9 million

- End -



**CONTROLLING OFFICER'S REPLY**

**JA020**

**(Question Serial No. 3248)**

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:

It is noted that the court waiting time targets are set in consultation with the Court Users' Committees. Will the Judiciary inform this Committee the details of the committees, including but not limited to (i) the composition and the size establishment of such committees, (ii) the terms of reference of these committees, (iii) the number of meetings held by the committees in 2016-17 and the relevant work conducted and (iv) the factors which the committees would consider in determining the time targets?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 45)

Reply:

The court waiting time targets are set in consultation with the Court Users' Committees having regard to a wide range of factors, including caseload, complexity of cases, judicial resources, time required by the parties to prepare their cases, etc. Three Court Users' Committees, namely the Civil Court Users' Committee, Criminal Court Users' Committee and the Family Court Users' Committee, were involved in setting the relevant court waiting time targets. For details of the membership, terms of reference and the number of meetings held, please refer to the Annex attached.

## Civil Court Users' Committee

### Membership List

Chairman	The Hon Mr Justice Johnson LAM, V-P Justice of Appeal of the Court of Appeal of the High Court
Members	The Hon Mr Justice POON, JA Justice of Appeal of the Court of Appeal of the High Court
	The Hon Mr Justice Godfrey LAM Judge of the Court of First Instance of the High Court
	The Hon Mr Justice CHOW Judge of the Court of First Instance of the High Court
	Mr LUNG Kim-wan, Registrar, High Court
	His Honour Judge Justin KO, Acting Chief District Judge
	Mr Francis KWAN, Department of Justice
	Ms Sherman CHEUNG, Legal Aid Department
	Ms Ophelia LOK, Official Receiver's Office
	Mr Paul SHIEH, SC
	Mr Brian W. GILCHRIST
	Mr Peter CHUA

### **Terms of Reference:**

Matters of concern to users of the civil courts, including but not limited to:

- (a) all matters of practice and procedure;
- (b) the administration of the courts, including listing and the use of technology;  
and
- (c) facilities provided in court buildings.

**Number of meeting(s) held in 2016-17:** One

## **Criminal Court Users' Committee**

### **Membership List**

Chairman	The Hon Madam Justice Anthea PANG Judge of the Court of First Instance of the High Court
Members	The Hon Mr Justice Andrew CHAN Judge of the Court of First Instance of the High Court  The Hon Mr Justice Albert WONG Judge of the Court of First Instance of the High Court  Mr LUNG Kim-wan, Registrar, High Court  His Honour Judge Justin KO, Acting Chief District Judge  Mr LEE Hing-nin, Clement, Chief Magistrate Mr William TAM, SC, Department of Justice Ms Juliana O Y CHAN, Legal Aid Department Ms Grace WONG, The Duty Lawyer Service Mr TONG Wing-tak, Eric, Independent Commission Against Corruption  Mr CHOI Yuk-kwong, Donnie, Hong Kong Police Force  Mr WOO Ying-ming, Danny, Correctional Services Department  Mr Graham HARRIS, SC Mr Kenneth NG Mr HO Yat-wan, Alec

### **Terms of Reference:**

Matters of concern to users of the criminal courts, including but not limited to:

- (a) all matters of practice and procedure;
- (b) the administration of the courts, including listing and the use of technology;  
and
- (c) facilities provided in court buildings.

**Number of meeting(s) held in 2016-17:** Two

## **Family Court Users' Committee**

### **Membership List**

Chairman	His Honour Judge Bruno CHAN Principal Family Court Judge
Members	His Honour Judge Justin KO, Acting Chief District Judge Her Honour Judge Sharon D MELLOY His Honour Judge C K CHAN Mr LI Chi-keung, Ben, Legal Aid Department Mr FUNG Man-chung, Social Welfare Department Ms Jacqueline LEONG, SC Ms Corinne REMEDIOS Mr Jonathan MOK Mr Dennis HO Ms Jain BROWN

### **Terms of Reference:**

To liaise with users of the Family Court to discuss matters of concern, including matters relating to the Court's practice and procedure, administration and facilities.

**Number of meeting(s) held in 2016-17:** Three

- End -

**CONTROLLING OFFICER'S REPLY**

**JA021**

**(Question Serial No. 5184)**

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:

It is noted that the Judiciary will “continue to carry out the legislative work for the proposed formulation of a unified set of court procedural for the family justice system.” Will the Judiciary inform this committee about (i) the details of the work and the relevant rules, (ii) the size of the establishment conducting such work, and (iii) the legislative timetable for such work?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 43)

Reply:

In 2012, the Chief Justice appointed a Working Party on Family Procedure Rules to advise him, among other things, on the desirability, impact and practicalities of formulating a single set of procedural rules for family jurisdiction applicable to both the Family Court and the High Court. After taking into account the views of stakeholders received in a consultation exercise conducted in 2014, the Working Party made a total of 133 recommendations, which have been accepted by the Chief Justice and published in a Final Report released in 2015.

One of the key recommendations in the Final Report is to adopt a single set of self-contained procedural rules for the family justice system. Another recommendation is to set up a new Family Procedure Rules Committee as the single rule-making authority for making the new rules and any subsequent amendments.

The recommendations taken together seek to reduce the adversarial excesses in the culture of family litigation. They also aim to facilitate a more streamlined procedure and contribute to a common approach across the Family Court and the High Court, resulting in a more efficient, cost-effective and user-friendly family justice system.

An Implementation Committee within the Judiciary has been set up to oversee the legislative work relating to the implementation of the recommendations. It is chaired by a Justice of Appeal of the Court of Appeal of the High Court, and comprises seven other

Judges from the High Court and Family Court and supported by staff from the Judiciary Administration (including one Administrative Officer Staff Grade 'C' and one Senior Administrative Officer). The manpower involved in taking forward the legislative amendment exercise is absorbed within the existing resources of the Judiciary. If needed or appropriate, protected time will be given by court leaders to relevant Judges to carry the work related to the Implementation Committee.

The Judiciary is currently taking forward the work for the implementation of the recommendations. Legislative changes will be required to about ten pieces of principal legislation, and many pieces of subsidiary legislation. It is a massive exercise as the legislative work will be extensive, complicated and highly technical. It is expected that the whole exercise will take quite a number of years. Making reference to a similar exercise undertaken in the United Kingdom, we estimate that it will take a further four years or so to complete the legislative amendment exercise and implement the recommendations.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA022**

**(Question Serial No. 5185)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (-)

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

It is noted that the Chief Justice would appoint working parties from time to time to review certain legal topics of interest, for example, the Working Party to review the Solicitors' Hourly Rates. Please inform this committee the details of the current working parties being appointed, including information such as the names of the working parties, their relevant area of review and their progress.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 44)

Reply:

- (1) The Chief Justice would, from time to time, appoint working parties to review certain matters relevant to the operation of the Judiciary. Currently, a Working Party is working on the review of the solicitors' hourly rates for party and party taxation ("SHRs"). The Working Party on the Review of SHRs ("the Working Party") is tasked to:
  - (a) make recommendations to the Chief Justice on how a comprehensive and evidence-based review of the SHRs for the purpose of taxation on a party and party basis should be conducted;
  - (b) subject to the Chief Justice's acceptance in principle of the recommendations on the review mechanism at (a) above, conduct such review of the SHRs with a view to making recommendations to the Chief Justice on (i) whether any adjustments of SHRs would be appropriate; and (ii) any other related matters; and
  - (c) make recommendations to the Chief Justice on whether regular reviews of the SHRs should be conducted, and if so, how.

- (2) The Working Party is chaired by a Justice of Appeal of the High Court and comprises seven other Judges and Judicial Officers; a member of the Bar Association of Hong Kong; two members of the Law Society of Hong Kong; representatives from the Department of Justice, the Legal Aid Department and the Official Receiver's Office of the Government; two academics including one from the legal field; the Chief Executive of the Consumer Council; and two other individual members including one from the management consultancy field.
- (3) Since its establishment in early 2014, the Working Party had decided that a two-stage approach would be adopted. Under the Stage 1 Study, an independent consultant was engaged to conduct an objective and comprehensive study to examine the subject taking into consideration the implications of a review of SHRs on overall public interest. Recommendations were made on the proposed approach for establishing a new set of SHRs and a market survey under the Stage 2 Study.
- (4) The Chief Justice has in early February 2017 approved the Working Party's Stage 1 Report. The Working Party is now taking steps to take forward the Stage 2 Study. The progress of the Working Party's work was set out in a paper for the Legislative Council Panel on Administration of Justice and Legal Services in February 2017 on "Review of Solicitors' Hourly Rate – An Update" (LC Paper No. CB(4) 591/16-17(03)).

- End -



**CONTROLLING OFFICER'S REPLY**

**JA023**

**(Question Serial No. 5186)**

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:

It is noted that the figures of the key performance measures in respect of the courts, the Court of First Instance of the High Court – Criminal Fixture List – from filing of indictment to hearing, show an average waiting time of 291 days (more than twice the target waiting time) in 2016, falling way behind the target of 120 days' waiting time. Additionally, this list has not been able to meet the target in past few years. Will the Judiciary inform this committee (i) the reasons for such long waiting time, (ii) the rationale for setting up the target waiting time of 120 days and (iii) whether the Judiciary has any proposed measures to alleviate the long waiting time and the details of such?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 46)

Reply:

- (1) The court waiting time targets are set in consultation with the court users' committees having regard to a wide range of factors, including caseload, complexity of cases, judicial resources, time required by the parties to prepare their cases, etc.
- (2) The recruitment difficulties of the Judges of Court of First Instance of the High Court ("CFI") has been one of the main factors in the long waiting time in the Criminal Fixture List of the CFI. The Judiciary has taken various steps to address the persistent recruitment difficulties of CFI Judges, including conducting open recruitment exercises in 2012, 2013 and 2014, which had resulted in a total of 17 appointments. Another round of CFI Judges recruitment in mid-2016 has resulted in three more appointments made. While the various rounds of recruitment have helped strengthen the judicial manpower at the CFI level, there are vacancies still remain unfilled. As at 15 March 2017, there are 28 CFI Judges against an establishment of 34, with a vacancy position at six.
- (3) The Judiciary hopes that the enhanced remuneration packages for Judges and Judicial Officers ("JJOs"), which will take effect from 1 April 2017, will help attract legal talents to join the Bench, particularly at the CFI level.

- (4) The Judiciary has also engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of courts. The purpose of the review is to consider whether any changes should be made in order to attract quality candidates and experienced private practitioners to join the Bench at the later stage of their career life, in particular at the CFI level, and to facilitate the retention of judicial manpower. The consultant is expected to submit its Final Report to the Judiciary around mid-2017. The Judiciary aims to submit its findings and recommendations to the Government at an appropriate juncture.
- (5) In the meantime, the Judiciary will continue to engage suitable private practitioners as deputy JJOs as a temporary stop gap measure to address the manpower issue. The deputy arrangement will serve the dual purpose of meeting the Courts' operational needs as well as providing opportunity for private practitioners to gain some judicial experience for their consideration of further pursuit of a judicial career in the future.
- (6) Consideration has also been given to further measures to improve the court waiting times. The Chief Judge of the High Court has formed some task groups in late 2015 to look into different aspects of criminal listing and hearing matters in the High Court. As a result of the review, a new draft Practice Direction proposing measures to enhance management of criminal proceedings at the CFI is being prepared, thereby allowing more efficient disposal of cases. Stakeholder consultation on the draft Practice Direction was conducted in 2016. The Judiciary has examined the comments received and plans to implement the new Practice Direction in mid-2017, which is expected to have a positive effect in shortening the court waiting time.
- (7) In addition, an additional Deputy High Court Judge has since December 2016 been deployed to hear criminal cases to alleviate the judicial manpower constraint.
- (8) It is also noted that the new sentencing practice in respect of one-third discount upon plea of guilty (pursuant to judgment of CACC 418/2014 and 327/2015 dated 2 September 2016) may help to reduce the number of unused days (mainly due to defendants pleading guilty on the first day of long trial), and may therefore have positive effect in shortening the court waiting time.
- (9) The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA024**

**(Question Serial No. 5187)**

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:

It is noted that the figures of the key performance measures in respect of the courts, the Court of First Instance of High Court – appeals from Magistrates' Courts – from lodging of Notice of Appeal to hearing, show an average waiting time of 105 days in 2016, falling behind the target of 90 days' waiting time and having a longer waiting time than that in 2015. Will the Judiciary inform this committee (i) the reasons for the additional waiting time, and (ii) whether the Judiciary has any proposed measures to alleviate the long waiting time and the details of such?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 47)

Reply:

- (1) A number of High Court Judges have retired over the past few years and the Judiciary has been facing persistent recruitment difficulties at the Court of First Instance of the High Court ("CFI") level in filling the judicial vacancies.
- (2) The following measures have been/will be taken to improve the waiting times:
  - (a) In 2012, 2013 and 2014, the Judiciary had conducted three open recruitment exercises for the CFI Judges. As a result, a total of 17 appointments had been made. Another round of recruitment exercise for the CFI Judges was launched in mid-2016. This has just been completed, resulting in three appointments made. As at 15 March 2017, there are still six vacancies remained unfilled.
  - (b) Pending the filling of the available vacancies, deputy judges have been and will be appointed to meet operational needs. For instance, an additional Deputy High Court Judge has since June 2015 been deployed to hear magisterial appeals.

- (c) In the meantime, the Judiciary will also continue to engage suitable private practitioners as deputy Judges and Judicial Officers (“JJOs) as a temporary stop gap measure to address the manpower issue. The deputy arrangement will serve the dual purpose of meeting the courts’ operational needs as well as providing opportunity for private practitioners to gain some judicial experience for their consideration of further pursuit of a judicial career in the future.
  - (d) While the vacancies are being filled, the Judiciary has also embarked on a number of reviews with a view to attracting quality candidates and retaining talents to alleviate the manpower situation. The Judiciary hopes that the enhanced remuneration packages for JJOs, which will take effect from 1 April 2017, will help attract legal talents to join the Bench, particularly at the CFI level.
  - (e) The Judiciary has also engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of courts. The purpose of the review is to consider whether any changes should be made in order to attract quality candidates and experienced private practitioners to join the Bench at the later stage of their career life, in particular at the CFI level, and to facilitate the retention of judicial manpower. The consultant is expected to submit its Final Report to the Judiciary around mid-2017. The Judiciary aims to submit its findings and recommendations to the Government at an appropriate juncture.
  - (f) Consideration has also been given to further measures to improve the court waiting times. The Chief Judge of the High Court has formed some task groups in late 2015 to look into different aspects of criminal listing and hearing matters in the High Court. As a result of the review, a new draft Practice Direction proposing measures to enhance management of criminal proceedings at the CFI is being prepared, thereby allowing more efficient disposal of cases. Stakeholder consultation on the draft Practice Direction was conducted in 2016. The Judiciary has examined the comments received and plans to implement the new Practice Direction in mid-2017, which is expected to have a positive effect in shortening the court waiting time.
- (3) Separately, it is noted that the new sentencing practice in respect of one-third discount upon plea of guilty (pursuant to judgment of CACC 418/2014 and 327/2015 dated 2 September 2016) may help to reduce the number of unused days (mainly due to defendants pleading guilty on the first day of long trial), and may therefore have positive effect in shortening the court waiting time.
- (4) The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA025**

**(Question Serial No. 5189)**

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:

It is noted that the figures of the key performance measures in respect of the courts, the Magistrates' Courts – from plea to date of trial, show an average waiting time of 67 days in 2016, falling behind the target of 50 days' waiting time. Will the Judiciary inform this committee (i) the reasons for the additional waiting time, and (ii) whether the Judiciary has any proposed measures to alleviate the long waiting time and the details of such?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 48)

Reply:

- (1) Owing to the design of the case management system in the Magistrates' Courts, the average waiting time shown is the actual waiting time and not the first free date which the court can offer to the parties. The increase in caseloads in the Magistrates' Courts, having increased from 317 000 in 2015 to 334 048 in 2016, and the increasing number of complex cases in recent years, have contributed to the longer waiting time.
- (2) The following measures have been/will be taken to improve the waiting times:
  - (a) A new recruitment exercise for Permanent Magistrates has been launched in end 2016 and is in progress.
  - (b) While the vacancies are being filled, the Judiciary has also embarked on a number of reviews with a view to attracting quality candidates and retaining talents to alleviate the manpower situation. The Judiciary hopes that the enhanced remuneration packages for Judges and Judicial Officers, which will take effect from 1 April 2017, will help attract legal talents to join the Bench.
  - (c) In the meantime, the Judiciary will also continue to engage suitable private practitioners as deputy Magistrates as a temporary stop gap measure to address the manpower issue. The deputy arrangement will serve the dual

purpose of meeting the courts' operational needs as well as providing opportunity for private practitioners to gain some judicial experience for their consideration of further pursuit of a judicial career in the future.

- (3) The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA026**

**(Question Serial No. 5190)**

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:

It is noted that the figures of the key performance measures in respect of the courts, the District Court – criminal – from first appearance of defendants in District Court to hearing show an average waiting time of 118 days in 2016, exceeding the target of 100 days. The Judiciary mentioned that the long waiting time was due to an increase in caseload and the change in judicial manpower. Will the Judiciary inform this Committee the reasons for deploying the District Court Judge to the High Court and whether the Judiciary has any proposed measure to alleviate the situation?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 50)

Reply:

- (1) The increase of criminal caseload in the District Court (“DC”) and the temporary deployment of judicial resources to help hear magisterial appeals at the High Court (“HC”) have contributed to the lengthening of waiting time for criminal cases in the DC. Temporary deployment of deputy judges at the HC and DC will help meet the courts’ operational needs. The Judiciary has since January 2017 further enhanced temporary judicial resources by engaging an additional deputy judge to hear criminal cases at the DC to help reducing waiting times.
- (2) The Judiciary has also launched a recruitment exercise for District Judges in mid-2016. So far, this has resulted in the appointment of six District Judges.
- (3) The Judiciary hopes that the enhanced remuneration packages for Judges and Judicial Officers, which will take effect from 1 April 2017, will help attract legal talents to join the Bench, including at the DC level.
- (4) The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA027**

**(Question Serial No. 5191)**

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:

It is noted that the Judiciary will seek to implement an information technology strategy plan in 2017-18. Will the Judiciary inform this committee about the details of the plan, the size establishment responsible for implementing the plan, the proposed budget for the same and its progress?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 52)

Reply:

- (1) The Information Technology Strategy Plan ("ITSP") of the Judiciary is a long-term nine-year information technology ("IT") project seeking to enable the Judiciary to meet its long-term operational requirements. The implementation of the ITSP is divided into two phases. After obtaining a funding of \$682 million in May 2013 for the implementation of Phase I of the ITSP, the Judiciary is now taking forward Phase I of the plan.
- (2) Phase I of the ITSP is further subdivided into two stages planned to be completed by end 2020 according to the latest project schedule:
  - (a) Stage 1 mainly covers the IT infrastructure required to support the long-term development and operation of the IT systems of the Judiciary, and the development of the Integrated Court Case Management System ("iCMS") of the District Court, the Summons Courts of the Magistrates' Courts and the Bailiff Section; and
  - (b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court, the Probate Registry, the Magistrates' Courts (non-Summons) and the Small Claims Tribunal.
- (3) In 2017-18, we will continue the implementation of Phase I Stage 1 of the ITSP with focus on the installation of major components of the IT infrastructure and the rollout



of the iCMS at the District Court and Summons Courts. We will also start to work on the compilation of user requirements for the implementation of Phase I Stage 2. Implementation of the ITSP will be supported by around 100 staff (including civil service staff and IT professionals engaged on contract). Outsourced services will also be engaged as appropriate. The expenditures for the implementation of the ITSP is estimated at about \$130 million in 2017-18, including expenditures for the procurement of hardware, software and services.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA028**

**(Question Serial No. 6674)**

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:

There have been complaints about the low quality of the sound and audio systems in courtrooms, particularly those in the High Court, possibly undermining the accuracy of the materials being played in court. Please inform this committee whether the Judiciary has any plan and budget to upgrade the sound and audio systems in court, and the details of such.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 54)

Reply:

The Judiciary is aware of the need to bring improvements to the audio and visual ("A/V") equipment in courtrooms. To this end, the Judiciary has completed a stock-taking of the existing A/V systems and identified improvement areas. We are now working on the long-term strategy and plan for improving the A/V systems in all courtrooms, noting that improvement works need to be implemented progressively to minimize the interruption to court operations. We will take stock of the funding requirements for implementation once the long-term improvement plan is worked out. In the interim, we plan to procure ten sets of A/V facilities which can be housed in mobile carts for share-use among courtrooms in various court buildings. The cost of the ten sets of A/V facilities is estimated at \$2 million, and will be absorbed in the operating expenses of the Judiciary in 2017-18.

- End -

**CONTROLLING OFFICER'S REPLY****JA029****(Question Serial No. 6675)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

In the Judiciary's budget estimates for this year, the estimated provision for Cash Allowances for 2017-18 has a five-fold increase due to the expansion of ambit to include provision for enhance of housing, medical and dental benefits to Judges and Judicial Officers. Please inform this committee of the detailed breakdown of the proposed budget by category, number of Judges and Judicial Officers, and the rank of Judges and Judicial Officers.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 55)Reply:

The estimated provision for Cash Allowances will be increased from \$8.6 million in 2016-17 to \$46.4 million in 2017-18.

The increase of \$37.8 million is due to the following factors:

	<b>\$ million</b>
(1) Additional requirements due to the anticipated judicial appointments in the Court of First Instance of the High Court level and District Court level	3.6
(2) Additional requirements due to the introduction of a new housing allowance, namely Judiciary Quarters Allowance, for Judges at the High Court level and above	15.2
(3) Enhancing the provision of medical and dental benefits by introducing a new allowance, namely Medical Insurance Allowance, for Judges and Judicial Officers ("JJOs") at all levels of courts and	18.3

their eligible dependants, including spouses and children	
(4) Upward adjustment of the ceiling rates of Local Education Allowance for JJOs at all levels of courts	0.7
<b>Estimated Additional Requirements :</b>	<b>37.8</b>

Establishment of JJOs at various levels of courts is at Annex for reference.

The establishment of Judges and Judicial Officers at all levels of courts is as follows:

<b>Level of Court</b>	<b>Rank</b>	<b>Establishment</b>
Court of Final Appeal	Chief Justice	1
	Permanent Judge	3^
Court of Appeal of the High Court	Chief Judge of the High Court	1
	Justice of Appeal	13
Court of First Instance of the High Court	Judge of the Court of First Instance	34
High Court Masters' Office	Registrar	1
	Senior Deputy Registrar	4
	Deputy Registrar	6
District Court (including Family Court and Lands Tribunal)	Chief District Judge	1
	Principal Family Court Judge	1
	District Judge	35
	Member, Lands Tribunal	2
District Court Masters' Office	Registrar	1
	Deputy Registrar	3
Magistrates' Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	1
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11

Level of Court	Rank	Establishment
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/ Magistrate	71
	Special Magistrate	11

<sup>^</sup> *Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.*

- End -

**CONTROLLING OFFICER'S REPLY****JA030****(Question Serial No. 6676)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

What are the size establishments of deputy judges in the High Court and District Court in criminal and civil lists in the past three years? What is the proposed size establishment for the same in 2017-2018? What is the current policy of the Judiciary in relation to deputy judges?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 56)Reply:

The number of Deputy Judges and Judicial Officers (“JJOs”) appointed from outside the Judiciary (excluding Deputy JJOs appointed from within the Judiciary) sitting in the High Court and District Court for handling criminal and civil cases as at 1 March in the past three years of 2015 to 2017 is as follows:

<b>Position</b>	<b>1.3.2015</b>	<b>1.3.2016</b>	<b>1.3.2017</b>
Deputy Judge of the Court of First Instance of the High Court	2	9	5
Temporary Deputy Registrar, High Court	1	1	1
Deputy District Judge	0	2	3
<b>Total</b>	<b>3</b>	<b>12</b>	<b>9</b>

The engagement of suitable private practitioners as Deputy JJOs has been a long standing practice adopted by the Judiciary for the following purposes:

- (a) to help maintain the level of necessary judicial resources pending the intake of substantive judicial manpower from the recruitment exercises;
- (b) to help reduce waiting times arising from additional demands due to fluctuations in workload which are beyond the control of the Judiciary; and
- (c) to provide opportunities for the suitable private practitioners to gain judicial experiences at the relevant levels of court.

In making any temporary judicial appointments, the Chief Justice takes the view that it is of the utmost importance that the Judiciary will continue to maintain the highest standards that the public expects of the Judiciary.

In line with established practice, the Judiciary has been engaging and will continue to engage temporary judicial resources on a need basis for the efficient discharge of its functions. The number of Deputy JJOs to be engaged in 2017-18 may fluctuate according to operational needs of the respective courts. The duration of their sittings also varies.

– End –



**CONTROLLING OFFICER'S REPLY**

**JA031**

**(Question Serial No. 6677)**

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 performance of the Judiciary, please inform this Committee, for various types of cases, of the average times taken from conclusion of the cases to delivery of judgments by the courts in 2016-17 as set out in the categories below. If the Judiciary does not keep such a record, please inform this Committee the reasons for not doing so and whether they plan to do so in 2017-18. Please also inform the Committee whether the Judiciary has set target delivery time for cases. If not, why so?

Court of Final Appeal – Applications for leave to appeal in criminal matters

Court of Final Appeal – Applications for leave to appeal in civil matters

Court of Final Appeal – Criminal cases

Court of Final Appeal – Civil cases

Court of Appeal of the High Court – Criminal cases

Court of Appeal of the High Court – Civil cases

Court of Appeal of the High Court – Judicial review cases

Court of First Instance of the High Court – Criminal cases

Court of First Instance of the High Court – Civil cases

Court of First Instance of the High Court – Applications for leave to apply for judicial review

Court of First Instance of the High Court – Judicial review cases

District Court – Criminal cases – Whether there is any occasion that the reason for verdict and/or sentence was not provided within 21 days after the hearing or trial?

District Court – Civil cases

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 57)

Reply:

The Judiciary only maintains statistics on the average time taken for delivery of judgments in respect of civil cases of the Court of Appeal of the High Court, the Court of First Instance of the High Court and the District Court. For cases which hearings were concluded in

2016, the average time taken from conclusion of hearing to the delivery of judgment, with position as at 10 February 2017 are as follows:

Court Level	Type of Case	Average Time Taken for Cases with Hearings Concluded in the Year (Days) <sup>(1)</sup>
		2016
Court of Appeal of the High Court	Civil appeals <sup>(2)</sup>	17
Court of First Instance of the High Court	Civil trials/ substantive hearings <sup>(3)</sup>	44
	Tribunal and miscellaneous appeals	33
District Court	Civil trials/ substantive hearings	31

Remarks:

- (1) The figures are live data which may vary at different report generation date and time. Normally, the figures for a year would become stable by end of the subsequent year when judgments for most of the cases concluded in the year are delivered. This is particularly true for cases concluded toward the last quarter of the year.
- (2) No breakdown figure in respect of appeals on judicial review cases (including appeals against refusal of leave applications and appeals against substantive judicial review decisions) is available.
- (3) No breakdown figure in respect of substantive judicial review cases is available. Also, the figures do not cover applications for leave for judicial review as the Judiciary does not maintain statistics on the average time taken for delivery of judgments in respect of hearings of applications for leave for judicial review.

The Judiciary does not keep statistics on the time taken from conclusion of hearing to the delivery of judgment in respect of the cases of the Court of Final Appeal, and the criminal cases of the Court of Appeal of the High Court, the Court of First Instance of the High Court and the District Court.

For cases of the Court of Final Appeal, from operational experience gained in the past 19 years, judgments are usually handed down within a month or so after the conclusion of the hearings.

For criminal cases of the Court of Appeal of the High Court, from operational experience, the judgments for most of the cases are normally delivered within a short period of time after conclusion of the hearings having regard to the nature of such appeals.

For criminal trials heard in the Court of First Instance of the High Court, no judgment would be made as the verdicts are given by the jury. In respect of the appeals from the Magistrates' Courts, from operational experience, the judgments are normally given expeditiously having regard to the nature of such appeals.

For criminal cases of the District Court, pursuant to the relevant statutory provisions, reasons for verdict and/or sentence must be reduced into writing and signed by the judge within 21 days pursuant to section 80 of the District Court Ordinance, Cap. 336.

In view of the above, the Judiciary has no plan to keep statistics on the time taken from conclusion of hearing to the delivery of judgment in respect of the cases of the Court of Final Appeal, and the criminal cases of the Court of Appeal of the High Court, the Court of First Instance of the High Court and the District Court in 2017-18.

As a matter of principle, it is important that reserved judgments are handed down within a reasonable time. While the Judiciary has not set any target time for delivery of judgments, the Judiciary has been monitoring the position closely and taking all possible measures to deal with the matter, including deploying further additional judicial resources as far as practicable. In January 2016, as an enhanced measure, the Chief Judge of the High Court asked the Judges of the High Court to provide the parties concerned with an estimated date for handing down the reserved judgment if the relevant Judge considers that this may take longer than usual for such a reserved judgment to be delivered.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA032**

**(Question Serial No. 6681)**

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:

Please inform this Committee whether the Judiciary has any training, courses, workshops or seminars, akin to continuing professional development, for Judges and Judicial Officers. If yes, please provide the details of such, the types of sessions provided, the breakdown of budget allocated to such in 2016-2017 and the proposed budget for the same in 2017-18.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 58)

Reply:

The Chief Justice accords high priority to judicial training. Resources have all along been provided for judicial training activities on various fronts, such as family law, commercial litigation, competition law, public law, judgment writing and case management, etc. Judges and Judicial Officers' ("JJOs") participation in judicial training activities depends on the availability of such activities and JJOs' availability as permitted by their court diaries. Details of the judicial training activities in 2016-17 are in the Annex attached. In 2016-17, \$0.6 million was allocated for judicial training and the budget for the same in 2017-18 is \$0.7 million.

**Judicial Training Activities Attended by Judges and Judicial Officers  
for the financial year 2016-17**

**Local Judicial Training Activities Organised by the Hong Kong Judicial Institute**

<b>Date</b>	<b>Activity</b>
28.4.2016	Talk entitled “Advocacy, Ethics and the Role of the Expert – Some English Reflections” by The Rt Hon The Lord CLARKE of Stone-cum-Ebony, Non-Permanent Judge of the Court of Final Appeal
28.5.2016	Workshop at Tuen Mun Children and Juvenile Home
30.5.2016	Talk on Chinese Judgment Writing by the Hon Mr Justice Patrick CHAN, Non-Permanent Judge of the Court of Final Appeal
14 – 15, 25 – 26 & 28 – 29.7.2016	Judgment Writing Workshops by Professor Anselmo REYES, Professor of Legal Practice of the Faculty of Law, the University of Hong Kong
20.7.2016	Talk entitled “The Law against Money Laundering: The June Cases” by the Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal
September – October 2016	Case Management Workshops by the Hon Mr Justice Frank STOCK, Non-Permanent Judge of the Court of Final Appeal
22.9.2016	Talk on Public Order Offences by His Honour Judge KWOK Wai-kin and His Honour Judge Alex LEE
11.11.2016	Family Law Seminar
11.11.2016	Talk entitled “A Child’s Human Rights” by The Rt Hon the Baroness Hale of Richmond, Deputy President of The Supreme Court, United Kingdom
16.11.2016	Talk entitled “Case Management and Decision Making by District Court Judges and Masters” by the Hon Madam Justice Carlye CHU, Justice of Appeal of the Court of Appeal of the High Court and the Hon Madam Justice Queeny AU-YEUNG, Judge of the Court of First Instance of the High Court
21 – 22.11.2016	Judgment Writing Workshop by Professor Anselmo REYES, Professor of Legal Practice of the Faculty of Law, the University of Hong Kong
1.12.2016	Case Management Workshop by the Hon Mr Justice Frank STOCK, Non-Permanent Judge of the Court of Final Appeal
31.3.2017	Magistrates’ Workshop on “Skills on handling Self Represented Parties”

## Other Local Training Activities Attended by Judges and Judicial Officers

Date	Activity
11.4.2016	Seminar entitled “Advocacy in Times when The Rule of Law is under Threat”, organised by the Hong Kong Advocacy Training Council
12.4.2016	Lecture entitled “Freedom of Expression for Those Who Wish to Destroy Freedoms for Others”, organised by the University of Hong Kong
9 – 11.6.2016	6th LAWASIA Family Law & Children’s Rights Conference 2016, organised by the LAWASIA
16.6.2016	Talk entitled “A comparison of the approached of the Australian Constitution and the Basic Law to rights and freedoms” by the Hon Mr Justice Murray GLEESON AC, Non-Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia
21.6.2016	Co-parenting Seminar entitled “The Crossroad to Parental Responsibility – Pilot Practice of Child-focused Co-parenting Work in Hong Kong”, organised by the Hong Kong Family Welfare Society
12.9.2016	Seminar entitled “When Judges Must Play Moral Philosopher”, organised by the University of Hong Kong
27.10.2016	Common Law Lecture entitled “Outraging public decency: In your face and up your skirt – the dynamism and limits of the common law” by the Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong
3.11.2016	Talk entitled “The influence of Australian Judges on the Hong Kong Court of Final Appeal” by the Hon Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia
17.11.2016	Lecture entitled “Understanding Cross-Border Insolvency in the Hong Kong Context” by the Hon Mr Justice Jonathan HARRIS, Judge of the Court of First Instance of the High Court, organised by the University of Hong Kong
5.12.2016	12th Annual Conference entitled “Innovation, Creativity, Technology: The Impact of Competition Law in Asia”, organised by the Asian Competition Forum
8.12.2016	Talk entitled “R v Jogee, and Mary Jane Veloso”, organised by the Hong Kong Bar Association
18.2.2017	The 2nd Guardianship Conference, organised by the Guardianship Board

## Judicial Training Activities Organised with / by Other Jurisdictions / Organisations

Date	Activity
18 – 20.5.2016	International Conference for Chief Coroners 2016 in London, United Kingdom, organised by the Chief Coroner of England and Wales
5 – 7.6.2016	International Insolvency Institute's 16th Annual Conference in Tokyo, Japan
15 – 17.6.2016	Study Visit to Judicial Commission of New South Wales in Sydney, Australia
6 – 8.7.2016	International Conference on “Culture, Dispute Resolution and The Modernised Family” in London, United Kingdom organised by the International Centre for Family Law, Policy and Practice
5 – 7.10.2016	6 <sup>th</sup> Annual Competition Law Workshop for Asia-Pacific Judges in Seoul, South Korea, organised by the Organisation for Economic Cooperation and Development / Korean Policy Centre
8 – 11.11.2016	Asia Pacific Coroners' Society Conference in Perth, Australia organised by the Asia Pacific Coroners' Society
17 – 22.3.2017	The Twelfth Multinational Judicial Colloquium on Insolvency co-organised by the INSOL International, the United Nations Commission on International Trade Law and the World Bank Group and the Tenth Quadrennial Congress of INSOL International in Sydney, Australia

- End -

**CONTROLLING OFFICER'S REPLY**

**JA033**

**(Question Serial No. 6682)**

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:

There have been complaints about the condition of the washrooms in the District Court, will the Judiciary inform this Committee (i) the size establishment of the personnel responsible for such facilities in the District Court and their cleaning schedule, and (ii) whether the Judiciary has any proposed measures to address the problem?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. 60)

Reply:

The District Court ("DC") is located in the Wanchai Tower, a joint-user general office building ("JUB"). The cleaning service of JUB is under the purview of the Government Property Agency ("GPA") of the Government and is managed by a building management company which is awarded by the GPA as the Building Management Office ("BMO") of the Wanchai Tower.

The cleaning contractor under the BMO is responsible for the daily routine hygiene and cleaning services in the DC including toilets which are cleaned twice daily. Regular and scheduled maintenance work of the toilets is carried out by the Architectural Services Department of the Government and coordinated by the BMO. The venue manager of DC at the level of Chief Judicial Clerk is responsible for duties including overseeing the day-to-day cleaning and maintenance of toilets at the DC floors of the Wanchai Tower, and for liaising with the BMO on any matters which need to be handled by the BMO.

- End -



**CONTROLLING OFFICER'S REPLY**

**JA034**

**(Question Serial No. 0464)**

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:

No application or claim has been filed in the Competition Tribunal since its establishment and it is anticipated that there will be no breakthrough in 2017-18. In this regard, will the Administration inform this Council of:

- (1) whether there is currently a staff establishment exclusive for the Competition Tribunal? If yes, what is its strength? What is the expenditure involved?
- (2) whether the exclusive manpower is normally deployed to handle other duties while there is not yet any case to be handled?
- (3) the total amount of public money expended by the Competition Tribunal since its establishment in December 2015?

Asked by: Hon LAU Ip-keung, Kenneth (Member Question No. 31)

Reply:

- (1) According to the Competition Ordinance ("the Ordinance"), 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 the Chief Executive shall, on the recommendation of the Judicial Officers Recommendation Commission, appoint two of the members of the Tribunal to be the President and Deputy President of the Tribunal respectively. 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.
- (2) On 15 March 2013, the Judiciary obtained the approval of the Finance Committee of the Legislative Council to create a CFI Judge post and a Deputy Registrar post for the purpose of setting up the Tribunal. 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. The approximate salary expenditure of one CFI Judge and one Deputy Registrar, calculated at annual salary at mid-point, is around \$3.4 million and \$2.4 million respectively.

- (3) Besides, a total of nine non-directorate civil service posts have been approved for providing the necessary support. The establishment and approximate salary expenditure for these nine non-directorate support staff are as follows:

<b>Establishment</b>	<b>No. of Posts</b>	<b>Annual Salary at Mid-point (\$)</b>
9	1 – Court Interpreter Grade Staff 3 – Judicial Clerk Grade Staff 5 – Clerical and Secretarial Grades Staff	3.9 million

- (4) As mentioned in paragraph 1, every CFI Judge, will by virtue of his or her appointment as CFI Judge, be a member of the Tribunal. Where there is no case handled by the Tribunal, the CFI Judges will continue to discharge their normal duties as a CFI Judge to hear other cases listed before the CFI.
- (5) For the support staff, some are temporarily deployed to provide support to the High Court Judges and Judicial Officers and would provide support for court hearing as their normal duties; some are deployed to the Competition Tribunal Registry to maintain its daily operation and administration including updating of rules and legal references, and at the same time, would assist in the work of other registries of the High Court.
- (6) The Judiciary does not have the breakdown of the operating expense by types of cases or levels of courts.

- End -

**CONTROLLING OFFICER'S REPLY****JA035****(Question Serial No. 3244)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide the number of applications for leave to judicial review, the number of judicial reviews and the number of appeals against judicial review decisions in each of the past three years. What is the number of cases in which leave was granted, the time spent on processing them, and the court expenses involved? How many of these cases were legally aided and what was the public expenditure involved?

Asked by: Hon LEE Wai-king, Starry (Member Question No. 53)Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2014 to 2016 are as follows:

	<b>2014</b>	<b>2015</b>	<b>2016</b>
(a) No. of leave applications filed	168	259	228
(b) No. of leave applications filed with at least one of the parties being legally aided as at filing of application	52	64	24
(c) No of applications with leave granted <sup>1</sup>	84 <sup>2</sup>	66	17
(d) Average processing time (from date of filing of leave application to date of decision) <sup>1</sup>	112	188	105
(e) No. of appeals against refusal of leave filed	22	23	13
(f) No. of substantive judicial review cases filed	91	77	31
(g) No. of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application	57	52	18
(h) No. of appeals against judicial review decisions filed	9	20	21

Remarks:

1. Statistics on the outcome of leave applications and average processing time for leave applications filed in a year captured the position as at 15.2.2017. Such statistics may vary at different report generation date and time since they are live data subject to changes upon conclusion of the outstanding leave applications. The Judiciary only maintains statistics on the average processing time on leave applications processed by the Court of First Instance of the High Court and such statistics only take into account the number of leave applications with leave granted or leave refused as at report generation date, but exclude those withdrawn or outstanding leave applications.
2. Statistic includes one case of leave granted by Court of Appeal of the High Court on appeal.

The Judiciary does not maintain statistics on the number of legally aided cases of appeals against refusal of leave and appeals against judicial review decisions filed. Also, the Judiciary does not have the breakdown of the operation expenses by types of cases or levels of courts, nor any information related to the public expenditure spent on cases being legally aided.

- End -

**CONTROLLING OFFICER'S REPLY****JA036****(Question Serial No. 3069)**

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 lift no. 1 of the Kowloon City Magistrates' Courts, which leads to and from Argyle Street, the Government gave me a reply last year that: "The Judiciary is consulting the EMSD to determine if there could be immediate or long-term measures to enhance the lift services in this respect. The Judiciary would also explore with relevant Government technical departments on the feasibility and desirability of possible options for providing more sustained improvements to the situation." In this connection, please inform this Council of: (a) the immediate or long-term measures taken by the Judiciary in the past year to enhance the lift services after consultation with the EMSD and the ranks of the staff members responsible; (b) after the exploration between the Judiciary and relevant Government technical departments, what measures for sustained improvement have been devised concerning the problem that the lift no. 1 of the Kowloon City Magistrates' Courts leading to and from Argyle Street is often claimed to be under repair; and (c) will the Judiciary need to increase provision to install one more lift at Argyle Street so as to solve this problem of inconvenience being caused to the disabled?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 61)

Reply:

The Electrical and Mechanical Services Department ("EMSD") of the Government is responsible for the maintenance of electrical and mechanical, air-conditioning, building services and electronic facilities in all Judiciary premises, including the lifts in the Kowloon City Law Courts Building ("KCLCB"). Regular maintenance and repairs are conducted by the contractor of the EMSD to ensure the smooth and safe operation of lifts in the KCLCB. The venue manager of the KCLCB who is at Senior Judicial Clerk I level is responsible for day-to-day liaison with the EMSD and the lift contractor on the lift service.

As an immediate measure to minimise the inconvenience caused to court users, the EMSD has already scheduled all regular maintenance of lift no. 1 of the KCLCB to Saturdays since last year. At the Judiciary's request, the EMSD has also installed a door phone next to lift no. 1 at the lift lobby on ground floor. In case of any lift failure of lift no. 1, court users

may use the door phone to seek immediate help from the duty security guards who could provide appropriate assistance to the court user.

As a long-term measure to improve the lift service between the ground and first floors of the KCLCB, the Judiciary has requested the Architectural Services Department (“ArchSD”) of the Government to consider constructing an additional external lift outside the building façade facing Argyle Street. This external lift will provide additional lift service and barrier free access to court users of the KCLCB. Judiciary Administration is liaising with the ArchSD on this proposal. To our understanding, the ArchSD is in the process of carrying out feasibility and cost studies for this proposal.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA037**

**(Question Serial No. 3077)**

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:

Please inform this Committee of:

- (1) the respective remuneration and establishment of Judges and Judicial Officers at various levels of courts, including the Magistrates' Courts, the Tribunals, the District Court, the High Court and the Court of Final Appeal;
- (2) the respective contract term for "individual" Magistrates (not collectively as a whole) in the Magistrates' Courts;
- (3) the numbers of part-time Deputy Magistrates and Deputy Judges in the past five years; and
- (4) the details of exchanges or activities between the Judiciary and the relevant bodies of the Mainland in the past three years, and what is the estimated expenditure in this regard for this year?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 12)

Reply:

- (1) The establishment and remuneration of Judges and Judicial Officers ("JJOs") at all levels of courts is as follows:

Position as at 31.3.2017				
Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
Court of Final Appeal	Chief Justice	1	19	340,250
	Permanent Judge	3^	18	330,850
Court of Appeal of the High Court	Chief Judge of the High Court	1	18	330,850
	Justice of Appeal	13	17	298,250
Court of First Instance of the High Court	Judge of the Court of First Instance	34	16	284,250
High Court Masters' Office	Registrar	1	15	230,500
	Senior Deputy Registrar	4	14	210,200 – 223,000
	Deputy Registrar	6	13	197,000 – 208,850
District Court (including Family Court and Lands Tribunal)	Chief District Judge	1	15	230,500
	Principal Family Court Judge	1	14	210,200 – 223,000
	District Judge	35	13	197,000 – 208,850
	Member, Lands Tribunal	2	12	169,450 – 179,850
District Court Masters' Office	Registrar	1	11	156,100 – 165,450
	Deputy Registrar	3	10	142,800 – 151,500



Position as at 31.3.2017				
Level of Court	Rank	Establishment	Judicial Service Pay Scale Point	Monthly Salary \$
Magistrates' Courts/ Specialized Court/ Other Tribunals	Chief Magistrate	1	13	197,000 – 208,850
	Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal	11	11	156,100 – 165,450
	Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/  Magistrate	71	10   7-10	142,800 – 151,500   126,385 – 151,500
	Special Magistrate	11	1 - 6	82,150 – 97,060

<sup>^</sup> Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.

- (2) Magistrates are appointed on a 3-year contract, a linked contract of 3 x 3 years or permanent and pensionable terms.
- (3) The number of Deputy JJOs appointed from outside the Judiciary (excluding Deputy JJOs appointed from within the Judiciary) as at 1 March in the past five years of 2013 to 2017 is as follows:

<b>Position</b>	<b>1.3.2013</b>	<b>1.3.2014</b>	<b>1.3.2015</b>	<b>1.3.2016</b>	<b>1.3.2017</b>
Deputy Judge of the Court of First Instance of the High Court	7	5	2	9	5
Temporary Deputy Registrar, High Court	0	1	1	1	1
Deputy District Judge	1	0	0	2	3
Temporary Member of the Lands Tribunal	1	0	0	0	0
Deputy Magistrate	10	24	12	17	27
Deputy Special Magistrate	5	9	5	4	1
<b>Total</b>	<b>24</b>	<b>39</b>	<b>20</b>	<b>33</b>	<b>37</b>

- (4) The details of exchanges or activities between the Judiciary and the relevant bodies of the Mainland in 2014-15, 2015-16 and 2016-17 are set out in the Annex attached.

The Judiciary's estimated expenditure for visit programmes to other jurisdictions, including the Mainland, in 2017-18 is \$1.1 million.

**Exchanges/Activities between the Judiciary  
and the Relevant Bodies of the Mainland  
for the Financial Years 2014-15 to 2016-17**

**Financial Year 2014-15**

<b>Date</b>	<b>Exchanges/Activities between the Judiciary and the Relevant Bodies of the Mainland</b>
24-25.4.2014	A six-member delegation led by President QI Qi, Zhejiang Higher People's Court of the People's Republic of China, visited the Judiciary
12-13.5.2014	Madam Justice Bebe CHU, then Deputy Judge of the Court of First Instance of the High Court, and Judge Sharon D MELLOY, District Judge, participated in an international conference entitled "Cross-Border Family Law Issues and the Well-Being of the Child: Asia-Pacific Perspectives" in Beijing
26-27.5.2014	A ten-member delegation led by Vice President LI Shaoping, Supreme People's Court of the People's Republic of China, visited the Judiciary
10-12.7.2014	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, gave lectures at the Law School, Nankai University in Tianjin
21-22.8.2014	A four-member delegation led by Mr HU Yun-teng, Grand Justice of the Second Rank of the Supreme People's Court of the People's Republic of China, visited the Judiciary
14.10.2014	Mr ZHENG Shanhe, Bureau Chief, Shanghai Municipal Bureau of Justice of the People's Republic of China, visited the Judiciary
5.11.2014	A 14-member delegation led by Ms HAN Hong, Deputy Director of the Political Department and Judges Management Department of the Supreme People's Court, visited the Judiciary
24.11.2014	Mr GAN Zangchun, Deputy Director of the Legislative Affairs Office of the State Council, visited the Judiciary
14.1.2015	An eight-member delegation from the Justice Departments/Bureaux of the People's Republic of China visited the Judiciary
19.3.2015	A 10-member delegation from the Ministry of Foreign Affairs of the People's Republic of China visited the Judiciary

Date	Exchanges/Activities between the Judiciary and the Relevant Bodies of the Mainland
12.5.2015	An 11-member delegation of judges from the Supreme People's Court and other provinces' Higher People's Courts of the People's Republic of China visited the Judiciary
21-22.5.2015	An eight-member delegation led by Ms TANG Humei, Deputy Director General of the Department of Judicial Administration and Equipment Management of the Supreme People's Court of the People's Republic of China, visited the Judiciary
26-28.7.2015	The Chief Justice; Mr Justice Andrew CHEUNG, Chief Judge of the High Court; Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court; Deputy High Court Judge S T POON, Deputy Judge of the Court of First Instance of the High Court; and Mr LEE Hing-nin, Clement, Chief Magistrate, attended the Third Seminar of Senior Judges of Cross-Strait and Hong Kong and Macao in Macao
2-4.9.2015	The Chief Justice and Mr Justice Andrew CHEUNG, Chief Judge of the High Court, visited Beijing to attend the Commemorative Activities for 70th Anniversary of the Victory of the Chinese People's War of Resistance Against Japanese Aggression
25.9.2015	A 12-member delegation led by Mr ZHOU Qiang, President of the Supreme People's Court of the People's Republic of China, attended the Ceremonial Opening of the Court of Final Appeal Building
18-20.11.2015	Mr Justice Joseph FOK, Permanent Judge of the Court of Final Appeal, attended the Third Rule of Law Conference in Beijing, which was co-organized by the University of Hong Kong, University College London and Peking University.
23.11.2015	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, gave lecture at the National Judges College in Beijing
25-26.11.2015	A four-member delegation led by Ms HE Rong, Vice-President of the Supreme People's Court of the People's Republic of China, visited the Judiciary
1.12.2015	The Chief Justice and Mr Justice Andrew CHEUNG, Chief Judge of the High Court, visited the First Circuit Court of the Supreme People's Court and the Qianhai Court in Shenzhen, and met with judges and officials from the Supreme People's Court of the People's Republic of China
9.12.2015	A three-member delegation led by Mr JIANG Jianchu, Deputy Procurator-General of the Supreme People's Procuratorate of the People's Republic of China, visited the Judiciary

<b>Date</b>	<b>Exchanges/Activities between the Judiciary and the Relevant Bodies of the Mainland</b>
19.1.2016	A seven-member delegation led by ZHAO Jinshan, Deputy Director General of the Department of Enforcement of the Supreme People's Court of the People's Republic of China, visited the Judiciary
25.1.2016	Mr WAN Chun, Director of the Law and Policy Research Office, Supreme People's Procuratorate of the People's Republic of China, visited the Judiciary
28.1.2016	Ambassador HUANG Huikang, Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to Malaysia, visited the Judiciary
24.2.2016	Mr XU Hong, Director-General of the Department of Treaty and Law, Ministry of Foreign Affairs of the People's Republic of China, visited the Judiciary
14.3.2016	A 10-member delegation led by Mr FENG Tie, Director-General of the Department of Hong Kong, Macao and Taiwan Affairs, Ministry of Foreign Affairs of the People's Republic of China, visited the Judiciary
23.3.2016	A five-member delegation led by SHEN Deyong, Executive Vice-President of the Supreme People's Court of the People's Republic of China, visited the Judiciary

Date	Exchanges/Activities between the Judiciary and the Relevant Bodies of the Mainland
26-27.4.2016	Mr Justice Wally YEUNG, Vice-President of the Court of Appeal of the High Court, gave lectures at the Law School, Beijing Normal University in Beijing
10.5.2016	A delegation led by Mr XIONG Yi, Vice President of Jiangsu Higher People's Court, visited the Judiciary
27.5.2016	An eight-member delegation from the Urban Planning, Land & Resources Commission of Shenzhen Municipality of the People's Republic of China visited the Judiciary
30.5.2016	Mr Justice Johnson LAM, Vice-President of the Court of Appeal of the High Court, spoke in a mediation conference held by the Dongguan Second People's Court in Dongguan
23.6.2016	Mr ZHAO Da-cheng, Vice Minister of the Ministry of Justice of the People's Republic of China, visited the Judiciary
27.6.2016 -1.7.2016	The Chief Justice led a delegation to Beijing, Shenyang and Dalian for a visit at the invitation of the Supreme People's Court of the People's Republic of China
28.7.2016	An eight-member delegation led by Mr XU Jiaxin, Director of Political Department of the Supreme People's Court of the People's Republic of China, visited the Judiciary
11.8.2016	A seven-member delegation from Guangxi Zhuang Autonomous Region of the People's Republic of China visited the Judiciary
8-10.9.2016	The Chief Justice and Mr Justice Andrew CHEUNG, Chief Judge of the High Court attended the Second Summit on Chinese Judicial Studies organised by the Chinese Judicial Studies Association on September 9 and 10 in Chongqing and visited the Chongqing Higher People's Court.
12.10.2016	A seven-member delegation led by Madam HE Rong, Vice-President of the Supreme People's Court of the People's Republic of China, visited the Judiciary
20.10.2016	A six-member delegation led by Madam HU Ze-jun, Executive Deputy Procurator-General of the Supreme People's Procuratorate of the People's Republic of China, visited the Judiciary

<b>Date</b>	<b>Exchanges/Activities between the Judiciary and the Relevant Bodies of the Mainland</b>
20-21.10.2016	Mr Registrar LUNG Kim-wan, Registrar of the High Court, participated as a speaker in the 4th Asian Mediation Association Conference “New Global Trend of Mediation – Similarities and Differences” held in Beijing
20-22.10.2016	Together with the Supreme Court of New South Wales and the Supreme Court of Singapore, the Judiciary organised the Fifth Judicial Seminar on Commercial Litigation in Hong Kong which was attended by judges from 14 jurisdictions including a six-member delegation led by Grand Justice DU Wanhua of the Supreme People’s Court of the People’s Republic of China
26-29.10.2016	The Judiciary Administrator led a delegation to Beijing for a visit at the invitation of the Supreme People’s Court of the People’s Republic of China
3.11.2016	A 13-member delegation from the Justice Departments/Bureaux of the People's Republic of China visited the Judiciary
16-17.11.2016	A 14-member delegation from Foshan Intermediate People’s Court of the People's Republic of China visited the Judiciary
9-10.1.2017	A six-member delegation led by Mr YAN Maokun, Director of the Research Office of the Supreme People’s Court of the People’s Republic of China attended the 2017 Legal Year Opening Ceremony and visited the Judiciary
10.1.2017	Mr WANG Xie, Deputy Director General, Shanghai Municipal Bureau of Justice of the People’s Republic of China, visited the Judiciary
24.2.2017	A three-member delegation led by Ms LU Xi, Director of Anti-Corruption-and-Bribery Bureau and Vice-ministerial Level Member of the Procuratorial Committee and Grand Procurator of the Second Rank of the Supreme People’s Procuratorate of the People’s Republic of China, visited the Judiciary
28-29.3.2017	A eight-member delegation led by Mr WEN Changzhi, President of the Shenzhen Qianhai Cooperation Zone People’s Court of the People’s Republic of China, visited the Judiciary

- End -

**CONTROLLING OFFICER'S REPLY****JA038****(Question Serial No. 3225)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please provide the following information concerning the carparks of various magistrates' courts in the past five years:

- (1) the total number of parking spaces provided to staff employed by the Judiciary;
- (2) the total number of parking spaces provided to staff not employed by the Judiciary (such as solicitors and barristers in practice);
- (3) the total number of parking spaces provided to staff of commercial tenants or outsourced companies at various magistrates' courts;
- (4) service hours of various carparks;
- (5) ranks of the respective court staff managing and monitoring the carparks;
- (6) whether the management service of the carparks has been outsourced, if yes, the names of the outsourced companies, terms of contracts and the expenditures involved; ranks of the court staff responsible for the monitoring task;
- (7) the total number of parking spaces in various magistrates' courts; and
- (8) the rate of usage of the carparks in various magistrates' courts.

Asked by: Hon LEUNG Kwok-hung (Member Question No. 62)

Reply:

Except the Eastern Magistrates' Courts which is housed inside a joint-user building managed by the Government Property Agency of the Government, the Judiciary is responsible for the management of the carparking spaces of all the other six Magistrates' Courts Buildings. Carparking spaces in court premises are allocated to members of the Judiciary as well as members of the government departments and organizations working at or visiting the court premises for official purposes, and if practicable, to court users such as legal practitioners attending court business. No carparking space would be allocated to the service contractors. The carpark in court premises is normally open from around 8 am to 6 pm, and is managed by a venue manager at Senior Judicial Clerk I or Senior Executive Officer level with the assistance of staff and security guards. No separate costing for managing the carparks is available as the security contract covers the building security of all court premises as a whole.



With the commissioning of the West Kowloon Law Courts Building (“WKLCB”) <sup>Note</sup> as from September 2016, the allocation of carparking spaces in the six Magistrates’ Courts under the management of the Judiciary is summarised below:

Total no. of carparking space (including motorcycle parking space)	No. of carparking space allocated to users working in the building	No. of carparking space available for visitors (e.g. legal practitioners attending court business, wheelchair users)
318	265	53

Note: The carpark in the WKLCB is share-used by the West Kowloon Magistrates' Courts, Small Claims Tribunal, Coroner's Court and Obscene Articles Tribunal.

The Judiciary does not have readily available information on the carparks’ usage rate.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA039**

**(Question Serial No. 3226)**

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:

Regarding the companies providing cleaning and pest and rodent control services to the Kowloon City Magistrates' Courts, West Kowloon Magistrates' Courts, Tsuen Wan Magistrates' Courts, Tuen Mun Magistrates' Courts, High Court and District Court respectively in the past five years, please inform this Council of:

- (1) the names of the companies, contract periods and the expenditures involved;
- (2) ranks of the court support staff members responsible for supervising such companies; and
- (3) the number of pest and rodent control exercises which had been carried out in the above courts.

Asked by: Hon LEUNG Kwok-hung (Member Question No. 64)

Reply:

The cleaning service for all law courts buildings (except for law courts located in joint-user general office buildings ("JUBs")) are covered by two service contracts. One contract covers Judiciary premises on the Hong Kong Island and in Kowloon, and the other contract covers those in the New Territories. The contracts are awarded through open tender and the contract period is two years. In the past five years from 2012-13 to 2016-17, the cleaning service for the High Court Building, Kowloon City Law Courts Building and West Kowloon Law Courts Building <sup>Note 1</sup> was provided by Johnson Cleaning Services Company Limited under three 2-year contracts, whilst the cleaning service for Tsuen Wan Law Courts Building and Tuen Mun Law Courts Building was provided by Baguio Cleaning Services Company Limited under three other 2-year contracts. The expenditure for the cleaning services engaged by the Judiciary for these five law courts buildings concerned are as follows:

<b>Financial Year</b>	<b>Expenditure for the Cleaning Service for the 5 Law Courts<sup>Note 1</sup></b> ( <b>\$</b> )
2012-13	3.0 million
2013-14	3.5 million
2014-15	3.4 million
2015-16	4.0 million
2016-17 (up to 1.3.2017)	4.2 million

*Note 1 West Kowloon Law Courts Building commenced operation in September 2016. Expenditure for cleaning service for West Kowloon Law Courts Building was from September 2016.*

The cleaning service for the District Court located in a JUB is arranged by the Government Property Agency of the Government. The Judiciary has no information on the cleaning service contractor or expenditure involved.

For pest and rodent control service, one contractor is engaged for all Judiciary premises including the High Court Building, Kowloon City Law Courts Building, West Kowloon Law Courts Building<sup>Note 2</sup>, Tsuen Wan Law Courts Building, Tuen Mun Law Courts Building and District Court. The contract is awarded through quotation and the contract period is one year. The pest and rodent control service from 2012-13 to 2014-15 was provided by Waihong Pest Control Services Limited under three 1-year contracts. From 2015-16 to 2016-17, Li Hing Environmental Services Limited has been engaged to provide the service under two 1-year contracts. The expenditure and the total number of pest and/or rodent control exercises conducted for the six law courts concerned are as follows:

<b>Financial year</b>	<b>Expenditure for the Pest and Rodent Control Service for the 6 Law Courts<sup>Note 2</sup></b> ( <b>\$'000</b> )	<b>Total Number of Pest and Rodent Control Exercises for the 6 Law Courts<sup>Note 2</sup></b>
2012-13	15	25
2013-14	27	26
2014-15	29	29
2015-16	19	26
2016-17 (up to 1.3.2017)	11	31

*Note 2 West Kowloon Law Courts Building commenced operation in September 2016. Expenditure and the number of pest and rodent contract services for West Kowloon Law Courts Building was from September 2016.*

Day-to-day supervision of the services performed by the cleaning service contractors and the pest and rodent control service contractor as required under the contractual terms are carried out by the respective venue managers at Senior Judicial Clerk I/Senior Executive Officer levels.

- End -

**CONTROLLING OFFICER'S REPLY****JA040****(Question Serial No. 3263)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please list in a table the number of complaints about various magistrates' courts in the past five years dealt with by the Complaints Office of the Judiciary that were lodged by members of the public (including names of the magistrates' courts and the number of complaints lodged by members of the public).

Asked by: Hon LEUNG Kwok-hung (Member Question No. 65)Reply:

The Complaints Office of the Judiciary Administration handles complaints about administrative matters, such as attitude of staff, administrative procedures, quality of service and facilities relating to the Judiciary Administration of the Judiciary.

The numbers of complaints handled by the Complaints Office of the Judiciary Administration about the court registry administration of the Magistrates' Courts that provide administrative support to the Magistrates' Courts, including referrals from Government Bureaux or Departments, Legislative Council Secretariat or Councillors and The Ombudsman from 2012 to 2016 are as follows:

<b>Court Registry Administration of Magistrates' Courts</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Eastern Magistrates' Courts	4	4	5	4	5
Fanling Magistrates' Courts	2	2	1	3	1
Kowloon City Magistrates' Courts	4	4	2	2 <sup>#</sup>	6
Kwun Tong Magistrates' Courts	2	4	10	4	8

<b>Court Registry Administration of Magistrates' Courts</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Shatin Magistrates' Courts	6	2	0	1	0
Tsuen Wan Magistrates' Courts	3	3	5	1	1
Tuen Mun Magistrates' Courts	4	3	1	4 <sup>#</sup>	2

Remark: <sup>#</sup> One complaint handled in 2015 was about the court registry administration of two Magistrates' Courts (Kowloon City Magistrates' Courts and Tuen Mun Magistrates' Courts).

- End -

**CONTROLLING OFFICER'S REPLY****JA041****(Question Serial No. 4893)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please list in a table the number of complaints on various magistrates' courts referred by Legislative Council members or the Legislative Council Secretariat for follow-up actions in the past five years (including names of the magistrates' courts and the number of complaints lodged by members of the public).

Asked by: Hon LEUNG Kwok-hung (Member Question No. 66)Reply:

The number of complaints about the court registry administration of the Magistrates' Courts that provide administrative support to the Magistrates' Courts, as referred by members of the Legislative Council or the Legislative Council Secretariat that processed by the Complaints Office of the Judiciary Administration from 2012 to 2016 is as follows:

<b>Court Registry Administration of Magistrates' Courts</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Eastern Magistrates' Courts	0	0	0	0	0
Fanling Magistrates' Courts	0	0	0	0	0
Kowloon City Magistrates' Courts	0	0	0	2 <sup>#</sup>	1
Kwun Tong Magistrates' Courts	0	0	0	0	0
Shatin Magistrates' Courts	0	0	0	0	0
Tsuen Wan Magistrates' Courts	0	0	0	0	0
Tuen Mun Magistrates' Courts	0	0	0	1 <sup>#</sup>	0

Remark: <sup>#</sup> One complaint handled in 2015 was about the court registry administration of two Magistrates' Courts (Kowloon City Magistrates' Courts and Tuen Mun Magistrates' Courts).

- End -

**CONTROLLING OFFICER'S REPLY****JA042****(Question Serial No. 4894)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Please list in a table the number of complaints on various magistrates' courts referred by the Office of The Ombudsman and the Equal Opportunities Commission for follow-up actions in the past five years (including names of the magistrates' courts and the number of complaints lodged by members of the public).

Asked by: Hon LEUNG Kwok-hung (Member Question No. 67)Reply:

The Complaint Office of the Judiciary Administration had not received any complaint about the court registry administration of the Magistrates' Courts that provide administrative support to the Magistrates' Courts, as referred by the Equal Opportunities Commission in the past five years.

The number of complaints about the court registry administration of the Magistrates' Courts as referred by The Ombudsman that processed by the Complaints Office of the Judiciary Administration from 2012 to 2016 is as follows:

<b>Court Registry Administration of Magistrates' Courts</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Eastern Magistrates' Courts	1	0	2	0	0
Fanling Magistrates' Courts	0	0	0	0	0
Kowloon City Magistrates' Courts	0	0	1	0	0
Kwun Tong Magistrates' Courts	0	1	2	0	2
Shatin Magistrates' Courts	2	1	0	0	0

<b>Court Registry Administration of Magistrates' Courts</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Tsuen Wan Magistrates' Courts	0	1	1	0	0
Tuen Mun Magistrates' Courts	0	0	0	0	0

- End -



**CONTROLLING OFFICER'S REPLY**

**JA043**

**(Question Serial No. 4895)**

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 the form of a table, please state whether there are any barrier-free facilities and barrier-free access for the use by the public at the West Kowloon Magistrates' Courts and the Kowloon City Magistrates' Courts. What are their service hours?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 68)

Reply:

The Judiciary is committed to providing barrier-free facilities and barrier-free access to court users in all law courts buildings, including the West Kowloon Law Courts Building and the Kowloon City Law Courts Building, where conditions permit. Designated washrooms for the disabled/wheelchair users are installed. Hearing aids will be provided to court users with hearing impairment during court hearings. In respect of access to the buildings, access ramp, tactile guide path, accessible lift or stair lift and wide corridor are installed depending on the physical conditions of individual buildings. These facilities are available to court users when the court registries are open during normal business hours, namely from 8:45 am to 5:30 pm from Monday to Friday, or on designated Saturdays when the Magistrates' Courts are in operation.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA044**

**(Question Serial No. 4896)**

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:

Does the Judiciary employ persons with disabilities? If yes, how many? Are there corresponding barrier-free facilities and barrier-free access for their use at various courts? If no, what are the reasons? Does the Judiciary have any policy for promoting the employment of persons with disabilities?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 69)

Reply:

As at 1 March 2017, the Judiciary is employing 32 persons with disabilities. The Judiciary premises are provided with barrier-free access facilities, e.g. access ramp for wheelchair users, accessible lift/stair lift, accessible toilet and accessible parking space. In addition, assistive devices, e.g. Braille notetaker, are also provided if necessary to facilitate the performance of their duties.

The Judiciary Administration welcomes job applications from persons with disabilities. Applying the practices applicable to civil service recruitments, applicants with disabilities who meet the basic entry requirements will be invited to attend the selection interview / recruitment examination without being subject to any shortlisting criteria. Candidates found suitable for employment may be given an appropriate degree of preference for appointment. Such candidates may be recommended for appointment even though they may not be able, on account of their disabilities, to perform the full range of duties of every post in the same rank.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA045**

**(Question Serial No. 4897)**

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:

Please set out in a table the energy-saving measures at various magistrates' courts and also their effectiveness.

Asked by: Hon LEUNG Kwok-hung (Member Question No. 70)

Reply:

All along, the Judiciary is committed to energy conservation. Different improvement works have been or are being carried out by phases with a view to enhancing the existing infrastructure for energy conservation in various law courts buildings (including magistrates' courts buildings), which include:

- (1) replacing existing lightings, lift control systems and chillers by more energy saving types;
- (2) replacing conventional lightings for "Exit" signs with LED lights;
- (3) installing motion sensors in appropriate areas; and
- (4) installing light zoning system and timer switches for light fittings.

Besides, housekeeping measures are put in place to facilitate energy conservation, which include:

- (1) switching off the air-conditioning and lighting in courtrooms and conference rooms immediately after use;
- (2) turning on ventilation (instead of chillers) when the temperature and humidity outdoor are low in cooler months, and setting the temperature for indoor areas other than courtrooms at 25.5°C in summer;
- (3) using timer switches to switch off shared equipment after office hours and intelligent power bars to reduce the standby power of office equipment;
- (4) conducting regular maintenance check to ensure that the lighting and air-conditioning systems are operating in an energy efficient condition;
- (5) purchasing office equipment and electrical appliances with Energy Label; and

- (6) educating staff on green management and encouraging them to reduce use of standby mode and unplug equipment chargers and adapters when not in use.

Various energy conservation features have also been adopted in the new West Kowloon Law Courts Building. These include water-cooled chillers, photovoltaic system, service-on-demand control for escalators, automatic on/off switching of lighting and ventilation fan inside the lifts, computerized lighting control system with occupancy sensors and daylight sensors, LED down lights and spot lights, etc.

No statistics are kept by the Judiciary on the effect of the above initiatives in magistrates' courts.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA046**

**(Question Serial No. 4898)**

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:

Are there any leaflets, booklets or posters at various magistrates' courts to inform the public of their rights to lodge complaints or file judicial reviews should they be not satisfied with the administrative decisions of any court registry administration, so as to safeguard the rights and interests of members of the public? If yes, what and where are they? Can they be downloaded from the Internet? If no, what are the reasons? Is it for the reason of harbouring the staff and depriving the public of their rights and interests?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 71)

Reply:

Members of the public may lodge their complaints about court administrative matters to designated Complaints Officer at each court registry/office and/or the Complaints Office of the Judiciary Administration. The contacts of court registries/offices and the Complaints Office are available at the Judiciary's website.

In addition, suggestion forms are provided and collection boxes are installed in various venues of different levels of courts. Members of the public can drop in their comments or suggestions or complaints for the attention of the Judiciary Administration.

As regards judicial review, a leaflet on how to apply for judicial review is available at the Resource Centre for Unrepresented Litigants ("Resource Centre"). A softcopy of the leaflet is available on the website of the Resource Centre as well.

(URL: [http://rcul.judiciary.gov.hk/rc/download.jsp?FN=documents/eng/Leaflet\\_09\\_Eng.pdf](http://rcul.judiciary.gov.hk/rc/download.jsp?FN=documents/eng/Leaflet_09_Eng.pdf))

- End -

**CONTROLLING OFFICER'S REPLY**

**JA047**

**(Question Serial No. 4899)**

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:

Is there any requirement in the Judiciary that staff members of the court registry administration of various magistrates' courts be subject to a transfer or re-posting after certain years? If yes, after how many years must there be a transfer? And in the form of a table, please state in detail whether there are any staff members of the court registry administration of the magistrates' courts who are not transferred or re-posted after such period has lapsed?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 72)

Reply:

The court registry administration of the Magistrates' Courts mainly comprises Judicial Clerk ("JC") grade and clerical grades staff.

There are posting arrangements for JC grade staff to allow them to gain exposure, and to build up the competencies and skills necessary for career development in the grade as well as to meet operational needs. The postings of JC will be arranged having regard to the operation of the courts and tribunals, the manpower situation of the grade and the career development of individual officers. There is no strict rule on the timing of posting of JC grade members.

As for members of the clerical grades which belong to the general grades in the civil service, the Judiciary follows the prevailing posting policy as administered by the General Grades Office of the Civil Service Bureau of the Government. Internal postings would be arranged for clerical grades staff normally in six to eight years.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA048**

**(Question Serial No. 4900)**

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:

Please inform this Council of the following:

- (1) In the past three years, when protesters held demonstrations at various magistrates' courts, did the magistrates' courts ask the Police to maintain order at the court premises? If yes, how many times?
- (2) Of what ranks were the staff members from the Court Registry Administrations of the magistrates' courts who were responsible for calling the Police?
- (3) Is it the case that the current outsourced security company/companies was/were not capable of maintaining order at the court premises?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 73)

Reply:

The Police has the statutory duty to take lawful measures for "attending the criminal courts and, if specially ordered, the civil courts and keeping order therein" pursuant to section 10(p) of the Police Force Ordinance, Cap. 232. In addition to the Police's constabulary establishment in the Magistrates' Courts, the Police has also engaged security guards to perform crowd control duties in the Magistrates' Courts from early 2009 onwards. The security guards engaged by the Police are responsible for crowd control and general guard duties under its supervision. The Police is responsible for providing command and control of the security guards it engages and is responsible for managing their performance.

Separately, except the Eastern Magistrates' Courts which is housed inside a joint-user general office building with building security services provided by a contractor engaged by the Government Property Agency of the Government, the provision of building security services at all Judiciary premises is outsourced through open tenders in two separate service contracts. One service contract covers premises on the Hong Kong Island while the other one covers premises in Kowloon and the New Territories. Supervision of the provision of building security services at individual court buildings is performed by the venue manager

of the respective Judiciary premises at Senior Judicial Clerk I/Senior Executive Officer level. The Judiciary does not have readily available information on calling the Police in the past three years.

- End -



**CONTROLLING OFFICER'S REPLY**

**JA049**

**(Question Serial No. 4901)**

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:

Regarding the no-parking areas at the Lomond Road entrance to the Kowloon City Magistrates' Courts and at the ground level of the Tuen Mun Magistrates' Courts, please inform this Council, in the past three years, how many occasions were there on which penalties were imposed for illegal parking of private cars or motorcycles there? What was the penalty for illegal parking there? Of what ranks were the staff members of the Court Registry Administrations of the Magistrates' Courts who were responsible for supervising the parking situation there?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 74)

Reply:

As the Lomond Road entrance to the Kowloon City Law Courts Building and the entrance at the ground level of the Tuen Mun Law Courts Building fall within the boundaries of the respective court buildings, unauthorised parking is handled by security guards engaged by the Judiciary. The venue managers of the respective venues at Senior Judicial Clerk I level would keep in view the situation and have instructed the security guards to step up patrol to prevent unauthorised parking at these locations. The Judiciary would monitor the situation, and would consider the feasibility of further measures if the situation does not show improvement.

The Judiciary does not keep any figure on unauthorised parking at the relevant locations.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA050**

**(Question Serial No. 4981)**

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:

Will the Administration consider setting up canteens/eateries at various magistrates' courts to meet the needs of the staff and users there? If yes, when to implement? If no, what are the reasons?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 192)

Reply:

As a result of a review on the provision of canteens in government properties including Judiciary premises conducted by the Government Property Agency ("GPA") of the Government in 1999 pursuant to the recommendations in the Director of Audit's Report No. 31 in 1998 and as endorsed by the Public Accounts Committee of the Legislative Council, the Judiciary has since then ceased to provide canteen services in all Magistrates' Courts. In order to provide light refreshments to court users and subject to the availability of space and the successful award of tenders, the Judiciary has provided refreshment kiosk or tuck shop services at some Magistrates' Courts. At present, refreshment kiosk services are available at the Tuen Mun Magistrates' Courts and the Kowloon City Magistrates' Courts.

With the commissioning of the West Kowloon Law Courts Building ("WKLCB") which houses the West Kowloon Magistrates' Courts, the Judiciary planned to provide a tuck shop at that building. The GPA invited quotations to the tuck shop in mid-2016 but no quotation was received. In order to enhance the attractiveness of the tuck shop operation in the WKLCB, the Judiciary has requested the Architectural Services Department ("ASD") of the Government to provide some basic fitting out to the tuck shop. The ASD has acceded to the request and would carry out the fitting out works shortly. A new quotation exercise will then be carried out by the GPA for the tuck shop service.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA051**

**(Question Serial No. 4982)**

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:

With regard to 'Courts, Tribunals and Various Statutory Functions', the estimated expenditure for the year 2017-18 has substantially increased by 18.1% when compared to that for the year 2016-17. What is the reason?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 193)

Reply:

Provision for 2017-18 for Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, is 18.1% higher than the revised estimate for 2016-17. This is mainly due to the increased provision for filling of vacancies, and creation of additional 14 judicial and 36 non-judicial posts in 2017-18 for enhancing support on various fronts.

- End -

**CONTROLLING OFFICER'S REPLY****JA052****(Question Serial No. 4983)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

Regarding the court registry administration of the Kowloon City Magistrates' Courts, please inform this Council of:

- (1) the establishment and remuneration of respective officers of the court registry administration in the past five years;
- (2) the respective contract term for "individual" officers (collectively as a whole) of the court registry administration of the Magistrates' Courts;
- (3) the numbers of contract and non-contract staff;
- (4) the details of exchanges or activities between the Magistrates' Courts and the relevant departments of the Mainland in the past five years; and
- (5) the expenditures for the past four years and the estimate for this year.

Asked by: Hon LEUNG Kwok-hung (Member Question No. 194)Reply:

- (1) The court registry administration of the Kowloon City Magistrates' Courts (which includes the accounts office) has an establishment of 42 support staff posts from 2012-13 to 2015-16, and 40 support staff posts in 2016-17. The decrease was due to the deployment of two support staff posts from the Kowloon City Magistrates' Courts to the West Kowloon Magistrates' Courts having regard to the redistribution of caseload amongst the Magistrates' Courts. The approximate salary expenditure (calculated at annual salary at mid-point\*) for these support staff posts for the past five years from 2012-13 to 2016-17 are as follows:

2012-13	2013-14	2014-15	2015-16	2016-17
\$9.6	\$10.0	\$10.4	\$10.9	\$11.0
million	million	million	million	million

\* The estimates have included any acting allowances payable in individual cases where acting appointments are necessary.

- (2) All support staff posts of the court registry administration of the Kowloon City Magistrates' Courts are civil service posts on the permanent establishment of the Judiciary. As at 1 March 2017, one vacancy remains unfilled. As a stop-gap measure, a non-civil service contract staff is engaged under a 12-month contract to provide the support pending the intake of a civil servant to fill the post.
- (3) Please see the reply at (2) above.
- (4) Exchange or activities with the relevant bodies in the Mainland were mainly with the Judiciary. Some of such programmes might involve visits to different levels of courts in Hong Kong, including the Kowloon City Magistrates' Courts, as part of the visit programme.
- (5) The Judiciary does not have the breakdown of the operating expenses by levels of courts.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA053**

**(Question Serial No. 4984)**

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 court registry administration of the West Kowloon Magistrates' Courts, please inform this Council of:

- (1) the establishment and remuneration of respective officers of the court registry administration in the past five years;
- (2) the respective contract term for "individual" officers (collectively as a whole) of the court registry administration of the Magistrates' Courts;
- (3) the numbers of contract and non-contract staff;
- (4) the details of exchanges or activities between the Magistrates' Courts and the relevant departments of the Mainland in the past five years; and
- (5) the expenditures for the past four years and the estimate for this year.

Asked by: Hon LEUNG Kwok-hung (Member Question No. 195)

Reply:

- (1) The West Kowloon Magistrates' Courts commenced operation at the West Kowloon Law Courts Building on 28 December 2016. As at 1 March 2017, the court registry administration of the West Kowloon Magistrates' Courts (which excludes the Centralized Accounts Office which serves both the West Kowloon Magistrates' Courts and the Small Claims Tribunal) has an establishment of 27 support staff posts. The approximate salary expenditure (calculated at annual salary at mid-point\*) for these 27 support staff posts are \$7.5 million.

\* The estimates have included any acting allowances payable in individual cases where acting appointments are necessary.

- (2) All support staff posts of the court registry administration of the West Kowloon Magistrates' Courts are civil service posts on the permanent establishment of the Judiciary.

- (3) Please see the reply at (2) above.
- (4) Exchange or activities with the relevant bodies in the Mainland were mainly with the Judiciary. Some of such programmes might involve visits to different levels of courts in Hong Kong, including Magistrates' Courts, as part of the visit programme.
- (5) The Judiciary does not have the breakdown of the operating expenses by levels of courts.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA054**

**(Question Serial No. 6960)**

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:

After the tender of the canteen for the West Kowloon Magistrates' Courts failed in September last year, has the Administration assessed the reasons for the tender failure, and was it caused by "prohibition of cooking" (permission of sale of reheat food only), "having no decoration" or "being too small"? Would the Government make any rectification to the issues of "prohibition of cooking", "having no decoration" and "being too small" and invite tender again? If yes, when will it be; if not, what are the reasons? Has the Government assessed the needs of the staff working in the West Kowloon Magistrates' Courts?

Asked by: Hon LEUNG Kwok-hung (Member Question No. 191)

Reply:

As a result of a review on the provision of canteens in government properties including Judiciary premises conducted by the Government Property Agency ("GPA") of the Government in 1999 pursuant to the recommendations in the Director of Audit's Report No. 31 in 1998 and as endorsed by the Public Accounts Committee of the Legislative Council, the Judiciary has since then ceased to provide canteen services in all Magistrates' Courts. In order to provide light refreshments to court users and subject to the availability of space and the successful award of tenders, the Judiciary has provided refreshment kiosk or tuck shop services at some Magistrates' Courts. For the West Kowloon Law Courts Building ("WKLCB"), the Judiciary planned to provide a tuck shop which may supply some hot food, light meals, refreshments, drinks, confectionery, etc.

A quotation exercise for leasing out the tuck shop at the WKLCB was conducted by the GPA in 2016. The operator of the tuck shop may use electric appliances such as electric griddle, microwave oven and boiler for simple preparation of food and drinks. The provision of tuck shop is for the convenience of court users and its operational hours should generally follow the opening hours of the court facilities in the building from Monday to Friday. The tuck shop will also open on designated Saturdays when the West Kowloon Magistrates' Courts are in operation.



To enhance the attractiveness of the tuck shop operation, the Judiciary has requested the Architectural Services Department (“ASD”) of the Government to provide basic fitting out to the tuck shop. The ASD has acceded to the request and would carry out the fitting out works shortly. A new quotation exercise will then be conducted by the GPA for the tuck shop service.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA055**

**(Question Serial No. 1128)**

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:

In respect of the programme of Courts and Tribunals under Head 80, concerning the criteria for assessing the achieving of performance targets, in the Court of First Instance of the High Court, the actual average waiting time in 2016 from filing of indictment to hearing for cases on the Criminal Fixture List was 291 days, more than double of the target of 120 days. In this connection, will the Judiciary inform this Council:

- (1) How much resources has the Judiciary allocated for shortening the (waiting) time for hearings?
- (2) Has the Judiciary allocated additional resources for the purpose of achieving (such) high efficiency? If yes, what are the details? If no, what are the reasons?

Asked by: Hon LEUNG Mei-fun, Priscilla (Member Question No. 5)

Reply:

- (1) A number of High Court Judges have retired over the past few years and the Judiciary has been facing persistent recruitment difficulties at the Court of First Instance of the High Court ("CFI") level in filling the judicial vacancies. In 2012, 2013 and 2014, the Judiciary had conducted three open recruitment exercises for the CFI Judges. As a result, a total of 17 appointments had been made. In mid-2016, another round of CFI Judges recruitment was conducted, resulting in three appointments made. While the various rounds of recruitment have helped strengthen the judicial manpower at the CFI level, there are vacancies still remained unfilled. As at 15 March 2017, there are 28 CFI Judges against an establishment of 34, with a vacancy position at six.
- (2) The Judiciary hopes that the enhanced remuneration packages for Judges and Judicial Officers ("JJOs"), which will take effect from 1 April 2017, will help attract legal talents to join the Bench, particularly at the CFI level.

- (3) The Judiciary has also engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of courts. The purpose of the review is to consider whether any changes should be made in order to attract quality candidates and experienced private practitioners to join the Bench at the later stage of their career life, in particular at the CFI level, and to facilitate the retention of judicial manpower. The consultant is expected to submit its Final Report to the Judiciary around mid-2017. The Judiciary aims to submit its findings and recommendations to the Government at an appropriate juncture.
- (4) In the meantime, the Judiciary will continue to engage suitable private practitioners as deputy JJOs as a temporary stop gap measure to address the manpower issue. The deputy arrangement will serve the dual purpose of meeting the Courts' operational needs as well as providing opportunity for private practitioners to gain some judicial experience for their consideration of further pursuit of a judicial career in the future.
- (5) Consideration has also been given to further measures to improve the court waiting times. The Chief Judge of the High Court has formed some task groups in late 2015 to look into different aspects of criminal listing and hearing matters in the High Court. As a result of the review, a new draft Practice Direction proposing measures to enhance management of criminal proceedings at the CFI is being prepared, thereby allowing more efficient disposal of cases. Stakeholder consultation on the draft Practice Direction was conducted in 2016. The Judiciary has examined the comments received and plans to implement the new Practice Direction in mid-2017, which is expected to have a positive effect in shortening the court waiting time.
- (6) Furthermore, an additional Deputy High Court Judge has since December 2016 been deployed to hear criminal cases to alleviate the judicial manpower constraint.
- (7) Separately, it is noted that the new sentencing practice in respect of one-third discount upon plea of guilty (pursuant to judgment of CACC 418/2014 and 327/2015 dated 2 September 2016) may help reduce the number of unused days (mainly due to defendants pleading guilty on the first day of long trial), and may therefore have positive effect in shortening the court waiting time.
- (8) The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA056**

**(Question Serial No. 3419)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Judiciary Administrator

Question:

Please inform this Council about outsourcing of services in your department:

- (1) In the past three years, what is the total number of outsourced service staff members in your department; and what is the percentage of such outsourced service staff in the overall staff with same duties in your department;
- (2) In the past three years, what is your expenditure on overall staff; what is the total amount paid to outsourced service companies; what is the percentage of such amount paid to outsourced service companies in your expenditure on overall staff; and
- (3) In the past three years, what are the nature of services outsourced in your department and the duration of contracts?

On the other hand, last year the Government revised the guidelines on tenders for outsourcing contracts, indicating that for outsourcing contracts that rely heavily on deployment of non-skilled workers and have the marking scheme approach adopted for tender evaluation, the procuring department in assessing the tenders should include in their criteria the tenderers' proposed wage rates and working hours for non-skilled workers. In this connection, please inform this Council:

- (1) After the guidelines have taken effect, how many outsourced service contracts relying heavily on deployment of non-skilled workers have your department awarded;
- (2) After the guidelines have taken effect, which departments have, in view of the new guidelines, reviewed their assessment criteria on wage rates and working hours in outsourced service contracts relying heavily on deployment of non-skilled workers; what are the reviews in your department; if no relevant information is available, what are the reasons;

- (3) After the guidelines have taken effect, have the average wages in the outsourced service contracts relying heavily on deployment of non-skilled workers been raised; if yes, how many contracts have the wages raised; if no relevant information is available, what are the reasons;
- (4) What measures do your department have to assess the effectiveness of the revised tender guidelines?
- (5) In assessing tenders of outsourced service contracts, do you have to adopt the existing two-envelope evaluation system by assessing the “technical aspect and price aspect”; if not, how many contracts on which the existing two-envelope evaluation system has not been applied?
- (6) How many complaints do you receive from outsourced service staff and how many cases of breach of service contracts, Employment Ordinance and Occupational Safety and Health Ordinance are found upon your inspection each year;
- (7) What are the details of the follow-up actions taken in respect of these breaches and complaints;
- (8) How many cases in which the contractors concerned are penalized after the breaches and complaints have been found substantiated, and what are the details?

Asked by: Hon LEUNG Yiu-chung (Member Question No. 112)

Reply:

The required information for outsourced services staff are set out below:

Financial Year	No. of Outsourced Staff / Worker (I)	Judiciary Personnel Providing Comparable Service (II)	Percentage [(I) ÷ (II)]	Tenure of Service Contract
(A) Security service				
2014-15	105	15 <sup>Note</sup>	700.0%	ranging from 2 to 2½ years
2015-16	160	9 <sup>Note</sup>	1777.8%	
2016-17	178	8 <sup>Note</sup>	2225.0%	
(B) Cleaning service				
2014-15	60	0	-	2 years
2015-16	74	0	-	
2016-17	78	0	-	
(C) Digital audio recording and transcription service				
2014-15	94	0	-	4⅓ years
2015-16	94	0	-	

Financial Year	No. of Outsourced Staff / Worker (I)	Judiciary Personnel Providing Comparable Service (II)	Percentage [(I) ÷ (II)]	Tenure of Service Contract
2016-17	94	0	-	
<i>(D) Information technology service</i>				
2014-15	35	80	43.8%	5 years
2015-16	35	104	33.7%	
2016-17	35	136	25.7%	

Note: Property attendants and car park attendants performing comparable duties of the security service are the phasing-out grades in the Judiciary.

Information of expenses on outsourced service contracts is summarised below:

Financial Year	Expense Paid to Service Contractor (I) (\$ million)	Expense on All Judiciary Personnel (II) (\$ million)	Percentage [(I) ÷ (II)]
2014-15	46.2	1,054.4	4.4%
2015-16	62.3	1,120.1	5.6%
2016-17	65.3	1,195.2	5.5%

As regards the non-skilled labour for security and cleaning services, the Judiciary awarded all these contracts through open tender using the two-envelope approach. The wage rates and working hours proposed by tenderers had been included as two of the assessment criteria during tender evaluation in the past three years. The Judiciary has not found any breaches by the security and cleaning contractors and has not received any complaints lodged by their staff on wages and working hour issues. Conviction record checks done prior to the award of the tenders had not revealed any convictions under the Employment Ordinance, Employees' Compensation Ordinance, Mandatory Provident Fund Schemes Ordinance, etc. In the past three years, there was an increase in the average wage rates paid to non-skilled workers engaged under the security and cleaning contracts.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA057**

**(Question Serial No. 3438)**

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:

Does your department provide sign language translation services? If yes, what is the number of staff and staff costs involved; if no, what are the reasons?

Asked by: Hon LEUNG Yiu-chung (Member Question No. 169)

Reply:

The Judiciary provides sign language interpreting service in court proceedings for people with hearing and/or speech impairment. Currently, there are 11 sign language interpreters on the register maintained by the Judiciary. They are not employees of the Judiciary. They provide sign language interpreting service on a freelance basis. The expenditure involved in 2016 was around \$60,000.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA058**

**(Question Serial No. 1452)**

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:

In recent years, the targets for criminal cases have not been met in the Court of First Instance of the High Court ("CFI") and the District Court. The actual time it took for a CFI criminal case to be heard from its listing was even more than double of the target time. Three rounds of open recruitment exercises for CFI Judges have been completed, but not all available vacancies could be filled. Although the improvement of the conditions of services of Judges and Judicial Officers is due to take effect on 1.4.2017, private practitioners who might be interested to join the Judiciary are not only concerned with the conditions of services. Does the Government have other incentives to attract competent and experienced legal practitioners to join the Judiciary? If yes, what are they specifically?

Asked by: Hon LIAO Cheung-kong, Martin (Member Question No. 38)

Reply:

From the three rounds of recruitment exercises for Court of First Instance of the High Court ("CFI") Judges conducted in 2012, 2013 and 2014, 17 appointments were made. In mid-2016, another round of CFI Judges recruitment was conducted, resulting in three appointments made. While the various rounds of recruitment have helped strengthen the judicial manpower at the CFI level, there are vacancies still remain unfilled. As at 15 March 2017, there are 28 CFI Judges against an establishment of 34, with a vacancy position at six.

The Judiciary hopes that the enhanced remuneration packages for Judges and Judicial Officers ("JJOs"), which will take effect from 1 April 2017, will help attract legal talents to join the Bench, particularly at the CFI level.

The Judiciary has also engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of courts. The purpose of the review is to consider whether any changes should be made in order to attract quality candidates and experienced private practitioners to join the Bench at the later stage of their career life, in particular at the CFI level, and to facilitate the retention of judicial manpower. The consultant is



expected to submit its Final Report to the Judiciary around mid-2017. The Judiciary aims to submit its findings and recommendations to the Government at an appropriate juncture.

In the meantime, the Judiciary will continue to engage suitable private practitioners as deputy JJOs as a temporary stop gap measure to address the manpower issue. The deputy arrangement will serve the dual purpose of meeting the Courts' operational needs as well as providing opportunity for private practitioners to gain some judicial experience for their consideration of further pursuit of a judicial career in the future.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA059**

**(Question Serial No. 1490)**

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:

Currently, various law enforcement agencies would apply for warrants from judges, courts and tribunals for conducting searches, including searches on telecommunication companies and internet service providers. In this connection,

- (1) in the government estimates for 2017-2018, have any resources been allocated for statistical analysis to identify the number of court warrants that concern conducting searches on telecommunication companies and internet service providers? If yes, how much resources are involved? If no, what are the reasons?
- (2) in the government estimates for 2017-2018, have any resources been allocated for a study concerning the setting up of a record system by the Judiciary for the purpose of conducting statistical analysis on the applications for court warrants received by it every year, and for giving an account to the public of the applications by category and the numbers of warrants so granted. If yes, how much resources are involved and when will the study conclude? If no, what are the reasons?

Asked by: Hon TO Kun-sun, James (Member Question No. 15)

Reply:

- (1) The Judiciary does not maintain statistics regarding applications for search warrants. There is therefore no information on warrants issued for searches on telecommunications companies and internet service providers.
- (2) Applications for search warrants only form part of the process of law enforcement agencies' work in investigating into suspected breaches of laws before cases are brought before the court for adjudication. The Judiciary has no plan to collect statistics on the applications for search warrants, which are not related to court proceedings.

- End -

**CONTROLLING OFFICER'S REPLY****JA060****(Question Serial No. 2600)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

In each of the past five financial years, how many cases did the Small Claims Tribunal hear/deal with?

For 2017-2018, what is the percentage change in manpower and expenditure for the Tribunal as compared to that of last year?

What is the number of cases anticipated to be heard/dealt with?

In the coming financial year, would the Administration conduct reviews and studies on increasing the existing jurisdictional limit of claims (at \$50,000) of cases heard by the Tribunal so that it would have the jurisdiction to take up more cases? If yes, what are the details? How much manpower and resources are required for such reviews and studies? If not, what are the reasons?

Asked by: Hon TSE Wai-chun, Paul (Member Question No. 37)

Reply:

- (1) The number of cases filed with the Small Claims Tribunal ("SCT") in the past five years are provided as follows:

2012	2013	2014	2015	2016
48 201	48 982	50 083	49 775	49 169

- (2) The establishment (including Judicial Officer and support staff) and approximate salary expenditure of the SCT in 2017-18 (Draft Estimate), as compared with that in 2016-17, are as follows:

	<b>2016-17</b>	<b>2017-18 (Draft Estimate)*</b>
Establishment	69	81
Annual salary at mid-point	\$37.0 million	\$47.5 million, i.e. an increase by 28.4% as compared with that in 2016-17

\* Including four additional judicial posts and eight additional non-judicial posts proposed for creation in 2017-18 for the proposed jurisdictional rise for the SCT and implementation of the Call-over and Mention Courts in the SCT at the West Kowloon Law Courts Building.

- (3) A total of 49 170 cases is estimated to be filed for the SCT in 2017-18.
- (4) In 2015-16, the Judiciary conducted a review and consultation exercise on proposed adjustments to the civil jurisdictional limits of the District Court (“DC”) and the SCT. In general, the Judiciary proposed to adjust their jurisdictional limits upward with a view to allowing better distribution of cases between the different levels of courts, and to enhance access to justice.
- (5) After conducting an analysis of the possible impact the proposed upward adjustments to the civil jurisdictional limits at both the DC and the SCT may have on caseloads and resources, the Judiciary is proposing to increase its jurisdictional limit from \$50,000 to \$75,000 for the SCT. In this regard, the proposed adjustment has received general support from all stakeholders.
- (6) The Judiciary is now finalizing the proposals with regard to the proposed increases of the civil jurisdictional limits of the SCT (and also those of the DC). The Judiciary intends to consult the Panel on Administration of Justice and Legal Services of the Legislative Council on the final proposals in April 2017.
- (7) The manpower and expenditure involved in conducting the review and consultation on the civil jurisdictional limits of the SCT (and also those of the DC) have been absorbed within the existing resources of the Judiciary.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA061**

**(Question Serial No. 3879)**

Head: (80) Judiciary  
Subhead (No. & title): (000) Operational expenses  
Programme: (2) Support Services for Courts' Operation  
Controlling Officer: Judiciary Administrator (Miss Emma Lau)  
Director of Bureau: Judiciary Administrator

Question:

It is noted that transportation was arranged for a defendant, who appeared in Shatin Magistrates' Court for mention and was granted bail, to leave the Court in a private car with registration plate RD3725. Please provide:

- (1) Details as to the manpower and expenditure for, and the number of times of such 'transport service' in the past five years.
- (2) A list of the vehicles involved in such 'transport service', the costs and method of their acquisition, and the maintenance costs incurred.

Asked by: Hon YEUNG Alvin (Member Question No. 134)

Reply:

The Judiciary does not provide any transportation service to any party for attending court hearings or leaving court buildings. The vehicle named in the question is not a Judiciary car.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA062**

**(Question Serial No. 3979)**

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 problems of long average waiting time for cases and tight judicial manpower at various levels of courts are not alleviated despite recruitment exercises. Are there any effective measures to properly address the problems?

Asked by: Hon YICK Chi-ming, Frankie (Member Question No. 54)

Reply:

- (1) From the three rounds of recruitment exercises for Judges of the Court of First Instance of the High Court ("CFI") conducted in 2012, 2013 and 2014, 17 appointments were made. In mid-2016, another round of CFI Judges recruitment was conducted, resulting in three appointments made. While the various rounds of recruitment have helped strengthen the judicial manpower at the CFI level, there are vacancies still remain unfilled. As at 15 March 2017, there are 28 CFI Judges against an establishment of 34, with a vacancy position at six.
- (2) A recruitment exercise for District Judges has been launched in mid-2016. So far, six District Judges were appointed. A new recruitment exercise for Permanent Magistrates has been launched in end 2016 and is in progress.
- (3) The Judiciary hopes that the enhanced remuneration packages for Judges and Judicial Officers ("JJOs"), which will take effect from 1 April 2017, will help attract legal talents to join the Bench, particularly at the CFI level.
- (4) The Judiciary has also engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of courts. The purpose of the review is to consider whether any changes should be made in order to attract quality candidates and experienced private practitioners to join the Bench at the later stage of their career life, in particular at the CFI level, and to facilitate the retention of judicial manpower. The consultant is expected to submit its Final Report to the Judiciary

around mid-2017. The Judiciary aims to submit its findings and recommendations to the Government at an appropriate juncture.

- (5) In the meantime, the Judiciary will continue to engage suitable private practitioners as deputy JJOs as a temporary stop gap measure to address the manpower issue. The deputy arrangement will serve the dual purpose of meeting the courts' operational needs as well as providing opportunities for private practitioners to gain some judicial experience for their consideration of further pursuit of a judicial career in the future.
- (6) The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA063**

**(Question Serial No. 3980)**

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:

There are many cases filed with the courts that can be categorized as cases involving unrepresented litigants. In this connection, will the Administration inform this Committee:

- (a) Details as to the work, expenditure and effectiveness of the Resource Centre for Unrepresented Litigants.
- (b) Unrepresented litigants tend to make mistakes during court proceedings as they are not familiar with court procedures and lack legal knowledge. In this regard, judges, magistrates and masters will also need to spend extra time to make explanations to such litigants, therefore causing delay in trial or mention dates and increasing legal costs. Please set out the measures for improving the situation.

Asked by: Hon YICK Chi-ming, Frankie (Member Question No. 55)

Reply:

- (1) The Resource Centre for Unrepresented Litigants ("the Centre") provides information and assistance on court rules and procedures to unrepresented litigants, who are parties to, or about to commence, civil proceedings in the High Court or the District Court except those relating to matrimonial, lands, employees' compensation and probate matters. The Centre provides assistance to unrepresented litigants on procedural matters only and does not give legal advice or make any comments on the merits of the case. Computer terminals with access to the Judiciary website and interlinked with the websites of relevant organisations, e.g. the Legal Aid Department, the Duty Lawyer Service or agencies which may offer free legal service to litigants are provided at the Centre. In addition, self-service photo-copying, writing areas, leaflets introducing the system of civil proceedings in the High Court and the District Court, sample court forms and videos on court procedures are also available.



- (2) Information concerning the service provided by the Centre for the years 2014 to 2016 is set out as follows:

<b>Number of Use</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
Visits	11 902	12 324	12 437
Average contact time per visit	3.4 minutes	3.5 minutes	3.3 minutes
Telephone enquiries	3 063	3 223	3 334
Average contact time per telephone call	7.6 minutes	5.9 minutes	5.8 minutes
Collection of brochures on civil proceedings	975	889	988
Access to website	235 191 hits	296 884 hits	316 555 hits

- (3) User satisfaction surveys are conducted regularly to gauge the effectiveness of the service of the Centre. In the latest survey conducted in 2015, the overall performance of the Centre was considered satisfactory by 99.7% of the respondents sampled.
- (4) The Centre has an establishment of six staff. The expenditure for 2014-15 to 2016-17 and estimated expenditure for 2017-18 are set out as follows:

	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18 Estimate</b>
Approximate expenditure	\$3.0 million	\$3.1 million	\$2.8 million	\$2.9 million

- (5) In navigating through the civil justice system, unrepresented litigants may need assistance and advice in both procedural and legal matters. In accordance with the principle of judicial independence, the Centre will only provide assistance on procedural matters and will not give any legal advice on both the procedural aspects and merits of the case to any litigants in any judicial proceedings.
- (6) Where unrepresented litigants are in need of legal advice on procedural matters in respect of civil cases, they may seek advice from other resources, such as the Legal Advice Scheme for Unrepresented Litigants on Civil Procedures of the Home Affairs Bureau of the Government; and the Free Legal Advice Scheme operated by the Duty Lawyer Service under Government subvention.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA064**

**(Question Serial No. 5825)**

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:

Will the Administration consider setting up canteens/eateries at various magistrates' courts to cater for the needs of court staff and court users (including the detainees)? If so, when will the plan be implemented; and if not, what are the reasons?

Asked by: Hon YIU Chung-yim (Member Question No. 57)

Reply:

As a result of a review on the provision of canteens in government properties including Judiciary premises conducted by the Government Property Agency ("GPA") of the Government in 1999 pursuant to the recommendations in the Director of Audit's Report No. 31 in 1998 and as endorsed by the Public Accounts Committee of the Legislative Council, the Judiciary has since then ceased to provide canteen services in all Magistrates' Courts. In order to provide light refreshments to court users and subject to the availability of space and the successful award of tenders, the Judiciary has provided refreshment kiosk or tuck shop services at some Magistrates' Courts. At present, refreshment kiosk services are available at the Tuen Mun Magistrates' Courts and the Kowloon City Magistrates' Courts.

With the commissioning of the West Kowloon Law Courts Building ("WKLCB") which houses the West Kowloon Magistrates' Courts, the Judiciary planned to provide a tuck shop at that building. The GPA invited quotations to the tuck shop in mid-2016 but no quotation was received. In order to enhance the attractiveness of the tuck shop operation in the WKLCB, the Judiciary has requested the Architectural Services Department ("ASD") of the Government to provide some basic fitting out to the tuck shop. The ASD has acceded to the request and would carry out the fitting out works shortly. A new quotation exercise will then be carried out by the GPA for the tuck shop service.

The Police and Correctional Services Department as appropriate is responsible for providing meals to detainees in the Magistrates' Courts.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA065**

**(Question Serial No. 5826)**

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:

Will the Administration consider setting up a canteen in the District Court to cater for the needs of its staff and users? If so, when will the plan be implemented; and if not, what are the reasons?

Asked by: Hon YIU Chung-yim (Member Question No. 58)

Reply:

As a result of a review on the provision of canteens in government properties including Judiciary premises conducted by the Government Property Agency ("GPA") of the Government in 1999 pursuant to the recommendations in the Director of Audit's Report No. 31 in 1998 and as endorsed by the Public Accounts Committee of the Legislative Council, the GPA has stipulated in the government Accommodation Regulations that canteens will not be provided in joint-user general office buildings ("JUB"). The District Court ("DC") is currently located inside a JUB and hence according to the GPA's policy, a canteen will not be provided to all users of the JUB, includes the users of the DC.

- End -

**CONTROLLING OFFICER'S REPLY****JA066****(Question Serial No. 5828)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Judiciary AdministratorQuestion:

The tender of the canteen for the West Kowloon Magistrates' Courts failed in September 2016. Quite a lot of potential tenants have told me it was specified in the tender document that "sale of reheat food only" is allowed; there would be "no decoration" (merely in bare-shell condition); the "contract term is of three years only"; the premises is "too small"; and it "could open for business for only five days a week". Would the Judiciary make any improvement to the issues of "sale of reheat food only", having "no decoration" (merely in bare-shell condition), "a contract term of three years only", being "too small" and "open for business for only five days a week", for example, by making reference to the mode of operation of the High Court canteen, extend the contract term, and then have a re-tender? If so, when will it be; if not, what are the reasons? Has the Judiciary assessed the needs of the staff working in and the users of the West Kowloon Magistrates' Courts?

Asked by: Hon YIU Chung-yim (Member Question No. 59)Reply:

As a result of a review on the provision of canteens in government properties including Judiciary premises conducted by the Government Property Agency ("GPA") of the Government in 1999 pursuant to the recommendations in the Director of Audit's Report No. 31 in 1998 and as endorsed by the Public Accounts Committee of the Legislative Council, the Judiciary has since then ceased to provide canteen services in all Magistrates' Courts. In order to provide light refreshments to court users and subject to the availability of space and the successful award of tenders, the Judiciary has provided refreshment kiosk or tuck shop services at some Magistrates' Courts. For the West Kowloon Law Courts Building ("WKLCB"), the Judiciary planned to provide a tuck shop which may supply some hot food, light meals, refreshments, drinks, confectionery, etc.

A quotation exercise for leasing out the tuck shop at the WKLCB was conducted by the GPA in 2016. The tenure of tenancy for tuck shop is normally three years. The operator of the tuck shop may use electric appliances such as electric griddle, microwave oven and boiler for simple preparation of food and drinks. The provision of tuck shop is for the

convenience of court users and its operational hours should generally follow the opening hours of the court facilities in the building from Monday to Friday. The tuck shop will also open on designated Saturdays when the West Kowloon Magistrates' Courts are in operation.

To enhance the attractiveness of the tuck shop operation, the Judiciary has requested the Architectural Services Department ("ASD") of the Government to provide basic fitting out to the tuck shop. The ASD has acceded to the request and would carry out the fitting out works shortly. A new quotation exercise will then be conducted by the GPA for the tuck shop service.

- End -

**CONTROLLING OFFICER'S REPLY****JA067****(Question Serial No. 5829)**

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:**

It is noted that the canteen in Kowloon City Magistrates' Court has served not only the court staff and users, but also alleviated the burden of a significant number of elderly people with limited means by way of donating meal boxes to them via some charitable organizations. The canteen has received a number of awards and prizes, and the recognition of the society. According to public information, the contract of the canteen is due to expire soon. Will the Judiciary consider renewing the canteen's contract? If so, when will it be renewed? If not, what are the reasons? Has the Judiciary assessed the impact on the staff, the underprivileged and public interest?

Asked by: Hon YIU Chung-yim (Member Question No. 60)

**Reply:**

The Government Property Agency ("GPA") of the Government is responsible for all leasing arrangements of canteens or eateries in government properties, including Judiciary premises. As a result of a review on the provision of canteens in government properties conducted by the GPA in 1999 pursuant to the recommendations in the Director of Audit's Report No. 31 in 1998 and as endorsed by the Public Accounts Committee of the Legislative Council, the Judiciary has since then ceased to provide canteen services in all Magistrates' Courts. In order to provide light refreshments to court users and subject to the availability of space and the successful award of tenders, the Judiciary has provided refreshment kiosk or tuck shop services at some Magistrates' Courts. At present, a refreshment kiosk is provided at the Kowloon City Magistrates' Courts ("KCMC").

The refreshment kiosk at the KCMC was leased out by the GPA in 2015 through a quotation exercise. The tenure of the existing tenancy is three years for up to 2018. The Judiciary understands that the GPA shall arrange the leasing and tenancy award matters of the refreshment kiosk in accordance with its established policy in due course before the existing tenancy is expired.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA068**

**(Question Serial No. 2877)**

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:

A few targets regarding criminal cases in the Court of First Instance of the High Court and the District Court were not met. Among them, the waiting time for criminal cases in the District Court in 2016 exceeded the target by 18 days while the average waiting time for criminal fixture cases in the Court of First Instance of the High Court fell even far short of the target of 120 days with the actual time required being 291 days. Regarding matters related to waiting time, may this Council be informed of the following:

- (1) A breakdown of the original establishment and the actual number of staff of the High Court and the District Court in each of the years 2015 and 2016 by posts and terms of appointment; and will there be any increase anticipated in the number of staff concerned in 2017; if yes, what are the details and the expenditure involved?
- (2) In the face of recruitment difficulties and manpower shortage, the average waiting time targets for criminal cases in the Court of First Instance of the High Court and the District Court for 2017 remain the same as those for previous years. Based on what criteria did the Administration make such an assessment? What measures are in place to ensure that the waiting times for cases will be met or that the time required will even be shortened? What are the manpower and expenditure involved for those measures?

Asked by: Hon YUNG Hoi-yan (Member Question No. 9)

Reply:

- (1) The establishment and number of Judges and Judicial Officers (“JJOs”) posts at the High Court (“HC”) and the District Court (“DC”) in 2015-16 and 2016-17 are as follows:

<b>Level of Court</b>	<b>Establishment</b>	<b>Number of Posts</b>
Court of Appeal of HC	14	1 - Chief Judge of the High Court 13 - Justice of Appeal
Court of First Instance of HC (“CFI”)	34	34 - Judge of the Court of First Instance
HC Masters’ Office	11	1 - Registrar 4 - Senior Deputy Registrar 6 - Deputy Registrar
District Court (including Family Court and Lands Tribunal)	39	1 - Chief District Judge 1 - Principal Family Court Judge 35 - District Judge 2 - Member, Lands Tribunal
District Court Masters’ Office	4	1 - Registrar 3 - Deputy Registrar

- (2) In 2017-18, the Judiciary, in respect of the proposals to increase the jurisdictional limits of the DC and to cope with the heavy workload of the DC Masters’ Office, will seek an increase of nine judicial posts at the DC level, including four posts of District Judge and five posts of Deputy Registrar, DC. The proposed creation of the nine judicial posts in question will involve an additional annual salary cost at mid-point of about \$18.6 million, based on the pay level for JJOs as at 1.9.2016 recently approved by the Finance Committee of the Legislative Council.
- (3) The court waiting time targets are set in consultation with the Court Users’ Committees having regard to a wide range of factors, including caseload, complexity of cases, judicial resources, time required by the parties to prepare their cases, etc. The following measures have been/will be taken to improve the waiting times:
- (a) In 2012, 2013 and 2014, the Judiciary had conducted three open recruitment exercises for the CFI Judges. As a result, a total of 17 appointments had been made. In mid-2016, another round of recruitment exercise for the CFI Judges was conducted, resulting in three appointments made. A recruitment exercise for District Judges was also launched in mid-2016 and six District Judges have been appointed so far.
  - (b) The Judiciary hopes that the enhanced remuneration packages for JJOs, which will take effect from 1 April 2017, will help attract legal talents to join the Bench, particularly at the CFI level.
  - (c) The Judiciary has also engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of courts. The purpose of the review is to consider whether any changes should be made in order to attract quality candidates and experienced private practitioners to join the



Bench at the later stage of their career life, in particular at the CFI level, and to facilitate the retention of judicial manpower. The consultant is expected to submit its Final Report to the Judiciary around mid-2017. The Judiciary aims to submit its findings and recommendations to the Government at an appropriate juncture.

- (d) In the meantime, the Judiciary will continue to engage suitable private practitioners as deputy JJOs as a temporary stop gap measure to address the manpower issue. The deputy arrangement will serve the dual purpose of meeting the courts' operational needs as well as providing opportunities for private practitioners to gain some judicial experience for their consideration of further pursuit of a judicial career in the future.
  - (e) Consideration has also been given to further measures to improve the court waiting times. The Chief Judge of the High Court has formed some task groups in late 2015 to look into different aspects of criminal listing and hearing matters. As a result of the review, a new draft Practice Direction proposing measures to enhance management of criminal proceedings at the CFI is being prepared, thereby allowing more efficient disposal of cases. Stakeholder consultation on the draft Practice Direction was conducted in 2016. The Judiciary has examined the comments received and plans to promulgate the new Practice Direction in mid-2017. It is expected to have a positive effect in shortening the court waiting time.
  - (f) In addition, it is noted that the new sentencing practice in respect of one-third discount upon plea of guilty (pursuant to judgment of CACC 418/2014 and 327/2015 dated 2 September 2016) may help to reduce the number of unused days (mainly due to defendants pleading of guilty at the first day of long trial), and may therefore have a positive effect in shortening the court waiting time.
- (4) The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

- End -

**CONTROLLING OFFICER'S REPLY**

**JA069**

**(Question Serial No. 2881)**

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:

Regarding the use of information technology and other modern management tools by courts for the purpose of enhancing the efficiency of court support services, please provide information concerning:

- (1) Details of the implementation of the Information Technology Strategy Plan by the Judiciary for the year 2017-18, the manpower and expenditure involved, and the timetable of implementation.
- (2) The number of use of the Technology Court in 2015 and 2016, including handling foreign legal proceedings and arbitrations, and the manpower and expenditure involved. What change is anticipated in 2017 on the number of use of the Technology Court and the manpower and expenditure required?
- (3) Has any assessment been conducted on the number of cases handled by the Technology Court in the past two years and on whether the average time taken met the target? What corresponding measures are in place? Among such measures, is there any plan to allocate further resources in this regard and to upgrade the equipment of the Technology Court? If yes, what are the details? What assistance is it expected to bring about on expediting the handling of technology crimes and related offences?
- (4) What is the usage rate of e-bundle in court proceedings and its usage in various departments? What are the manpower and expenditure involved for promoting the use of e-bundle?

Asked by: Hon YUNG Hoi-yan (Member Question No. 11)

Reply:

- (1) In respect of item (1), the Information Technology Strategy Plan ("ITSP") of the Judiciary is a long-term nine-year information technology ("IT") project seeking to

enable the Judiciary to meet its long-term operational requirements. The implementation of the ITSP is divided into two phases. After obtaining a funding of \$682 million in May 2013 for the implementation of Phase I of the ITSP, the Judiciary is now taking forward Phase I of the plan.

- (2) Phase I of the ITSP is further subdivided into two stages planned to be completed by end 2020 according to the latest project schedule:
  - (a) Stage 1 mainly covers the IT infrastructure required to support the long-term development and operation of the IT systems of the Judiciary, and the development of the Integrated Court Case Management System (“iCMS”) for the District Court, the Summons Courts of the Magistrates’ Courts and the Bailiff Section; and
  - (b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court, the Probate Registry, the Magistrates’ Courts (non-Summons) and the Small Claims Tribunal.
- (3) In 2017-18, we will continue the implementation of Phase I Stage 1 of the ITSP with focus on the installation of major components of the IT infrastructure and the rollout of the iCMS at the District Court and Summons Courts. We will also start to work on the compilation of user requirements for the implementation of Phase I Stage 2. Implementation of the ITSP will be supported by around 100 staff (including civil service staff and IT professionals engaged on contract). Outsourced services will also be engaged as appropriate. The expenditures for the implementation of the ITSP is estimated at about \$130 million in 2017-18, including expenditures for the procurement of hardware, software and services.
- (4) In respect of item (2), the Technology Court was used in respect of 71 cases for 84 days and 76 cases for 95 days respectively in 2015 and 2016. The usage of the Technology Court is subject to the number of cases and the duration of the cases involved. It is not possible to predict the usage for 2017 at this stage.
- (5) The maintenance service for electrical, mechanical, air-conditioning, building services and electronic facilities in all Judiciary premises, including the facilities in the Technology Court, is provided by the Electrical and Mechanical Services Department of the Government under a 5-year service level agreement ending on 31 March 2017. The Judiciary has no readily available information on the breakdown of expenditures in supporting and operating the facilities in the Technology Court.
- (6) In respect of item (3), facilities of the Technology Court in the High Court were upgraded in 2014 to support video conferencing, display of electronic documents and videos, hearings involving vulnerable witnesses, broadcasting of court proceedings to the court lobby, etc. In addition, in the past two years, during the renovation of the court building of the Court of Final Appeal and the construction of the West Kowloon Magistrates’ Courts building, a courtroom in each of the two buildings has been equipped with audio/visual facilities as those of the Technology Court. We also plan to make available portable audio/visual facilities in mobile carts for share-use among courtrooms in various court buildings. With more audio/visual

facilities available for use in court buildings, we envisage that the Technology Court should be able to cope with the anticipated usage demand in the coming years. Currently, we have no plan for further enhancement to the audio/visual facilities of the Technology Court in the near future.

- (7) In respect of item (4), the Judiciary has been promoting the use of electronic bundle in portable document format in the past two years. Currently, individual Judges and Judicial Officers in both criminal and civil proceedings in the High Court may invite parties to submit electronic bundle for pre-hearing reading or self-reading during court hearings. There were about 118 and 130 cases with the submission of electronic bundles in the High Court in 2015 and 2016 respectively. In two out of these 248 cases, the content of the electronic bundle to be referred to during the court proceedings was displayed or broadcast to all parties and the presiding judge. A pilot scheme of online submission of electronic bundles was also introduced in 2016 in the District Court. As the promotion of the use of e-bundles is subsumed in the daily court operations, the Judiciary has no readily available information on the manpower and expenditures in promoting the use of e-bundles.

- End -