

Index Page

Replies to initial written questions raised by Finance Committee Members in examining the Estimates of Expenditure 2018-19

Controlling Officer : Judiciary Administrator

Session No. : 2

File Name : JA-1-e1.doc

| Reply Serial No. | Question Serial No. | Name of Member | Head | Programme |
|-----------------------------|--------------------------------|-------------------------------|-------------|---|
| JA001 | 1606 | CHAN Chi-chuen | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA002 | 2899 | CHEUNG Chiu-hung, Fernando | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA003 | 2904 | CHEUNG Chiu-hung, Fernando | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA004 | 6205 | CHEUNG Chiu-hung, Fernando | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA005 | 6274 | CHEUNG Chiu-hung, Fernando | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA006 | 6275 | CHEUNG Chiu-hung, Fernando | 80 | - |
| JA007 | 6276 | CHEUNG Chiu-hung, Fernando | 80 | - |
| JA008 | 2566 | CHOW Ho-ding, Holden | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA009 | 6335 | CHOW Ho-ding, Holden | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA010 | 2836 | HO Kwan-yiu, Junius | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA011 | 1993 | HUI Chi-fung | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA012 | 1994 | HUI Chi-fung | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA013 | 1995 | HUI Chi-fung | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA014 | 1996 | HUI Chi-fung | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA015 | 0373 | IP LAU Suk-yee, Regina | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA016 | 1200 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA017 | 1201 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA018 | 1202 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA019 | 1203 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| JA020 | 1208 | KWOK Wing-hang, | 80 | (1) Courts, Tribunals and |

| Reply Serial No. | Question Serial No. | Name of Member | Head | Programme |
|------------------------------|--------------------------------|-----------------------------|-------------|--|
| | | Dennis | | Various Statutory Functions |
| <u>JA021</u> | 1209 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA022</u> | 1210 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA023</u> | 3155 | KWOK Wing-hang, Dennis | 80 | - |
| <u>JA024</u> | 5918 | KWOK Wing-hang, Dennis | 80 | - |
| <u>JA025</u> | 5919 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA026</u> | 5920 | KWOK Wing-hang, Dennis | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA027</u> | 5932 | KWOK Wing-hang, Dennis | 80 | (2) Support Services for Courts' Operation |
| <u>JA028</u> | 5934 | KWOK Wing-hang, Dennis | 80 | - |
| <u>JA029</u> | 1907 | LEE Wai-king, Starry | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA030</u> | 2544 | LIAO Cheung-kong, Martin | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA031</u> | 2545 | LIAO Cheung-kong, Martin | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA032</u> | 2546 | LIAO Cheung-kong, Martin | 80 | (2) Support Services for Courts' Operation |
| <u>JA033</u> | 0701 | NG Wing-ka, Jimmy | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA034</u> | 1206 | NG Wing-ka, Jimmy | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA035</u> | 5312 | NG Wing-ka, Jimmy | 80 | (2) Support Services for Courts' Operation |
| <u>JA036</u> | 5320 | NG Wing-ka, Jimmy | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA037</u> | 0646 | TO Kun-sun, James | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA038</u> | 1243 | TO Kun-sun, James | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA039</u> | 1244 | TO Kun-sun, James | 80 | (1) Courts, Tribunals and Various Statutory Functions |
| <u>JA040</u> | 2255 | TSE Wai-chun, Paul | 80 | - |
| <u>JA041</u> | 0944 | YUNG Hoi-yan | 80 | (1) Courts, Tribunals and Various Statutory Functions |

CONTROLLING OFFICER'S REPLY**JA001****(Question Serial No. 1606)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

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. (LegCo use): 31)Reply:

- (1) The establishment (including Judicial Officer and support staff) and approximate expenditure of the Obscene Articles Tribunal ("OAT") in 2017-18 are as follows:

| | 2017-18 |
|--|----------------|
| Establishment | 7 |
| Approximate expenditure (including salary expenditure and departmental expenses) | \$5.9 million |

Having regard to the decrease in workload of the OAT in the past few years, the Judicial Officer and support staff on the establishment of the OAT will be deployed to discharge other duties at the Magistrates' Courts and/or the Coroner's Court as appropriate.

- (2) The total number of articles classified by the OAT in exercising its statutory administrative classification function in 2017 and their results are set out as follows:

| | 2017 | |
|---|---------------------------|--------------------------|
| | Before publication | After publication |
| Class I (<i>neither obscene nor indecent</i>) | 30 | 5 |
| Class II (<i>indecent</i>) | 118 | 17 |
| Class III (<i>obscene</i>) | 1 | 2 |
| Total | 149 | 24 |

The number of review hearings in respect of classified cases in 2017 and their results are set out as follows:

| | 2017 | | |
|---|-------------------------------------|-------------------------------------|-----------------------------------|
| | Number of Review Hearing | Classification confirmed | Classification altered |
| Class I (<i>neither obscene nor indecent</i>) | 0 | 0 | 0 |
| Class II (<i>indecent</i>) | 4 | 4 | 0 |
| Class III (<i>obscene</i>) | 0 | 0 | 0 |
| Total | 4 | 4 | 0 |

- (3) The number of usage of the OAT's repository which keeps articles submitted for administrative classification in 2017 was ten and the total number of articles searched was ten.

General and logistic support for the registry and the repository of the OAT are provided by the support staff as described in paragraph (1) above.

- End -

JA002

CONTROLLING OFFICER'S REPLY**(Question Serial No. 2899)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

Please provide the following information: in each of the past three years, the total number of cases in which employees made claims under Part VIA of the Employment Ordinance ("the Ordinance") because of employers' contravention of Section 21B of the Ordinance; among those, the number of cases in which employees won favourable rulings; and among those, the number of cases in which the court or Labour Tribunal ordered reinstatement or re-engagement.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. (LegCo use): 7004)

Reply:

The number of claims filed by employees pursuant to section 21B, Part VIA of the Employment Ordinance and the number of cases ruled in favour of employees as well as the number of cases in which an order for reinstatement or re-engagement was granted by the Labour Tribunal ("LT") for the past three years were:

| | 2015 | 2016 | 2017 |
|--|-------------|-------------|-------------|
| Number of Part VIA claims filed | 701 | 700 | 704 |
| Number of Part VIA claims ruled in favour of employees | 73 | 67 | 50 |
| Number of cases in which an order for reinstatement or re-engagement was granted by the LT | 1 | 0 | 0 |

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 2904)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide the number of persons with disabilities who were summoned to attend court for trial in the past five years and a breakdown of the figures by types of disabilities, types of support provided, gender and court levels.

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. (LegCo use): 7213)

Reply:

The Judiciary does not keep any figures on the number of disabled person being summoned to appear before the court. Individuals who require special arrangement may approach staff of the Judiciary for assistance. So far, there is no record of problem in acceding to such requests.

- End -

CONTROLLING OFFICER'S REPLY

JA004

(Question Serial No. 6205)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

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; and
- (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: Hon CHEUNG Chiu-hung, Fernando (Member Question No. (LegCo use): 4041)

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 | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|--------|--------|--------|--------|--------|
| Number of divorce cases filed in the year | 22 960 | 21 980 | 21 467 | 21 954 | 23 302 |

-End-

CONTROLLING OFFICER'S REPLY

JA005

(Question Serial No. 6274)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

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); and
- (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. (LegCo use): 2746)

Reply:

The Judiciary maintains statistics on average waiting time from setting down of a case to hearing. It normally measures the period from date of listing to the first free date of the court. That said, from operational experience, Judges may give directions of not listing a trial or hearing before a particular future date to allow more time for parties to consider mediation and settlement. This accounts for longer waiting time for some cases.

The statistics of the average waiting time, the longest waiting time and the number of cases involved for cases listed on the Special Procedure List (there is no general procedure list) and the Defended List for the past five years from 2013 to 2017 are as follows:

| | Target | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|--------|----------------|----------------|----------------|----------------|----------------|
| Special Procedure List | | | | | | |
| Average Waiting Time (Days) | 35 | 33 (22 687) | 32 (20 488) | 34 (19 564) | 34 (16 298) | 34 (23 699) |
| Longest Waiting Time (Days) [#] | - | 36 (132) | 37 (80) | 36 (50) | 35 (14 743) | 36 (26) |
| Defended List | | | | | | |
| Average Waiting Time (Days) [*] (a) one day hearing | 110 | 108 (26) | - | - | - | - |
| (b) all hearings | 110 | - | 97 (37) | 93 (29) | 65 (18) | 85 (18) |
| Longest Waiting Time (Days) [#] | - | 181 (1) | 186 (1) | 173 (1) | 100 (2) | 162 (1) |

* 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.

[#] 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 2013 to 2017 are as follows:

| | Target | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|--------------|------|------|------|------|------|
| Financial Applications | | | | | | |
| Average Waiting Time (Days) [^] (a) from filing of Summons to hearing | 110 - 140 | 86 | - | - | - | - |
| (b) from setting down of a case to hearing | 110 - 140 | - | 84 | 91 | 86 | 95 |
| Longest Waiting Time (Days) | - | 224 | 170 | 181 | 161 | 178 |

[^] 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.

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

- End -

CONTROLLING OFFICER'S REPLY

JA006

(Question Serial No. 6275)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

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; and
- (3) the number of family court cases that required 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. (LegCo use): 2747)

Reply:

Court interpreters are deployed at various levels of courts, including the 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**JA007****(Question Serial No. 6276)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: Not SpecifiedControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

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

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

Asked by: Hon CHEUNG Chiu-hung, Fernando (Member Question No. (LegCo use): 2748)Reply:

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

| Position as at 1.3.2018 | | | | |
|-------------------------|------------------------------|---------------|----------------------------------|-------------------|
| Level of Court | Rank | Establishment | Judicial Service Pay Scale Point | Monthly Salary \$ |
| Family Court | Principal Family Court Judge | 1 | 14 | 216,400 – 229,600 |
| | District Judge | 4 | 13 | 202,800 – 215,000 |

As at 1 March 2018, there were five substantive Judges and five 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 children's rights and 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 -

JA008

CONTROLLING OFFICER'S REPLY

(Question Serial No. 2566)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

1. The jurisdictional limit of the Small Claims Tribunal will be increased from \$50,000 to \$75,000. In this regard, have the projected average waiting time (in terms of days) and caseload of the Small Claims Tribunal in the 2018-19 estimates reflected the situation that the limit will soon be raised? If not, whether and how much resource has been reserved to cope with the situation?

Asked by: Hon CHOW Ho-ding, Holden (Member Question No. (LegCo use): 3)

Reply:

The legislative process in respect of the proposed increase in the jurisdictional limit of the Small Claims Tribunal ("SCT") is still underway. The estimated number of cases for 2018 has been set having regard to the workload in 2017. In proposing the increase of the jurisdictional limits of the SCT from \$50,000 to \$75,000, the Judiciary had attempted to estimate the likely impact on the demand for SCT services. It was estimated that the projected increase of caseload a result of the increase in jurisdictional limit would be about 4%, from about 49 500 to 51 600 a year.

As regards financial and manpower resources implications arising from the revision of the jurisdictional limit of the SCT, the creation of a total of two judicial posts and eight non-directorate civil service posts is required for coping with the projected increase in caseload at the SCT. The Finance Committee of the Legislative Council had on 1 December 2017 approved the creation of the two judicial posts. The Government has provided the Judiciary with the financial resources for meeting in full the manpower needs for the above-mentioned ten posts from 2017-18, as follows:

| Number of posts | Annual salary at mid-point (\$) |
|--|--|
| 2 – Adjudicator, Small Claims Tribunal | 7.0 million |
| 3 – Judicial Clerk Grade Staff | |
| 5 – Clerical Grades Staff | |

On court facilities, the SCT was relocated from the Wanchai Law Courts Building to the new West Kowloon Law Courts Building (“WKLCB”) in September 2016. After the relocation, the number of courtrooms available for use by the SCT in the WKLCB has increased from 9 to 12. The relocation of the SCT has already taken into account the additional accommodation requirements arising from the implementation of the adjusted jurisdictional limits for the SCT.

- End -

CONTROLLING OFFICER'S REPLY

JA009

(Question Serial No. 6335)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Under this programme, please inform this Council when the Judiciary will implement the increase in the jurisdictional limit of the Small Claims Tribunal from HK\$50,000 to HK\$75,000?

Asked by: Hon CHOW Ho-ding, Holden (Member Question No. (LegCo use): 12)

Reply:

Subject to completion of the legislative process, it is intended that the adjustment of the civil jurisdictional limit of the Small Claims Tribunal from \$50,000 to \$75,000, together with the amendments to the civil jurisdictional limits of the District Court, will come into effect in the second half of 2018.

- End -

CONTROLLING OFFICER'S REPLY**JA010****(Question Serial No. 2836)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

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, updated information of 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. (LegCo use): 38)

Reply:

As at 1 March 2018, a total of 285 cases have been or are being dealt with in various levels of courts in relation to the Occupy Movement. The breakdown is as follows:

| Level of Court | Criminal Cases | Civil Cases | Total |
|-----------------------|-----------------------|--------------------|--------------|
| Court of Final Appeal | 3 | 0 | 3 |
| High Court | 50 | 71 | 121 |
| District Court | 2 | 8 | 10 |
| Small Claims Tribunal | 0 | 40 | 40 |
| Magistrates' Courts | 111 | 0 | 111 |
| Total | 166 | 119 | 285 |

Separately as at 1 March 2018, a total of 76 cases have been or are being dealt with in various levels of courts in relation to the incident in Mongkok in February 2016:

| Level of Court | Criminal Cases |
|-----------------------|-----------------------|
| High Court | 9 |
| District Court | 5 |
| Magistrates' Courts | 62 |
| Total | 76 |

The workload brought about by these cases has been handled within the existing resources of the Judiciary.

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

- End -

CONTROLLING OFFICER'S REPLY**JA011****(Question Serial No. 1993)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

Please provide the following information:

(a) the following information about the Coroner's Court

(i) regarding reportable deaths

| | Number of cases | | | | |
|--|-----------------|---------|---------|---------|---------|
| | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
| Total | | | | | |
| The pathologist could not ascertain the cause of death | | | | | |
| The Coroner granted an autopsy order | | | | | |
| The Coroner granted a waiver of autopsy | | | | | |
| The family of the deceased applied for a waiver of autopsy | | | | | |
| The Coroner decided to investigate the cause of death | | | | | |
| An inquest was held into the cause of death | | | | | |
| A non-official applied for a death inquest | | | | | |
| The Secretary for Justice applied for a death inquest | | | | | |

(ii) regarding non-reportable deaths
non-reportable deaths

| | Number of cases | | | | |
|--|-----------------|---------|---------|---------|---------|
| | 2013-14 | 2014-15 | 2015-16 | 2016-17 | 2017-18 |
| Total | | | | | |
| The Coroner granted an autopsy order | | | | | |
| The family of the deceased applied for a waiver of autopsy | | | | | |

| | | | | | |
|---|--|--|--|--|--|
| An inquest was held into the cause of death | | | | | |
| A non-official applied for a death inquest | | | | | |
| The Secretary for Justice applied for a death inquest | | | | | |

- (b) the factors to be taken into consideration by a coroner in deciding whether a death inquest should be held and an autopsy order should be granted?
- (c) in respect of death inquests in the Coroner's Court, what was the expenditure in the past five years and what is the estimate for the next financial year?

Asked by: Hon HUI Chi-fung (Member Question No. (LegCo use): 7)

Reply:

- (a) The requested statistics about the Coroner's Court, where available, is provided in the table below:

(i) reportable deaths

| | Number of cases | | | | |
|---|-----------------|--------|--------|--------|--------|
| | 2013 | 2014 | 2015 | 2016 | 2017 |
| Total | 10 249 | 10 598 | 10 767 | 10 773 | 10 768 |
| The pathologist could not ascertain the cause of death (Note 1) | N.A. | N.A. | N.A. | N.A. | N.A. |
| The Coroner granted an autopsy order | 3 935 | 3 638 | 3 419 | 3 465 | 3 245 |
| The Coroner granted a waiver of autopsy | 6 314 | 6 960 | 7 348 | 7 308 | 7 523 |
| The family of the deceased applied for a waiver of autopsy (Note 2) | N.A. | N.A. | 1 127 | 953 | 984 |
| The Coroner decided to investigate the cause of death | 1 099 | 967 | 751 | 730 | 1 128 |
| An inquest was held into the cause of death | 176 | 148 | 100 | 77 | 117 |
| A non-official applied for a death inquest (Note 1) | N.A. | N.A. | N.A. | N.A. | N.A. |
| The Secretary for Justice applied for a death inquest (Note 1) | N.A. | N.A. | N.A. | N.A. | N.A. |

Note 1: "N.A." stands for Not Available. The Judiciary does not have available statistics on the number of cases where "the pathologist could not ascertain the cause of death", "a non-official applied for a death inquest" or "the Secretary for Justice applied for a death inquest".

Note 2: The Judiciary does not have available statistics on the number of cases where "the family of the deceased applied for a waiver of autopsy" before 2015.

(ii) non-reportable deaths

Generally speaking, the Coroner's Court will only handle reportable deaths under section 4 of the Coroners Ordinance, Cap. 504 ("the Ordinance"). Therefore, the Judiciary does not have available information on non-reportable deaths.

- (b) The decision by a coroner on whether to hold a death inquest or to grant an autopsy order is a judicial decision made under the provisions in section 14 and section 6 of the Ordinance respectively, having due regard to all the relevant facts of the death concerned. Hence, the factors considered by a coroner in each of his decisions and the statutory provisions on which his decision is based are contingent on the circumstances of each individual case.

Under section 14 of the Ordinance, the circumstances in which a coroner may hold an inquest are: where a person dies suddenly, by accident or violence, or under suspicious circumstances, or where the dead body of a person is found in or brought into Hong Kong. Section 15 of the Ordinance further stipulates that a coroner must hold an inquest into the death of a person in cases "where a person dies whilst in official custody". Therefore, the circumstances mentioned above are important factors to be taken into consideration by a coroner in deciding whether to hold an inquest.

An autopsy is ordered mainly to find out the cause of and the circumstances connected with the death. A coroner generally will take into consideration the expert opinions of pathologists, forensic pathologists and medical practitioners, medical history of the deceased, the course of events leading to the death, the initial findings of police investigation and the findings of external examination of the body etc. before deciding whether to order an autopsy to determine the cause of the death. Each case will be considered on its merit.

- (c) The Judiciary does not have the breakdown of the operating expenses by types of cases or levels of courts.

- End -

CONTROLLING OFFICER'S REPLY**JA012****(Question Serial No. 1994)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide the following information concerning the Coroner's Court in the past five years:

- (a) the number of cases reported to the Coroner;
- (b) the number of cases into which further investigation was made; and
- (c) the number of cases into which inquests were held.

Asked by: Hon HUI Chi-fung (Member Question No. (LegCo use): 5)

Reply:

The information requested about the Coroner's Court in the past five years are given as follows:

| | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|-------------|-------------|-------------|-------------|-------------|
| (a) Number of death reported to the Coroner | 10 249 | 10 598 | 10 767 | 10 773 | 10 768 |
| (b) Number of further death investigation reports ordered | 1 099 | 967 | 751 | 730 | 1 128 |
| (c) Number of death inquests concluded | 176 | 148 | 100 | 77 | 117 |

- End -

JA013

CONTROLLING OFFICER'S REPLY**(Question Serial No. 1995)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

In the form of a table, please provide the following information concerning the cases in the Coroner's Court in the past five years:

- (a) Average actual waiting time (days) of cases from date of listing to hearing;
- (b) The longest actual waiting time (days) of cases from date of listing to hearing; and
- (c) With regard to the above, please explain the time required.

Asked by: Hon HUI Chi-fung (Member Question No. (LegCo use): 4)

Reply:

The statistics of the average waiting time and the longest waiting time for cases handled by the Coroner's Court in the past five years are given as follows:

| | Target | 2013 | 2014 | 2015 | 2016 | 2017 |
|-----------------------------|---------------|-------------|-------------|-------------|-------------|-------------|
| Average Waiting Time (Days) | 42 | 41 | 40 | 35 | 39 | 79 |
| Longest Waiting Time (Days) | - | 78 | 45 | 52 | 103 | 231 |

From operational experience, apart from the availability of the court, the waiting time is contingent upon a range of factors. For instance, the complexity of a case which dictates the number of hearing days required and the availability of witnesses, including expert witnesses, would affect the waiting time.

To alleviate the heavy workload, an additional magistrate has been deployed to the Coroner's Court to hear cases from March 2018 onwards. The Judiciary will closely monitor the situation and will make every effort to improve the waiting time.

- End -

CONTROLLING OFFICER'S REPLY**JA014****(Question Serial No. 1996)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

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 the past three years.

Asked by: Hon HUI Chi-fung (Member Question No. (LegCo use):3)

Reply:

The figures on the number of cases filed, the number of cases disposed of and the court waiting time at various levels of courts for the past three years from 2015 to 2017 are provided below:

Cases Filed

| | Cases Filed | | |
|---|--------------------|-------------|-------------|
| | 2015 | 2016 | 2017 |
| Court of Final Appeal | | | |
| application for leave to appeal | 127 | 129 | 112 |
| appeals | 31 | 32 | 26 |
| miscellaneous proceedings | 0 | 0 | 0 |
| Court of Appeal of the High Court | | | |
| criminal appeals | 442 | 400 | 420 |
| civil appeals | 279 | 246 | 298 |
| miscellaneous proceedings ⁺ | - | - | 83 |
| Court of First Instance of the High Court | | | |
| criminal jurisdiction | | | |
| criminal cases | 503 | 497 | 449 |
| confidential miscellaneous proceedings | 402 | 405 | 382 |
| miscellaneous proceedings (criminal) [€] | - | - | 374 |
| appeals from Magistrates' Courts | 777 | 702 | 659 |
| civil jurisdiction [@] | 19 885 | 19 467 | 17 719 |
| probate cases | 19 127 | 18 368 | 20 477 |

| | Cases Filed | | |
|----------------------------------|-------------|---------|---------|
| | 2015 | 2016 | 2017 |
| Competition Tribunal | 0 | 0 | 2 |
| District Court | | | |
| criminal cases | 1 118 | 1 215 | 1 156 |
| civil cases | 20 346 | 21 902 | 20 550 |
| family cases | 21 834 | 22 297 | 23 634 |
| Lands Tribunal | 4 740 | 4 629 | 4 653 |
| Magistrates' Courts | 317 006 | 334 048 | 338 977 |
| Coroner's Court | 93 | 83 | 131 |
| Labour Tribunal | 4 006 | 4 326 | 4 015 |
| Small Claims Tribunal | 49 775 | 49 169 | 51 012 |
| Obscene Articles Tribunal | 4 278 | 226 | 174 |

⁺ A new case type has since 1 July 2017 been created for criminal and civil miscellaneous matters before the Court of Appeal of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

[€] A new case type has since 1 July 2017 been created for criminal miscellaneous matters before the Court of First Instance of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

[@] The case type of High Court Miscellaneous Proceedings has excluded miscellaneous matters before the Court of Appeal of the High Court and criminal miscellaneous matters before the Court of First Instance of the High Court since 1 July 2017.

Cases Disposed of

| | Cases Disposed | | |
|--|----------------|------|------|
| | 2015 | 2016 | 2017 |
| Court of Final Appeal | | | |
| application for leave to appeal | 132 | 131 | 125 |
| appeals | 26 | 33 | 31 |
| miscellaneous proceedings | 0 | 0 | 0 |
| Court of Appeal of the High Court | | | |
| criminal appeals | 432 | 381 | 375 |
| civil appeals | 277 | 273 | 224 |
| miscellaneous proceedings ⁺ | - | - | 39 |
| Court of First Instance of the High Court | | | |
| criminal jurisdiction | | | |

| | Cases Disposed | | |
|---|-----------------------|-------------|-------------|
| | 2015 | 2016 | 2017 |
| criminal cases | 493 | 506 | 519 |
| confidential miscellaneous proceedings | 402 | 405 | 382 |
| miscellaneous proceedings (criminal) [€] | - | - | 295 |
| appeals from Magistrates' Courts | 756 | 713 | 719 |
| civil jurisdiction [@] | 16 975 | 16 497 | 14 915 |
| probate cases | 18 583 | 18 189 | 19 537 |
| Competition Tribunal | 0 | 0 | 0 |
| District Court | | | |
| criminal cases | 1 009 | 1 075 | 1 050 |
| civil cases | 17 315 | 18 692 | 18 781 |
| family cases | 20 435 | 17 515 | 19 698 |
| Lands Tribunal | 3 797 | 3 853 | 3 549 |
| Magistrates' Courts | 313 707 | 327 788 | 336 554 |
| Coroner's Court | 100 | 77 | 117 |
| Labour Tribunal | 3 639 | 4 048 | 4 048 |
| Small Claims Tribunal | 50 570 | 48 794 | 51 509 |
| Obscene Articles Tribunal | 4 282 | 222 | 179 |

⁺ A new case type has since 1 July 2017 been created for criminal and civil miscellaneous matters before the Court of Appeal of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

[€] A new case type has since 1 July 2017 been created for criminal miscellaneous matters before the Court of First Instance of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorized under civil jurisdiction of the Court of First Instance of the High Court.

[@] The case type of High Court Miscellaneous Proceedings has excluded miscellaneous matters before the Court of Appeal of the High Court and criminal miscellaneous matters before the Court of First Instance of the High Court since 1 July 2017.

Court Waiting Time*

| | Average Waiting Time (days) | | | |
|--|------------------------------------|-------------|-------------|-------------|
| | 2017 Target | 2015 | 2016 | 2017 |
| Court of Final Appeal | | | | |
| application for leave to appeal | | | | |
| Criminal - from notice of hearing to hearing | 45 | 42 | 42 | 44 |

| | Average Waiting Time (days) | | | |
|--|-----------------------------|------|------|------|
| | 2017 Target | 2015 | 2016 | 2017 |
| Civil - from notice of hearing to hearing substantive appeal | 35 | 31 | 33 | 33 |
| Criminal - from notice of hearing to hearing | 100 | 96 | 98 | 90 |
| Civil - from notice of hearing to hearing | 120 | 112 | 117 | 118 |
| Court of Appeal of the High Court | | | | |
| Criminal – from setting down of a case to hearing | 50 | 53 | 46 | 47 |
| Civil - from application to fix date to hearing | 90 | 112 | 86 | 89 |
| Court of First Instance of the High Court | | | | |
| Criminal Fixture List - from filing of indictment to hearing ^Ω | 120 | 272 | 291 | 164 |
| Criminal Running List - from setting down of a case to hearing ^Ω | 90 | 81 | 96 | 111 |
| Civil Fixture List - from application to fix date to hearing | 180 | 140 | 155 | 163 |
| Civil Running List - from not-to-be-warned date to hearing | 30 | 7 | 13 | 16 |
| appeals from Magistrates' Courts – from lodging of Notice of Appeal to hearing | 90 | 100 | 105 | 91 |
| District Court | | | | |
| Criminal - from first appearance of defendants in District Court to hearing | 100 | 79 | 118 | 152 |
| Civil Fixture List - from date of listing to hearing | 120 | 101 | 99 | 102 |
| Civil Running List - from not-to-be-warned date to hearing | 30 | 12 | 15 | 25 |
| Family Court | | | | |
| dissolution of marriage - from setting down of a case to hearing - | | | | |
| Special Procedure List | 35 | 34 | 34 | 34 |
| Defended List (all hearings) | 110 | 93 | 65 | 85 |
| financial applications – from setting down of a case to hearing | 110-140 | 91 | 86 | 95 |
| Lands Tribunal | | | | |
| - from setting down of a case to hearing appeal cases | 90 | 36 | 30 | -^ |

| | Average Waiting Time (days) | | | |
|--|-----------------------------|------|----------------|----------------|
| | 2017 Target | 2015 | 2016 | 2017 |
| compensation cases | 90 | 63 | 41 | 60 |
| building management cases | 90 | 36 | 35 | 44 |
| tenancy cases | 50 | 28 | 26 | 23 |
| Magistrates' Courts | | | | |
| - from plea to date of trial | | | | |
| summons | 50 | 67 | 67 | 65 |
| charge cases except for Juvenile Court - | | | | |
| for defendants in custody | 30-45 | 39 | 36 | 31 |
| for defendants on bail | 45-60 | 49 | 41 | 40 |
| charge cases for Juvenile Court - | | | | |
| for defendants in custody | 30-45 | 72 | 49 | ~ |
| for defendants on bail | 45-60 | 60 | 39 | 48 |
| Coroner's Court | | | | |
| - from date of listing to hearing | 42 | 35 | 39 | 79 |
| Labour Tribunal | | | | |
| - from appointment to filing of a case | 30 | 30 | 27 | 26 |
| - from filing of a case to first hearing | 30 | 25 | 26 | 24 |
| Small Claims Tribunal | | | | |
| - from filing of a case to first hearing | 60 | 35 | 34 | 32 |
| Obscene Articles Tribunal | | | | |
| - from receipt of application to classification | 5 | 4 | 3 | 3 |
| - from referral by a magistrate to determination | 21 | 18 | - [#] | - [#] |

* As there is only one case being set down for trial/substantive hearing in the Competition Tribunal, the waiting time is inapplicable. Target waiting time will be considered when more cases are set down for trial/substantive hearing at the Competition Tribunal.

Ω A new Practice Direction on criminal proceedings in the Court of First Instance of the High Court was promulgated in June 2017 to enhance management of criminal proceedings. Since then, the Criminal Expedited List has replaced the Criminal Running List. The way to measure the average waiting times of the Criminal Expedited List and the setting of its target are being considered in the light of the operation of the new measures.

^ As there is no appeal cases filed, the waiting time is inapplicable.

~ As there is no charge case for the Juvenile Court where the defendant is remanded in custody, the waiting time is inapplicable.

As there is no application for determination filed, the waiting time is inapplicable.

- End -

CONTROLLING OFFICER'S REPLY**JA015****(Question Serial No. 0373)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

In recent years, the divorce rate in Hong Kong has increased, and it took many years for some cases to go through the process, causing great burden to the lives and financial situations to both spouses, in particular, the women. It was found from the past information of the Legislative Council that the Administration had provided yearly statistics of the Judiciary on the cases dealt with and orders made by the Family Court in 2007-2009. In this regard, may the Administration inform this Council:

- (1) Whether the statistics on divorce cases have been kept according to past practice? If not, what are the reasons?
- (2) In the past three years, the number of petitions for divorce and joint applications filed with the Family Court;
- (3) In the past three years, the types of issues asked to be dealt with by the court in petitions for divorce, the breakdown figures, the average waiting time for a hearing and the average waiting time from the date of application to the conclusion of the case, in the following table:

| | 2015 | 2016 | 2017 |
|---|------|------|------|
| Child custody/access | | | |
| Maintenance to spouses | | | |
| Maintenance to children | | | |
| Property arrangements | | | |
| Others | | | |
| Average waiting time for a hearing | | | |
| Average waiting time from the date of application to the conclusion of the case | | | |

- (4) Of the figures in item 3, the number of cases where the petitioner asks for maintenance of \$1 per year from the respondent;
- (5) In each of the past three years, the number of cases involving default in maintenance payments; and
- (6) In the past three years, the number of cases referred to independent mediators through the Family Mediation Co-ordinator's Office.

Asked by: Hon IP LAU Suk-ye, Regina (Member Question No. (LegCo use): 46)

Reply:

(1) To facilitate the efficient and effective case management in the Family Court, the Judiciary keeps relevant statistical data.

(2) The figures regarding number of cases filed under Matrimonial Causes and Joint Applications in the Family Court are as follows:

| | 2015 | 2016 | 2017 |
|--------------------|-------------|-------------|-------------|
| Matrimonial Causes | 16 652 | 16 966 | 17 006 |
| Joint Applications | 4 815 | 4 988 | 6 296 |
| Total | 21 467 | 21 954 | 23 302 |

(3) The breakdown by reliefs sought in the divorce petitions is as follows:

| Reliefs sought | 2015 | 2016 | 2017 |
|-----------------------------------|-------------|-------------|-------------|
| Custody | 4 678 | 4 578 | 4 883 |
| Ancillary Relief | 1 488 | 1 788 | 1 657 |
| Both Custody and Ancillary Relief | 3 250 | 3 819 | 3 765 |
| No specific relief sought | 12 051 | 11 769 | 12 997 |

The Judiciary does not keep statistics on child access, maintenance to spouses, maintenance to children and property arrangements.

The average waiting time for the Special Procedure List, Defended List (all hearings) and Financial Applications in the Family Court are as follows:

| | Average Waiting Time (days) | | | |
|--|------------------------------------|-------------|-------------|-------------|
| | 2017 Target | 2015 | 2016 | 2017 |
| Dissolution of marriage – from setting down of a case to hearing | | | | |
| - Special Procedure List | 35 | 34 | 34 | 34 |
| - Defended List (all hearings) | 110 | 93 | 65 | 85 |
| Financial applications – from setting down of a case to hearing | 110-140 | 91 | 86 | 95 |

The Judiciary does not keep the statistics on the time from the date of application to the conclusion of the case.

(4) The Judiciary does not keep statistics on number of cases where the petitioner asks for maintenance of \$1.

(5) The Judiciary does not keep statistics on cases involving default in maintenance payments.

(6) The number of cases referred to independent mediators through the Family Mediation Co-ordinator's Office are as follows:

| | 2015 | 2016 | 2017 |
|---|-------------|-------------|-------------|
| Number of Family Mediation cases referred to mediators through Family Mediation Co-ordinator's Office | 235 | 237 | 231 |

- End -

CONTROLLING OFFICER'S REPLY

JA016

(Question Serial No. 1200)

Head: (80) Judiciary
Subhead (No. & title): (-)
Programme: (1) Courts, Tribunals and Various Statutory Functions
Controlling Officer: Judiciary Administrator (Miss Emma LAU)
Director of Bureau: Not applicable

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 the past three years as set out in the categories below.

Court of Final Appeal – Criminal cases
Court of Final Appeal – Civil cases
Court of Final Appeal – Judicial Review 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

In its response to the written question JA031 raised at the Finance Committee examining the Estimates of Expenditure 2017-18, the Judicial Administrator stated that Judiciary had no plan to keep statistics on the time taken from conclusion of hearing to the delivery of judgment and set any target time for delivery of judgments. Yet, there have been occasions where judgments are delivered far more than the average time quoted by the Judicial Administrator, for example, the Court took more than eight months to deliver the judgment of HCAL 162/2016 after closing submissions. Please inform the Committee whether the Judiciary would reconsider its position on keeping record and setting target time for delivery of judgments in light of the situation. If not, why so?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. (LegCo use): 35)

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 and the Court of First Instance of the High Court. For cases which hearings were concluded between 2015 and 2017, the average time taken from conclusion of hearing to the delivery of judgment, with position as at 28 February 2018 are as follows:

| Court Level | Type of Case | Average time taken for cases with hearings concluded in the year (days) ⁽¹⁾ | | |
|---|---|--|------|------|
| | | 2015 | 2016 | 2017 |
| Court of Appeal of the High Court | Civil appeals ⁽²⁾ | 49 | 27 | 26 |
| Court of First Instance of the High Court | Civil trials/ substantive hearings ⁽³⁾ | 99 | 76 | 48 |
| | Tribunal and miscellaneous appeals | 51 | 36 | 60 |

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 and the Court of First Instance of the High Court.

For cases of the Court of Final Appeal, from operational experience gained in the past 20 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.

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 and the Court of First Instance of the High Court.

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.

The Judiciary notes that having regard to the heavy workload and tight manpower situation, in particular, at the Court of First Instance of the High Court, there may be cases in which it takes longer than the normal period of time for reserved judgments to be delivered. The Chief Judge of the High Court is fully aware of the situation, and is monitoring the situation closely and making every effort, e.g. by allowing more time for judges to deal with reserved judgments if needed, with a view to improving the situation, whilst balancing, among other things, the need to maintain a reasonable listing time for the hearing of cases.

- End -

CONTROLLING OFFICER'S REPLY

JA017

(Question Serial No. 1201)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

The Judiciary has to perform its statutory function under the Election Affairs Commission Ordinance (Cap.541) by deploying judicial resources. Please inform the Committee the details of such arrangements and the relevant figures in the past three years, such as the number of judges and/or judicial officers deployed, the duration of deployment (full time and/or part time), the costs or the estimated costs of deployment.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. (LegCo use): 36)

Reply:

In the past three years from 2015-16 to 2017-18, a Judge of the Court of First Instance of the High Court had been appointed as the Chairman of the Electoral Affairs Commission ("EAC"). The Judge would be released from judicial duties for the purpose of performing the duties of the Chairman of EAC on a need basis.

Financial provision was made by the Government to the Judiciary for the necessary engagement of temporary judicial resources to cover the judicial duties of the Judge when he attended to duties related to the EAC.

The financial provision made, which was based on the costs for engaging temporary judicial resources, in past three years from 2015-16 to 2017-18 are provided as follows:

| 2015-16 (\$) | 2016-17 (\$) | 2017-18 (\$) |
|-------------------------------|-------------------------------|-------------------------------|
| 2.0 million | 2.3 million | 2.4 million |

- End -

JA018

CONTROLLING OFFICER'S REPLY

(Question Serial No. 1202)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

It is noted that the figures of the key performance measures of the courts in 2017, District Court – criminal – from first appearance of defendants in District Court to hearing, show an average waiting time of 152 days, substantially exceeding the target waiting time of 100 days. The Judiciary has attributed such to the deployment of three District Court judges to the High Court. Please inform the Committee if the Judiciary has any proposed measure to improve the waiting time, and the progress and details of such; if not, why so?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. (LegCo use): 37)

Reply:

In 2017, the deployment of judicial resources to the High Court to help hear Magisterial appeals, criminal cases and torture claims and the increase in the number of complex cases have contributed to the lengthening of waiting time for criminal cases in the District Court (“DC”). The Judiciary will continue to monitor closely the situation and will make every effort to improve the situation.

The following measures have been adopted to improve the waiting time:

- (a) The Judiciary launched a recruitment exercise for District Judges in mid-2016, resulting in the appointment of eight District Judges in 2017. A new round of recruitment exercises for Judges and Judicial Officers (“JJOs”) at different levels of court is planned to be launched starting from mid-2018. The Judiciary hopes that the enhanced remuneration packages for JJOs, which has taken effect from 1 April 2017, will help attract legal talents to join the Bench, including at the DC level.
- (b) The Judiciary also engaged a consultant to carry out a consultancy study to review the statutory retiring ages of JJOs at all levels of courts. The Judiciary submitted its recommendations to the Government in end 2017. Amongst the recommendations, it is proposed that notwithstanding the retirement age for Judges of the DC will remain at 65, there will be provisions for a discretionary extension of the term of service beyond this age, which is not available at present. Subject to the acceptance by the Government of the Judiciary’s proposals and the necessary legislative amendments, the Judiciary hopes that the proposals will facilitate the retention of judicial manpower including that at the DC level.

- (c) As a stop-gap measure, the Judiciary had enhanced temporary judicial resources at the DC in 2017 by deploying Magistrates and engaging external legal practitioners as Deputy District Judges to help deal with criminal cases.

It should be noted that the waiting time for criminal cases in the DC is defined as the time from first appearance of defendants in the DC to the hearing. This will take into account factors which are outside the control of the DC, hence do not truly reflect the capability of the DC in dealing with cases within a reasonable time. For instance, criminal cases will be adjourned for mention prior to setting down for trial when prosecution or defence requests further time for seeking further legal advice, obtaining witness statements; applying for legal aid; engaging or changing solicitors or counsel; and consolidation with other cases. We will consider the case for refining the definition to provide for a better measure of the DC's capability in dealing with criminal cases.

- End -

JA019

CONTROLLING OFFICER'S REPLY

(Question Serial No. 1203)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

It is understood that judges are assigned to adjudicate certain lists of cases according to their expertise in the High Court. Please inform the Committee the following details regarding judges in the Court of Appeal and the Court of First Instance separately –

- (a) the average number of cases assigned to a judge;
- (b) the actual number of cases assigned to each judge;
- (c) the actual number of cases assigned to each judge in relation to each list of cases s/he is responsible for; and
- (d) the rationales of the assignments.

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

Reply:

For civil cases in the Court of First Instance, Order 72, rule 2 of the Rules of the High Court (Cap. 4A) provides for the entry of proceedings in different specialist lists headed by a specialist Judge. There are at present the admiralty list, commercial list, companies and bankruptcy list, constitutional and administrative law list, construction and arbitration list, personal injuries list and probate list. Judges in charge of those lists are chosen according to their expertise and experience, as well as the overall manpower situation. Most cases entered on a list are handled by the Judge in charge of it, but he/she may assign cases to others to handle depending on the workload, expertise, experience and availability of the other Judges.

For general civil cases in the Court of First Instance, they are assigned to civil Judges according to the workload, expertise, experience and availability of Judges.

For criminal cases in the Court of First Instance, they are assigned to criminal Judges according to the workload, expertise, experience and availability of Judges.

In the Court of Appeal, there are no lists as such. But civil appeals are as a rule handled by civil appellate Judges, and criminal appeals by criminal appellate Judges. Chinese appeals are by definition handled by bilingual appellate Judges.

The Judiciary does not maintain statistics regarding the number of cases assigned to a Judge. In addition, it should be pointed out that the number of cases dealt with by a Judge in a given time may not reflect the full picture of his/her workload. A complex trial lasting for some 60 days and a simple case with a hearing lasting for one hour are both counted as one case.

- End -

JA020

CONTROLLING OFFICER'S REPLY**(Question Serial No. 1208)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

It is noted that the figures of the key performance measures of the courts in 2017, Coroner's Court – from date of listing to hearing, show an average waiting time of 79 days, exceeding the target waiting time of 42 days. The Judiciary has attributed such to a huge increase in complexed death inquests. Please inform the committee –

- (1) further details on the increased workload, such as differences of the cases with death inquests in the past;
- (2) the reasons for maintaining the target waiting time at 42 days in 2018 in light of the increased workload; and
- (3) whether the Judiciary has any proposed measure to alleviate the situation if the workload remains heavy; if so, the details; if not, why so?

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

Reply:

- (1) The number of deaths reported to Coroners, the number of death investigation reports called by the Coroners and the number of death inquests set down by Coroners in the past five years are set out in the table below:

| | 2013 | 2014 | 2015 | 2016 | 2017 |
|---|--------|--------|--------|--------|--------|
| Number of deaths reported to the Coroner | 10 249 | 10 598 | 10 767 | 10 773 | 10 768 |
| Number of further death investigation reports ordered | 1 099 | 967 | 751 | 730 | 1 128 |
| Number of death inquests concluded | 176 | 148 | 100 | 77 | 117 |

- (2) As there can be fluctuation in the caseload, it is prudent to set the target waiting time for 2018 at the same level as that for 2017.

- (3) To alleviate the heavy workload, an additional magistrate has been deployed to the Coroner's Court to hear cases from March 2018 onwards. The Judiciary will closely monitor the situation and will make every effort to improve the waiting times.

- End -

CONTROLLING OFFICER'S REPLY

JA021

(Question Serial No. 1209)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please inform the Committee whether the Judiciary has organized seminars or trainings for judges on constitutional law issues, human right law issues and legal issues related to mainland laws, and the details of such, including the speakers, dates and content of such seminars or trainings.

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

Reply:

The Chief Justice accords high priority to judicial training. Adequate resources have all along been provided for judicial training activities on various fronts, including constitutional law, human rights, 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 2017-18 are in the **Annex** attached.

**Judicial Training Activities Attended by Judges and Judicial Officers
for the Financial Year 2017-18**

Local Judicial Training Activities Organised by the Hong Kong Judicial Institute

| Date | Activity |
|----------------------------------|--|
| 9.6.2017 | Coroners' Workshop |
| 5.7.2017 | Workshop on Wellbeing |
| 6.7.2017 | Talk entitled "Restating the Common Law – the American Law Institute" by the Hon Mr Justice Robert FRENCH, AC, Non-Permanent Judge of the Court of Final Appeal |
| 21.9.2017 | Talk entitled "Things to note in an urgent <i>habeas corpus</i> application" by the Hon Mr Justice Thomas AU, Judge of the Court of First Instance of the High Court |
| 16.10.2017 | Talk entitled "Contractual Interpretation: Do Judges Sometimes Say One Thing and Do Another?" by The Rt Hon Sir Geoffrey VOS, Chancellor of the High Court of England and Wales |
| 21.10.2017 | Visit to Shek Kwu Chau Treatment and Rehabilitation Centre of the Society for the Aid and Rehabilitation of Drug Abusers |
| 26 – 27.10.2017 | Induction Course for Newly Appointed Permanent Magistrates 2017 |
| 26.10.2017 | Talk entitled "Arrest and Release of Vessels – a simple roadmap" by the Hon Mr Justice Anthony CHAN, Judge of the Court of First Instance of the High Court |
| 27.10.2017 | Talk entitled "Online courts, AI and the future of justice" by Professor Dame Hazel GENN, Co-Director of the UCL Judicial Institute, Faculty of Laws, University College London |
| 23.11.2017 | Talk entitled "Mareva Injunctions and Other Urgent Injunctions" by the Hon Mr Justice Godfrey LAM and the Hon Mr Justice Anderson CHOW, Judges of the Court of First Instance of the High Court |
| 24.11.2017 | Talk entitled "Mareva Injunctions, Anton Piller Orders and Miscellaneous Applications" by the Hon Mr Justice Godfrey LAM and the Hon Mr Justice Anderson CHOW, Judges of the Court of First Instance of the High Court |
| 19.12.2017 | Briefing session on "Neutral Citation and Legal Reference System" |
| 13.1.2018 | Visit to Tuen Mun Children and Juvenile Home |
| 15.1.2018, 23.1.2018 & 31.1.2018 | Briefing Sessions on e-Legislation System |
| January – April 2018 | Putonghua courses |
| 20.3.2018 | Talk entitled "Back to Basics? Recent Developments in the UK Supreme Court" by The Right Honourable Lord Robert Reed, Non-Permanent Judge of the Court of Final Appeal |
| 21.3.2018 | Visit to Shing Tak Centre and Caritas Pelletier Hall |
| 29.3.2018 | Workshop on Cyber security and technology crime and use of social media by Deputy High Court Judge Tony Poon and Cyber Security and Technology Crime Bureau, Hong Kong Police Force |

Other Local Training Activities Attended by Judges and Judicial Officers

| Date | Activity |
|---------------|--|
| 5.4.2017 | Talk entitled “The latest development of recognition and enforcement of foreign judgment: from an international perspective”, organised by the Asian Academy of International Law |
| 7.4.2017 | Seminar entitled “Judging, Diversity and Sensitivity in Family Law - One Judge’s Views”, organised by the University of Hong Kong |
| 27.4.2017 | Seminar entitled “Detecting Collusion among Competitors – Economic Evidence”, organised by the University of Hong Kong |
| 8 – 11.5.2017 | Training programme entitled “Handling Expert Witnesses (Financial and Medical)”, organised by the Hong Kong Advocacy Training Council |
| 4.7.2017 | Talk entitled “Real World Goals – Convergence and Cross-Fertilisation in Commercial Law” by the Hon Mr Justice Robert FRENCH, AC, Non-Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia |
| 22.8.2017 | Talk entitled “UK Defamation Act 2013 – Strengths and Weaknesses”, organised by the Hong Kong Bar Association |
| 29.8.2017 | Talk entitled “Quality of Death – Law & Ethics”, organised by the New Medico-Legal Society of Hong Kong |
| 31.8.2017 | Talk entitled “Politics, Secrecy and the Rule of Law”, organised by the Hong Kong Bar Association |
| 13.9.2017 | Lecture entitled “Judges, Access to Justice, the Rule of Law and the Court of Final Appeal under ‘One Country Two Systems’” by The Rt Hon the Lord NEUBERGER of Abbotsbury, Non-Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong |
| 21.9.2017 | Lecture entitled “Law Reform Challenges: The Judicial Perspective”, organised by the Chinese University of Hong Kong |
| 18.10.2017 | 2 nd UNCITRAL Asia Pacific Judicial Summit 2017, organised by the Regional Centre for Asia and the Pacific of the United Nations Commission on International Trade Law, Department of Justice and Hong Kong International Arbitration Centre |
| 20.11.2017 | Lecture entitled “Judicial Review: Does it Help or Hinder Good Administration?”, organised by the University of Hong Kong |
| 15.12.2017 | Lecture entitled “Illegality and Statute – Where to Now?” by Mr Justice GUMMOW, Non-Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong |
| 22.2.2018 | Talk entitled “Defending the indefensible? Safeguarding liberty in controversies involving not very nice people”, organised by the Hong Kong Bar Association |
| 8.3.2018 | Talk entitled “Combination of Adversary and Inquisitorial Legal Systems – The Practice of the International Criminal Tribunal for the Former Yugoslavia”, organised by the Asian Academy of International Law |

Judicial Training Activities Organised with / by Other Jurisdictions / Organisations

| Date | Activity |
|-------------------|--|
| 5 – 7.4.2017 | 7th Annual Competition Law Workshop for Asia-Pacific Judges in Manila, the Philippines, organised by the Organisation for Economic Cooperation and Development / Korea Policy Centre |
| 18 – 20.6.2017 | International Insolvency Institute's 17th Annual Conference in London, England |
| 31.10 – 3.11.2017 | Asia Pacific Coroners' Society Conference in Glenelg, South Australia |
| 5 – 9.11.2017 | 8th International Conference on the Training of the Judiciary of the International Organisation for Judicial Training in Manila, the Philippines |

- End -

CONTROLLING OFFICER'S REPLY

JA022

(Question Serial No. 1210)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

It is noted that the figures of the key performance measures of the courts in 2017, Magistrates' Court – from plea to date of trial - summons, show an average waiting time of 65 days, exceeding the target waiting time of 50 days. The Judiciary has attributed such to the more complex nature of disputed summonses and involvement of more self-represented parties. Please inform the committee –

- (a) further details on the increased complexity of the disputed summonses, such as their differences with disputed summonses from previous years;
- (b) further information on the self-represented parties, particularly whether Duty Lawyer was available to them and their reasons for not engaging Duty Lawyer representation; and
- (c) whether the Court has any proposed measure to improve the situation of self-represented parties; if so, the details; if not, why so?

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

Reply:

- (a) In 2017, the average waiting time for summonses in the Magistrates' Courts continued to exceed the target mainly due to the more complex nature of disputed summonses and more self-represented parties. Based on operational experience, there are more summons cases involving legal argument, expert evidence and multiple defendants, thereby requiring more judicial time for handling.
- (b) We do not maintain separate statistics about self-represented parties, but it is open to parties in need to approach the Duty Lawyer Service in each Magistrates' Courts for assistance if they consider there to be a need to do so.
- (c) The Judiciary monitors closely the situation and has taken appropriate measures such as temporary deployment of Magistrates to help deal with sudden increase in caseloads in individual Magistrates' Courts.

The Judiciary all along provides resources for judicial training activities in various fronts, including training on handling self-represented parties, case management, etc. For example, a "Self-Represented Parties Workshop" for Magistrates was conducted in 2017.

- End -

CONTROLLING OFFICER'S REPLY**JA023****(Question Serial No. 3155)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: Not SpecifiedControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

Please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively for the year 2018-19 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. (LegCo use): 116)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 1 548 for 2018-19.

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 | 350,300 |
| | Permanent Judge | 3 [^] | 18 | 340,600 |
| Court of Appeal of the High Court | Chief Judge of the High Court | 1 | 18 | 340,600 |
| | Justice of Appeal | 13 | 17 | 307,050 |
| Court of First Instance of the High Court | Judge of the Court of First Instance | 34 | 16 | 292,650 |
| High Court Masters' Office | Registrar | 1 | 15 | 237,300 |
| | Senior Deputy Registrar | 4 | 14 | 216,400 – 229,600 |
| | Deputy Registrar | 6 | 13 | 202,800 – 215,000 |
| District Court | Chief District Judge | 1 | 15 | 237,300 |

| Level of Court | Rank | Establishment | Judicial Service Pay Scale Point | Monthly Salary \$ |
|---|--|---------------|----------------------------------|-------------------|
| (including Family Court and Lands Tribunal) | Principal Family Court Judge | 1 | 14 | 216,400 – 229,600 |
| | District Judge | 39 | 13 | 202,800 – 215,000 |
| | Member, Lands Tribunal | 2 | 12 | 174,450 – 185,150 |
| District Court Masters' Office | Registrar | 1 | 11 | 160,700 – 170,350 |
| | Deputy Registrar | 8 | 10 | 147,000 – 155,950 |
| Magistrates' Courts/ Specialized Court/ Other Tribunals | Chief Magistrate | 1 | 13 | 202,800 – 215,000 |
| | Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal | 11 | 11 | 160,700 – 170,350 |
| | Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/ | 76 | 10 | 147,000 – 155,950 |
| | Magistrate | | 7-10 | 130,115 – 155,950 |
| | Special Magistrate | 11 | 1-6 | 84,575 – 99,925 |

[^] 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 2016 to 2018 are as follows:

| Level of Court | As at 1.3.2016 | As at 1.3.2017 | As at 1.3.2018 |
|--|----------------|----------------|----------------|
| Court of Final Appeal | 0 | 0 | 0 |
| Court of Appeal of the High Court | 1 | 1 | 1 |
| Court of First Instance of the High Court | 9 | 7 | 7 |
| High Court Masters' Office [*] and District Court (including Family Court and Lands Tribunal) | 8 | 4 | 6 |
| District Court Masters' Office [#] , Magistrates' Courts/Specialized Court/Other Tribunals | 20 | 31 | 36 |

^{*} 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**JA024****(Question Serial No. 5918)**

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: Not Specified

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide information on the size of establishment, number of staff, ranks, salaries, allowances, vacant posts and policy measures respectively of the Competition Tribunal for 2018-19.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. (LegCo use): 119)

Reply:

The Competition Tribunal (“the Tribunal”) is established under the Competition Ordinance (“the Ordinance”) as a specialized court with primary jurisdiction to hear and adjudicate competition-related cases. It came into operation on 14 December 2015. According to 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 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. Where there is no case handled by the Tribunal, the CFI Judges and registrars of the High Court will continue to discharge their normal duties as a CFI Judge and as a registrar of the High Court.

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 \$3.5 million and \$2.5 million respectively.

As at 1 March 2018, 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:

| Judicial Rank | Vacancies as at 1.3.2018 |
|-------------------------------------|-------------------------------------|
| CFI Judge | 7 |
| Registrar, High Court | 0 |
| Senior Deputy Registrar, High Court | 2 [#] |
| Deputy Registrar, High Court | 6 [#] |

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

Besides, a total of nine non-directorate civil service posts have been approved for providing the necessary support to the Tribunal. As at 1 March 2018, 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:

| Establish- ment | Number of Posts | Annual Salary at mid-point[*] (\$) |
|----------------------------|---|--|
| 9 | 1 –Court Interpreter Grade Staff 3 –Judicial Clerk Grade Staff 5 –Clerical and Secretarial Grades Staff | 4.0 million |

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

For the non-directorate staff, some are temporarily deployed to support the High Court Judges and Judicial Officers and would provide support for court hearing; some are deployed to the 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

(Question Serial No. 5919)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

It is noted that the court waiting time targets are set in consultation with the Court Users' Committees. Will the Judiciary inform the Council 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 2017-18 and the relevant work conducted; (iv) the factors which the committees would consider in determining the time targets; and (v) whether the Committees plan to set time target for delivery of judgments; if so, the relevant details; if not why so?

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. (LegCo use): 122)

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. The Family Court Users' Committee was revamped to become the Family Proceedings Court Users' Committee with effect from December 2017. For details of the membership, terms of reference and the number of meetings held, please refer to the **Annex** attached.

The Court Users' Committees are set up to facilitate court users' discussion of court practice and procedure, administration and facilities. Delivery of judgments does not fall within their ambit. Instead, the matter is being closely monitored and dealt with by respective Court Leaders.

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 Anderson 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 Mr Steve WONG, 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 2017-18: Two

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 SO Wai-tak, Victor, Acting 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 YAU Siu-kei, Hong Kong Police Force Mr WONG Kwok-hing, Correctional Services Department Mr TONG Wing-tak, Eric, Independent Commission Against Corruption 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 2017-18: Two

Family Court Users' Committee

(Tenure up to 30.11.2017)

Membership List

| | |
|----------|---|
| Chairman | His Honour Judge Bruno CHAN Principal Family Court Judge (Up to 17.7.2017) |
| Members | His Honour Judge Justin KO, Acting Chief District Judge His Honour Judge C K CHAN, Acting Principal Family Court Judge (w.e.f. 18.7.2017) Her Honour Judge Sharon D MELLOY 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 2017-18: One

Family Proceedings Court Users' Committee

(Established on 1.12.2017)

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 Madam Justice Bebe CHU
Judge of the Court of First Instance of the High Court
Mr LUNG Kim-wan, Registrar, High Court
His Honour Judge C K CHAN
Acting Principal Family Court Judge
Her Honour Judge Sharon D MELLOY
His Honour Judge Ivan WONG
Mr Dick HO, Registrar, District Court
Mr LI Chi-keung, Ben, Legal Aid Department
Mr FUNG Man-chung, Social Welfare Department
Ms CHAN Miu-kuen, Juliana, Official Solicitor's Office
Ms Corinne REMEDIOS
Mr Dennis HO
Ms Jain BROWN

Terms of Reference:

To liaise with court users involved in family proceedings to discuss matters of concern including all matters relating to the family proceedings practice and procedure, administration and facilities.

Number of meeting(s) held in 2017-18: One

- End -

CONTROLLING OFFICER'S REPLY

JA026

(Question Serial No. 5920)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please inform the Council 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 2017-2018 and the proposed budget for the same in 2018-19.

Asked by: Hon KWOK Wing-hang, Dennis (Member Question No. (LegCo use): 123)

Reply:

The Chief Justice accords high priority to judicial training. Adequate 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 2017-18 are in the **Annex** attached. In 2017-18, \$0.4 million was spent for judicial training programmes and we have earmarked \$0.9 million in 2018-19 for the same purposes.

**Judicial Training Activities Attended by Judges and Judicial Officers
for the Financial Year 2017-18**

Local Judicial Training Activities Organised by the Hong Kong Judicial Institute

| Date | Activity |
|----------------------------------|--|
| 9.6.2017 | Coroners' Workshop |
| 5.7.2017 | Workshop on Wellbeing |
| 6.7.2017 | Talk entitled "Restating the Common Law – the American Law Institute" by the Hon Mr Justice Robert FRENCH, AC, Non-Permanent Judge of the Court of Final Appeal |
| 21.9.2017 | Talk entitled "Things to note in an urgent <i>habeas corpus</i> application" by the Hon Mr Justice Thomas AU, Judge of the Court of First Instance of the High Court |
| 16.10.2017 | Talk entitled "Contractual Interpretation: Do Judges Sometimes Say One Thing and Do Another?" by The Rt Hon Sir Geoffrey VOS, Chancellor of the High Court of England and Wales |
| 21.10.2017 | Visit to Shek Kwu Chau Treatment and Rehabilitation Centre of the Society for the Aid and Rehabilitation of Drug Abusers |
| 26 – 27.10.2017 | Induction Course for Newly Appointed Permanent Magistrates 2017 |
| 26.10.2017 | Talk entitled "Arrest and Release of Vessels – a simple roadmap" by the Hon Mr Justice Anthony CHAN, Judge of the Court of First Instance of the High Court |
| 27.10.2017 | Talk entitled "Online courts, AI and the future of justice" by Professor Dame Hazel GENN, Co-Director of the UCL Judicial Institute, Faculty of Laws, University College London |
| 23.11.2017 | Talk entitled "Mareva Injunctions and Other Urgent Injunctions" by the Hon Mr Justice Godfrey LAM and the Hon Mr Justice Anderson CHOW, Judges of the Court of First Instance of the High Court |
| 24.11.2017 | Talk entitled "Mareva Injunctions, Anton Piller Orders and Miscellaneous Applications" by the Hon Mr Justice Godfrey LAM and the Hon Mr Justice Anderson CHOW, Judges of the Court of First Instance of the High Court |
| 19.12.2017 | Briefing session on "Neutral Citation and Legal Reference System" |
| 13.1.2018 | Visit to Tuen Mun Children and Juvenile Home |
| 15.1.2018, 23.1.2018 & 31.1.2018 | Briefing Sessions on e-Legislation System |
| January – April 2018 | Putonghua courses |
| 20.3.2018 | Talk entitled "Back to Basics? Recent Developments in the UK Supreme Court" by The Right Honourable Lord Robert Reed, Non-Permanent Judge of the Court of Final Appeal |
| 21.3.2018 | Visit to Shing Tak Centre and Caritas Pelletier Hall |
| 29.3.2018 | Workshop on Cyber security and technology crime and use of social media by Deputy High Court Judge Tony Poon and Cyber Security and Technology Crime Bureau, Hong Kong Police Force |

Other Local Training Activities Attended by Judges and Judicial Officers

| Date | Activity |
|---------------|--|
| 5.4.2017 | Talk entitled “The latest development of recognition and enforcement of foreign judgment: from an international perspective”, organised by the Asian Academy of International Law |
| 7.4.2017 | Seminar entitled “Judging, Diversity and Sensitivity in Family Law - One Judge’s Views”, organised by the University of Hong Kong |
| 27.4.2017 | Seminar entitled “Detecting Collusion among Competitors – Economic Evidence”, organised by the University of Hong Kong |
| 8 – 11.5.2017 | Training programme entitled “Handling Expert Witnesses (Financial and Medical)”, organised by the Hong Kong Advocacy Training Council |
| 4.7.2017 | Talk entitled “Real World Goals – Convergence and Cross-Fertilisation in Commercial Law” by the Hon Mr Justice Robert FRENCH, AC, Non-Permanent Judge of the Court of Final Appeal, organised by the Hong Kong Chapter, Law Council of Australia |
| 22.8.2017 | Talk entitled “UK Defamation Act 2013 – Strengths and Weaknesses”, organised by the Hong Kong Bar Association |
| 29.8.2017 | Talk entitled “Quality of Death – Law & Ethics”, organised by the New Medico-Legal Society of Hong Kong |
| 31.8.2017 | Talk entitled “Politics, Secrecy and the Rule of Law”, organised by the Hong Kong Bar Association |
| 13.9.2017 | Lecture entitled “Judges, Access to Justice, the Rule of Law and the Court of Final Appeal under ‘One Country Two Systems’” by The Rt Hon the Lord NEUBERGER of Abbotsbury, Non-Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong |
| 21.9.2017 | Lecture entitled “Law Reform Challenges: The Judicial Perspective”, organised by the Chinese University of Hong Kong |
| 18.10.2017 | 2 nd UNCITRAL Asia Pacific Judicial Summit 2017, organised by the Regional Centre for Asia and the Pacific of the United Nations Commission on International Trade Law, Department of Justice and Hong Kong International Arbitration Centre |
| 20.11.2017 | Lecture entitled “Judicial Review: Does it Help or Hinder Good Administration?”, organised by the University of Hong Kong |
| 15.12.2017 | Lecture entitled “Illegality and Statute – Where to Now?” by Mr Justice GUMMOW, Non-Permanent Judge of the Court of Final Appeal, organised by the University of Hong Kong |
| 22.2.2018 | Talk entitled “Defending the indefensible? Safeguarding liberty in controversies involving not very nice people”, organised by the Hong Kong Bar Association |
| 8.3.2018 | Talk entitled “Combination of Adversary and Inquisitorial Legal Systems – The Practice of the International Criminal Tribunal for the Former Yugoslavia”, organised by the Asian Academy of International Law |

Judicial Training Activities Organised with / by Other Jurisdictions / Organisations

| Date | Activity |
|-------------------|--|
| 5 – 7.4.2017 | 7th Annual Competition Law Workshop for Asia-Pacific Judges in Manila, the Philippines, organised by the Organisation for Economic Cooperation and Development / Korea Policy Centre |
| 18 – 20.6.2017 | International Insolvency Institute's 17th Annual Conference in London, England |
| 31.10 – 3.11.2017 | Asia Pacific Coroners' Society Conference in Glenelg, South Australia |
| 5 – 9.11.2017 | 8th International Conference on the Training of the Judiciary of the International Organisation for Judicial Training in Manila, the Philippines |

- End -

CONTROLLING OFFICER'S REPLY

JA027

(Question Serial No. 5932)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

The Judiciary states that it will seek to continue to provide support to unrepresented litigants in the High Court and District Court through the Resource Centre for Unrepresented Litigants. Please inform the Committee –

- (1) whether there are any performance indicators on the abovementioned programmes;
- (2) whether the Judiciary has conducted any review on the efficacy of the abovementioned programmes and the details of such; if not, why so; and
- (3) the details of changes or improvements to the abovementioned programmes (if any).

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

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.

Information concerning the service provided by the Centre in 2017 are set out as follows:

| Number of Use | 2017 |
|--|--------------|
| Visits | 11 246 |
| Average contact time per visit | 3.16 minutes |
| Telephone enquiries | 3 109 |
| Average contact time per telephone call | 5.88 minutes |
| Collection of brochures on civil proceedings | 591 |
| Access to website | 291 804 hits |

- (2) 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.
- (3) 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.

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**JA028****(Question Serial No. 5934)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: Not SpecifiedControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

Please provide information on the size of establishment, number of staff, ranks, salaries and allowances respectively for 2018-19 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. (LegCo use): 118)Reply:

- (1) The establishment, number of posts and approximate salary expenditure (calculated at 1 April 2017 pay level) for Judges and Judicial Officers 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 2018-19 are as follows:

| Tribunal/ Court | Establish-m ent | Number of posts | Annual salary at mid-point* (\$) |
|----------------------------|----------------------------|--|---|
| Lands Tribunal | 31 | 3 – District Judge 2 – Member 8 – Judicial Clerk grade staff 17 – Clerical Staff 1 – Office Assistant | 21.2 million |
| Labour Tribunal | 92 | 1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 40 – Clerical Staff 7 – Secretarial Staff 5 – Office Assistant 1 – Workman II | 53.9 million |

| Tribunal/ Court | Establish-ment | Number of posts | Annual salary at mid-point* (\$) |
|----------------------------|-----------------------|---|---|
| Small Claims Tribunal | 80 | 1 – Principal Adjudicator 11 – Adjudicator 21 – Judicial Clerk grade staff 46 – Clerical Staff 1 – Office Assistant | 48.7 million |
| Obscene Articles Tribunal | 7 | 2 – Magistrate 5 – Clerical Staff | 4.9 million |
| Coroner's Court | 14 | 3 – Coroner 1 – Judicial Clerk grade staff 8 – Clerical Staff 1 – Secretarial Staff 1 – Workman II | 8.9 million |

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

- (2) 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 are engaged to sit in the District Court, the Lands Tribunal and various tribunals at the magisterial level to hear cases if needed.
- (3) 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 2016 to 2018 is as follows:

| Judicial Rank | As at 1.3.2016 | As at 1.3.2017 | As at 1.3.2018 |
|---|---------------------------|---------------------------|---------------------------|
| District Judge and equivalent | 8 | 4 | 6 |
| Member of the Lands Tribunal | 0 | 0 | 0 |
| Principal Magistrate and Permanent Magistrate and equivalent | 20 | 30 | 33 |

- (4) As at 1 March 2018, there were three deputy Judges sitting in the District Court (excluding the Family Court), two deputy Judges sitting at the Lands Tribunal and 20 deputy Judicial Officers sitting at the magisterial level (including the various tribunals).

- End -

CONTROLLING OFFICER'S REPLY**JA029****(Question Serial No. 1907)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

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. (LegCo use): 47)

Reply:

The statistics maintained by the Judiciary that are relevant to the question for the past three years from 2015 to 2017 are as follows:

| | 2015 | 2016 | 2017 |
|--|----------|----------|----------|
| (a) Number of leave applications filed ¹ | 259 | 228 | 1 146 |
| (b) Number of leave applications filed with at least one of the parties being legally aided as at filing of application | 64 | 24 | 11 |
| (c) Number of application with leave granted ² | 67 | 26 | 21 |
| (d) Average processing time (from date of filing of leave application to date of decision) ² | 218 days | 154 days | 149 days |
| (e) Number of appeals against refusal of leave filed | 23 | 13 | 57 |
| (f) Number of substantive judicial review cases filed | 77 | 31 | 29 |
| (g) Number of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application | 52 | 18 | 15 |
| (h) Number of appeals against judicial review decisions filed | 20 | 21 | 18 |

Remarks:

- ¹ The increase in number of applications for leave to judicial review in 2017 is mainly due to increase in torture claim cases. There were 103, 60 and 1 006 torture claim cases in 2015, 2016 and 2017 respectively.
- ² Statistics on the outcome of leave applications and average processing time for leave applications filed in a year captured the position as at 28 February 2018. 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, 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.

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**JA030****(Question Serial No. 2544)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

In 2018-19, there will be an increase of 32 non-directorate and five directorate posts to the establishment of the Judiciary. Please provide information on the details and work allocation in respect of these 37 proposed additional posts. Among them, given the recruitment difficulties for the Judges of the Court of First Instance of the High Court, will there be another round of recruitment exercise for the posts?

Asked by: Hon LIAO Cheung-kong, Martin (Member Question No. (LegCo use): 46)Reply:

(1) In 2018-19, there will be creation of five directorate posts. In addition, there will be deletion of 17 non-directorate posts and creation of 49 non-directorate posts resulting in a net increase of 32 non-directorate posts.

The net creation of 37 posts, comprising five directorate posts and 32 non-directorate posts, are to be created for the following purposes:

| Purpose | Number of posts | Rank of posts |
|---|-----------------|--|
| To provide continued support for the Development Office of the Development Division | 1 (net) | 1 – Administrative Officer Staff Grade C 3 – Senior Administrative Officer 1 – Personal Secretary I 1 – Assistant Clerical Officer <i>Offset by deletion of –</i> 1 – Administrative Officer Staff Grade C 2 – Senior Administrative Officer 1 – Senior Executive Officer 1 – Personal Secretary I |

| Purpose | Number of posts | Rank of posts |
|---|------------------------|---|
| To enhance existing services, such as strengthening of support for coping with increased workload in the Masters' Office of the High Court, strengthening of support for the Deputy Judiciary Administrator (Operations)'s Office, strengthening of support for the Probate Registry, etc.; and to cope with the projected increase in caseload arising from the increases in the jurisdictional limits of the District Court | 31 (net) | 4 – Deputy Registrar, High Court 1 – Principal Executive Officer 2 – Executive Officer I 4 – Senior Judicial Clerk II 7 – Judicial Clerk 1 – Senior Clerical Officer 1 – Clerical Officer 13 – Assistant Clerical Officer 3 – Workman II <i>Offset by deletion of –</i> 1 – Senior Executive Officer 1 – Statistical Officer I 1 – Statistical Officer II 2 – Assistant Clerical Officer |
| To strengthen support/provide continued support for the implementation of the Information Technology Strategy Plan | 5 (net) | 2 – Senior Judicial Clerk I 4 – Analyst/Programmer II 1 – Assistant Clerical Officer <i>Offset by deletion of –</i> 2 – Senior Judicial Clerk I |
| To regrade the posts for meeting operational needs | 0 (net) | 1 – Senior Executive Officer 1 – Executive Officer I 2 – Clerical Assistant 1 – Workman II <i>Offset by deletion of –</i> 1 – Senior Court Reporter 1 – Court Reporter 3 – Office Assistant |

(2) A new round of recruitment exercises for Judges and Judicial Officers at different levels of court is planned to be launched starting from mid-2018.

- End -

CONTROLLING OFFICER'S REPLY**(Question Serial No. 2545)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Although the average waiting time for the Criminal Fixture List of the High Court continued to exceed the target in 2017, it had shortened substantially in the year due to a number of measures implemented, such as task groups, Practice Directions and the deployment of resources. In the District Court, the average waiting time for criminal cases continued to exceed the target. Would the Judiciary consider adopting similar measures in the District Court to alleviate this problem?

Asked by: Hon LIAO Cheung-kong, Martin (Member Question No. (LegCo use): 47)

Reply:

In 2017, the deployment of judicial resources to the High Court to help hear Magisterial appeals, criminal cases and torture claims and the increase in the number of complex cases have contributed to the lengthening of waiting time for criminal cases in the District Court ("DC"). The Judiciary will continue to monitor closely the situation and will make every effort to improve the situation.

The following measures have been adopted to improve the waiting time:

- (a) The Judiciary launched a recruitment exercise for District Judges in mid-2016, resulting in the appointment of eight District Judges in 2017. A new round of recruitment exercise for Judges and Judicial Officers ("JJOs") at different levels of court is planned to be launched starting from mid-2018. The Judiciary hopes that the enhanced remuneration packages for JJOs, which has taken effect from 1 April 2017, will help attract legal talents to join the Bench, including at the DC level.
- (b) The Judiciary also engaged a consultant to carry out a consultancy study to review the statutory retiring ages of JJOs at all levels of courts. The Judiciary submitted its recommendations to the Government in end 2017. Amongst the recommendations, it is proposed that notwithstanding the retirement age for Judges of the DC will remain at 65, there will be provisions for a discretionary extension of the term of service beyond this age, which is not available at present. Subject to the acceptance by the Government of the Judiciary's proposals and the necessary legislative amendments,

the Judiciary hopes that the proposals will facilitate the retention of judicial manpower including that at the DC level.

- (c) As a stop-gap measure, the Judiciary had enhanced temporary judicial resources at the DC in 2017 by deploying Magistrates and engaging external legal practitioners as Deputy District Judges to help deal with criminal cases.

It should be noted that the waiting time for criminal cases in the DC is defined as the time from first appearance of defendants in the DC to the hearing. This will take into account factors which are outside the control of the DC, hence do not truly reflect the capability of the DC in dealing with cases within a reasonable time. For instance, criminal cases will be adjourned for mention prior to setting down for trial when prosecution or defence requests further time for seeking further legal advice; obtaining witness statements; applying for legal aid; engaging or changing solicitors or counsel; and consolidation with other cases. We will consider the case for refining the definition to provide for a better measure of the DC's capability in dealing with criminal cases.

- End -

CONTROLLING OFFICER'S REPLY**JA032****(Question Serial No. 2546)**Head: (80) JudiciarySubhead (No. & title): (000) Operational expensesProgramme: (2) Support Services for Courts' OperationControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

Adopting information technology and modern management tools to enhance the efficiency of court support services is conducive to the Judiciary's adaptation to technological advancement and to addressing future needs. Since 2013, the Judiciary has been implementing the "Six-year Action Plan" in accordance with the recommendations of a consultancy firm. Stage 1 court systems have been completed, and Stage 2 is underway. In these five years since the implementation of the Action Plan, what have been the concrete results? Is there any room for improvement? In 2018-19, the estimated provision for the implementation of the Information Technology Strategy Plan of the Judiciary is \$158,927,000. What are the specific actions involved?

Asked by: Hon LIAO Cheung-kong, Martin (Member Question No. (LegCo use): 48)Reply:

- (1) The Information Technology Strategy Plan ("ITSP") of the Judiciary is a long-term information technology ("IT") project seeking to enable the Judiciary to meet its long-term operational requirements. Among others, the ITSP covers the development of an integrated court case management system ("iCMS") across all court levels and tribunals of the Judiciary, and non-court systems such as human resources management system and electronic information management system. The implementation of the ITSP is divided into 2 phases. The first phase of the ITSP is further sub-divided into two stages:
 - (a) Stage 1 mainly covers the IT infrastructure foundation and the development of the iCMS for the District Court, the Summons Courts of the Magistrates' Courts and the related court offices; and
 - (b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court, the Competition Tribunal, the non-summons Courts of the Magistrates' Courts and the Small Claims Tribunal.

- (2) As at March 2018, the implementation of Phase I Stage 1 has reached an advanced stage. All activities relating to the building and set-up of IT infrastructure foundation have been completed. Various components under Phase I Stage 1 are being progressively rolled out to the District Court and the Summons Courts of the Magistrates' Courts. One component relating to payment collection was rolled out to these courts in late 2016 and early 2018 respectively. User acceptance tests ("UAT") for other components are in progress.
- (3) The implementation of the iCMS involves process reengineering, streamlining and standardising court operations, and legislative amendments. We have been closely monitoring the progress of the project and review from time to time the project schedule. According to the current project schedule projection, upon completion of all UATs by end of 2018, further components under Phase I Stage 1 would be progressively rolled out in the District Court and the Summons Courts of the Magistrates' Courts. For some components involving external stakeholders, pilot runs will also be carried out with them as necessary. In parallel, the necessary legislative amendments to enable the use of an electronic mode for court documents are under preparation. Subject to the enactment of the legislative amendments, electronic services would be launched as an additional option for court users to interface with the Judiciary. Meanwhile, the implementation of non-court systems is in progress and scheduled for completion by end 2019.
- (4) With a view to expediting the implementation of the iCMS in other levels of courts and tribunals, the Judiciary has been deploying resources for the planning of the development of Phase I Stage 2 court systems.
- (5) It is anticipated that the implementation of ITSP would bring about improvement in access to justice, workflow automation, operational efficiency, and improved service to the community as a whole.
- (6) In 2018-19, the implementation of the iCMS and non-court systems under the ITSP will continue. External stakeholders will continue to be engaged, as appropriate, in conducting pilot tests for the systems and the consultation on the legislative amendments and related Practice Directions. It is estimated that about \$158.9 million will be incurred in 2018-19 for the acquisition of services, hardware and software for the implementation of the court and non-court systems under the ITSP.

- End -

CONTROLLING OFFICER'S REPLY**JA033****(Question Serial No. 0701)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

Despite the recruitment exercises for Judges at the Court of First Instance of the High Court level conducted by the Judiciary, not all available vacancies could be filled. Regarding the enhancement of judicial remuneration, the estimated expenditure for “Cash allowances”, which has been in place since 2017-18, has increased by only 22% for this financial year. Such an increase is smaller than that in the budget estimates for the previous financial year. Please inform this Council of the factors taken into account in regard to the relevant increase (in “Cash allowances”) in the budget estimates for 2018-19, and the number and establishment of Judges and Judicial Officers involved in the estimated expenditure.

Asked by: Hon NG Wing-ka, Jimmy (Member Question No. (LegCo use): 43)Reply:

The increase in the estimated provision for Cash allowances for 2017-18 was mainly due to the inclusion of additional provision for enhancement of housing, medical and dental benefits to Judges and Judicial Officers (“JJOs”) starting from 2017-18.

The estimated provision for Cash allowances will be increased from \$20.5 million in 2017-18 to \$25.1 million in 2018-19. The increase of \$4.6 million is due to the following factors:

| Item | \$ |
|---|--------------------|
| (i) Additional requirements for the provision of housing benefits, namely the Judiciary Quarters Allowance, to Judges at Court of First Instance of the High Court level and above | 3.2 million |
| (ii) Additional requirements for the provision of medical and dental benefits, namely the Medical Insurance Allowance, for JJOs at all levels of courts and their eligible dependants, including spouses and children | 1.4 million |
| Estimated Additional Requirements : | 4.6 million |

The establishment of JJOs at all levels of courts is at **Annex** for reference.

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

| Level of Court | Rank | Establishment |
|--|--|----------------------|
| 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 | 39 |
| | Member, Lands Tribunal | 2 |
| District Court Masters' Office | Registrar | 1 |
| | Deputy Registrar | 8 |
| Magistrates' Courts/ Specialized Court/ Other Tribunals | Chief Magistrate | 1 |
| | Principal Magistrate/ Principal Presiding Officer, Labour Tribunal/ Principal Adjudicator, Small Claims Tribunal | 11 |
| | Coroner/ Presiding Officer, Labour Tribunal/ Adjudicator, Small Claims Tribunal/ Magistrate | 76 |
| | Special Magistrate | 11 |

[^] Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.

- End -

CONTROLLING OFFICER'S REPLY

JA034

(Question Serial No. 1206)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

The Competition Tribunal (“the Tribunal”) was established in 2015 under the Competition Ordinance as a specialised court with primary jurisdiction to hear and adjudicate on related matters, including cases involving competition matters brought by the Competition Commission. Apart from the President and the Deputy President of the Tribunal, other Judges of the Court of First Instance (“CFI”) may also be involved in the hearing of Tribunal cases from time to time. In this regard, please provide the following information:

- (1) According to Programme (1), it is estimated that the number of cases that “the Tribunal” will need to handle in this financial year is the same as in the previous financial year. Why was that the estimation? When “the Tribunal” does not need to deal with cases, what are the other duties and work that it has?
- (2) What were the categories of cases handled by “the Tribunal” in the past? How many of those had to be heard by CFI Judges, and what was the expenditure involved? What change is anticipated in the manpower and expenditure required in 2018-19 when compared with this year? What are the reasons for the increase or decrease in the required manpower and expenditure?

Asked by: Hon NG Wing-ka, Jimmy (Member Question No. (LegCo use): 41)

Reply:

- (1) Since its establishment in 2015, the Competition Tribunal has been dealing with two cases. It would be prudent to set the estimate for 2018 at the same level as the actual number of cases in 2017.

In accordance with the Competition Ordinance (Cap. 619), every Judge of the Court of First Instance of the High Court (“CFI”), will by virtue of his or her appointment as CFI Judge, be a member of the Competition Tribunal. Where there is no case handled by the Competition Tribunal, the CFI Judges will continue to discharge their normal duties as a CFI Judge to hear other cases listed before the CFI.

- (2) The two cases handled by the Competition Tribunal in 2017 were both Enforcement Actions. Both cases were handled by CFI Judges. There is no change to the establishment of the Competition Tribunal for the year of 2018-19. In addition, nine non-directorate civil service posts have been created for providing the necessary support to the Competition Tribunal. Apart from the CFI Judges mentioned in (1) above, the nine non-directorate staff created for the Competition Tribunal will be temporarily deployed to support the High Court Judges and Judicial Officers and other registries when there is no case handled by the Competition Tribunal.

- End -

CONTROLLING OFFICER'S REPLY

JA035

(Question Serial No. 5312)

Head: (80) Judiciary

Subhead (No. & title): (-)

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Regarding the use of information technology and other modern management tools, please provide information concerning:

- (1) The current progress of the implementation of Phase I Stage 1 of the Information Technology Strategy Plan by the Judiciary, and the manpower and expenditure involved in the above work in the coming year.
- (2) The usage rate of the Technology Court (including the number and types of cases handled) in the past three years. Has the Judiciary allocated additional resources to upgrade the equipment of the Technology Court? If yes, what are the details?

Asked by: Hon NG Wing-ka, Jimmy (Member Question No. (LegCo use): 44)

Reply:

- (1) The Information Technology Strategy Plan ("ITSP") of the Judiciary is a long-term information technology ("IT") project seeking to enable the Judiciary to meet its long-term operational requirements. Among others, the ITSP covers the development of an integrated court case management system ("iCMS") across all court levels and tribunals of the Judiciary, and non-court systems such as human resources management system and electronic information management system. The implementation of the ITSP is divided into two phases. The first phase of the ITSP is further sub-divided into two stages:
 - (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 iCMS of the District Court, the Summons Courts of the Magistrates' Courts and the related court offices; and
 - (b) Stage 2 mainly covers the iCMS for the Court of Final Appeal, the High Court, the Competition Tribunal, the non-summons Courts of the Magistrates' Courts and the Small Claims Tribunal.

- (2) As at March 2018, the implementation of Phase I Stage 1 of the ITSP has reached an advanced stage. All activities relating to the building and set-up of IT infrastructure foundation have been completed. Various components under Phase I Stage 1 are being progressively rolled out to the District Court and the Summons Courts of the Magistrates' Courts. One component relating to payment collection was rolled out to these courts in late 2016 and early 2018 respectively. User acceptance tests ("UAT") for other components are in progress. According to the current project schedule projection, upon completion of all UATs by end 2018, further components under Phase I Stage 1 would be progressively rolled out in the District Court and the Summons Courts of the Magistrates' Courts. In parallel, necessary legislative amendments to enable the use of an electronic mode for court documents are under preparation. Subject to the enactment of the legislative amendments, electronic services would be launched as an additional option for court users to interface with the Judiciary. Meanwhile, the implementation of non-court systems is in progress and the planning for the development of Phase I Stage 2 court systems has also commenced.
- (3) In 2018-19, the implementation of the iCMS and non-court systems under the ITSP will continue. External stakeholders will continue to be engaged, as appropriate, in conducting pilot tests for the systems and the consultation on the legislative amendments and related Practice Directions. Implementation of the ITSP is supported by around 120 staff (including civil service staff and IT professionals engaged on contract). Outsourced services are and will be engaged as appropriate. The expenditures for the implementation of the ITSP is estimated at about \$158.9 million in 2018-19, including expenditures for the procurement of hardware, software and services.
- (4) The usage rate of the Technology Court at the High Court Building in terms of the number of days the court was used and the number and types of cases handled in the past three years are as follows:

| Year | Number of Days | Case Type and Number (<i>Note 1</i>) | | | Total Number of Cases |
|------|----------------|--|----------------|-------------|-----------------------|
| | | Criminal Appeals | Criminal Cases | Civil Cases | |
| 2015 | 84 | 63 | 1 | 7 | 71 |
| 2016 | 95 | 61 | 5 | 10 | 76 |
| 2017 | 235 | 164 | 8 | 22 | 194 |

Note (1): Excluding vacated cases

- (5) With a view to supporting video conferencing, display of electronic documents and videos, hearings involving vulnerable witnesses, broadcasting of court proceedings to the court lobby, etc., the Judiciary upgraded the facilities of the Technology Court in 2014. Further, in 2016, a mega courtroom equipped with similar audio/visual facilities in the West Kowloon Law Courts Building came into operation. That courtroom may be used by suitable cases for the other levels of court as necessary.

- End -

CONTROLLING OFFICER'S REPLY

JA036

(Question Serial No. 5320)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

It is mentioned in Programme (1) that targets regarding criminal cases in the Court of First Instance of the High Court and the District Court were not met in 2017. In this financial year (2018-19), the estimated expenditure for this programme has increased by 14% when compared with that in 2017-18. In this regard, please provide information on how much of the increased estimated expenditure is for assisting the Court of First Instance of the High Court and the District Court in handling criminal cases.

Asked by: Hon NG Wing-ka, Jimmy (Member Question No. (LegCo use): 42)

Reply:

Provision for 2018-19 for Programme (1), i.e. Courts, Tribunals and Various Statutory Functions, is 14% higher than the revised estimate for 2017-18. This is mainly due to the increased provision for filling of vacancies and a net increase of four judicial and 31 non-judicial posts in 2018-19 for enhancing support on various fronts.

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

- End -

CONTROLLING OFFICER'S REPLY

(Question Serial No. 0646)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

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,

- (a) in 2017-18, how many applications for court warrants in total were received by the Judiciary? How many of these were applications for conducting searches on telecommunication companies and internet service providers? How many applications were granted and how many were not?
- (b) in the government estimates for 2018-19, how much resource has been allocated for statistical analysis to identify the number of applications for court warrants that concern conducting searches on telecommunication companies and internet service providers? If there is none, what are the reasons? And;
- (c) in the government estimates for 2018-19, how much resource has been allocated for a study for setting up a computerized record system by the Judiciary for the purpose of conducting statistical analysis on the number of applications for court warrants it receives every year, and for giving the public an account of the applications by category as well as the number of applications so granted, and when is the study expected to conclude? If there is none, what are the reasons?

Asked by: Hon TO Kun-sun, James (Member Question No. (LegCo use): 28)

Reply:

The Judiciary does not maintain statistics regarding applications for search warrants. There is no information on warrants issued for searches on telecommunications companies and internet service providers.

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 cases.

In view of the above, Judiciary has no plan to establish a computer system for the purpose of collecting statistics on the applications for search warrants, and there is no need to ear-mark any resources for such purpose.

- End -

CONTROLLING OFFICER'S REPLY**JA038****(Question Serial No. 1243)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

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 2017-18.

Asked by: Hon TO Kun-sun, James (Member Question No. (LegCo use): 50)Reply:

The establishment, number of posts and approximate salary expenditure for Judges and Judicial Officers 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 2017-18 are as follows:

| Tribunal/ Court | Establish- ment | Number of posts | Annual salary at mid-point* (\$) |
|----------------------------|----------------------------|--|---|
| Lands Tribunal | 31 | 3 – District Judge 2 – Member 8 – Judicial Clerk grade staff 17 – Clerical Staff 1 – Office Assistant | 21.2 million |
| Labour Tribunal | 92 | 1 – Principal Presiding Officer 8 – Presiding Officer 2 – Judicial Clerk grade staff 28 – Tribunal Officer 40 – Clerical Staff 7 – Secretarial Staff 5 – Office Assistant 1 – Workman II | 53.9 million |

| Tribunal/ Court | Establish- ment | Number of posts | Annual salary at mid-point* (\$) |
|---------------------------------|----------------------------|---|---|
| Small Claims Tribunal | 77 | 1 – Principal Adjudicator 11 – Adjudicator 18 – Judicial Clerk grade staff 46 – Clerical Staff 1 – Office Assistant | 46.6 million |
| Obscene Articles Tribunal | 7 | 2 – Magistrate 5 – Clerical Staff | 4.9 million |
| Coroner's Court | 14 | 3 – Coroner 1 – Judicial Clerk grade staff 8 – Clerical Staff 1 – Secretarial Staff 1 – Workman II | 8.9 million |

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

- End -

CONTROLLING OFFICER'S REPLY**JA039****(Question Serial No. 1244)**

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

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 time? How many of those judicial review cases were legally aided?

Asked by: Hon TO Kun-sun, James (Member Question No. (LegCo use): 51)

Reply:

The information requested on judicial review cases in the period from 2015 to 2017 is as follows:

| | 2015 | 2016 | 2017 |
|--|----------|---------|---------|
| (a) Number of leave applications filed^ | 259 | 228 | 1 146 |
| (b) Number of leave applications filed with at least one of the parties being legally aided as at filing of application | 64 | 24 | 11 |
| (c) Average waiting time from listing to hearing of leave application | 47 days | 49 days | 55 days |
| (d) Number of appeals against refusal of leave filed | 23 | 13 | 57 |
| (e) Average waiting time from listing to appeal hearing in respect of refusal of leave application | 77 days | 70 days | 64 days |
| (f) Number of substantive judicial review cases filed | 77 | 31 | 29 |
| (g) Number of substantive judicial review cases filed with at least one of the parties being legally aided as at filing of substantive application | 52 | 18 | 15 |
| (h) Average waiting time from listing to hearing of substantive case | 94 days | 91 days | 97 days |
| (i) Number of appeals against judicial review decisions filed | 20 | 21 | 18 |
| (j) Average waiting time from listing to appeal hearing | 126 days | 85 days | 97 days |

Remarks

[^] The increase in number of applications for leave to judicial review in 2017 is mainly due to increase in torture claim cases. There were 103, 60 and 1 006 torture claim cases in 2015, 2016 and 2017 respectively.

End -

CONTROLLING OFFICER'S REPLY**JA040****(Question Serial No. 2255)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: Not SpecifiedControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

With regard to the increase of the jurisdictional limit of the Small Claims Tribunal from \$50,000 to \$75,000, when will it be implemented?

In light of the policy to raise the jurisdictional limit, how much manpower and funding will be allocated to the Small Claims Tribunal in the coming financial year?

Asked by: Hon TSE Wai-chun, Paul (Member Question No. (LegCo use): 36)

Reply:

Subject to completion of the legislative process, it is intended that the adjustment of the civil jurisdictional limit of the Small Claims Tribunal ("SCT") from \$50,000 to \$75,000, together with the amendments to the civil jurisdictional limits of the District Court, will come into effect in the second half of 2018.

As for financial and manpower resources implications arising from the revision of the civil jurisdictional limit of the SCT, the creation of a total of two judicial posts and eight non-directorate civil service posts is required for coping with the projected increase in caseload at the SCT. The Finance Committee of the Legislative Council approved the creation of the two judicial posts on 1 December 2017. The Government has provided the Judiciary with the financial resources for meeting in full the manpower needs for the above-mentioned ten posts from 2017-18, as follows:

| Number of posts | Annual salary at mid-point (\$) |
|--|--|
| 2 – Adjudicator, Small Claims Tribunal | 7.0 million |
| 3 – Judicial Clerk Grade Staff | |
| 5 – Clerical Grades Staff | |

- End -

CONTROLLING OFFICER'S REPLY

JA041

(Question Serial No. 0944)

Head: (80) Judiciary

Subhead (No. & title): (-)

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

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide the following information concerning the Family Court:

- (1) According to the average waiting time targets set for divorce cases in the Family Court for 2018, the target for the Special Procedure List and that for the Defended List are 35 days and 110 days respectively, which are longer than the actual average waiting times in 2017. What are the reasons? Does the Government have any plan to allocate additional resources for shortening the court waiting times?
- (2) Details of training provided to officers on handling cases involving domestic violence or child abuse for 2017-18, including the expenditure involved and the number of participants; for 2018-19, how many resources does the Administration plan to allocate for judicial training activities in this regard?
- (3) Regarding the proposed formulation of a unified set of procedural rules for the family justice system, does the Administration have a detailed work plan and a schedule?

Asked by: Hon YUNG Hoi-yan (Member Question No. (LegCo use): 46)

Reply:

- (1) The average waiting time for the Special Procedure List and the Defended List (all hearings) in the Family Court in 2017 were 34 days and 85 days respectively. Both were well within the targets. As there can be fluctuation in the caseload, it is prudent to set the target waiting time for 2018 at the same level as that for 2017. The Judiciary will continue to monitor the situation and make every effort to keep the waiting time of the Family Court within the targets.
- (2) Adequate resources have all along been provided for judicial training purposes. In 2017-18, \$0.4 million was spent for judicial training programmes and we have earmarked \$0.9 million in 2018-19 for the same purposes. 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. Family Court Judges attended training on dealing with domestic violence cases in 2014, and on children's rights and family law from time to time.

- (3) 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 six other JJOs from the High Court and Family Court.

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. The latest timetable is to complete the legislative exercise in the coming three years or so.

- End -