

立法會
Legislative Council

Ref : CB4/SS/4/17

LC Paper No. CB(4)1253/17-18
(These minutes have been seen
by the Administration)

**Subcommittee on Proposed Resolutions under the District Court
Ordinance and the Small Claims Tribunal Ordinance**

**Minutes of the first meeting
held on Monday, 9 April 2018 at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Members present : Hon Holden CHOW Ho-ding(Chairman)
Hon James TO Kun-sun
Hon WONG Ting-kwong, GBS, JP
Hon Paul TSE Wai-chun, JP
Hon Dennis KWOK Wing-han
Hon Vincent CHENG Wing-shun, MH

Members absent : Hon Steven HO Chun-yin, BBS
Dr Hon Junius HO Kwan-yiu, JP

Public Officers attending : Item II

Chief Secretary for Administration's Office

Ms Jennifer CHAN
Deputy Director of Administration 2

Judiciary Administration

Mrs Erika HUI, JP
Deputy Judiciary Administrator (Operations)

Mr David LAU
Assistant Judiciary Administrator (Development) 2

Department of Justice

Miss Annet LAI
Government Counsel

Clerk in attendance : Ms Angel WONG
Chief Council Secretary (4)4

Staff in attendance : Miss Rachel DAI
Assistant Legal Adviser 2

Ms Mina CHAN
Senior Council Secretary (4)4

Ms Sandy HAU
Legislative Assistant (4)4

Action

I. Election of Chairman

Mr Holden CHOW was elected Chairman of the Subcommittee. Members agreed that there was no need to elect a Deputy Chairman.

II. Meeting with the Administration

[CSO/ADM CR 8/3221/93, LC Paper Nos. LS41/17-18 and CB(4)873/17-18(02) to (05)]

Declaration of interests

2. The Chairman declared interest as a practising solicitor.

Discussion

3. The Subcommittee deliberated (index of proceedings attached at **Annex**).

(At about 5:05 pm, the Chairman announced that the meeting be suspended to facilitate members' voting at the Establishment Subcommittee meeting.)

Action

Follow-up actions by the Administration

4. The Subcommittee requested the Administration to provide written response to the following:

- (a) whether the Administration would propose amendment(s) to increase the proposed civil jurisdictional limit of the Small Claims Tribunal ("SCT") from \$75,000 to \$100,000; if not, the reason(s) for that; and whether the Administration would withhold the Proposed Resolutions if individual Subcommittee member(s) proposed amendment(s) to raise the proposed limit to \$100,000;
- (b) whether the Administration would propose amendment(s) to set out a mechanism for transfer of civil cases of claim amount between \$50,001 and \$75,000 which had already been filed into the District Court ("DC") before the Proposed Resolutions come into operation from DC to SCT; if not, the reason(s) for that; and whether the Administration would withhold the Proposed Resolutions if individual Subcommittee member(s) proposed amendment(s) to set out the mechanism; and
- (c) current establishment and strength of the Tribunal Officer rank in SCT and the projected establishment of the rank to cope with the increased caseload in SCT upon making adjustments to the jurisdictional limit of SCT.

(Post-meeting note: The Judiciary Administration's response was issued to members vide LC Paper No. CB(4)1019/17-18(03) on 3 May 2018.)

Date of next meeting

5. Members noted that a further meeting would be scheduled.

III. Any other business

6. There being no other business, the meeting ended at 5:20 pm.

**Proceedings of the first meeting of the
Subcommittee on Proposed Resolutions under the District Court
Ordinance and the Small Claims Tribunal Ordinance
on Monday, 9 April 2018 at 4:30 pm
in Conference Room 3 of the Legislative Council Complex**

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
Agenda Item I - Election of Chairman			
000422-000550	Mr James TO Mr Vincent CHENG Mr WONG Ting -kwong Mr Holden CHOW	Election of Chairman	
Agenda Item II - Meeting with the Administration			
000551-000653	Chairman	Declaration of interest	
000654-000836	Chairman Administration	The Administration's briefing on the two proposed resolutions under section 73A of the District Court Ordinance (Cap. 336) ("DCO") and section 6 of the Small Claims Tribunal Ordinance (Cap. 338) ("SCTO")	
000837-001241	Chairman Mr Dennis KWOK Judiciary Administration	Mr Dennis KWOK's view on the proposed increase in the jurisdictional limits in the proposed resolutions under DCO and SCTO and his suggestion of revising the proposed SCT's civil jurisdictional limit from \$75,000 to \$100,000. Mr KWOK's concern about the adequacy of manpower resources to cope with the anticipated increase in DC's caseload following the jurisdictional rise	
001242-002027	Chairman Mr James TO Judiciary Administration	Mr James TO's view on Mr Dennis KWOK's suggestion of revising the proposed SCT's jurisdictional limit from \$75,000 to \$100,000 The Administration was requested to provide a written response as to whether it would propose amendment(s) to increase the proposed civil jurisdictional limit of SCT from \$75,000 to \$100,000; if not, the reason(s) for that; and whether it would withhold the Proposed Resolutions if individual Subcommittee member(s) proposed amendment(s) to raise the proposed limit to \$100,000	Paragraph 4(a) of the minutes refers
002028-002751	Chairman Mr James TO Judiciary Administration	Mr James TO's enquiry about the mechanism for transfer of civil cases of claim amount between \$50,001 to \$75,000 which had already been filed into DC before the proposed resolutions come into operation from DC to SCT The Administration was requested to provide a written response as to whether it would propose amendment(s) to set out a mechanism for transfer of civil cases of claim	Paragraph 4(b) of the minutes refers

Time marker	Speaker(s)	Subject(s) / Discussion	Action required
		amount between \$50,001 and \$75,000 which had already been filed into DC before the proposed resolutions come into operation from DC to SCT; if not, the reason(s) for that; and whether it would withhold the Proposed Resolutions if individual Subcommittee member(s) proposed amendment(s) to set out the mechanism.	
002752-003421	Chairman Judiciary Administration	The Chairman's view on the suggestion of raising the proposed SCT's jurisdictional limit from \$75,000 to \$100,000 The Chairman's enquiries about the impact of the increase in SCT's jurisdictional limit on the workload of SCT and the corresponding increase in Adjudicators at SCT	
003422-004639	Chairman	Suspension of meeting to facilitate members' voting at the Establishment Subcommittee meeting	
004640-004934	Chairman Judiciary Administration	The Chairman's concern about the support to SCT to cope with the projected increase in its workload after the jurisdictional rise given that legal representation was not allowed in tribunal proceedings The Administration undertook to provide after the meeting the current establishment and strength of the Tribunal Officer rank in SCT and the projected establishment of the rank to cope with the increased caseload in SCT upon making adjustments to the jurisdictional limit of SCT.	Paragraph 4(c) of the minutes refers
Agenda Item III – Any other business			
004935-005000	Chairman	Closing remarks	