



司法機構政務處

Judiciary Administration

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本函檔號 Our Ref.:

來函檔號 Your Ref.:

21 January 2019

Ms Connie SZETO
Clerk to the Establishment Sub-committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms SZETO,

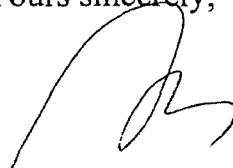
Establishment Sub-committee

Follow-up to the Meeting held on 9 January 2019

Thank you for your letter dated 10 January 2019 requesting for supplementary information in relation to the Judiciary's proposal to create four permanent Deputy Registrar, High Court posts, one permanent Principal Executive Officer post, and to retain one supernumerary Administrative Officer Staff Grade C post viz. EC(2018-19)18.

Our reply is set out at **Annex** for Members' reference, please.

Yours sincerely,



(Ms Nancy Mak)
for Judiciary Administrator

c.c.: Financial Services and the Treasury Bureau

Legislative Council Establishment Subcommittee
Follow-up to meeting on 9 January 2019

EC(2018-19)18**Question**

- (a) The number of cases handled by the Masters' Office of the High Court ("the Office") in recent years by types of cases (e.g. 3-minute/15-minute hearings, cases handled by way of active case management etc.) as well as a quantitative analysis thereof, so as to substantiate an increase in workload of the Office

Reply: The need for additional judicial manpower for the Masters' Office of the High Court ("HC") is not only due to an increase in caseloads, but also the increasing complexity of various hearings and paper applications, new duties arising from the new procedures adopted for processing criminal appeals, civil appeals and criminal listing as required under the relevant Practice Directions as well as other administrative duties such as provision of policy and research support for reviews of court procedures.

Against this backdrop, readily available statistics of caseload which are more relevant to duties of the Masters' Office of the HC are tabulated below for Members' information –

	Caseload		Percentage change from 2012 to 2017
	2012	2017	
Interlocutory hearings conducted by the Masters' Office (Note)	22 137	24 882	+ 12%
Taxation bills handled by the Masters' Office	581	681	+ 17%
Probate applications	16 308	20 477	+ 26%

Note: Caseload statistics on interlocutory hearings cover all hearings conducted by the Masters' Office, including short hearings lasting for 3 or 15 minutes.

- (b) The average number of civil cases handled respectively by the High Court (“HC”) and by the District Court (“DC”) before the adjustment of the civil jurisdictional limit of the DC in 2018; the number of civil cases transferred from the HC to the DC or handled directly by the DC after the implementation of the new civil jurisdictional limit; and the expected number of civil cases to be handled by the two levels of court in future

Reply: In proposing the increase in the general financial limit of the civil jurisdiction of the DC from \$1 million to \$3 million, the Judiciary had carried out a sensitivity and impact analysis using the data gathered from 1 January 2013 to 31 December 2016 (“the period under review”) to estimate the impact on the workload of the Court of First Instance of the High Court (“CFI”) and the DC. According to such analysis, the number of civil cases filed to the CFI was expected to decrease from the average of about 19 200 a year during the period under review by about 8% to the level of 17 600. Correspondingly, for the DC, the number of civil cases filed might increase from about 20 900 a year by about 8% to the level of about 22 500.

The Judiciary appreciates that the exact impact may be subject to other factors beyond the operation of the courts¹. Nevertheless, based on the aforesaid projections, the Judiciary envisaged that there would be reduction of judicial manpower requirement of the Masters’ Office of the HC. Hence, the current proposal is for the creation of only four additional permanent posts, whilst currently five additional Judges and Judicial Officers (“JJOs”) have been deployed to meet the requirements on a temporary basis on top of the permanent establishment. The revised general financial limits of the civil jurisdiction came into effect on 3 December 2018. We are collecting relevant data for further analysis.

¹ For example, general economic and business conditions may affect the number of cases filed and going to trial. The actual time to be spent on each case may also be affected by factors such as its complexity and whether the litigants are legally represented.

- (c) The number of complaints against judges at all levels of court received by the Judiciary in recent years, the matters involved, and the outcome of the handling of the complaints

Reply: All complaints against JJOs are handled by the Chief Justice ("CJ") and/or the Court Leader of the relevant level of court. The number of complaints disposed of by the CJ and the respective Court Leader in the past five years from 2014 up to 30 September 2018 are set out in the **Appendix**. Among these complaints, there are seven partially substantiated cases.

- (d) The measures taken by the Judiciary to increase the transparency of the handling of cases (including the enhancement of the dissemination of case listing information) to facilitate unrepresented litigants to ascertain the progress of their cases

Reply: To provide members of the public and court users with up-to-date information on the schedules of court hearings and related matters, and to facilitate court users (including witnesses, etc.) to know which court they should attend, the Judiciary publishes Daily Cause Lists setting out case numbers, parties' names and offence/case natures in all court buildings. The Daily Cause Lists will be uploaded to the Judiciary's website by 6:30 pm on the working day preceding the hearing day.

In addition, the e-Hearing Date Enquiry Service under the Judiciary website allows quick retrieval of hearing date information on-line for cases scheduled for hearing at all levels of courts by providing the case serial number and case year.

Apart from using the e-hearing enquiry service, party or parties to legal proceedings may make a search of the relevant court file at the court registry according to court rules so as to inspect any document filed or order given or made. They may also write to the relevant court registry directly on case-related matters.

The Judiciary is now developing an integrated Court Case Management System (“iCMS”) which will be implemented by phases at various levels of courts. When the iCMS is fully launched, the existing e-Hearing Date Enquiry Service will continue to provide enquiry service to court users on hearing date(s) at all levels of courts. Besides, the iCMS will provide new functions to enable electronic search of information and documents of court cases. This will greatly enhance efficiency and convenience of the services provided to the court users.

Complaints against Judges and Judicial Officers

Number of Complaints Disposed of by	2014				2015				2016				2017				2018 (Up to 30 September)			
	JD/ SD	JC	JD/ SD + JC	R	JD/ SD	JC	JD/ SD + JC	R	JD/ SD	JC	JD/ SD + JC	R	JD/ SD	JC	JD/ SD + JC	R	JD/ SD	JC	JD/ SD + JC	R
Chief Justice ²	1	1	2	12	4	1	3	9	4	0	0	5	5	0	0	10	4	0	0	8
Chief Judge of the High Court ³	39	3	1	N/A	51	2	2	N/A	21	2	0	N/A	29	0	0	N/A	28	0	2	N/A
Chief District Judge ⁴	7	0	10 ⁶	N/A	10	6	7	N/A	10	1	6	N/A	20	2	5	N/A	13	0	2	N/A
Chief Magistrate ⁵	33	24	26	N/A	42	5 ⁷	17	N/A	21	3 ⁸	4	N/A	43	4 ⁹	10 ¹⁰	N/A	21	3	20	N/A
Sub-total	80	28	39	12	107	14	29	9	56	6	10	5	97	6	15	10	66	3	24	8
Sub-total (relating to judicial conduct and review cases)			79				52				21				31				35	
Total	159				159				77				128				101			

Legend: "JD/SD" = "Judicial Decisions/Statutory Decisions". These complaints cannot and will not be handled.

"JC" = "Judicial Conduct". These complaints will be dealt with.

"R" = Complaints to the Chief Justice (may involve judicial conduct or both judicial conduct and judicial decision/statutory decision) lodged by complainants not satisfied with the Court Leader's handling and/or findings of the original complaints.

Notes:

1. The total number of cases filed in the past five years are as follows:

Year	2014	2015	2016	2017	2018 (up to 30 Sept)
Number of cases filed	478 081	464 769	478 141	485 303	374 880

2. Chief Justice handles complaints against Judges of the Court of Final Appeal, the Court Leaders, and complaints dissatisfied with the Court Leaders' handling and/or findings of the original complaints.
3. Chief Judge of the High Court handles complaints against JJOs of the High Court and the Competition Tribunal, and the President of the Lands Tribunal.
4. Chief District Judge handles complaints against JJOs of the District Court and Family Court, and the Presiding Officers and Members of the Lands Tribunal.
5. Chief Magistrate handles complaints against JJOs of the Magistrates' Courts, the Labour Tribunal, the Small Claims Tribunal, the Coroner's Court and the Obscene Articles Tribunal.
6. In 2014, one complaint was found partially justified.
7. In 2015, one complaint was found partially justified.
8. In 2016, one complaint was found partially justified.
9. In 2017, one complaint was found partially justified.
10. In 2017, three complaints were found partially justified.