

香港特別行政區政府
政務司司長辦公室轄下行政署



The Government of
The Hong Kong Special Administrative Region
Administration Wing,
Chief Secretary for Administration's Office

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.:

Tel No. : 2810 3946

來函檔號 Your Ref.:

Fax No. : 2501 5779

By email: ayylau@legco.gov.hk

31 January 2019

Clerk to the Finance Committee
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong
(Attn: Ms Ada Lau)

Dear Ms Lau,

Finance Committee Meeting on 14 December 2018

Thank you for your email dated 21 December 2018. Having consulted the Judiciary, I attach at **Annex** our written response to the questions raised by Members at the meeting of the Finance Committee on 14 December 2018 relating to FCR(2018-19)66, please.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Vivian Cheung', written over a horizontal line.

(Ms Vivian Cheung)
for Director of Administration

c.c. Judiciary Administrator (Attn: Ms Nancy Mak)

(a) Provide the following details regarding the workload of Judges at all levels of courts:

- (i) the average number of cases assigned to each judge;**
- (ii) the actual number of cases assigned to each judge;**
- (iii) the actual number of cases assigned to each judge in relation to each list of cases he/she is responsible for; and**
- (iv) the rationales and criteria of the assignments.**

The Judiciary does not maintain statistics regarding the number of cases assigned to each Judge. It should be pointed out that the number of cases dealt with by a Judge at any given time does 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.

On assignment of cases, general civil cases are assigned to civil Judges according to the workload, expertise, experience and availability of Judges.

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. For civil cases in the District Court, Order 72, rule 2 of the Rules of the District Court (Cap. 336H) provides for the entry of proceedings in different particular lists. There are at present the employees' compensation list, personal injuries list and equal opportunities 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.

Criminal cases are also 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.

(b) Statistics on the complaints against Judges and Judicial Officers (JJOs) at all levels of courts (with a breakdown by categories of cases) and the outcomes of the complaints in the past five years:

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 to 30 September 2018 is set out in the table below. Among these complaints, there are seven partially justified cases.

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
CJ 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 by the Judiciary.

“JC” = “Judicial Conduct”. These complaints will be dealt with by the Judiciary.

“R” = Complaints to the CJ (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. These complaints will be dealt with by the Judiciary.

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 September)
Number of cases filed	478 081	464 769	478 141	485 303	374 880

2. CJ 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.