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Replies to supplementary questions raised by Finance Committee Members in examining the Estimates of Expenditure 2019-20

Controlling Officer : Judiciary Administrator

Session No. : 2

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CONTROLLING OFFICER'S REPLY

S-JA01

(Question Serial No. S003)

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:

As a follow-up question on Reply Serial No. JA028:

- (1) While the Administration states that “in the light of the surge of non-refoulement claim cases, the Judiciary would assess whether any additional requirements for judicial and other staffing resources are required”, the Security Bureau stated in its reply to a question by the Dr Hon Priscilla Leung on January 16 that, “as at the end of last year, only about 540 claims were pending screening by the Immigration Department”. It can be envisaged that the number of reviews will decrease as well. Please provide details on the assessment made by the Judiciary on judicial and other staffing resources for the handling of non-refoulement claim cases.
- (2) It is mentioned in the reply that the Judiciary is liaising with the Department of Justice with a view to “exploring the possibility of introducing modest legislative amendments”. Please inform this Committee of the size of the establishment conducting such work and the progress concerned.

Asked by: Hon AU Nok-hin

Reply:

There has been a sharp increase in the number of applications for leave to judicial review from 228 in 2016 to 1 146 in 2017 and 3 014 in 2018 respectively. The increase is mainly due to the increase in non-refoulement claim cases, at 60, 1 006 and 2 851 in 2016, 2017 and 2018 respectively.

In view of the increasing workload, the Judiciary is also liaising with the Department of Justice with a view to exploring the possibility of introducing modest legislative amendments so as to facilitate a more efficient handling of cases, including the

non-refoulement claims. The Judiciary will consult relevant parties including the Legislative Council when ready.

The Judiciary has been coping with the additional workload brought about by the non-refoulement claim cases within the existing resources and does not have the breakdown of the operating expenses by types of cases or levels of courts.

- End -

CONTROLLING OFFICER'S REPLY

S-JA02

(Question Serial No. S004)

Head: (80) Judiciary

Subhead (No. & title): (000) Operational expenses

Programme: (2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator (Miss Emma LAU)

Director of Bureau: Not applicable

Question:

Please provide information on the location, floor area, market rental, maintenance and repair expenditures in the past three years and the estimated maintenance and repair expenditures in 2019-20 in respect of the official residence of the Chief Justice.

Asked by: Hon AU Nok-hin

Reply:

The official residence of the Chief Justice at 18 Gough Hill Road has a gross floor area of 930m².

The Judiciary does not have information on the market rental or the expenditure of building maintenance and repair works of the Chief Justice's official residence.

- End -

CONTROLLING OFFICER'S REPLY

S-JA03

(Question Serial No. S002)

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 information on the cases dealt with by the Small Claims Tribunal in the past five years:

- (a) by breakdown of amount of claim:

Claim Amount/Year	2014	2015	2016	2017	2018
1 - 10,000					
10,001 - 20,000					
20,001 - 30,000					
30,001 - 40,000					
40,001 - 50,000					
50,001 - 60,000					
60,001 - 70,000					
70,001 - 75,000					

- (b) has the Administration considered further increasing the jurisdictional limit of the Small Claims Tribunal to \$100,000? If so, what are the details? If not, why so?

Asked by: Hon TO Kun-sun, James

Reply:

The number of claims in the Small Claims Tribunal (“SCT”) in the past five years are as follows:

Claim Amount (HK\$)	2014	2015	2016	2017	2018
≤10,000	27 547	26 409	26 059	25 955	24 471
>10,000 - ≤ 20,000	5 945	5 561	5 925	6 954	8 056
>20,000 - ≤ 30,000	4 144	4 249	4 521	5 271	6 246
>30,000 - ≤ 40,000	2 960	3 139	3 234	4 027	5 136
>40,000 - ≤ 50,000	9 487	10 417	9 430	8 805	9 560
*> 50,000 - ≤ 60,000	-	-	-	-	357
*> 60,000 - ≤ 70,000	-	-	-	-	307
*> 70,000 - ≤ 75,000	-	-	-	-	872

* Figures began to be captured after the increase in jurisdictional limit from \$50,000 to \$75,000 with effect from 3 December 2018.

The jurisdictional limit of the SCT was increased to \$75,000 in December 2018, following a comprehensive review taking into account a host of factors, including the need to enhance access to justice, possible impact on the demand for and operation of SCT's services, changes in economic indicators, etc., as well as the views received during the consultation process. The Judiciary would closely monitor the caseload of SCT and the actual operational impact for two years, and conduct a review to see if there is a case for further revision of the jurisdictional limit.

- End -

CONTROLLING OFFICER'S REPLY**S-JA04****(Question Serial No. SV002)**Head: (80) JudiciarySubhead (No. & title): (-)Programme: (1) Courts, Tribunals and Various Statutory FunctionsControlling Officer: Judiciary Administrator (Miss Emma LAU)Director of Bureau: Not applicableQuestion:

As a follow-up question on Reply Serial No. JA023:

Please provide information on the number of civil cases for which it has taken more than six months from conclusion of hearing to the handing down of written judgment by courts at various levels, and among which the number of cases for which a judgment has not yet been handed down.

Asked by: Hon KWOK Wing-hang, DennisReply:

Referring to the civil cases at various levels of courts covered in Reply Serial No. JA023, the number of cases for which it has taken more than 180 days from conclusion of hearing to the handing down of written judgment, with position as at 28 February 2019 are as follows:

Court Level	Type of Case	Number of cases which hearings were concluded in the year with judgment delivery time exceeding 180 days ⁽¹⁾		
		2016	2017	2018
Court of Appeal of the High Court	Civil appeals	5	4	0

Court Level	Type of Case	Number of cases which hearings were concluded in the year with judgment delivery time exceeding 180 days ⁽¹⁾		
		2016	2017	2018
Court of First Instance of the High Court	Civil trials/ substantive hearings	49	39	11
	Tribunal and miscellaneous appeals	0	1	2
District Court	Civil trials/ substantive hearings	39	25	7

Remarks:

- (1) All figures are live data which may vary at different report generation date and time. Normally, 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.

- End -