

# LCQ16: Time taken for judicial processes

Following is a question by the Hon James To and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (December 5):

Question:

A well-known legal maxim says that "justice delayed is justice denied". Regarding the time taken for certain judicial processes, will the Government inform this Council:

(1) in respect of the civil cases disposed of by the High Court in each of the past three years, of (i) the number of such cases, (ii) the median time interval between the dates on which the rulings were made and the dates on which the judgments were delivered (time for preparing judgments), and (iii) a breakdown, by the time for preparing judgments (i.e. more than six months, more than 12 months, more than 18 months, more than two years, and more than three years), of the number of cases and their percentages in the total;

(2) in respect of the applications for leave to lodge civil appeals disposed of by the Court of Appeal of the High Court in each of the past three years, of (i) the number of such cases, (ii) the median time interval between the dates on which the applications were filed and the dates on which the results were announced (time for processing applications for leave to appeal), and (iii) a breakdown, by the time for processing applications for leave to appeal (i.e. more than six months, more than 12 months, more than 18 months, more than two years, and more than three years), of the number of cases and their percentages in the total;

(3) in respect of the cases on which the Family Court delivered judgments in each of the past three years, of (i) the number of such cases, (ii) the median time for preparing judgments, and (iii) a breakdown, by the time for preparing judgments (i.e. more than six months, more than 12 months, more than 18 months, more than two years, and more than three years), of the number of cases and their percentages in the total; and

(4) whether it will review if the time taken for the judicial processes mentioned in the aforesaid three items is satisfactory, and explore the measures (e.g. allocating additional resources to the Judiciary and reducing judges' work other than handling cases) to allow more time for judges to concentrate on the preparation of judgments and handling of the aforesaid processes, so that injustice to litigants can be avoided?

Reply:

President,

The Government has consulted the Judiciary on the questions raised by the Hon James To. According to the information provided by the Judiciary, the Government's responses are as follows:

(1) In respect of the civil cases disposed of by the High Court in the past three years, the number of cases are listed below:

Level of Court	Type of Cases	Number of Cases Disposed of		
		2015	2016	2017
The Court of Appeal of the High Court	Civil Appeals	277	273	224
The Court of First Instance of the High Court	Civil Jurisdiction	16 870	16 413	14 832
	Tribunal and Miscellaneous Appeals	105	84	83

As regards the time taken from conclusion of hearing to 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, the Judiciary only maintains statistics on the average time taken. These average figures are live data which may vary at different report generation date and time. For cases which hearings were concluded between 2015 and 2017, the latest available figures (Note 1) with the position as at February 28, 2018 are as follows:

Level of Court	Type of Cases	Average time taken for cases with hearings concluded in the year (days)(Note 2)		
		2015	2016	2017
The Court of Appeal of the High Court	Civil Appeals	49	27	26
The Court of First Instance of the High Court	Civil Trials/ Substantive Hearings	99	76	48
	Tribunal and Miscellaneous Appeals	51	36	60

(2) (a) Before July 1, 2017, applications for leave to lodge civil appeals in

the Court of Appeal of the High Court were counted together with some other miscellaneous cases under the category of miscellaneous proceedings of the Court of First Instance of the High Court. Between 2015 and 2017, the total number of cases disposed of under the category was 2 478, 2 577 and 2 205 respectively. The Judiciary does not keep separate statistics on the applications for leave disposed of by the Court of Appeal of the High Court.

(b) With effect from July 1, 2017, applications for leave to lodge civil appeals in the Court of Appeal of the High Court have been put, together with some other miscellaneous cases, under a new category of miscellaneous appeal cases of the Court of Appeal of the High Court. In the period from July 1, 2017 to December 31, 2017, a total of 39 cases under the new category were disposed of. The Judiciary does not keep separate statistics on the applications for leave disposed of by the Court of Appeal of the High Court.

(3) In the three years between 2015 and 2017, the number of Family Court judgments delivered and uploaded to the Judiciary website was 172, 170 and 162 respectively. The Judiciary does not keep statistics on the time taken from conclusion of hearing to delivery of judgment in respect of the cases of the Family Court.

(4) (a) As a matter of principle, the Judiciary considers it 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 former 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 Acting Chief District Judge is also monitoring the position with regard to reserved judgments in the Family Court closely and taking all possible measures to deal with the matters.

(b) 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 Acting 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.

(c) Furthermore, the Judiciary has advised that legally qualified assistants have been engaged as Judicial Associates to strengthen the legal and professional support to the High Court Judges for their discharge of judicial duties. Some of these Judicial Associates provide support to High Court Judges in civil cases and legal research work, and also provide assistance in

criminal appeals. Further, the Judicial Institute has been set up in the Judiciary to conduct research and provide relevant training to Judges and Judicial Officers (JJOs) for the enhancement of their judicial skills and knowledge.

(d) On a more general note, the Judiciary has been taking every possible measure to address issues arising from the tight manpower situation. Specifically, there have been recruitment exercises for JJOs of different court levels with a new round of recruitment exercise for Judges of the Court of First Instance of the High Court and District Judges in progress. In addition, having regard to the difficulty in the recruitment of the suitable talents in joining the bench, the terms and conditions of service for JJOs have been enhanced in 2017. A review of the statutory retirement age for JJOs has also been completed and the relevant legislative exercise to give effect to revisions to the statutory retirement ages for JJOs at all levels of courts is also underway.

(e) In addition, the Government has also supported the Judiciary's proposals to create additional judicial posts in the past years to meet its operational needs. In 2018-19, the Judiciary is seeking to create four posts of the Deputy Registrar of the High Court to strengthen the manpower position in the Masters Office of the High Court. The Government looks forward to receiving the support of the Legislative Council regarding these proposals.

(f) Lastly, the Judiciary has also pointed out that since 2017, there has been a sharp increase in torture claim cases filed with the Court of First Instance and the Court of Appeal of the High Court, and it is noted that more of such cases are now being filed with the Court of Final Appeal. The Judiciary is closely monitoring the situation and considering how such upsurge of cases should be handled without seriously affecting the processing of other civil cases. In this regard, the Judiciary would assess whether any additional requirements for judicial and other staffing resources are required, and if so, would put forward such proposals to the Government according to the established mechanism of the budgetary arrangements between the Judiciary and the Government.

Note 1: The latest available report was generated on February 28, 2018 and it would take some time to generate a further report.

Note 2: Since the figures are live data, the figures for a year would normally 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.

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# Coin Collection Programme

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority (HKMA) today announces a new service schedule of the two Coin Carts under the Coin Collection Programme, for the period of December 31, 2018 up to March 10, 2019. The schedule and other details of the Programme are shown on the HKMA webpage ([coincollection.hkma.gov.hk](http://coincollection.hkma.gov.hk)).

Since the launch of the Programme in October 2014, the two Coin Carts have completed 22 cycles of serving the 18 districts on October 28, 2018. The Carts had carried out 500 000 transactions, collecting 416 million coins with a total face value of HK\$574 million during the period. The collected coins are re-circulated to meet demand.

The Coin Carts provide service at locations that are convenient to the public without affecting the normal flow of traffic and pedestrians. Locations that have suitable power supply facilities, such as the Leisure and Cultural Services Department mobile library service locations, are preferred so as to reduce the need for using the Coin Carts' own stand-by generators. This makes the Programme more environmentally friendly. In selecting the service locations, the HKMA has taken into consideration comments and suggestions given by district councils and members of public; and has consulted the Transport Department and the Hong Kong Police Force as necessary.

The two Coin Carts collect coins from members of public in the 18 districts of Hong Kong on a rotating basis. Under normal circumstances each Coin Cart will stay at a location for a week, subject to availability of the parking space and the maintenance schedule of the Cart. Service hours are from 10 am to 7 pm. Each vehicle is equipped with two coin counting machines and operational staff will be present to provide assistance. An electrical wheelchair lift is available for use. Users can choose to exchange coins for banknotes or adding value to their stored value facilities, such as Octopus Cards or e-wallets (including AlipayHK, Octopus 0! ePay, Tap&Go, TNG Wallet and WeChat Pay). There is also a Community Chest donation box inside each vehicle. The coin collection service is free of charge.

The HKMA will review the Programme from time and time; and will regularly update the service schedule to give advance notice to the public.

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# Budget public consultation launched

The Hong Kong Special Administrative Region Government today (December 5) commenced the public consultation exercise for the 2019-20 Budget.

The Financial Secretary, Mr Paul Chan said, "Affected by international trade conflicts and other factors, Hong Kong's economic growth slowed down in the third quarter of this year, and the economic outlook for the next year is full of uncertainties. In preparing the 2019-20 Budget, I will carefully consider the risks of the macro economy, with a view to supporting enterprises, preserving employment and stabilising the economy. I will also consider measures to relieve the impact on citizens' daily lives brought about by external economic changes, as well as to seize opportunities. I sincerely invite members of the community to express their views to assist us to better prepare the Budget."

To facilitate expression of views by the community, the Government has introduced a social media platform as an additional way for collecting opinions this year. Members of the public can find relevant information at the website [www.budget.gov.hk](http://www.budget.gov.hk) and give their comments through the said website, the dedicated Facebook page for the Budget ([www.facebook.com/Budget19to20](https://www.facebook.com/Budget19to20)), by email ([budget@fstb.gov.hk](mailto:budget@fstb.gov.hk)), by phone (2810 3768), by fax (2147 5770) or by post (Budget Consultation Support Team, 24/F, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong).

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## LCQ10: External transport services for Tuen Mun and Tsuen Wan

Following is a question by the Hon Steven Ho and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (December 5):

Question:

It has been reported that with the intake of more than 20 housing estates in Yuen Long and Tuen Mun in the past five years, the population of the two districts has increased by 67 000 in the past decade. Some residents of Tuen Mun and Tsuen Wan who travel daily to Hong Kong Island for work have relayed that the traffic congestion along Tuen Mun Road and the crowdedness in train compartments of the West Rail Line during peak hours every day are aggravating, making it both time consuming and very tiring for them to commute to and from work. They hope that the Government will introduce measures expeditiously to improve the external transport services for those

districts. In this connection, will the Government inform this Council:

(1) whether it has surveyed the respective average times taken by members of the public to commute, by various means of transport, (i) between Tuen Mun and Central and (ii) between Tsuen Wan and Central, during peak and non-peak hours in each of the past five years; if so, of the details;

(2) whether it has surveyed the (i) average daily vehicular traffic flow of Tuen Mun Road and (ii) average daily patronage of the West Rail Line in each of the past five years; if so, of the details; whether it has projected the relevant figures for each of the coming five years; if so, of the details;

(3) whether it will re-commission the ferry route between Central and Tsuen Wan as well as that between Central and Tuen Mun to provide service full-day or during peak hours; if so, of the details; if not, the reasons for that; and

(4) of the specific plans and measures, implemented now and in future, to alleviate the hardship suffered by Tuen Mun and Tsuen Wan residents in commuting to and from work?

Reply:

President,

Residents of Yuen Long, Tuen Mun and Tsuen Wan, which are located in New Territories West and Kowloon West, are served by various kinds of convenient public transport modes connecting to the city. They may commute by means of railway lines, including Tsuen Wan Line, Tung Chung Line and West Rail Line; and depending on availability of services in their localities, residents in Tuen Mun may take light rail and transfer to the West Rail Line. Franchised buses and non-franchised buses are plying between Yuen Long/Tuen Mun/Tsuen Wan and Central via Route 3, Tuen Mun Road, Ting Kau Bridge and Western Harbour Crossing.

My reply to the various parts of the Hon Steven Ho's question is as follows:

(1) The Transport Department (TD) does not have statistics on the average time taken by members of the public to commute, by various means of transport between Tuen Mun/Tsuen Wan and Central during different periods of a day. The actual time for journeys are subject to a host of factors, including modes of commuting, road traffic, rail passenger flow, and the actual places where the journeys start and end. The public may make use of the all-in-one mobile application "HKeMobility" launched by the TD to search for routes of different transportation modes, journey times and fares, and obtain real-time traffic news to plan for the most appropriate travel arrangements.

According to information available, a journey during peak hours between Tuen Mun and Central, by means of railway with interchange at Nam Cheong to Tung Chung Line or West Rail Line, generally takes about 50 minutes; and a journey between Tsuen Wan and Central via Tsuen Wan Line takes about 29 minutes. Journey time for non-peak hours is more or less the same. As for the

franchised bus services connecting Tuen Mun and Tsuen Wan with Central during peak hours, KMB Route No. 961 (Shan King Terminus – Hong Kong Convention and Exhibition Centre in Wan Chai), for example, takes about 60 minutes to get to Central. City Bus Route No. 903 (Tsuen Wan West Station/Discovery Park – Wan Chai North) takes about 45 minutes to get to Central.

(2) The annual average daily traffic volume of Tuen Mun Road (between Sham Tseng and Tsing Long Highway) over the past five years and the estimated annual average daily traffic volume between 2018 and 2022 are respectively set out in the Annex. We anticipate that upon full commissioning in 2020, the Tuen Mun – Chek Lap Kok Link will provide another trunk road for linking up New Territories West and Lantau and help divert traffic on Tuen Mun Road. The average daily patronage of the West Rail Line in each of the past five years is also set out in the Annex.

As regards the patronage for the West Rail Line in the coming five years, much will depend on the impact of the commissioning of the Tuen Ma Line under the Shatin to Central Link, which is under construction, on the existing West Rail section. But, in general, the flow of passengers does not stabilise during the early stage of commissioning of new railway lines. Thus, the Government will normally conduct continuous monitoring of the flow of passengers after commissioning and then assess future patronage. If the factor of the opening of the Tuen Ma Line is discounted and on the basis of the data for the past five years, the flow of passengers for the West Rail Line generally rises in the range of 0.6 per cent to 2.3 per cent every year.

(3) In tandem with the continuous enhancements in traffic network and ancillary transport facilities in recent years, the two ferry routes, "Central – Tsuen Wan (via Tsing Yi)" and "Central – Tuen Mun", ceased operation in July 2000 as a result of inadequate patronage. The TD invited tenders for the two ferry routes of "Central – Tsuen Wan (via Tsing Yi)" and "Central – Tuen Mun" in March and April 2000 respectively with a view to selecting suitable ferry operators to provide licensed ferry services for the above routes. Yet, no tender submission was received. In August 2010, at the request of members of the local community, the TD conducted a new round of tender exercise for the "Central – Tuen Mun" route. Despite the relaxation of the tender requirements, no tender submission was received. The TD considered that the results of the tender exercises reflected the market assessment that the operation of the two services was not financially viable under the operating environment at that time with low patronage. Nevertheless, the Government welcomes application from operators interested in launching new licensed ferry services. However the TD has not received any proposal to operate new licensed ferry services between Tsuen Wan/Tuen Mun and Central up till now. In case a proposal is received, the TD will assess the service proposal having regard to such factors as passenger demand, financial and operational viability of the abovementioned ferry services.

(4) At present, the external public transport services for Tsuen Wan and Tuen Mun are generally adequate for meeting passenger needs.

With regard to railway service, the MTR Corporation Limited (MTRCL) has



been committed to enhancing the capacity of its network. The Corporation has increased the train frequency during peak hours where possible, and has adopted various passenger flow management measures to alleviate crowdedness during peak hours. On the West Rail Line, the current train frequencies for the morning and evening peak hours are around 3 and 3.5 minutes respectively. During the busiest period of the morning peak hours, the MTRCL additionally provides a regular special train trip departing from Tin Shui Wai Station for Hung Hom. To dovetail with the Shatin to Central Link project, the West Rail Line has deployed 8-car trains on a full scale since late May this year, resulting in an increase of around 14 per cent in the overall capacity of the line. The above measures were observed to effectively alleviate crowdedness at the busiest sections during the said hours. As regards the Tsuen Wan Line, the MTRCL is currently proceeding with the replacement of the signalling systems of the line, the completion of which will help increase both the capacity and efficiency of train service. Moreover, during the evening peak hours, the MTRCL currently arranges individual direct train trips to Admiralty Station without pick-up at Central Station so as to ease passenger flow at the platform of Admiralty Station, where numerous passengers are waiting to board trains bound for Tsuen Wan. The Corporation also deploys platform assistants to platforms of busy stations on all lines with a view to assisting passengers with orderly and smooth boarding and alighting, thereby enabling on-time departures and efficient operation of trains.

The MTRCL will continue to closely monitor the loading of relevant lines. To cope with demand generated by future patronage, the Corporation will review and consider proposals from time to time, including enhancing station management measures to ease passenger flow, increasing train frequency where practicable, and offering fare concessions to alleviate the heavy loading of trains during peak hours.

In respect of franchised bus services, the TD and franchised bus companies jointly formulate bus route planning programmes on an annual basis. As for Tsuen Wan and Tuen Mun districts, the franchised bus companies concerned will adjust their bus services in the light of the needs of passengers in these two districts. The TD will continue to keep in view the developments in Tsuen Wan and Tuen Mun, and will consider supportive transport measures and adjustments to public transport services where necessary.

In the long term, the Chief Executive just mentioned the Lantau Tomorrow Vision in the Policy Address, in which a part of the proposed railway corridor as referred to in the Lantau Tomorrow Vision is similar to the alignment of Tuen Mun-Tsuen Wan Link (Tuen Mun to Tsing Lung Tau). The Transport and Housing Bureau plans to take forward the Strategic Studies on Railways and Major Roads beyond 2030 (RMR2030+ Studies) on the conceptual spatial requirements to be firmed up under the Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030 (Hong Kong 2030+ Study), which is being conducted by the Development Bureau and the Planning Department. Based on the latest planning information, RMR2030+ Studies will examine the demand for and supply of transport infrastructure, including

railways and major roads, in Hong Kong between 2031 and 2041, and study the loading of the heavy rails in the Northwest New Territories beyond 2030. We will consider the planning studies and the recommended strategic transport corridors in relation to the Lantau Tomorrow Vision, as well as look into the layout of the proposed railway and major road infrastructure with regard to the transport infrastructure required for the longer-term strategic growth areas of Hong Kong 2030+ Study (including the New Territories North), to ensure that the planning of large scale transport infrastructure can meet the needs of the overall long-term land use developments of Hong Kong. RMR2030+ Studies will also examine the impact of the proposed transport infrastructure on the existing transport network (including the West Rail Line) and formulate corresponding strategies. The Legislative Council Panel on Transport expressed support for the above studies in June 2017. Since Hong Kong 2030+ Study has not yet been completed, we will seek funding approval in due course for implementing RMR2030+ Studies.

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## LCQ18: Pleasure vessels

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (December 5):

Question:

It is learnt that at present, quite a number of owners of pleasure vessels (PVs) provide, at the same time when renting out PVs to customers, water play equipment such as jet-skis or inflatable banana boats to them. Under the existing legislation, jet-skis are required to be issued with a relevant licence while non-mechanised inflatable vessels such as banana boats are not required. In this connection, will the Government inform this Council:

(1) whether vessel owners providing jet-skis or banana boats are required to take the initiative and expeditiously report to the Marine Department (MD) after any accident involving such equipment has occurred; if so, of the details (including the reporting mechanism and penalty for non-compliance); if not, the reasons for that;

(2) given that PV owners who intend to use their vessels for towing inflatable vessels such as banana boats, must apply in writing for and obtain the approval of MD, of the penalty to be imposed on those PV owners who do not comply with this requirement; and

(3) of the number of cases in which prosecutions were instituted in each of the past five years by MD against the persons concerned for contravention of the law involving jet-skis or banana boats?

Reply:

President,

My responses to the question raised by the Hon Holden Chow are as follows:

(1) The existing Merchant Shipping (Local Vessels) Ordinance (Cap. 548) (the Ordinance) does not require non-mechanised inflatable vessels including banana boats to obtain an Operating Licence for Local Vessel. However, under section 57 of the Ordinance, where a local vessel (including jet-skis and pleasure vessels towing banana boats) is involved in any incident within the waters of Hong Kong, the owner or person-in-charge of the vessel shall report in writing to the Marine Department (MD) within 24 hours after the occurrence of the incident, providing details such as basic particulars of the vessel and the coxswain concerned, type of the incident (e.g. collision, contact, stranding or machinery damage), location, time, sequence of events, as well as number of vessels and casualties involved, etc.. Any owner or person-in-charge of the vessel contravening the requirements on reporting marine incident(s) will be liable on conviction to a maximum fine of \$10,000.

(2) The coxswain of a Class IV vessel (i.e. pleasure vessel) will be liable on conviction to a maximum fine of \$5,000 if he uses the vessel to tow inflatable vessels such as banana boats without the permission of the Director of Marine.

(3) During the period from 2012 to 2017, MD had taken prosecution actions against 14 cases of owners or persons-in-charge of Class IV vessels failing to report details of marine incident to MD after occurrence of an incident. None of these cases involved jet-ski or banana boat. In addition, MD had also taken prosecution actions against five cases of illegal use of pleasure vessels for towing purpose during the five-year period.