

LCQ15: Small Claims Tribunal

Following is a question by the Hon Chan Kin-por and a written reply by the Chief Secretary for Administration, Mr Chan Kwok-ki, in the Legislative Council today (May 21):

Question:

The jurisdictional limit of the Small Claims Tribunal (SCT) was increased from \$50,000 to \$75,000 in 2018. In this connection, will the Government inform this Council:

- (1) whether it knows the number of cases filed to SCT over the past three years and its percentage in the total number of court cases, together with a breakdown by the claim amount (i.e. (i) \$50,000 or less, (ii) \$50,001 to \$74,999, and (iii) \$75,000);
- (2) given that in the reply to a question raised by a Member of this Council on the Estimates of Expenditure 2025-2026, the Judiciary has indicated that when considering adjusting the jurisdictional limit of SCT, it would analyse a host of factors, including public demand for SCT's services and changes in economic indicators, and that it is learnt that the amounts involved in civil disputes in recent years have significantly increased, with the claim amount of some cases filed to SCT already reaching the limit of \$75,000, whether the Government knows when the Judiciary will adjust the jurisdictional limit of SCT and whether it will consider raising the claim limit; and
- (3) given that, according to information from the Judiciary, the average waiting time for cases in SCT from filing to first hearing over the past three years was 35 to 41 days, which is better than the target time of 60 days, there are views that the relevant situation indicates that even if the jurisdictional limit of SCT is adjusted, SCT still has sufficient manpower to handle additional caseload, whether the Government knows how the Judiciary assesses the impact of adjusting the jurisdictional limit of SCT on the average waiting time for cases filed?

Reply:

President,

Based on the information provided by the Judiciary, the Government's reply is as follows:

- (1) In the past three years (2022 to 2024), around 80% of cases filed in the Small Claims Tribunal (SCT) involve claim amounts of \$50,000 or less. The breakdown of the relevant cases by respective claim amounts is as follows:

Claim amount (HK\$)	Number of cases filed		
	2022 (%)	2023 (%)	2024 (%)
≤ 25,000	26 483 (64%)	33 817 (65%)	39 510 (69%)
> 25,000 to ≤ 50,000	6 329 (15%)	7 820 (15%)	8 180 (14%)
> 50,000 to ≤ 75,000	8 702 (21%)	10 667 (20%)	9 764 (17%)
Total	41 514 (100%)	52 304 (100%)	57 454 (100%)

Note: In the past three years (2022 to 2024), a total of more than 1.6 million cases were filed in all levels of court (including the Court of Final Appeal, the High Court, the District Court, the Magistrates' Courts and various Tribunals), and about 10% of them were filed in the SCT. However, we should note that since the jurisdiction, case types and resources of courts at different levels vary, the caseloads among them should not be directly compared.

(2) and (3) The SCT adopts a less formal approach to proceedings, providing a relatively quick and less costly avenue for litigants to resolve civil disputes involving lower claim amounts. One of the features of the proceedings in the SCT is that legal representation is not allowed. In considering any proposal for adjustment to the jurisdictional limit of the SCT, the Judiciary will comprehensively and objectively analyse all relevant factors, including the functions of the SCT, the demand for its services and its operational impact, changes in economic indicators and views of stakeholders, so as to ensure an appropriate distribution of cases between the District Court and the SCT, thereby enhancing access to justice for the members of the public in need.

The jurisdictional limit of SCT was increased from \$50,000 to \$75,000 with effect from December 3, 2018. Since then, the Judiciary has been closely monitoring the caseload of the SCT. According to the Judiciary's case statistics from 2019 to 2024, while the total number of cases filed to SCT has increased by 2.8% from 55 879 to 57 454, those cases involving claim amounts exceeding \$50,000 has been substantially reduced by 32% from 14 315 (26% of total number of cases) to 9 764 (17% of total number of cases).

The average court waiting times of the SCT in 2023 and 2024 recorded at 35 and 41 days respectively, which were within the target waiting time of 60 days. It should be noted that waiting times of the SCT is only one of the indicators of its operation, and do not reflect the substantial resources involved in the process of cases by the SCT, particularly on the part of the Adjudicators and Tribunal Officers in assessing, liaising with litigants/parties and facilitating settlement of cases through alternative dispute settlement out of court (including mediation) instead of trial proceedings. Such cases accounted for around 90% of the cases disposed of at the SCT.

In the light of the above, the Judiciary considers that the jurisdictional limit of the SCT is currently at an appropriate level, and has

no plan to make adjustments at the moment. The Judiciary will continue to keep relevant factors mentioned above under review to assess whether there is a need to adjust the jurisdictional limit of the SCT in the future, thereby ensuring appropriate distribution of cases between the District Court and the SCT.