

For information

**Paper for the Panel on
Administration of Justice and Legal Services
Implementation of the Civil Justice Reform**

Purpose

The purpose of this paper is to inform Members of the implementation plan for the recommendations in the Final Report of the Civil Justice Reform (“the Report”) pertaining to the Judiciary.

Background

2. The Report was published on 3 March 2004, with a total of 150 recommendations. The majority of these recommendations involve amendments to the existing rules and practices in the High Court, and some recommendations also involve amendments to the primary legislation. They aim to improve the cost-effectiveness of our civil justice system, to make it less complex and to reduce delays, while always keeping in mind the fundamental requirement of doing justice between the parties. The Working Party submitted the Report to the Chief Justice.

Present Position

3. On 19 March 2004, the Chief Justice announced that he had accepted the recommendations made by the Working Party in the Report. The important task for the Judiciary now is to proceed to implement these recommendations. The Chief Justice is of the view that in order to achieve the overall objectives of the Civil Justice Reform, the recommendations, which are to be implemented by the Judiciary, should be taken forward together as one integrated package since most of them are inter-related. To this end, the Chief Justice has established a Steering Committee on Civil Justice Reform (“Steering Committee”) to take overall charge of the implementation of the recommendations pertaining to the Judiciary.

Steering Committee on Civil Justice Reform

(a) Terms of Reference

4. The Steering Committee has the following terms of reference -

“To oversee the implementation of the recommendations of the Final Report on Civil Justice Reform relating to the Judiciary.”

(b) Composition

5. The Steering Committee is chaired by Mr Justice Ma, Chief Judge of the High Court. Other members are Mr. Justice Woo, Vice-President of the Court of Appeal; Mr. Justice Hartmann, Madam Justice Chu, Mr. Justice Barma and Mr. Justice Reyes, Judges of the Court of First Instance; and HH Judge Au Yeung, Judge of the District Court and Acting Registrar of the Court of Final Appeal. It is supported by the Judiciary Administration.

(c) Major Tasks of the Steering Committee

6. As a considerable number of the recommendations involve amendments to the existing rules and practices in the High Court, the first and foremost task of the Steering Committee would be to work on the necessary amendments to the relevant primary and subsidiary legislation, and to introduce amendments to and draw up new Practice Directions. In this connection, the Steering Committee will work closely with the Department of Justice in identifying the detailed amendments to the relevant legislation, including the necessary consequential amendments, as well as throughout the drafting process. The Steering Committee would interact and consult the legal profession and other concerned parties as appropriate in the course of its work. For recommendations pertaining to amendments to the Rules of the High Court, the Steering Committee would put forward concrete proposals to the High Court Rules Committee^{Note} for consideration. The Steering Committee will also seek the assistance of the Administration in navigating the amendments through the legislative process at appropriate juncture.

^{Note} The High Court Rules Committee is set up pursuant to section 55 of the High Court Ordinance (Cap. 4) to make rules of court regulating and prescribing the procedure and the practice to be followed in the High Court.

7. Apart from legislative amendments, proper training for Judges and administrative staff is another key element for the smooth and effective implementation of the recommendations. In addition to in-house training, it is also important to promulgate the changes outside the Judiciary. The use of Information Technology (“IT”) is yet another area which needs to be carefully considered to support the effective implementation and the future monitoring of the reformed procedures. The Steering Committee will be responsible for devising training strategy and programmes to ensure the successful implementation of the proposed reform. It would also look into the area of IT enhancement and infrastructural changes in due course to ensure that appropriate and adequate support is in place to dovetail with the legislative changes.

Resource Implications

8. The Judiciary would need some capital money for implementing the recommendations in the Report. We are seeking to use the unspent balance of \$6.94 million in the Judiciary’s Save and Invest Account for the work involved. In addition, the Judiciary would need resources to enhance and revamp the IT system in support of the reform at the appropriate stage. Apart from these one-off funding requirements, the Judiciary would use its best endeavours to manage the recurrent resource implications from its existing resources, and would monitor the situation closely to see if this is feasible.

Tentative Timetable for Implementation

9. It is expected that it would take two to three years to implement the recommendations, as substantial changes to the civil justice system are involved, and it is important to get them right. This tentative timetable has taken into account the time required for the legislative process, and the various IT enhancement and infrastructural changes.

Other Recommendations

10. There are a number of recommendations in the Report which require further study by bodies outside the Judiciary. The Chief Justice would be discussing with the Secretary for Justice on how the further study and consultation regarding the proposed scheme for multi-party litigation should be taken forward. The Chief Justice would also be writing to the Chief Secretary for Administration, inviting the Administration to consider the proposal of empowering the Director of Legal Aid to fund mediation with legal aid in suitable cases.

Next Step

11. The Steering Committee would proceed with the implementation work as expeditiously as possible. Through the Judiciary Administration, the Panel on Administration of Justice and Legal Services would be informed of developments in the process, and be consulted as appropriate.

Judiciary Administration
20 March 2004