

**The Judiciary Administrator's Presentation
At the Special Finance Committee Meeting
on 13 April 2005**

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. Its role is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedoms of individuals and commands domestic and international confidence. In the financial year 2005-06, a total provision of \$944.4 million is sought.

High Court

2. There has been a drop in the civil caseload of the Court of First Instance of the High Court, from 39,554 cases in 2003 to 23,993 cases in 2004. It should be noted that the decrease relates to the reduction of 43% in bankruptcy petitions and the reduction of debt collection cases, both of which only take up limited judicial time as they usually do not result in trials.

3. The criminal caseload increased by 12%, from 337 cases in 2003 to 377 cases in 2004. During the same time, the number of long cases (i.e. over 15 days) had increased from 27% of all criminal trials in 2003 to 32% in 2004.

District Court

4. The financial limit of the civil jurisdiction of the District Court had been increased from \$600,000 to \$1 million since 1 December 2003. The impact on the civil caseload had been limited, as the caseload in 2004 only increased by 3% over 2003.

5. A two-year Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings has been introduced in the Family Court since December 2003 to encourage the parties to reach settlement and to reduce unnecessary costs, delay and stress during the proceedings. Up to now, more than half of the cases under the Pilot Scheme have been settled before the First Appointment with the judge. The effectiveness of the Pilot Scheme will be evaluated.

Magistrates' Courts

6. The average waiting time at the Magistrates' Courts is about three months as at March 2005. However, there is a range of waiting times as between the various Magistrates' Courts with the longer waiting times at Eastern (four months), and at Sha Tin and Kowloon City (104 and 97 days respectively). In the light of the lengthening waiting times, resources will be deployed to enable additional Deputy Special Magistrates to be appointed shortly. Furthermore,

Tsuen Wan Magistrates' Courts will not be closed in January 2006 as originally planned. A review on whether to continue with the plan and if so when will be conducted later.

Labour Tribunal

7. The number of claims filed at the Labour Tribunal decreased by 27% to 8,273 cases in 2004 from 11,263 cases in 2003. The reduction in caseload is largely due to the economic recovery of Hong Kong. The waiting times from appointment booking to filing of claim and that from filing of claim to first hearing are well within target.

8. The Working Party on the Review of the Labour Tribunal finalised its report in June 2004. It made 37 recommendations to improve the operation of the Labour Tribunal. All recommendations apart from some requiring legislative amendments have been implemented.

Resource Centre for Unrepresented Litigants

9. The Resource Centre has been in operation for about 16 months. Its webpage, from which viewers can obtain basic information on civil procedures in the High Court and District Court, is very popular, with over 470 accesses a day.

10. The Chief Justice has appointed a Consultative Committee to review the operations of the Resource Centre. It is chaired by Madam Justice Chu, with members from the Judiciary, the legal profession, law schools and the Hong Kong Council of Social Service.

Civil Justice Reform

11. The Chief Justice accepted in March 2004 the recommendations in the Final Report of the Working Party on Civil Justice Reform. A Steering Committee on Civil Justice Reform, chaired by the Chief Judge of the High Court has been established to oversee the implementation of the recommendations. Primary and subsidiary legislation are being drafted. Extensive training of judges and supporting staff will be planned.

Information Technology

12. As a continuous effort to improve court services, the Judiciary keeps exploring areas in which automation could be used to provide the public with better access to justice.

13. With the establishment of a case management system for the Obscene Articles Tribunal in March 2005, all court registries are now provided with case management systems.

14. Existing computer systems will be revamped to support the implementation of the Civil Justice Reform recommendations.

Conclusion

15. To make optimal use of resources, we have introduced a number of efficiency initiatives. The process in promoting efficiency initiatives in the Judiciary is a continuous one.

16. But it must be pointed out that there is a limit to which this could be done. The Chief Justice has stated repeatedly that, despite budgetary constraints, the quality of justice must be maintained and must not be compromised. This is a fundamental principle which must again be emphasized.

17. As has been pointed out by the Chief Justice, it must be recognised by all concerned that the inevitable consequence of budgetary constraints over a period of time will be that the waiting times will be lengthened at all levels of court. The Basic Law and the Bill of Rights provide for constitutional rights to justice in the courts without undue delay. Government would have to bear the responsibility if these rights are breached due to its failure to provide adequate resources to the Judiciary. When the point of time

is reached that the waiting times are considered to be unacceptable, the question of providing additional resources to the Judiciary will have to be raised and addressed by the Administration and the Legislature.

18. Thank you.