

**The Judiciary Administrator's Presentation
at the Special Finance Committee Meeting
on 16 March 2006**

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 2006-07, a total provision of \$952.7 million is sought to enable the Judiciary to achieve its objectives.

Budgetary Arrangements for the 2006-07 Draft Estimates

2. Over the past few years, in the face of the budgetary constraints facing the Hong Kong Government, the Judiciary had adopted various measures to achieve savings. These included shelving of capital projects, merging of Magistrates' Courts, reducing the number of temporary judges at all levels, leaving some judicial posts vacant, and streamlining of tasks and procedures in the Judiciary Administration. The inevitable consequence of budgetary constraints over a period of time had

resulted in the lengthening of waiting times at various levels of courts.

3. In early 2005, the Judiciary reviewed the situation and considered that the long waiting times were unacceptable, particularly for the High Court and the Magistrates' Courts. The Judiciary raised the question that the provision of adequate resources to the Judiciary would have to be addressed to ensure that the quality of administration of justice would not be compromised as a result of budgetary constraints. In order, therefore, that the resource requirements of the Judiciary could be considered at an early stage, the Judiciary agreed with the Administration that our resource requirements for 2006-07 would be submitted to the Administration, in August 2005, prior to the Administration drawing up the operating expenditure envelope for the Judiciary. This was done.

4. The draft Estimates of 2006-07 for the Judiciary, amounting to \$952.7 million, represents an increase of \$59.8 million, or 6.7%, over our revised estimates for 2005-06. This would provide adequate resources for the Judiciary to embark on plans of not to close the Tsuen Wan Magistrates' Courts in January 2006 as originally planned, defreezing the recruitment of judges and judicial officers (JJOs), the appointment of more deputy JJOs to cope with the judicial work, and the

redeployment and engagement of more support staff to provide support to the increased level of judicial services.

5. Indeed, the Judiciary has already started to take action in the latter half of 2005-06 to provide additional temporary judicial resources to the courts and to provide additional support staff and services for the courts' operation. In November 2005, we have also started the recruitment exercise of Permanent Magistrates. In 2006-07, we would continue to provide additional temporary judicial resources and launch the recruitment exercises for District Judges and High Court Judges. In addition, the Judiciary has planned to engage about 25 staff on a temporary basis to support the Deputy Judges and Judicial Officers.

6. The Judiciary considers that the above budgetary arrangements are working satisfactorily, and the Administration has been helpful in the process.

Waiting Times

7. As mentioned above, the Judiciary has been monitoring the waiting times at various levels of courts and has taken measures to redeploy judicial resources over the last six months to the pressure areas with a view to keeping them

reasonably within targets. There are emerging indications that the measures are becoming effective.

8. In 2005, in the Court of First Instance of the High Court, the average waiting times of the Criminal and Civil Fixture Lists were 193 days and 233 days respectively. These have been significantly reduced during the last six months, standing at 157 days for the Criminal Fixture List and 172 days for the Civil Fixture List.

9. At the Magistrates' Courts, the waiting time was about three months in early 2005. Over the last six months, the average waiting times were about 37 days for charge cases with defendants in custody and 63 days for those with defendants on bail.

10. We are aware that there may be fluctuations in the waiting times from time to time, but the above developments are encouraging.

Civil Justice Reform

11. In 2005, the Steering Committee on Civil Justice Reform has been working on the amendments to the relevant primary and subsidiary legislation. The amendment exercise is

well underway. We would be ready to consult the legal profession on the draft legislation shortly. We have also started the study on the application of the Civil Justice Reform to the District Court and will be consulting the profession. Further, the Steering Committee is also working on formulating an information technology enhancement strategy to support the reformed procedures.

Conclusion

12. The Judiciary will continue to explore areas for further improvements to enhance access to justice and to provide quality services to court users and members of the public.

13. Thank you.