

香港司法機構
司法機構政務處



JUDICIARY ADMINISTRATION
JUDICIARY
HONG KONG

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20 March 2006

Clerk to LegCo Panel on
Administration of Justice and Legal Services
(Attn: Mrs Percy Ma)
Legislative Council Building
8 Jackson Road, Central
Hong Kong

Dear Mrs Ma,

**Panel on Administration of Justice and Legal Services
Budgetary Arrangement and Resources for the Judiciary**

I refer to your letter of 1 March 2006, and set out below the Judiciary's position on the two issues raised therein.

(1) Budgetary Arrangement for the Judiciary

2. At the Panel meeting on 12 July 2005, Members noted the Administration's proposal to adopt a revised arrangement for the preparation of the Judiciary's draft Estimates for 2006-07, whereby the Judiciary would be consulted on its overall resource requirements, **prior to** the Administration drawing up the operating expenditure envelope for the Judiciary. Following this revised arrangement, the Judiciary submitted to the Administration our resource requirements for 2006-07 in August 2005, i.e. prior to the Administration drawing up the operating expenditure envelope for the Judiciary.

3. In drawing up the Judiciary's resource requirements for submission to the Administration, we have included the resources necessary for the Judiciary 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.

4. The draft Estimates of 2006-07 for the Judiciary amounts to \$952.7 million, representing an increase of \$59.8 million, that is, 6.7%, over our revised estimates for 2005-06. This would provide adequate resources for the matters mentioned in paragraph 3 above.

5. The Judiciary considers that the above budgetary arrangement is working satisfactorily, and the Administration has been helpful in the process. The Judiciary looks forward to the Administration's continued adoption of this arrangement for the preparation of the Judiciary's budget in future. We would be grateful if the Administration would continue to be as facilitating and as constructive as possible in considering the Judiciary's future resource requirements.

6. We understand that the Administration has also reviewed the revised arrangement and will respond separately.

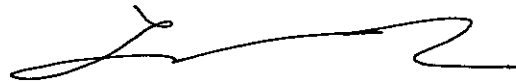
7. With the revised budgetary arrangement in place, the Judiciary will continue to explore areas for further improvements to enhance access to justice and to provide quality services to court users and members of the public.

8. The Judiciary keeps an open mind on any suggested measures, within the parameters of the Basic Law, which would enhance judicial independence and ensure that the Judiciary is provided with adequate resources to administer justice without undue delay. One suggested measure is that the Judiciary should have autonomy to determine its budget on the basis of some objective yardsticks or predetermined formulae. As the revised budgetary arrangement has just been in place and has worked satisfactorily for the preparation of the draft Estimates in 2006-07, the Judiciary will continue to monitor the situation closely before considering whether any further measures are necessary.

(2) Resource Implications for the Judiciary Arising from the Administration's Legislative Framework Concerning Interception of Communications and Covert Surveillance

9. If the Administration's legislative proposals as set out in the Interception of Communications and Covert Surveillance Bill are enacted and implemented, it would be necessary to provide the Judiciary with sufficient resources. The Administration is aware of the Judiciary's position on adequate resources required as set out in the Judiciary's paper to the LegCo Panel on Security (LC Paper No. CB(2)1189/05-06(01)). The Judiciary is in continuing discussion with the Administration on this matter.

Yours sincerely,



(Miss Emma Lau)
Judiciary Administrator

c.c. Secretary for Financial Services and the Treasury
(Attn: Ms Elizabeth Tse) – 2801 7135

Director of Administration
(Attn: Mrs Susan Mak) – 2877 0802