

Implementation of a Five-day Week for the Judiciary

Purpose

This paper sets out the phased implementation of a five-day week for the Judiciary.

Background

2. In April 2006, having regard to the policy initiative proposed by the Administration and that Judiciary Administration staff are essentially civil servants, the Chief Justice decided in principle to adopt a five-day working week for the Judiciary. On 19.4.2006, the Judiciary issued the “Consultation Paper on the Proposed Implementation of a Five-Day Week for the Judiciary” to Judges and Judicial Officers, staff in the Judiciary Administration, the legal profession and other court users. By 22.5.2006, a total of 41 responses were received. The major views received are summarised at the **Annex**.

Annex

Three-Phase Implementation of a Five-Day Week

3. Having considered the views received, the Judiciary has decided on a three-phase implementation of a five-day week. The services to be covered in each phase are set out in the following paragraphs.

Phase I : 1.7.2006

4. Phase I will commence on 1.7.2006. Under this phase, a five-day week will apply to -

- (a) **Court sittings:** no sittings will be listed on Saturdays, except for admission ceremonies for senior counsel, barristers and solicitors in the High Court, hearings fixed by individual Judges or where statute provides for Saturday hearings, for example, under the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62). A new Saturday sitting roster arrangement would be introduced in the Magistrates’ Courts to deal with fresh remand cases; and

- (b) **Back offices** without any interface with members of the public.

Phase II - 1.1.2007

5. Phase II will commence on 1.1.2007. The services to be covered are essentially those which have a public interface. The implementation of a five-day week here would require administrative preparations, e.g. promulgation of revised opening hours, re-printing of publications, etc, but no need for legislative amendments. The offices which are likely to be covered are -

- (a) Information counters and public enquiry services;
- (b) Press and Public Relations Office;
- (c) Libraries; and
- (d) Resource Centre for Unrepresented Litigants.

6. In respect of libraries and the Resource Centre, starting from June 2006, the Judiciary will monitor their usage rates on Saturdays as compared to weekdays, before taking a final decision as to whether they should be covered in Phase II.

Phase III – As Soon as Practicable after the Enactment of Necessary Legislative Amendments

7. Phase III would cover services with a public interface where the implementation of a five-day week will require legislative amendments to primary and / or subsidiary legislation. These include -

- (a) Court Registries and general offices of Magistrates' Courts;
- (b) Accounts Offices;
- (c) Bailiffs' Offices;
- (d) Probate Registry; and
- (e) Oaths and Declarations Office.

8. The Bar Association, the Law Society and the Department of Justice have each indicated in their responses that for a five-day week to be implemented in these offices, legislative amendments, including amendments to section 71 of the Interpretation and General Clauses Ordinance (Cap. 1), are likely to be required. The Judiciary is now

undertaking a comprehensive study on all necessary amendments to legislation (both primary and subsidiary) as well as Practice Directions. It is expected that the study will be completed by summer 2006. The Judiciary will forward the relevant results of its study, particularly those relating to amendments to primary legislation, to the Administration for consideration and liaise with the Administration on how to take the proposed amendments forward.

9. The implementation of Phase III and its timing would depend on the completion of the necessary amendments to legislation (both primary and subsidiary).

Liaison with the Legal Profession, Other Court Users and the Public

10. The Judiciary will continue to maintain close liaison with the legal profession, other court users and the public through available channels on the implementation of the five-day week. For example, specific working meetings on the implementation of a new Saturday sitting roster arrangement for fresh remand cases in the Magistrates' Courts will be convened with all concerned to work out the detailed arrangements.

11. The Judiciary will continue to keep all concerned parties informed of the progress of the implementation of the five-day week.

Consultation Paper on the Proposed Implementation of a Five-Day Week for the Judiciary

Summary of Views Received

Legislative Amendments Required

1. Paragraph 28 of the Consultation Paper raised the matter concerning the impact of section 71 of the Interpretation and General Clauses Ordinance (Cap. 1). The Bar Association, the Law Society, the Department of Justice (DoJ) and Legal Aid Department (LAD) have all commented that section 71 of Cap. 1 has to be amended for the implementation of a five-day week. The Bar Association has also questioned whether any amendments to subsidiary legislation (such as Rules of the High Court) to exclude Saturday in the computation of time would be effective, if all relevant primary legislation and in particular Section 71 of Cap. 1 is not so amended. The DoJ has suggested that Section 71 of Cap. 1 be amended, but only to the extent that it concerns judicial proceedings.

2. Some respondents have pointed out specific areas which may require amendments to legislation upon the implementation of a five-day week in the Judiciary.

Admission Ceremonies for Barristers and Solicitors

3. The Bar Association and the Law Society have commented that the admission ceremonies should continue to be held on Saturdays, this day being the most convenient for the applicants, their family and friends, and the legal profession.

Libraries and Resource Centre for Unrepresented Litigants

4. There were some comments that the libraries and the Resource Centre should continue service on Saturdays, as the suggested extension of 45 minutes on Mondays to Thursdays may not be convenient to members of the public, particularly to people who have to travel to Admiralty after office hours. The Judiciary will start monitoring the usage of these services on Saturdays in June 2006 before deciding the way forward.

Working Hours/Flexi-hours

5. There were comments that some flexibility should be allowed for the working hours of staff of the Judiciary Administration.
