

**The Judiciary Administrator's Presentation
at the Special Finance Committee Meeting
on 22 March 2007**

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. Its role is to maintain an independent and effective judicial system, which upholds the rule of law, safeguards the rights and freedoms of individuals and commands confidence within and outside Hong Kong. In the financial year 2007-08, a total provision of \$995.6 million is sought to enable the Judiciary to achieve its objectives.

Budgetary Arrangements for the 2007-08 Draft Estimates

2. In accordance with the budgetary arrangements agreed between the Judiciary and the Administration in 2005, the Judiciary submitted its resource requirements for 2007-08 to the Administration in August 2006, prior to the Administration drawing up the operating expenditure envelope for the Judiciary. Based on the experience of the last two exercises, the Judiciary considers that the above budgetary arrangements are working satisfactorily, and the Administration has been helpful in the process.

3. The draft Estimates of 2007-08 for the Judiciary, amounting to \$995.6 million, represents an increase of \$95

million, or 10.5%, over our revised estimates for 2006-07. This would provide adequate resources for the Judiciary to appoint additional judges and judicial officers at the levels of District Court and Magistrates' Courts to fill existing vacancies, appoint additional Deputy Judges and Judicial Officers at various levels of court to help improve waiting time in pressure areas, and deploy and engage adequate staff to provide support to the increased level of judicial and registry services.

4. Last year, I informed Members that the Judiciary had started to take action in the latter half of 2005-06 to recruit Judges and Judicial Officers at various levels of court. Much progress has been made in the past 12 months in this regard. In November 2005, we started the recruitment of Permanent Magistrates and the appointment of 11 Permanent Magistrates took effect from August to October 2006. In May 2006, we started the recruitment of Judges of the Court of First Instance of the High Court and Judges of District Court. 6 Judges of the Court of First Instance of the High Court took office from November 2006 to January 2007 and 7 District Judges took office in February 2007. It is expected that some additional appointments of District Judges would be announced in the coming months. Finally, in September 2006, we started the recruitment of Special Magistrates, and it is expected that the recruitment exercise would be completed within 2007.

5. In addition to these recruitment exercises, the Judiciary has provided additional temporary judicial resources to various levels of court to help relieve the heavy workload and reduce the waiting time where necessary. We have also engaged additional staff on a temporary basis to support the Deputy Judges and Judicial Officers. In the coming year, we would continue to monitor the waiting times closely and deploy appropriate temporary judicial resources to the needed areas. We also plan to create 18 support staff posts to enhance the court support and various administrative functions.

Waiting Times

6. As mentioned above, the Judiciary has been monitoring the waiting times at various levels of courts and has taken measures to redeploy judicial and staff resources over the past 18 months to the pressure areas to keep the waiting time reasonably within targets.

7. 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 2006, standing at 119

days for the Criminal Fixture List and 124 days for the Civil Fixture List.

8. At the Magistrates' Courts, priority attention was given to reducing the waiting times for charge cases, in particular those cases involving defendants in custody. The waiting time for charge cases for defendants in custody decreased from 44 days in 2005 to 42 days in 2006. The waiting time for charges cases for defendants on bail also decreased from 68 days in 2005 to 66 in 2006.

9. In the course of 2006, we have also been paying attention to the waiting times in the District Court and the Family Court. Having regard to the trend of lengthening waiting times there, further additional deputy judicial resources have been deployed in the latter part of 2006. There are now emerging indications that the additional measures are effective.

10. In 2006, the average waiting times of the Criminal and Civil Lists in the District Court were 117 and 125 respectively. Improvements are however noted recently, with the average waiting times standing at 105 days and 94 days for criminal and civil lists respectively in the last six months. Similar improvements are seen in respect of the Special Procedure List in the Family Court. In 2006, the average

waiting time was 45 days. This has reduced to 33 days in the last six months.

Civil Justice Reform

11. In 2006, much progress has been made on the preparation of the implementation of the Civil Justice Reform. From April to July 2006, the Steering Committee on Civil Justice Reform conducted a consultation on the draft amendments to the relevant primary and subsidiary legislation. The Steering Committee received 30 responses including responses from the two professional bodies, commenting mostly on technical and drafting issues. The Steering Committee subsequently held meetings with the two professional bodies for detailed discussions. It accepted a number of comments from respondents and accordingly revised the package of proposed legislative amendments. The Administration of Justice and Legal Services (“AJLS”) Panel of the Legislative Council has also been briefed twice on the subject in 2006, including the outcome of the consultation exercise on proposed legislative amendments in November 2006. The Judiciary is now working closely with the Administration, with a view to introducing the relevant legislative amendments into the Legislative Council shortly.

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.