

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 23 March 2009**

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. Its mission is to maintain an independent and effective judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands confidence within and outside Hong Kong. In the financial year 2009-10, a total provision of \$1,118.5 million is sought to enable the Judiciary to achieve its objectives.

Budgetary Arrangements for the 2009-10 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 2009-10 to the Administration in July 2008, prior to the Administration drawing up the operating expenditure envelope for the Judiciary. Based on the experience of the past four exercises, the Judiciary considers that the above budgetary arrangements are working satisfactorily, and that the Administration has been helpful in the process.

3. The draft Estimates of 2009-10 for the Judiciary, amounting to \$1,118.5 million, represents an increase of \$145.7 million, or 15 %, over our revised estimates for 2008-09. This would provide adequate resources for the Judiciary to recruit Judges and Judicial Officers (“JJOs”) at the levels of the Court of First Instance of the High Court, District Court and Magistrates’ Courts and Tribunals, engage additional temporary judicial manpower to help improve waiting times in pressure areas, and recruit additional support staff to provide support to the increased level of judicial and registry services.

Enhancement of Judicial and Staff Manpower

4. During the current financial year, the Judiciary has obtained the approval of the Finance Committee of the Legislative Council to create a net additional seven JJO posts to enhance the establishment of the High Court, District Court and the Family Court. In September 2008, the post of the Justice of Appeal of the High Court was filled. Starting from late 2008, the Judiciary has launched a series of open recruitment exercises to recruit Judges of the Court of First Instance of the High Court, District Judges and Permanent Magistrates. The recruitment

exercises are now well in progress. The Judicial Officers Recommendation Commission would be making recommendations on judicial appointments at all these three levels of courts to the Chief Executive upon the completion of the recruitment exercises.

5. To provide support to the increased level of judicial services and enhance the administrative support to the Judiciary, the Judiciary has recruited 75 civil service staff during the current financial year. It is proposed that 16 additional civil service posts will be created in the next financial year to assist in the implementation of the Civil Justice Reform and the promotion of mediation, and enhance support at various court registries and the Resource Centre for Unrepresented Litigants.

Continued Deployment of Additional Temporary Judicial Resources

6. The Judiciary will continue to engage and deploy temporary judicial and support staff resources to help reduce waiting times in pressure areas. For the next financial year, the Judiciary will continue to pay attention to three major areas.

7. First, it is noted that the waiting time for criminal cases in the District Court and that for more lengthy hearings at the Family Court have been lengthening. The main reason for this phenomenon is due to the increasing complexity of the cases involved. For example, the average length of hearings for criminal cases in the District court has increased by 24% in 2008 when compared to 2007, and that the number of lengthy criminal cases listed for trial, i.e. lasting more than 20 days, has increased from 10 to 22 over the same timeframe. While it has been the wish of the Judiciary to engage additional temporary judicial resources to help reduce waiting times at the District Court and Family Court, we are constrained by the fact that there are no spare courtrooms in the District Court/Family Court premises to allow for the engagement of additional deputy JJOs for the time being.

8. In tackling this problem, the Judiciary has been exploring and taking the following actions. First, the Judiciary has reviewed the listing arrangements to ensure that distribution of existing judicial resources among civil, criminal and family cases could be better managed to help reducing the waiting times for criminal cases. By maintaining an additional criminal list recently, the waiting times for criminal cases have shown some signs of improvements. Secondly, the Judiciary has been making refinements to the listing arrangements of the Family Court to enable more efficient use of the court diaries in hearing more lengthy

cases. Recent indications are that the situation has improved slightly. Thirdly, the Judiciary has made contingency plans to engage additional deputy District Court Judges to hear cases using courtrooms at the Magistrates' Courts if there is a real need to do so. Such sitting arrangements were tried out before and found to be not totally satisfactory. The Judiciary will however need to resort to this less than perfect arrangement if waiting times for District Court and Family Court cases are deteriorating. Finally, the Judiciary believes that the ultimate and long-term solution to the problem lies in an overall review of the accommodation plan and strategy for all levels of courts to ensure that adequate courtroom facilities are available to meet its operational needs. The study of the Judiciary on its long term accommodation strategy plan is nearing completion, and the Judiciary will brief the Panel on Administration of Justice and Legal Service in the latter part of 2009.

9. The second area of concern lies with the waiting times for the Magistrates' Courts. The waiting times for the Magistrates Courts, in particular those for charge cases exceeded the target waiting times in 2007. Additional temporary resources have been deployed to bring down the waiting time for charge cases within targets, and bring down that for summons cases to 78 in 2008. However, although additional resources have been deployed for summons cases in the past few years, the numbers of summons cases have increased by about 20% from 2005 to 2008. The Judiciary will continue to monitor the situation closely and will consider engaging additional deputy judicial resources to help reduce the waiting times for summons cases further if needed.

10. Thirdly, it should be noted that with the economic downturn, the caseload of the courts can be expected to increase. The Judiciary will be keeping a close eye on developments and will strive to cope within the resources which are made available to it if possible. Particular attention will be paid to the caseload regarding bankruptcy and winding-up cases in the High Court and claims at the Labour Tribunal. Additional temporary judicial resources will be deployed to these areas if needed. It is of fundamental importance that the quality of justice must not be compromised.

Civil Justice Reform

11. The Judiciary is firmly on target for the implementation of the Civil Justice Reform on 2 April 2009. For the next financial year, the Judiciary will deploy additional temporary judicial resources at the Masters' offices at the High Court and District Court, and additional staff

resources to enhance the support at the registries, the Resource Centre for Unrepresented Litigants and to assist in the promotion of mediation in court proceedings.

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.