

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 24 March 2010**

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 2010-11, a total provision of \$1,115.6 million is sought to enable the Judiciary to achieve its objectives.

2010-11 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 2010-11 to the Administration in July 2009, prior to the Administration's drawing up of the budget for the Judiciary. The Judiciary considers that the above budgetary arrangements have been working satisfactorily, and that the Administration has been helpful in the process.

3. The draft Estimates of 2010-11 for the Judiciary, amounting to \$1,115.6 million, represents an increase of \$106.7 million, or 10.6 %, over our revised estimates for 2009-10. This would provide adequate resources for the Judiciary to remunerate Judges and Judicial Officers (“JJOs”) at all levels of courts, engage additional temporary judicial manpower to help improve waiting times in pressure areas and recruit additional support staff to meet the needs arising from the increased level of judicial and registry services.

Enhancement of Judicial and Staff Manpower

4. 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. Since September 2009, a total of 34 judicial appointments, comprising 9 Judges of the Court of First Instance of the High Court, 12 District Judges and 13 Permanent Magistrates have been made as a result of these recruitment exercises. Further announcements of judicial appointments will be made in due course. The successful recruitment of a substantial number of

JJOs has greatly enhanced the substantive judicial manpower position of the Judiciary in 2010.

5. To provide support to the increased level of judicial services and enhance the administration and services of the Judiciary, the Judiciary has launched open recruitment exercises for civil service staff in the Judicial Clerk and Bailiff grades in early 2010 and is planning to launch a recruitment exercise for Court Interpreters in the next few months. In addition, the Judiciary expects that more civil service vacancies in the clerical grade will be filled during the coming financial year. It is anticipated that the successful recruitment of civil service staff will greatly enhance the support staff manpower position of the Judiciary in 2010-11.

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 pay attention to three major areas.

7. First, it is noted that the waiting times in the High Court are lengthening, and in certain cases, have exceeded their targets. In particular, it is noted that the pressures are more acute in the criminal and civil fixture cases in the Court of First Instance. This was mainly due to the increased workload and the growing complexity of cases involved. In 2009, the criminal and civil caseload in the Court of First Instance of the High Court has increased by 37% and 23% respectively when compared to 2008; and the average length of hearings/trials for both criminal and civil cases has also increased by 3%. To cope with the increasing workload, the maximum number of deputy judges permissible by the number of courtrooms available are engaged to help reduce the waiting times in the High Court. At present, 6 deputy High Court Judges are engaged. In February 2010, the Finance Committee of the Legislative Council has approved funding for the Judiciary to construct three additional courtrooms in the High Court. Upon the completion of the works in December 2011, it is expected that the Judiciary would have greater flexibility to deploy temporary judicial resources to cope with any further increases in the caseload in the High Court.

8. Secondly, it is noted that the waiting times of the District Court are also lengthening. As far as criminal cases are concerned, this is mainly due to an upsurge in caseload, representing an increase of 16% in 2009 when compared to 2008. As regards civil cases, the waiting time (though still within target) increased because some judicial resources were deployed to help reduce the waiting times in the Family Court and the Lands Tribunal in 2009. Having regard to the heavy workload of the District Court and to prevent the situation from deteriorating further, the Judiciary intends to inject additional temporary judicial resources to the District Court in 2010. It is planned that two additional deputy district judges will be engaged in the second quarter of 2010, one for hearing criminal cases and the other for hearing civil cases. To make this possible, courtrooms currently located in the Lands and Labour Tribunal will need to be used to hear civil cases in the District Court.

9. Thirdly, the Judiciary will continue to keep a close watch on the waiting times in the Magistrates' Courts. Having regard to the steady caseload and the deployment of adequate judicial resources, the waiting times for charge cases are well within targets. For summons cases, with the injection of additional temporary judicial resources in 2009, the waiting time has been further brought down from 78 days in 2008 to 63 days in 2009. The Judiciary will continue to monitor the situation closely and will consider engaging additional deputy judicial resources to help reduce the waiting times in the Magistrates' Courts if needed.

Civil Justice Reform and Mediation

10. The implementation of the Civil Justice Reform in April 2009 went smoothly, and it will take some time for the Reform to fully settle in. A Committee chaired by the Chief Judge of the High Court is monitoring the work of the reformed system. The Judiciary Administration will brief the Panel on Administration of Justice and Legal Services of the Legislative Council on the matter at the appropriate time.

11. A key feature of the Civil Justice Reform is the facilitation by the court of the settlement of disputes by encouraging parties to engage in mediation. The relevant Practice Direction came into force on 1 January 2010. To support the implementation of this Practice Direction, the Judiciary has injected additional staff resources to set up a new Mediation Information Office in January 2010 to serve the parties in court and facilitate them to seek mediation from the professional bodies. The new Mediation Information Office in the High Court Building,

together with the well established Family Mediation Co-ordinator's Office in the Family Court and the Building Management Mediation Co-ordinator's Office in the Lands Tribunal, enhance the services provided by the Judiciary in promoting and facilitating the use of mediation in dispute resolution.

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.