

**For information**

**Legislative Council  
Panel on Administration of Justice and Legal Services**

**Proposed Construction of Additional Courtrooms and  
Associated Facilities in the High Court Building**

**PURPOSE**

The Legislative Council Panel on Administration of Justice and Legal Services has requested the Judiciary to provide quantitative information on the benefits of the proposed construction of three additional courtrooms in the High Court Building, including the impact on waiting time for cases at different levels of court. This paper seeks to provide the relevant information.

**GENERAL CONSIDERATIONS**

2. Waiting times for cases are contingent upon a wide range of factors including caseload, complexity of cases, judicial resources and courtroom availability.

Caseload

3. Caseload fluctuates and is beyond the Judiciary's control. An increase in the volume of cases to be handled by the courts requires not only adequate judicial resources but also sufficient courtrooms.

Complexity of Cases

4. The complexity of cases varies and is also beyond the Judiciary's control. Experience has shown that the more complex a case is, the more hearings in court are required, and in addition, the length of hearings increase.

5. In addition, for long and/or complicated cases, the Judges need a considerably longer time for pre-hearing preparation (such as dealing with applications and correspondence on paper, reading of

voluminous bundles of documents including written submissions by counsel, etc.) and for post-hearing work (i.e. preparing for the judgments).

### Judicial Resources

6. The amount of judicial resources that could be deployed to cope with the caseload depends on the number of Judges on the establishment of the Judiciary and the financial resources available to engage temporary judicial manpower. The deployment of judicial manpower (whether substantive or temporary) depends critically on the availability of courtrooms for hearing cases.

7. In short, even where sufficient judges can be engaged to hear cases, the availability of courtrooms provides a limitation.

### Courtrooms

8. The availability of courtrooms for hearing cases is therefore of paramount importance in enabling more expeditious disposal of cases.

9. Owing to the different factors that may affect waiting times (some of which have been referred to above), it is not possible to provide a precise formula in relation to the reduction in waiting times were additional courtrooms to be made available. However, the following observations are of note.

### **PAST EXPERIENCE**

10. Although there is no precise formula for calculating quantitative information on how disposal of court cases would be expedited by the provision of additional courtrooms in the High Court Building, past experience of improved court waiting times consequent on enhancement of judicial manpower resources may be a pointer to benefits that can be expected from the provision of additional courtroom facilities.

11. In 2004 and 2005, waiting times for criminal and civil fixture cases at the Court of First Instance (“CFI”) of the High Court greatly exceeded the target waiting times of 120 days (for criminal) and 180 days (for civil). In 2004, average waiting times were 214 days and 239 days respectively. In 2005, average waiting times were 193 days and 233 days respectively. Additional temporary judicial resources in the form of three more deputy Judges (representing a 10% increase in judicial resources for the CFI at that time) were deployed to the CFI in the latter

part of 2005 with a view to shortening waiting times. In the following year (2006), for criminal cases, the waiting time for criminal fixture cases was considerably improved to 119 days and was brought back to within target. For civil cases, the waiting time for civil fixture cases was considerably improved to 124 days which was well within target. It is, however, right to point out that these improvements were also in part due to the reduction in the caseload of the courts and the number of trials during that time, but there is also little doubt that the additional judicial resources contributed significantly to these improvements.

## **ANTICIPATED BENEFITS**

12. There is an urgent operational need for additional courtrooms for the High Court. At the CFI level, the first nine months of 2009 saw a 39% increase in criminal cases and a 42% increase in cases of civil jurisdiction over the same period in 2008. At the same time, cases listed for hearing have become considerably more complex. One ready indicator of this is that the average length of trials in the first nine months of 2009 as compared to the same period in 2008 has lengthened by 3% for criminal cases and by 11% for civil cases. Consequently, the court waiting times for such cases have lengthened. The situation would be aggravated if the caseload and complexity of cases (both of which are beyond the Judiciary's control) continue on the present increasing trend.

13. To address the lengthening waiting times, additional judicial resources have been deployed. However, owing to the shortage of courtrooms in the High Court, a number of courtrooms in the District Court have been used for hearing High Court cases. This has in turn led to a shortage of courtrooms in the District Court. One court of the Small Claims Tribunal has had to be used for hearing District Court cases. All courtrooms in the High Court and District Court are already optimally utilized. In the High Court, this has reached maximum utilization. Without the provision of additional courtrooms, there is no scope for setting up additional court lists and consequently there could be no prospect of deploying additional temporary judicial resources to shorten the relevant court waiting times if needed.

14. With the addition of three courtrooms in the High Court Building, the arrangement of using courtrooms in the District Court for hearing High Court cases ("the existing arrangement") can be reviewed in the light of the prevailing caseload and estimated complexity of the cases at these two levels of court. The District Court courtrooms used by the High Court may be released back to the District Court for its use. In any

case, the overall provision of three additional courtrooms to the Judiciary is expected to have the benefit of improving court waiting times as described in the following paragraphs.

15. With the addition of three courtrooms in the High Court Building, a total of three additional deputy Judges could be engaged and three additional lists maintained.

16. Each additional deputy Judge engaged for the CFI of the High Court represents a 3% increase in judicial resources for the CFI (based on the existing complement of 36 substantive and deputy Judges of the Court of First Instance of the High Court). Accordingly, if there were to be three additional deputy Judges to be engaged for the CFI, this will result in a 9% increase in judicial resources for the CFI.

17. From the point of view of the District Court, each additional deputy Judge engaged for that level of court represents a 4% increase in judicial resources (excluding the Family Court), based on the existing complement of 27 substantive and deputy District Court Judges (excluding Family Court Judges). Hence, if the two courtrooms in the District Court that are at present used for hearing High Court cases are released back to the District Court and assuming one court of the Small Claims Tribunal continues to be used for hearing District Court cases, two additional deputy District Court Judges could be engaged, representing an 8% increase in judicial resources for the District Court.

18. We believe that additional court lists brought about by the addition of three courtrooms in the High Court Building will considerably assist in shortening court waiting times. As previously stated, it is not possible to provide a precise percentage estimate of the potential reduction in waiting times for the High Court and District Court which may be brought about by the addition of courtrooms in the High Court, but this should be the result. The Judiciary will monitor the position closely.

## **ADVICE SOUGHT**

19. Members are requested to note the content of this paper.

Judiciary Administration  
January 2010