

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 23 March 2011**

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 2011-12, a total provision of \$1,137.9 million is sought to enable the Judiciary to achieve its objectives.

2011-12 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 2011-12 to the Administration in July 2010, 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 2011-12 for the Judiciary, amounting to \$1,137.9 million, represents an increase of \$100 million, or 9.6 %, over our revised estimates for 2010-11. With this provision sought, the Judiciary is able 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. The last round of open recruitment exercises of JJOs for various levels of court have been completed by 2010-11. From September 2009 to February 2011, a total of 36 judicial appointments, comprising 11 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. The successful recruitment of a substantial number of JJOs in the past two years has enhanced the substantive judicial manpower position of the Judiciary in 2010-11.

5. Arising from the retirement and elevation of a number of JJOs at different level of court, the Chief Justice is finalizing the succession plans for all level of courts. It is planned that another round of open recruitment exercises would be launched in 2011-12.

6. Separately, the Judiciary is also in the process of reviewing the judicial manpower position at all levels of court. It is intended that a paper on the review would be presented to the Panel on Administration of Justice and Legal Services (“AJLS Panel”) of the Legislative Council in mid 2011.

7. 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, Bailiff and Court Interpreter grades in 2010. 24 Judicial Clerks and 4 Bailiffs were appointed. The recruitment of Court Interpreters is still in progress. In addition, the Judiciary expects that more civil service vacancies in the clerical grade will be filled during the coming financial year. It is expected that the successful recruitment of civil service staff will continue to enhance the support staff manpower position of the Judiciary in 2011-12.

Continued Deployment of Additional Temporary Judicial Resources

8. 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.

9. 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 and appeals from Magistrates’ courts in the Court of First Instance. This was mainly due to more complex and lengthy cases as well as more re-fixed cases. For example, in 2010, the average length of trial hearings for both criminal and civil cases has increased by about 8%. 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, 9 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, the Judiciary will

be in a position to have greater flexibility to deploy additional temporary judicial resources to help reduce waiting times and cope with any further increases in the caseload in the High Court.

10. Secondly, it is noted that the waiting time of the criminal fixture list of the District Court and that of the defended list of the Family Court are also lengthening. As far as the criminal cases in the District Court are concerned, it is noted that there was a substantial increase in caseload by 16% from 2008 to 2009. Though the increase in caseload has stabilized in 2010, the cumulative effects of such high level of caseload for two consecutive years have led to longer waiting times from 116 days in 2009 to 128 days in 2010. To help improve the situation, we have deployed additional judicial resources to handle criminal cases in the District Court since June 2010, but it would take some time for the effects of such additional efforts to be evident. We are pleased to note that the waiting time for the criminal fixture list in the DC has met the target of 100 days in January 2011. We would continue to monitor the situation closely. As for the Family Court, its caseload has increased by 8% in 2010 when compared to the position in 2009. To help improve the waiting times, particularly in the defended list, an additional judge will be deployed to the Family Court starting from April 2011. To enable us to deploy such judicial resources at the District Court and Family Court level, we are making use of civil court rooms in both the Lands Tribunal and Labour Tribunal premises to hear District Court cases.

11. 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 all cases types in the Magistrates' courts are within targets. We are particularly pleased to note that for summons cases, the waiting time has been brought down from 78 days in 2008 to 63 days in 2009 and to 50 days in 2010. The Judiciary will continue to monitor the situation closely and will continue to deploy appropriate judicial resources to keep the waiting times in the Magistrates' Courts within targets.

Civil Justice Reform and Mediation

12. The Civil Justice Reform ("CJR") came into effect on 2 April 2009. A CJR Monitoring Committee chaired by the Chief Judge of the High Court is monitoring the work of the reformed system. The Monitoring Committee noted that the implementation of the CJR had on the whole been smooth in the first year. According to the feedback received, no major problems were identified; all issues raised were minor

and operational in nature. However the Monitoring Committee noted that while the reform was without doubt heading toward the right direction, the implementation of the CJR was at an early stage. Improvements will continue to be made. The Monitoring Committee will continue to keep in view developments and make any recommendations for improvements as appropriate. The AJLS Panel has been kept informed.

13. 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 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. In 2011-12, we have budgeted for the creation of a number of civil service posts for the Mediation Information Office. The 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

14. 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.

15. Thank you.