

**Note for the Bills Committee on
The District Court (Amendment) Bill**

Manpower resources, waiting time and caseload of the High Court

The Administration responded to Members' enquiry on the caseload situation in the Small Claims Tribunal, District Court and High Court respectively as a result of the increase in the District Court's jurisdictional limits and the manpower resources required to cope with the new limits vide LC Paper No. CBV(2)930/99-00. Members sought further information on the manpower resources and waiting time of the High Court vis-à-vis the caseload situation in 1996 and 1997.

Manpower resources, waiting time and caseload

2. The caseload of the High Court in 1996 and 1997, together with the manpower and waiting time situation, are set out in the attached table. It should be noted that before the implementation of the case management system in the High Court in late 1997, we do not have ready statistics on the number of interlocutory hearings, the number of listed trials and the number of taxation bills handled by the High Court for these two years. As such, only the total number of cases filed could be given. We have also set out, for reference purpose, the relevant figures in 1999 and the estimated figures upon the implementation of the new jurisdictional limits of the District Court.

3. As pointed out in our previous note, in considering the caseload situation, it is relevant to consider not only the number of cases filed, but also the number of interlocutory hearings, the number of trials listed and the number of taxation bills handled as all of them would have an impact on manpower planning. As we do not have a complete set of figures for all these categories of work before 1997, the situation as set out in the attached table is incomplete.

4. It is noted that we have proposed to reduce the manpower resources of the High Court upon the commencement of District Court's new limits to a level slightly higher than that in 1997, having regard to the following factors -

(a) The caseload of the High Court will not drastically be reduced

immediately upon the implementation of the new limits of the District Court. The High Court will continue to deal with many cases filed before the commencement of the new limits. From the experience of the court, it is expected that these cases will remain in the High Court for 6 to 9 months before they are settled/ heard;

- (b) The estimated caseload of 17,000 cases to be diverted to the District Court is a projected figure on the basis of historical data. The actual figure may turn out to be lower than the projected one;
- (c) The number of cases filed is just one indicator of the workload of the court. The complexity of the cases concerned is also relevant, in particular in assessing the manpower requirements for judges in conducting trials; and
- (d) According to the experience of the Judiciary, the number of interlocutory hearings has been on the increasing trend during the past few years. While it is estimated that about 50% of cases will be diverted to the District Court, only about 40% of interlocutory applications (to be dealt with by Masters) will be diverted. In addition, following the review of the Master Court in March 1999, Masters have taken on a more proactive role in case management. Keeping a sufficient number of Masters in the High Court would ensure that interlocutory applications can continue to be dealt with in an expeditious manner so that cases can progress to trial as expeditiously and inexpensively as possible. In addition, Masters, apart from hearing cases, have to handle quasi-judicial portfolios, such as probate, civil and criminal appeals, taxation of liquidators' bills, suitors' fund, mutual legal assistance and so on. The workload of these portfolios will not be reduced by the increase of the District Court jurisdiction. On the contrary, the workload of these portfolios has always been on the increase.

Way forward

5. Given the factors set out in paragraph 4 above, we believe that a prudent approach should be adopted for manpower planning to ensure that the High Court is adequately staffed so that the operation of the court will not be disrupted and the objective of meeting our pledged waiting time can be achieved. We shall, however, closely monitor the actual distribution of cases upon the implementation of the District Court's new limits so that necessary adjustments to the manpower plan could be made if necessary.

	<u>1996</u>	<u>1997</u>	<u>1999</u>	<u>Upon the commencement of District Court's new limits</u>
Caseload				
(a) Number of cases filed	24,000	24,000	35,000	18,000
(b) Number of interlocutory hearings	N.A.	N.A.	38,000	22,800
(c) Number of trials listed	N.A.	N.A.	1,240	870
(d) Number of taxation bills	N.A.	N.A.	3,000	1,400 (estimate)
Court waiting time (from application to fix date to hearing)				
(a) Target	180	180	180	180
(b) Actual	154	194	224	N.A.
Manpower for handling civil cases in Court of First Instance of the High Court				
Judges (including Deputy Judges)	10	13	16	14
Masters (including temporary Masters)	6	6 – 8	9 – 11	9
Non-judicial staff of the High Court Registry	38	47 ^(Note)	67 ^(Note)	57

Note: No corresponding increase in non-judicial staff has been made in 1997 upon appointment of temporary Masters in 1997. The High Court Registry has since been strengthened to support 11 Masters and to cope with the upsurge in caseload since the latter part of 1997.