

The Judiciary Administrator's Presentation at the Special Finance Committee Meeting on 24 March 2000

In the past year, the Judiciary administration continued its efforts to reduce court waiting time and implement a bilingual common law system. In the year ahead, we are striving to meet Judiciary's objectives by improving access to justice and seeking improvements to keep abreast with changing times.

Improving Access to Justice

2. It has always been the Judiciary's aim that our judicial system should be easily accessible in terms of simple procedures at reasonable cost within reasonable time. Justice delayed or not affordable is justice denied. To this end, we have been conducting regular reviews of court operations to ensure that the judicial process remains efficient and effective. These measures include a review of civil jurisdictional limits and exploring alternative dispute resolution methods.

Review of Jurisdictional Limits

3. We have reviewed the jurisdictional limit of the Small Claims Tribunal, raising it from \$15,000 to \$50,000. The increase was instituted in October 1999 when the Small Claims Tribunal (Amendment) Ordinance took effect. The past 4 months saw an increase of 25% increase in caseload for the Tribunal when compared with the corresponding period last year. Since litigation costs for cases heard in the Tribunal are much lower, access to justice has improved as a result.

4. Meanwhile, as Members are aware, the District Court (Amendment) Bill, proposing to increase the financial limit of monetary claims from \$120,000 to \$600,000, is now being examined by a Bills Committee. With the introduction of the new limits, we estimate that a significant number of civil cases will be diverted from the Court of First Instance to the District Court. This should lead to lower litigation costs for claims and provide some relief for the High Court which has experienced an increase of about 50% in caseload since 1997. We are committed to facilitate the Bills Committee in examining the detailed proposals so that the legislation can be enacted as soon as possible.

5. Upon enactment of the Bill, I shall approach this Committee for the creation of additional judicial posts to cope with the anticipated increase in the workload of the District Court. Members can rest assured that we will examine carefully the re-distribution in caseload at

different levels of courts and exhaust all possibilities of redeployment first before seeking to create additional posts.

Pilot Scheme on Family Mediation

6. At last year's Special Finance Committee Meeting, my predecessor reported that the Judiciary would initiate a pilot scheme on family mediation. Experience in other common law jurisdictions showed that mediation could reduce litigation costs, save court time and allow family disputes to be resolved in the least acrimonious way. The purpose of the pilot scheme is to test the effectiveness of family mediation in resolving matrimonial disputes in the Hong Kong context. I am glad to report that we have since made significant progress on the preparatory work in launching the scheme.

7. A steering committee chaired by a Judge of the Court of First Instance has already been appointed, with members from the Judiciary, the legal profession, the social service sector, the mediation profession and the relevant government departments, to oversee the implementation of the pilot scheme. A Practice Direction prescribing the procedure under the pilot scheme to be followed in instituting matrimonial proceedings has been prepared in consultation with the legal and mediation profession. A Mediation Coordinator's Office was set up in the Family Court premises in Wanchai in June 1999 to carry out the necessary preparatory work. The Coordinator is finalizing the case referral mechanism, the procedural guidelines and all the necessary publicity materials. The Mediator has started to conduct seminars on mediation for the legal profession. Full scale publicity of the pilot scheme will be mounted before the commencement of the scheme in April when all the necessary preparatory work has been put in place.

Court Waiting Time

8. The number of actions commenced in the High Court in 1999 remained at the same high level as in 1998. We sought to address the problem through better case management and flexible deployment of staffing resources. We have created three posts of Deputy Registrar and appointed up to eight Deputy Judges to the High Court. Upon the enactment of the District Court (Amendment) Bill in 2000, we expect that a number of cases in the Court of First Instance of the High Court will be diverted to the District Court, thereby reducing the waiting time for cases heard in the High Court.

9. The caseload for the Labour Tribunal in 1999 has continued to rise by 22% over the previous year. To tackle the problem, two additional day courts have been opened in January 2000. This is in addition to the three night courts which have been in operation since April 1999.

New Court Buildings

10. The projects for a new Kowloon City Magistracy and a new Fanling Magistracy are scheduled for completion in December 2000 and July 2001 respectively. I shall soon seek approval for the construction of a new court building in West Kowloon. Planning is also in hand for a new court building on the Hong Kong Island.

Keeping Abreast with Changing Times

11. Year 2000 is a challenging year for the information technology development in Hong Kong. It is also a challenging year for the Judiciary to continue improving its accessibility and accountability to the public through the extensive use of modern information technology.

JISS Phase III

12. We are implementing the last phase of the Judiciary Information Systems Strategy (JISS). At the turn of the millennium, we have successfully brought the Court of Final Appeal and the Coroner's Court up to the same level of automation as other courts in the Judiciary. By the end of this year we will also see the completion of a new case management system in the two remaining courts – the Labour Tribunal and the Lands Tribunal.

13. Under JISS Phase III, we will develop a pilot Electronic Filing System with the Inland Revenue Department on the filing of tax claims. This project will help the Judiciary develop and define standards, procedures, forms and security protocols on electronic filing that may be extended to other business areas of the Judiciary in future.

14. Apart from automating the work processes, we also place equal emphasis on the development of information and public payment services. We will develop systems to provide members of the public enhanced accessibility to court information and an option in making fixed penalty payments through ATM machines.

Computerisation of Judiciary Library

15. The Judiciary is also committed to launch a computerisation project for its library. The aim of this project is to provide a modernised and efficient library service for all users including Judges, Judicial Officers and the legal profession. At present, all bibliographical information of textbooks, periodicals, serials and judgments are recorded on manual card catalogues. Information retrieval is both inefficient and time consuming. After computerisation of the library catalogue and reclassification of all documents, information retrieval will be made easy.

Audio-visual Presentation Systems in Courtroom

16. We have installed an audio-visual system in some of the courts in the High Court and the District Court. A similar system will be installed in all Magistrate's Courts. The use of the system will shorten the trial as it helps to minimize arguments over the admissibility of statements made by the defendants.

Conclusion

17. The proposals I outlined above are part of our efforts to maintain an independent and competent judicial system, capable of upholding the rule of law and safeguarding the rights and freedoms of the individual. With Members' support, we have no doubt that we will be able to meet the challenges which lie ahead.

18. Thank you.

Judiciary Administrator's Office
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