

The Judiciary Administrator's Presentation
At the Special Finance Committee Meeting on 25 March 2003

Judiciary has the constitutional responsibility to administer justice fairly and impartially. Its role is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedom of individuals and commands domestic and international confidence. In the financial year 2003-04, a total provision of \$1,031.3 million is sought.

High Court

2. The civil caseload in the High Court recorded a significant increase, from 32,609 cases in 2001 to 42,133 cases in 2002. This was due to a 103% increase in bankruptcy and company winding-up cases.

3. The criminal caseload in the High Court continued to be steady. There were 433 cases in 2002, similar to the level in 2001. Cases were getting more complex, resulting in the long waiting time generally.

District Court

4. Compared with 2001, the number of 32,835 civil cases filed in the District Court in 2002 showed a drop of 10%. The decline was mainly attributable to a 41% decrease in the number of tax claims filed by the Inland Revenue Department, for which the District Court has exclusive jurisdiction. Leaving aside such tax claims, the number of other civil cases filed in 2002 increased slightly by 7% over 2001.

5. We are reviewing the financial limit of the civil jurisdiction of the District Court. Such limit was raised from \$120,000 from 1 September 2000 to \$600,000, and the Court coped satisfactorily with the increase. We have been monitoring the implementation of the new jurisdictional limits closely, and has been providing the LegCo Panel on Administration of Justice and Legal Services (AJLS) with periodic progress reports since May 2001.

6. As stated at the time of the last increase, subject to review, we propose to further increase the general financial limit of the District Court to \$1 million. We are consulting the legal professions, and will consult our Civil Court Users' Committee and the LegCo AJLS Panel on the outcome of our review shortly.

7. It is worth noting that divorce cases filed at the Family Court have been increasing steadily at 8% - 9% per annum over the last three years. Notwithstanding this rising trend, the waiting times for cases in the Family Court have been well within target.

Labour Tribunal

8. The Tribunal received a record high of 12,326 cases in 2002, representing an increase of 18% over 2001. The enhancement measures introduced in the last couple of years, such as the setting up of an additional day court in October 2001, adjusting the mix of callover and trial courts, and enhancements to the number and quality of support staff, have been effective. The waiting times in 2002 for cases in the Labour Tribunal were therefore comparable to those in 2001 despite the substantial increase in caseload.

Small Claims Tribunal

9. The number of cases in the Small Claims Tribunal increased by 50%, from 60,312 cases in 2001 to 90,815 cases in 2002. We have managed to keep the waiting time within target, but we are monitoring the situation closely.

Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings

10. The existing ancillary relief procedures in matrimonial proceedings in Hong Kong have been in operation for over 30 years. The procedures are considered to have allowed too much leeway to parties, who are frequently under great emotional stress occasioned by the breakdown of their marriage, to turn ancillary relief proceedings into a battlefield for the exhaustion of their marital antagonisms. This unnecessarily prolongs the emotional trauma of divorce and often results in the dissipation of family assets as the proceedings drag on.

11. A Working Group appointed by the Chief Justice (chaired by the Hon Mr Justice Hartmann) has recommended the introduction of a new set of ancillary relief procedures to be tested by a two-year pilot scheme. The objective is to make it quicker, cheaper, less adversarial and more conducive to a culture of settlement. The recommendation has been approved by the Chief Justice.

12. The LegCo AJLS Panel has been consulted on the proposal. A more extensive consultation on the proposal is being undertaken. We hope to bring the pilot scheme into operation within this year, if possible. It is intended that any additional costs arising from the implementation of the pilot scheme will be absorbed within the existing resources.

Resource Centre for Unrepresented Litigants

13. The Steering Committee on the Resource Centre for Unrepresented Litigants (chaired by the Hon Madam Justice Chu) has held seven meetings since its appointment in February 2002. It is in the process of preparing a draft report for submission to the Chief Justice.

14. In parallel, preparations are being made to set up the Resource Centre which should be ready by the end of this year. It will provide various facilities to assist the unrepresented litigants to deal with civil court procedures in the High Court and the District Court. It will also facilitate the unrepresented litigant's access to the various pro bono legal services provided by the profession and others.

15. In establishing the Centre, we have to observe the fundamental principle that the courts are and are seen to be impartial.

Information Technology

16. We have completed installation of the first Technology Court at the High Court Building. Facilities of the Court include multi-media presentation of evidence and case related materials in electronic form and video conferencing. The Technology Court is being introduced to the legal profession and the court users. It will be available for use in appropriate cases from April this year.

17. To increase public access to judgments, we shall extend the availability of judgments of the District Court and above through the Internet from 1982 back to 1968. This exercise will be completed by early 2004.

Conclusion

18. To make optimal use of our resources, we have introduced a number of efficiency initiatives. The approaches being adopted are re-engineering, organisational restructuring, re-prioritising and outsourcing. Examples are implementation of Mobile Summons Service System, redeployment of Court Reporters after the introduction of Digital Audio

Recording and Transcription System, and outsourcing information technology support services. The process in promoting efficiency initiatives in the Judiciary is a continuous one. The Chief Justice has stated that despite budgetary constraints, the quality of justice must be maintained, even if it may mean lengthening of waiting times.

19. Thank you.

25 March 2003