

Panel on Administration of Justice and Legal Services

Closure and Merger of Magistrates' Courts

Background

To cope with efficiency savings demanded on the public sector as a whole, the Judiciary has been implementing a programme to reduce the number of magistrates' courts from nine to six. Western Magistrates' Courts and North Kowloon Magistrates' Courts had been closed in January 2004 and January 2005 respectively. It was also planned that Tsuen Wan Magistrates' Court would be closed in January 2006. Thereafter, six magistrates' courts will remain : Eastern, Kowloon City, Kwun Tong, Sha Tin, Fanling and Tuen Mun.

2. The Panel has requested the Judiciary to provide the following information :

(i) Western Magistrates' Courts and North Kowloon Magistrates' Courts

- (a) the number of courts at the two magistrates' courts before their closure;
- (b) the number and location of the extra courts set up in place of the two magistrates' courts;
- (c) the number of judicial and non-judicial staff, by ranks, before the closure of the two magistrates' courts and their re-deployment after the closure.

(ii) Tsuen Wan Magistrates' Courts

information similar to (a) – (c) in (i) above, if available;

(iii) Other information

- (a) the caseloads of the nine magistrates' courts and how the caseloads have been distributed to the remaining magistrates' courts upon closure of Western and North Kowloon Magistrates' Courts; and
- (b) whether the closure of the magistrates' courts has increased the workload of certain courts and affected court users and other government departments.

Court replacement

3. To replace the three courts at Western Magistrates' Courts upon its closure, one extra court each had been set up at Eastern, Kowloon City and Kwun Tong Magistrates' Courts.

4. There were six courts at North Kowloon Magistrates' Courts. Two additional courts have been established at Kowloon City Magistrates' Courts and one at Kwun Tong Magistrates' Courts to cater for cases transferred thereto.

5. The Judiciary is now operating 51 courts at seven magistrates' courts. Two of these courts are presided by Deputy Magistrates who were appointed in October 2004, each for a period of nine months to cope with increases in workload.

Manpower deployment

6. The information on manpower deployment requested in paragraph 2(i)(c) is at Annexes A & B.

Caseload redistribution

7. With the closure of Western Magistrates' Courts, its cases had been transferred to Eastern, Kowloon City and Kwun Tong Magistrates' Courts.

8. The cases formerly dealt with at North Kowloon Magistrates' Courts have been transferred to Kowloon City and Kwun Tong Magistrates' Courts.

9. The annual caseloads of the magistrates' courts in 2003 and 2004 are at Annex C. The 2004 figures show the distribution of cases after the closure of Western Magistrates' Courts. The effect of closure of North Kowloon Magistrates' Courts cannot be felt yet.

Impact on workload, court users and other government departments

10. The overall waiting time in March 2005 was about three months. The shorter waiting times are at Tsuen Wan (71 days) and Fanling (76 days) Magistrates' Courts. The longer waiting times are at Eastern (120 days), Sha Tin (104 days) and Kowloon City (97 days) Magistrates' Courts. Three points should be noted. First, the latter three Magistrates' Courts are constantly busy and handle more complex cases. Secondly, as the number of Deputy Special Magistrates has been reduced to meet budgetary constraints, road traffic trials which were previously handled by them had to be handled by Permanent

Magistrates instead, thereby causing further lengthening of waiting time in the last three months. Given the current waiting time situation, resources will be deployed to enable additional Deputy Special Magistrates to be appointed shortly. Thirdly, the situation is monitored and where appropriate, cases will be transferred from the Magistrates' Courts with longer waiting times to those with shorter waiting times.

11. The impact of the merger of magistrates' courts on other court users and government departments have been kept to the minimum. Meetings had been held with Department of Justice, Police, Immigration Department, Social Welfare Department, Correctional Services Department and Duty Lawyer Service to discuss and agree the closure plans in relation to Western and North Kowloon Magistrates' Courts.

Proposed Closure of Tsuen Wan Magistrates' Courts

12. The Judiciary has plans to close Tsuen Wan Magistrates' Courts in January 2006 and transfer the cases to Tuen Mun and Sha Tin Magistrates' Courts. Tsuen Wan Magistrates' Courts has six courts at the moment, and the number of judicial and non-judicial staff now working there is at Annex D.

13. In the light of lengthening waiting times experienced currently, it has now been decided that Tsuen Wan Magistrates' Courts will not be closed in January 2006 as originally planned. A review on whether to continue with the plan and if so when will be conducted later.

Judiciary Administration
April 2005

**Redeployment of Magistrates and Staff
upon Closure of Western Magistrates Court
in January 2004**

<u>Rank</u>	<u>No. of Posts before Closure</u>	<u>Redeployment upon Closure</u>
Magistrate	3	1 redeployed to Eastern Magistrates' Courts 1 redeployed to Kowloon City Magistrates' Courts 1 redeployed to Kwun Tong Magistrates' Courts
Senior Judicial Clerk	1	Post deleted
Court Interpreter I	1	Post deleted
Court Interpreter II	3	1 redeployed to Kowloon City Magistrates' Courts 1 redeployed to Kwun Tong Magistrates' Courts 1 redeployed to Labour Tribunal
Senior Clerical Officer	1	Post deleted
Clerical Officer	6	Posts deleted
Assistant Clerical Officer	14	10 posts deleted 4 redeployed to Eastern Magistrates' Courts
Clerical Assistant	8	5 posts to be deleted 2 redeployed to Eastern Magistrates' Courts 1 redeployed to Small Claims Tribunal
Office Assistant	3	2 posts to be deleted 1 redeployed to Eastern Magistrates' Courts
Personal Secretary II	1	Post to be deleted

Note : Posts to be deleted will be deleted only upon the transfer out of the staff from the Judiciary or upon the staff filling other vacancies in the Judiciary.

**Redeployment of Magistrates and Staff
upon Closure of North Kowloon Magistrates' Courts
in January 2005**

<u>Rank</u>	<u>No. of Posts before Closure</u>	<u>Redeployment upon Closure</u>
Principal Magistrate	1	As Deputy District Judge
Magistrate	3	1 redeployed to Kowloon City Magistrates' Courts 1 redeployed to Tsuen Wan Magistrates' Courts 1 redeployed to Tuen Mun Magistrates' Courts
Deputy Magistrate	1	Redeployed to Tsuen Wan Magistrates' Courts
Deputy Special Magistrate	1	Redeployed to Kwun Tong Magistrates' Courts
Senior Judicial Clerk	1	Post deleted
Court Interpreter I	1	Post deleted
Court Interpreter II	3	1 redeployed to Kowloon City Magistrates' Courts 1 redeployed to Kwun Tong Magistrates' Courts 1 redeployed to Tsuen Wan Magistrates' Courts
Senior Clerical Officer	1	Post deleted
Clerical Officer	6	5 posts deleted 1 redeployed to Kowloon City Magistrates' Courts
Assistant Clerical Officer	19	10 posts to be deleted 7 redeployed to Kowloon City Magistrates' Courts 2 redeployed to Kwun Tong Magistrates' Courts
Clerical Assistant	13	11 posts to be deleted 1 redeployed to Kowloon City Magistrates' Courts 1 redeployed to Kwun Tong Magistrates' Courts
Office Assistant	2	1 post to be deleted 1 redeployed to Kowloon City Magistrates' Courts
<i>Personal Secretary II</i>	1	Post to be deleted
Carpark Attendant II	1	Post to be deleted
Property Attendant	3	Posts to be deleted

Note : Posts to be deleted will be deleted only upon the transfer out of the staff from the Judiciary or upon the staff filling other vacancies in the Judiciary.

**Caseloads of Magistrates' Courts
in 2003 and 2004**

<u>Magistrates' Courts</u>	<u>2003</u>	<u>2004</u>
Western	19 079	–
Eastern	18 663	44 037
Kowloon City	34 827	32 713
North Kowloon	26 503	25 530
Kwun Tong	25 830	31 386
Sha Tin	12 143	19 404
Fanling	18 865	22 159
Tuen Mun	16 998	18 385
Tsuen Wan	24 511	26 298
Total :	197 419	219 912

**Number of Magistrates and Staff
in Tsuen Wan Magistrates' Courts
as at the end of March 2005**

<u>Rank</u>	<u>No. of Posts</u>
Principal Magistrate	1
Magistrate	2
Deputy Magistrate	2
Special Magistrate	1
Senior Judicial Clerk	1
Court Interpreter I	1
Court Interpreter II	4
Senior Clerical Officer	1
Clerical Officer	5
Assistant Clerical Officer	14
Clerical Assistant	8
Office Assistant	3
Personal Secretary II	1
Carpark Attendant II	1
Property Attendant	3