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15 May 2006

Clerk to LegCo Panel on
Administration of Justice and Legal Services
(Attn : Mrs Percy Ma)
Legislative Council Building
8 Jackson Road
Central
Hong Kong

Dear Mrs Ma,

**Panel on Administration of Justice
and Legal Services (“AJLS Panel”) :**
**Resources Implications for the Judiciary arising from the
Administration’s Legislative Framework Concerning
Interception of Communications and Covert Surveillance**

At the meeting on 27 March 2006, Members of the AJLS Panel requested the Judiciary Administration to provide a written response on (i) the estimated number of additional Court of First Instance (CFI) Judges and Deputy Judges required, (ii) the timetable on the recruitment and appointment of these Judges and (iii) the plan for deployment of Judges and Deputy Judges in the event that the Bill on the captioned subject had to be implemented before additional judges could be recruited (paragraph 30 of the draft minutes of meeting refers).

Number of Additional CFI Posts Required

2. If the Administration’s legislative proposals as set out in the Interception of Communications and Surveillance Bill are enacted and implemented, it would be necessary to provide the Judiciary with

sufficient resources to ensure that its work as a whole would not be adversely affected. In this regard, the Judiciary takes the view that additional CFI posts are necessary as (i) the diversion of Panel Judges to deal with judicial authorization would mean a significant reduction in judicial manpower of substantive CFI judges, and such reduction could not be compensated by the use of Deputy Judges; and (ii) the functions of the oversight authority would take up a substantial amount of the time of a Judge in the event that he / she is a serving Judge.

3. Having regard to the relevant figures on the cases of interception of communications and covert surveillance and other relevant information provided by the Administration so far, the Judiciary is of the view that, taking the two proposals together, two additional CFI judge posts would be required to cover the impact on judicial resources arising from the work of judicial authorization and that of the Oversight Authority if the Commissioner is a serving Judge.

4. The Judiciary understands that the Administration agrees that two additional CFI posts should be provided to the Judiciary and that the Administration will proceed to seek the necessary approval for the creation of these two additional CFI posts as soon as practicable.

Recruitment and Appointment of CFI Judges

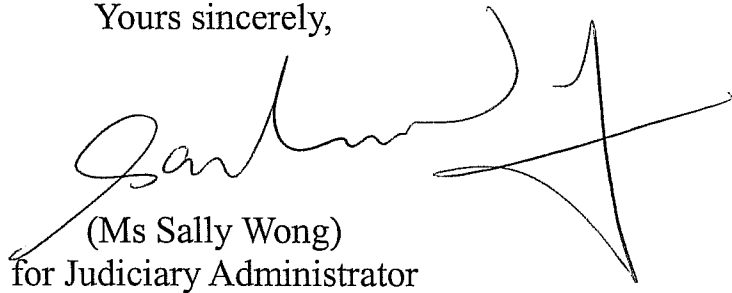
5. At present, there are four existing CFI Judge vacancies. The Judiciary plans to launch the recruitment for CFI judges in late May 2006. It is expected that the recruitment exercise will be completed before the end of 2006.

6. On the assumption that the legislative proposals may be enacted and implemented by August 2006 and that the recruitment exercise of CFI judges will be completed before the end of 2006, the possible time gap between the enactment and implementation of the legislation and the appointment of new CFI judges will only be of a few months' time, and this period covers the summer vacation. The Judiciary therefore does not anticipate any serious problems if additional CFI posts can be created before the summer recess upon the enactment of the Bill.

Deployment of Judges and Deputy Judges in the event that the Bill has to be implemented before Recruitment of Additional judges

7. In the eventuality that there will be a short gap of a few months' time as set out in para. 6 above, the Judiciary may consider increasing the level of temporary judicial resources for this short period. Under the existing operating expenditure envelope for the Judiciary in 2006/07, the Judiciary has adequate resources for the engagement of additional deputy judges to cope with the short gap between the implementation of the legislative proposals and the appointment of new CFI judges.

Yours sincerely,



(Ms Sally Wong)
for Judiciary Administrator

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