

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 7 March 2012**

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. Its mission is to maintain an independent and effective judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands confidence within and outside Hong Kong. In the financial year 2012-13, a total provision of \$1,209.6 million is sought to enable the Judiciary to achieve its objectives.

2012-13 Draft Estimates

2. In accordance with the budgetary arrangements agreed between the Judiciary and the Administration in 2005, the Judiciary submitted its resource requirements for 2012-13 to the Administration in July 2011, prior to the Administration's drawing up of the budget for the Judiciary. The Judiciary considers that the above budgetary arrangements have been working satisfactorily, and that the Administration has been helpful in the process.

3. The draft Estimates of 2012-13 for the Judiciary, amounting to \$1,209.6 million, represents an increase of \$135.8 million, or 12.6%, over our revised estimates for 2011-12. With this provision sought, the Judiciary is able to fill all the substantive Judges and Judicial Officers (“JJOs”) posts at all levels of courts on its establishment, engage temporary judicial manpower to help improve waiting times in pressure areas in the interim and recruit additional support staff to meet the needs arising from the increased level of judicial and registry services.

Judicial Manpower and Recruitment Exercises

4. At present, there are 189 judicial posts at all levels of courts on the establishment of the Judiciary. Such level of establishment can be regarded as generally sufficient to cater for the operational needs of the Judiciary, having regard to its prevailing workload. However, to cater for the increasing workload in the Lands Tribunal, in particular the increase arising from more compulsory sale cases since 2009, the Judiciary proposes, with the support of the Development Bureau, to seek to create two additional judicial posts of one District Judge and one Member, Lands Tribunal for the Lands Tribunal in the current legislative session. Subject to the Finance Committee’s approval of the two additional judicial posts,

the establishment of the judicial posts will be increased to 191 in the coming financial year. Further, subject to the passage of the Competition Bill and the establishment of the Competition Tribunal within the Judiciary, two further additional judicial posts, namely one Judge of the Court of First Instance of the High Court and one Deputy Registrar of the High Court, will also need to be created to enable the Judiciary to cope with the work of the new set up.

5. At present, against the establishment of 189 judicial posts, 144 are filled substantially. There are 45 vacancies, which have arisen mainly from the retirement and elevation of JJOs at all levels of courts. The top priority for the Judiciary is to have these vacancies substantively filled by good quality candidates from both within and outside the Judiciary.

6. For this purpose, open recruitment exercises for various levels of courts (namely, Special Magistrates, Permanent Magistrates, District Judges and Court of First Instance Judges of the High Court) started in June 2011 and are on-going, with a view toward filling the vacancies we have and will have. It is expected that all the recruitment exercises will be completed in 2012.

7. Meanwhile, the level of substantive judicial manpower has been affected. There are some pressure points, particularly in the High Court, and these have resulted in the lengthening of court waiting times.

8. To address the situation and also to respond to the fluctuation of workload from time to time, the Judiciary has been engaging deputy JJOs as a short term measure. The deputy JJOs provide the needed judicial manpower before substantive JJOs are appointed and help reduce waiting times to a certain extent in the interim. But it should be recognized that there is a limit to which the workload can be helped out by the appointment of deputy JJOs and that the judicial manpower situation must ultimately be addressed by filling the vacancies substantively.

9. According to the Chief Justice, the shortfall of substantive judicial manpower is only temporary, and he is confident that the Judiciary shall maintain the high standards that the public expects of the Judiciary.

10. At the same time, the Judiciary will continue to keep its judicial manpower situation at all levels of courts under constant review and will take appropriate action where it is considered necessary to do so.

Enhancement of Support Staff Manpower

11. To provide adequate support to JJOs and operate effective and efficient registry and other support services, 41 net additional civil service posts will be created in 2012-13. As regards the filling of existing vacancies, the Judiciary has started open recruitment exercises for civil service staff in the Tribunal Officer and Bailiff's Assistant grades in the latter half of 2011 and early 2012 respectively. In addition, the Judiciary expects that more civil service vacancies in the clerical grade will be filled during the coming financial year. It is expected that the successful recruitment of civil service staff will continue to enhance the support staff manpower position of the Judiciary in 2012-13.

Civil Justice Reform and Mediation

12. The Civil Justice Reform ("CJR") came into effect on 2 April 2009. A CJR Monitoring Committee chaired by the Chief Judge of the High Court is monitoring the work of the reformed system. The Monitoring Committee noted that the implementation of the CJR had on the whole been smooth and satisfactory in the first two years. There are positive signs that the intended results of CJR were being achieved. However, a longer time will be required to assess the full impact, benefit and effectiveness of CJR. We will continue to monitor.

13. A key feature of the CJR is the facilitation by the court of the settlement of disputes by encouraging parties to engage in mediation. There has been an increasing awareness among litigating parties that mediation would be one of the alternative routes for dispute resolution. Information sessions have been conducted on a regular basis by our Mediation Information Office to enable litigating parties to familiarize themselves with the option of mediation. Parties are now showing greater readiness in attempting mediation and we will continue to monitor the situation closely and consider whether further facilitation measures are required.

Conclusion

14. The Judiciary will continue to explore areas for further improvements to enhance access to justice and to provide quality services to court users and members of the public.

15. Thank you.