

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 12 April 2013**

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 2013-14, a total provision of \$1,272.1 million is sought to enable the Judiciary to achieve its objectives.

2013-14 Draft Estimates

2. In accordance with the budgetary arrangements agreed between the Judiciary and the Administration back in 2005, the Judiciary submitted its resource requirements for 2013-14 to the Administration in July 2012, 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 2013-14 for the Judiciary, amounting to \$1,272.1 million, represents an increase of \$135.5 million, or 11.9%, over our revised estimates for 2012-13. With this provision sought, the Judiciary is provided with the financial resources required for the filling of all the substantive Judges and Judicial Officers (“JJOs”) posts at all levels of courts on its establishment, the engagement of temporary judicial manpower to help improve waiting times in pressure areas in the interim and the recruitment of additional support staff to meet the needs arising

from the increased level of judicial and registry services.

Judicial Manpower

4. Since 1 April 2013, there are 193 judicial posts at all levels of courts on the establishment of the Judiciary. Compared with the position a year ago, four additional JJO posts were created to enable the Judiciary to cope with its increasing workload and new responsibilities. One District Judge post and one Member, Lands Tribunal post were created in July 2012 to help cope with the upsurge in workload arising from the compulsory sale land cases in the Lands Tribunal. On 1 April 2013, one Judge of the Court of First Instance of the High Court post and one Deputy Registrar of the High Court post were created to cope with the new responsibilities arising from the setting up of the Competition Tribunal.

5. Apart from creating additional judicial posts, the Judiciary has also completed the latest round of recruitment exercises at all levels of court by the latter half of 2012. Between April 2012 and today, a total of 55 judicial appointments to all levels of courts have been announced. These comprise 28 JJOs who have been elevated to a higher position within the Judiciary and 27 JJOs who have joined from outside the Judiciary. As a result, the vacancy position of the Judiciary has improved greatly. Compared to the position a year ago, the number of fillable JJO vacancies has decreased from 32 to 16, even after four additional posts were created during this period. It should also be pointed out that announcements on further judicial appointments would be made in 2013, and the number of judicial vacancies will be further reduced.

6. Notwithstanding the above-mentioned positive developments,

there is no room for complacency. There are three major concerns:

- (a) The High Court remains a pressure area and its waiting times still exceeded their targets;
- (b) The temporary judicial manpower constraints will remain for a while as there would be anticipated retirements at all levels of courts in the next few years;
- (c) Judicial manpower planning and recruitment exercises take time, and advance planning is required to enable that adequate and suitable judicial manpower is provided to cope with the operational need of the Judiciary.

7. In this regard, the Chief Justice has come to the view that action should be taken on three fronts to tackle the above concerns. First, the Chief Justice notes that as far as the High Court is concerned, a closer look should be taken into the manpower position of the Court of Appeal, and the implications of such position on the Court of First Instance. He notes that while all the existing Justice of Appeal vacancies have been filled since November 2012, the work pressure of the Court of Appeal has remained acute, and that it has to continue to rely heavily on the drawing of resources from the Court of First Instance to help cope with its workload. The Chief Justice has therefore instructed that a review of the judicial manpower position of the Court of Appeal should be conducted as a matter of priority. Ground work on the review has already commenced. Depending on the outcome of the review, the Judiciary will present its findings and put forward any proposals to the Administration for consideration in accordance with the established budgetary arrangements as mentioned at paragraph 2 above.

8. Secondly, the Chief Justice notes that a number of judicial vacancies will be coming up in the next few years as a result of retirements. He has decided that consideration should be given to launching another round of recruitment exercise, possibly starting from the latter part of this financial year. As regards judicial recruitment, the Chief Justice is confident that there are suitable talents from both within and outside the Judiciary to be appointed to various judicial positions. And the Chief Justice also takes the firm view that only those who are found suitable for the judicial appointment should be appointed, even if this means that some of the judicial vacancies would remain unfilled for a short period of time.

9. Thirdly, the Chief Justice notes that in the interim, there would still be pressure areas. To address the situation and also to respond to the fluctuation of workload from time to time, the Judiciary will continue to engage deputy JJOs to cope with the operational needs 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.

10. The Chief Justice is confident that the Judiciary shall maintain the high standards that the public expects of the Judiciary.

Enhancement of Support Staff Manpower

11. To provide adequate support to JJOs and operate effective and

efficient registry and other support services, 46 net additional civil service posts will be created in 2013-14. In 2012-13, we have just completed the latest round of recruitment of Judicial Clerks and new staff are joining us starting in March 2013. 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 2013-14.

The Judiciary Information Technology Strategy Plan

12. The Judiciary has formulated an Information Technology Strategy Plan (“ITSP”). In this regard, the Judiciary will make a submission to the Finance Committee of the Legislative Council in May 2013 for funding approval to taking forward the ITSP and in particular a Six-year Action Plan. It is expected that, with the implementation of the ITSP, the Judiciary would provide more effective and efficient services to all its stakeholders through the greater application of information technology in its operation. The Judiciary will also be equipped with better tools in improving access to justice and in responding responsibly to the rising expectation of court users and the public.

Conclusion

13. 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.

14. Thank you.