

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 31 March 2014**

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 2014-15, a total provision of \$1,356.6 million is sought to enable the Judiciary to achieve its objectives.

2014-15 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 2014-15 to the Administration in July 2013, 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 2014-15 for the Judiciary, amounting to \$1,356.6 million, represents an increase of \$133.7 million, or 10.9%, over our revised estimates for 2013-14. With this provision sought, the Judiciary will be provided with the financial resources required for the creation of seven additional judicial posts at various levels of courts, the engagement of a team of 10 legally qualified staff to provide professional support to judicial education, and the creation of 59 net additional civil service posts in the Judiciary Administration to meet the needs arising from the increased levels of judicial and registry services. Such increased provisions will also enable the Judiciary to meet the requirements for the filling of all the existing substantive Judges and Judicial Officers (“JJOs”) posts at all levels of courts, the engagement of temporary judicial manpower to help improve waiting times in some pressure areas in the interim and the employment of support staff to fill all the existing posts in the Judiciary Administration.

Enhancement of the Judicial Manpower

4. In 2013-14, despite great efforts that have been made (including the filling of all the Justice of Appeal posts of the Court of Appeal substantively, the conduct of recruitment exercises on a much frequent basis and the engagement of temporary judicial resources as far as practicable), the High Court continued to remain as a pressure area as far as judicial workload and waiting times were concerned. Having regard to the above, the Chief Justice has instructed that a comprehensive Establishment Review of the judicial manpower be conducted in early 2013. The review concludes that:

- (a) Additional resources are much needed for the creation of additional judicial (and associated support staff) posts for the Court of Appeal of the High Court to enable it to cope with the increased workload. With the establishment of the Court of Appeal enhanced, much of the judicial resources currently redeployed from the Court of First Instance in helping out the work of the Court of Appeal could be released back to that level of court to hear cases; and
- (b) Additional resources are needed for the creation of additional judicial (and associated support staff) posts at various levels of court to cover the absence of JJOs for dealing with judicial educational matters and attending judicial training activities.

5. As a result, it is proposed that seven judicial posts, i.e. three Justice of Appeal posts, one Judge of the Court of First Instance post, one District Judge post and two Magistrate posts, together with 16 civil service posts in providing support to these additional judicial posts, are sought.

6. The review of judicial manpower for all levels of court, and in particular the High Court, is an on-going exercise. If, in the course of our continuing review, additional judicial posts are required in the future, the Judiciary will of course put forward its requirements to the Administration in accordance with the budgetary arrangements as set out in paragraph 2 above.

Enhanced Support to Judicial Education

7. The Chief Justice attaches great importance to the pursuit of continuing judicial education by all JJOs. He takes the view that central to the administration of justice is the quality of our judges at all levels and that a modern judiciary is expected to maintain the high standards, if not improve on them. Judicial education plays a vital role in this regard. Starting from 2013, the Judiciary is in the process of making important changes to our system of judicial education. First and foremost, in early 2013, the former Judicial Studies Board has been replaced by the setting up of the Hong Kong Judicial Institute. The role of the Judicial Institute is to enhance judicial skills and knowledge through the development of continuing and more structured judicial education for all JJOs. The Governing Body of the Judicial Institute, which is chaired by the Chief Justice, was also set up in 2013 to provide strategic steer for and oversee the development of judicial education.

8. In taking forward the many new initiatives in judicial education under the direction of the Governing Body, it is revealed that additional resources are needed to enhance the support to judicial education in the following two areas:

- (a) At present, JJOs are generally not provided with “protected time” to engage in the planning, preparation, delivery of and attendance at judicial educational activities. They are doing so on top of their normal judicial responsibilities. While the JJOs have been conscientiously doing so over the years, this has created additional demands on their already heavy workload and work pressure and this is not conducive to well-structured and sustainable development of judicial education. As mentioned above, this factor has been taken into account in the Establishment Review, and (as I have already mentioned) additional judicial posts are sought at various levels of courts for providing “protected time” for JJOs for dealing with judicial education and attending such activities; and

- (b) The Judicial Institute needs to be supported by a dedicated and professional Executive Body which should be staffed by legally qualified professionals (including a Chief Executive position which will be set at a level equivalent to the rank of D3 in the Civil Service). They will provide support to the Governing Body in the areas of research, publication and programmes in the development of judicial education. To this end, we are proposing to engage a team of 10 non-civil service staff, who are legally qualified, to provide the necessary professional support. At the same time, the administrative support to the Judicial Institute needs to be enhanced by the creation of an additional civil service post.

Enhanced Support to the Various Major Initiatives

9. In 2014-15, on top of meeting the on-going operational needs in discharging its responsibilities on all fronts, the Judiciary will continue to carry out the implementation of many important initiatives. To this end, a net additional 42 civil service posts will be required.

10. One of these important major initiatives is the implementation of the Information Technology Strategy Plan (“ITSP”). Under the ITSP, the Judiciary aims to provide more effective and efficient services to all its stakeholders through the greater application of information technology in its operation. In May 2013, we had obtained funding approval by the Finance Committee at \$682.4 million for the implementation of this project. We are grateful to the support of the Legislature in this regard.

11. We are now in full gear in taking the ITSP forward. While we are working on the arrangements whereby part of the manpower resources required for the implementation would be procured through various service providers, we would also need to enhance the civil service establishment having regard to the operational requirements at different junctures of the project cycle to ensure smooth implementation and proper monitoring. In 2014-15, we propose to create six net additional civil service posts to enhance both the Information Technology teams and the Finance section of the Judiciary Administration (including the proposed creation of one Chief Systems Manager at D1 level to oversee the technical side of the ITSP implementation and the proposed upgrading of a Senior Treasury Accountant post to the rank of Chief Treasury Accountant at D1 level to oversee the financial monitoring of the project on top of many other heavy responsibilities over the financial management of the Judiciary as a whole).

12. The remaining 36 net civil service posts sought are for the provision of support to cope with increased workload or to improve our services in various areas, such as enhancing of administrative support to Court Leaders, strengthening of support for the High Court Masters' Clerks Office (6 net additional posts) and for the replacement of Non-Civil Service Contract Staff (30 posts).

The Way Forward

13. The Judiciary will be consulting the Panel on Administration of Justice and Legal Services on its manpower proposals before submitting them to the Establishment Sub-Committee for endorsement and the Finance Committee for approval. The Judiciary looks forward to receiving Members' support.

Conclusion

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

15. Thank you.