

**The Judiciary Administrator's Speaking Notes
at the Special Meeting of Finance Committee
on 12 April 2021**

Overview of the Judiciary's Work and Operation in 2020-21

Coping with multiple unprecedented challenges

Since January 2020, the operation of courts and tribunals has been considerably affected by the unprecedented challenges, mainly from the combined effects of the prolonged COVID-19 epidemic, the upsurge of cases relating to social events at various levels of court, and the phenomenal increase in leave applications for judicial review relating to non-refoulement claims at the High Court.

2. The Judiciary has been making pro-active and dedicated efforts in coping with the multiple challenges through a series of measures which seek to make the best possible use of available manpower and court facilities to handle the maximum volume of court business-

(a) Prolonged COVID-19 epidemic

In light of the evolving public health situation, the Judiciary has been striking a balance between public health risks and administration of justice. Following the three months' General Adjourned Period from late January to early May 2020, the Judiciary had been adjusting its conduct of court business and adopting social distancing measures to ensure that courts can continue to carry on business as safely as circumstances permit.

These include more flexible deployment of court premises across different levels of courts, using remote hearings and paper disposals as alternative means of disposing suitable civil cases, and engaging additional judicial manpower.

With such efforts, the total number of cases disposed in 2020 amounted to around 85%, with civil cases at 90% and criminal cases at 70-80% to the corresponding figures in 2019; and the target court waiting times for civil cases were generally achieved. The impact of longer court waiting time has fallen mainly on criminal cases, because these cases especially those with many defendants had to be scheduled at wider intervals and the lack of legal basis for remote hearings on criminal proceedings.

(b) Upsurge of social event (“SE”) cases

The upsurge of SE cases has been posing particular challenges to the Judiciary as their operational arrangements tend to be more complex because they invariably involve a large number of defendants, legal representatives, media and public viewers, and evidences in the form of large volume of video recordings.

We have been according suitable priority to processing such cases through pro-active case management (including setting stricter procedural timetable), enhancing courtrooms and broadcasting facilities to enable the handling of multi-defendant cases as far as possible, re-commissioning the former Tsuen Wan Law Courts Building in the second half of 2021, and arranging longer court sitting hours and Saturday sittings as necessary.

As of 28 February 2021, the Judiciary has already disposed of 1,140 (65%) of the 1,752 SE cases brought to various levels of court. Many of such cases require a considerably long hearing period of over 30 days. With only around 130 courtrooms suitable for hearing criminal cases in the Judiciary, we have been handling around 100 hearings relating to SE cases each week in around 10 court buildings.

(c) Leave application for Judicial Review (“JR”) relating to Non-refoulement claims

From 2016 to 2020, the total number of applications to the Court of First Instance of the High Court (“CFI”) for leave to apply for JR increased from 228 to 2,500. The vast majority (over 90%) of the increase came from cases related to non-refoulement claims, which increased from 60 to 2,367. The number of other JR cases has remained stable at an annual average of around 160 cases with no apparent trend of increase. The Judiciary has been adopting a stringent and prudent approach in handling such applications. The percentage of leave granted remains at a very low level. Only 3.5% of non-refoulement claims disposed as at end January 2021 were approved.

The Judiciary will continue to deploy additional manpower resources and streamline processing procedures as far as possible, with a view to expediting the processing of the outstanding and increasing number of leave applications at CFI and appeal cases at Court of Appeal of the High Court (“CA”). With these measures, we aim at disposing of up to 2,000 cases at CFI and 1,000 cases at

CA each year, which are effectively more than double the average caseload disposed in the past few years.

Greater Use of Technologies

3. In light of the above challenges, the Judiciary is committed to making greater use of technology for enhancing the efficiency of court business. We have been and will continue to be taking proactive efforts in taking forward a series of technology-related initiatives in 2021-22 and the years ahead. These include implementation of electronic filing of court documents at the key levels of court by phases from 2021 to 2024, and giving effect to the option of remote hearings for criminal proceedings. Continued efforts will be made in parallel at both legislative and implementation fronts.

2021-22 Draft Estimates

4. The draft Estimates of 2021-22 for the Judiciary, amounting to \$2,325.7 million, represents an increase of \$183.0 million or 8.5% over the revised estimates for 2020-21, but only 2.7% over the original estimates for 2020-21. In 2021-22, the additional provision mainly reflects the net additional financial resources required for creation of four additional non-judicial civil service posts, filling of existing judicial and non-judicial vacancies, additional operating expenses for strengthening court operations, facilitating the application of information technology in the Judiciary and enhancing administrative support on various fronts of the Judiciary.

Judicial Manpower

5. The establishment of judicial posts now stands at 222. Over the past years, the Judiciary has been launching open recruitment exercises for filling judicial vacancies at appropriate timing, having regard to the overall judicial manpower situation and operational needs of the different levels of courts-

- (a) at the Judge of the CFI level, the Judiciary has conducted five open recruitment exercises on a regular basis since 2012. A total of 26 CFI Judges have been appointed. A new round of recruitment exercise launched in November 2020 is in progress;
- (b) for the District Judge (“DJ”) level, three rounds of open recruitment were conducted from 2011 to 2018. A total of 36 judicial appointments were made. The Judiciary has launched a new round of recruitment of DJs in March 2021; and
- (c) four rounds of open recruitment exercises for Permanent Magistrates conducted since 2011 were completed. A total of 55 Permanent Magistrates were appointed. The next recruitment exercise for Permanent Magistrates will be launched within 2021.

6. In addition, the Judiciary would continue to keep in view the judicial manpower situation and engage deputy Judges and Judicial Officers in the interim in helping to meet pressing operational needs as far as practicable.

Non-Judicial Manpower

7. In 2021-22, additional provision has been made to cope with the net addition of four civil service posts for:

- (a) providing continuous/enhanced support for the use of information technology in the Judiciary;
- (b) additional workload arising from the District Court satellites arrangements for expediting processing of court cases relating to social events; and
- (c) supporting the re-commissioning of the former Tsuen Wan Law Courts Building.

Conclusion

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

9. Thank you.