

**For discussion  
on 6 November 2023**

**Legislative Council  
Panel on Administration of Justice and Legal Services**

**2023 Policy Address  
Policy Measures of the Chief Secretary for Administration's Office**

**INTRODUCTION**

This paper sets out the progress of policy measures of the Chief Secretary for Administration's Office in relation to the Judiciary and legal aid.

**OUR VISION**

2. The rule of law is a core value of Hong Kong, a cornerstone to success in the implementation of the principle of “One Country, Two Systems”. The Central Government fully supports Hong Kong in its effort to maintain the common law. The laws previously in force, including the common law, has not only been maintained but evolved. Judicial independence is firmly enshrined in various provisions of the Basic Law. We will continue to steadfastly safeguard independent judicial power. We will fully support the Judiciary in exercising its judicial power independently in accordance with the law, and protect and support judges in discharging their duties in accordance with the law. We will safeguard due administration of justice and the rule of law to enhance confidence of the public and the international community in our rule of law.

3. Legal aid services form an integral part of the legal system in Hong Kong. We strive to ensure reasonable accessibility of legal aid and free legal advice services to the public which is conducive to upholding the principle of equality before the law.

## **POLICY MEASURES**

### **Supporting the work of the Judiciary**

4. The Government will continue to support the Judiciary in taking forward court building projects as well as legislative, technology, or other initiatives which are conducive to the effective and efficient administration of justice.

#### ***New and Additional Court Facilities***

5. To address the accommodation needs of the Judiciary, the Government has been supporting the Judiciary in taking forward various works projects for providing new and additional court buildings and related facilities. The major priority is on the detailed design and construction of the new District Court (“DC”) building at Caroline Hill Road for housing the DC, the Family Court (“FC”) and the Lands Tribunal (“LT”). The on-going construction works are targeted for completion in late 2026 and commissioning in late 2027.

6. Before the commissioning of the new DC building, with the Government’s support, the Judiciary has been providing additional courtrooms and related facilities to cope with imminent and short-term needs. These include one mega courtroom and associated facilities which were commissioned in the Wanchai Tower in August 2023, and three civil courtrooms and associated facilities recently commissioned in October 2023. In addition, two courtrooms for the FC, one courtroom for the LT and related facilities are being built in the Revenue Tower. The construction works are expected to be completed in late 2023 for commissioning in the first quarter of 2024.

#### ***Use of Technology in Court Operations***

7. The Judiciary is committed to making greater use of technology to enhance the efficiency of court operations. In recent years, the Judiciary has launched a number of technology initiatives, including the development of an integrated Court Case Management System (“iCMS”) for handling court-related documents and payments electronically across various court levels, use of e-bundles at court hearings, remote hearings and e-appointments for specific court services, etc.

8. As an e-litigation platform, the iCMS has been implemented incrementally in the DC and the Magistrates' Courts ("MCs") since May and December 2022 respectively. Today, the iCMS can be used for personal injuries action, tax claim proceedings, civil action proceedings and employees' compensation cases in the DC and summons cases in the MCs. The Judiciary's target is to roll out the external functions of the iCMS for the Court of Final Appeal, the High Court ("HC"), the non-Summons Courts of the MCs, and the Small Claims Tribunal incrementally from 2024.

9. As indicated in the Chief Justice's speech at the Ceremonial Opening of Legal Year 2023, it is the ultimate aim of the Judiciary to make the electronic platform the primary litigation system. To prepare for the mandatory use of the iCMS for litigation for all legally represented litigants within a specified target timeframe, the Judiciary will be consulting the legal profession and other stakeholders on the implementation arrangements towards the end of 2023, and putting in place safeguards for the unrepresented litigants' right of access to court. Continued efforts will also be made in promotion and publicity of the iCMS with a view to encouraging migration to the electronic mode, particularly for the legal profession.

10. Remote hearing is another technology-related initiative. The Judiciary has been promoting wider use of remote hearings for civil proceedings since February 2020. So far, over 1 700 remote hearings (including video-conferencing and phone hearings) have been conducted and the experience has been positive. The Judiciary is working on a draft Courts (Remote Hearing) Bill which seeks to remove legal obstacles to the general application of remote hearings to criminal proceedings and provide express provisions setting out how matters should be handled when a hearing is conducted remotely. The Judiciary launched a three-month public consultation on the draft Bill in June 2022 and consulted this Panel in May 2023. The Judiciary is finalising the Bill in the light of comments received and will then introduce the Bill into the Legislative Council. The Judiciary has also been encouraging the greater use of e-bundle hearings where appropriate, especially for cases involving a substantial volume of documentary evidence, e.g. commercial cases of the HC.

11. To minimise the need for court users to queue up for registry services, the Judiciary introduced an e-appointment system for selected registry services for the Probate, FC and LT in March 2021; and in the Apostille Service Office of the HC Registry, the Appeals Registry of the Clerk of Court's Office and the Integrated Mediation Office in January 2022. They are largely for unrepresented litigants. The Judiciary is exploring to further extend the system to cover filing of self-bankruptcy petitions at the HC Registry, application for grant with a will at the Probate Registry and commencement of distraint cases in the DC.

12. Another initiative the Judiciary is actively exploring is live broadcasting of selected judicial proceedings outside court premises. Live broadcasting of court proceedings enhances the transparency of court procedures and public confidence in the judicial process. The Judiciary is mindful that not all proceedings are inherently suitable for live broadcasting, and is examining the guiding principles as well as the implementation practicalities of live broadcasting of court proceedings.

13. The Judiciary continues to incrementally introduce technology-related facilities in more courtrooms. At present, around 150 out of a total of some 220 courtrooms (around 70%) are equipped with user-friendly features and facilities, including video conferencing, multimedia presentation of evidence, e-bundles, and interpretation services – all integrated into a centrally controlled network. Moreover, display systems have also been installed at court lobbies so that proceedings may be broadcast to interested parties who cannot be accommodated in the hearing court.

14. The Judiciary is also testing various voice recognition software products in the market, particularly on accuracy of voice recognition, with a view to making use of this technology in recording court proceedings and preparing transcripts where appropriate in the longer term.

### ***On-going Efforts to Expedite Court Proceedings***

15. The Judiciary has been making pro-active and multi-farious efforts to cope with a persistently heavy overall caseload and expedite court proceedings as far as practicable without undermining the administration of justice. These efforts include continued engagement of additional permanent and temporary judicial manpower, more pro-active case management, longer court sitting hours and Saturday sittings as appropriate, greater use of technology such as remote hearings, e-bundles and e-lodgement; and enhancing court facilities.

### ***Family Procedures Rules***

16. To enhance the efficiency and effectiveness of the family justice system, the Family Procedure Ordinance (“FPO”) was enacted in June 2023 to provide a clear legal basis for making a single unified set of accessible and comprehensive court procedural rules applicable to all family and matrimonial proceedings across the FC and the HC. The FPO is being implemented in two phases. As the first phase, the Family Procedure Rules Committee, tasked to prepare the draft Family Procedure Rules (“FPR”), has been formed. In parallel, the new Family Masters system has been implemented in the FC since October 2023. This should help alleviate the

heavy workload of Family Judges. As the second phase, the detailed FPR (comprising about 60 sets of consolidated and self-contained Rules) are being prepared. They will be submitted to the Legislative Council for consideration when ready.

## **Legal Aid**

### ***Review of the operation of the legal aid system***

17. The Legal Aid Department (“LAD”) has put in place all enhancement measures to the legal aid system by the end of 2021, which include reducing the overall assignment limits on civil legal aid cases for solicitors and counsel, stringent enforcement of the assignment limits on judicial review-related legal aid cases for solicitors and counsel, direct assignment of solicitors and counsel in criminal cases, etc. These enhancement measures have been effective in forestalling possible over-concentration of cases among certain lawyers and strengthening the prevention of abuse of legal aid, and will widen the pool of lawyers available for taking up legal aid cases in the long run, thereby bringing positive impact to the legal profession. The Government has reported to this Panel on the implementation of the enhancement measures in May this year, and will continue to closely keep in view the effectiveness of the measures.

18. In the meantime, LAD will continue to rigorously implement the case management measures to prevent abuse of legal aid, and step up publicity and explanatory work and take forward more public education initiatives to further enhance the public’s understanding of the legal aid system. LAD will also strengthen communication with various stakeholders such as Legislative Council members, legal professional bodies, the insurance sector and labour organisations, so as to better grasp and respond to views of various sectors on the legal aid system.

### ***Review of Financial Eligibility Limits (“FELs”) for Legal Aid Applicants and Director of Legal Aid’s First Charge***

19. The Government reviews annually the FELs under the Ordinary Legal Aid Scheme and Supplementary Legal Aid Scheme, as well as the amounts specified in sections 18A(5) and 19B(1)(a) of the Legal Aid Ordinance (Cap. 91) relating to the Director of Legal Aid’s first charge, to take into account general price movement as reflected by the Consumer Price Index (C). The latest round of annual review with the reference period from July 2022 to July 2023 is well underway. We will report the result to this Panel by end of this year.

## **ADVICE SOUGHT**

20. Members are invited to note the policy measures in relation to the Judiciary and legal aid as set out above.

**Administration Wing  
Chief Secretary for Administration's Office  
October 2023**