

**The Judiciary Administrator's Speaking Notes
at the Special Meeting of Finance Committee
on 15 April 2024**

2024-25 Draft Estimates

The draft Estimates of 2024-25 for the Judiciary is \$2,636.1 million, representing an increase of \$141.1 million or 5.7% over the revised estimates for 2023-24. In 2024-25, the net additional financial resources required are mainly for –

- (a) creation of two additional judicial posts and the net addition of four non-judicial posts;
- (b) filling existing judicial and non-judicial vacancies; and
- (c) additional operating expenses arising from price adjustments to major and essential contractual services for court operations, including information technology support, and security control guarding and security screening services.

Judicial Manpower

2. The establishment of judicial posts now stands at 211 while the number of serving Judges and Judicial Officers (JJOs) is 160. We propose to increase two judicial posts in the Lands Tribunal for coping with additional caseload arising from the passage of the Land (Compulsory Sale for Redevelopment) Ordinance. In recent years, the Judiciary has been conducting more frequent and regular open recruitment exercises for filling judicial vacancies at different levels of court. The latest round of recruitment exercises for District Judges and Judges of the Court of First Instance of the High Court (CFI) was launched in July and October 2023

respectively, while that for Permanent Magistrates was launched in April this year.

3. The Judiciary would continue to monitor the judicial manpower situation and engage deputy JJOs to meet operational needs as far as practicable.

Non-Judicial Manpower

4. For non-judicial manpower, in 2024-25, there will be a net increase of four civil service posts following the lapse of three time-limited posts, deletion of four posts and creation of 11 posts for meeting operational needs, including -

- (a) the implementation of a new initiative to update and streamline the statutory compulsory sale regime;
- (b) the New Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Proceedings; and
- (c) co-ordinating large-scale judicial exchange and visit programmes.

Overview of the Judiciary's Work and Operation

5. In 2023-24, the Judiciary continued to cope with the challenge of a persistently heavy workload at various levels of court. In overall terms, we managed to dispose of an overall caseload which is slightly higher than that of 2019, before the COVID-19 pandemic. The heavy caseload was compounded by a significant number of court proceedings which had been postponed from previous few years due to the reduced capacity of the courts during the COVID-19 pandemic, as well as an increasing number of complex criminal cases that required longer trial periods. As a result, we managed to meet the target court waiting times for the majority of civil cases while continuing to fall short of the targets for criminal cases.

6. The Judiciary has been taking pro-active and multi-pronged measures to expedite the processing of cases, with priority given to cases relating to the 2019 anti-extradition amendment bill incidents (anti-EAB cases) and national security (NS cases) including many requiring longer trial periods and processing times. Such measures include engaging additional judicial manpower, enhancing courtroom capacity and providing additional court facilities, arranging longer sitting hours and Saturday sittings, adopting alternative means of disposal where appropriate, and strengthening case management.

7. With priority allocated to the anti-EAB and NS cases, the Judiciary had disposed of around 93% of over 2 300 anti-EAB cases and around 87% of over 200 NS cases brought at various levels of court as at end February 2024. However, due to the deployment of judicial resources to handle with priority anti-EAB and NS cases, the average court waiting times for criminal cases were inevitably affected. Since the vast majority of the anti-EAB and NS cases have been set down for trial in 2024 and

2025, their impact on court waiting times of other cases is expected to be gradually reduced by then. The Judiciary will continue to closely monitor the court waiting times and make on-going efforts to seek improvements as far as practicable.

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

8. In 2023-24, the Judiciary continued to be faced with the continued influx of cases relating to non-refoulement claims into the court. From 2016 to 2023, around 20 000 JR leave applications and related appeals were filed to the court, amongst which some 13 000 cases had been disposed. Around 230 cases which represent 3% of the leave applications disposed of were granted leave by the CFI. We generally managed to dispose of on average around 1 500 cases a year over the past three years, which was comparable to the average number of cases received in each year.

9. The Judiciary will continue to deploy additional and dedicated manpower resources and streamline processing procedures with a view to expediting the disposal of both the backlog and incoming cases as far as possible.

Greater Use of Technology

10. The Judiciary is committed to making greater use of technology to enhance the efficiency of court business. Over the past few years, the Judiciary has launched a number of new and major technology initiatives. These include the development of the integrated Court Case Management System (iCMS), enhancing audio-visual facilities to enable broadcasting at court premises, upgrading video-conferencing facilities, extending the e-appointment system, managing the Digital Evidence and Exhibit Handling System, piloting the implementation of voice-to-text function in courtrooms, and promoting to practitioners the application of technology on handling judicial matters.

11. In particular, the iCMS is being implemented across all levels of court by phases for handling court-related documents and payments through electronic means. It has already been implemented in most civil proceedings in the District Court and summons cases in the Magistrates' Courts. Around 36% of the law firms have been registered under the iCMS, with an overall utilization of 43% for new cases. It will be extended to other levels of court particularly including the High Court where the bulk of heavy civil litigation is handled by the end of this year. To facilitate a quicker and wider adoption of technology in court operations, it is the Judiciary's target to make the use of this electronic litigation platform mandatory by all represented litigants by 2026. We are consulting stakeholders on our proposals and implementation details. Meantime, we will also continue our efforts in the promotion and publicity of the iCMS with a view to encouraging migration to the electronic mode.

12. Remote hearing is another major technology initiative. So far, around 1 800 remote hearings (including video-conferencing and phone

hearings) have been conducted for civil proceedings since 2020 and the experience has been positive. We aim to introduce the Courts (Remote Hearing) Bill into the Legislative Council within this year, which seeks to provide a clear legal basis for the courts to conduct hearings remotely where appropriate, having regard to all relevant factors, as well as the dual requirements of open justice and fair hearing.

13. Another initiative the Judiciary is actively pursuing 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 has been conducting trial runs of live webcast of selected Court of Final Appeal cases since January 2024. Upon completion of the trial runs, the Judiciary will review and consider the way forward for live broadcasting of court proceedings outside court premises in the longer term.

Family Justice Reforms

14. Following the passage of the Family Procedure Ordinance in June 2023, we now have a clear legal basis to prepare a single set of accessible and comprehensive court procedural rules applicable to all family and matrimonial proceedings at the Family Court and the High Court. Under the new law, we have implemented since October 2023 a new Family Masters system in the Family Court to alleviate the heavy workload of Family Judges. At the same time, the Family Procedure Rules Committee which was formed in August 2023 is currently preparing the Family Procedure Rules. Once the draft rules are ready, we will consult the relevant stakeholders before submitting them as subsidiary legislation to the Legislative Council for scrutiny.

Conclusion

15. The Judiciary will make continued efforts in exploring feasible ways and means of enhancing the efficiency of judiciary administration, and providing better quality services to court users and members of the public.

16. Thank you.