

Report No. 56 of the Director of Audit — Chapter 2

ADMINISTRATIVE AND COURT SUPPORT WORK OF THE JUDICIARY ADMINISTRATION

Summary

1. The Judiciary, headed by the Chief Justice, is responsible for the administration of justice. Different levels of courts and tribunals hear and adjudicate criminal cases and civil disputes. The Judiciary Administration is headed by the Judiciary Administrator, who assists the Chief Justice in the overall administration of the Judiciary. The Audit Commission (Audit) has recently conducted a review of the administrative and court support work of the Judiciary Administration.

Management of court waiting times

2. ***Setting court waiting time targets.*** The Judiciary has set performance targets, in terms of average waiting times, for all courts and tribunals except the Juvenile Court. Audit found that, since 1997, no reviews of the targets had been conducted. For certain types of cases, the actual waiting times were significantly shorter than the targets throughout 2004 to 2010. *Audit has recommended that the Judiciary Administrator should: (a) regularly review the court waiting time targets with reference to all relevant factors, in order to determine whether revisions are required for motivating and measuring performance more effectively; and (b) review the need for setting waiting time targets for cases in the Juvenile Court.*

3. ***Monitoring and reporting court waiting times.*** From 2004 to 2010, the Judiciary did not achieve 10% to 32% of the court waiting time targets in each year. One target was not achieved throughout the seven years. *Audit has recommended that the Judiciary Administrator should closely monitor the waiting times at different levels of courts and tribunals, and take effective measures to address changes in their workloads, with a view to keeping their waiting times within the targets.*

Provision of accommodation for court operation

4. ***Use of South Kowloon Law Courts Building (SKLCB).*** The SKLCB was used as the South Kowloon Magistrates' Courts up to June 2000. From 1997 to 2003, the Judiciary had considered different uses of the SKLCB (including the reprovisioning of the Small Claims Tribunal) before finalising its present use as the Labour Tribunal. According to the Judiciary, there were changed circumstances leading to changes in the intended use of the SKLCB. Audit found that: (a) there was incomplete documentation of the decisions made to change the intended uses; (b) the option analysis of using the SKLCB for the Labour Tribunal conducted in 2000 was not based on accurate site area calculation and costing data; and (c) in planning for the use of the SKLCB as the Small Claims Tribunal in 2000, the Judiciary did not provide the Architectural Services Department with the fitting-out requirements at an early stage. *Audit has recommended that the Judiciary Administrator should: (a) improve the documentation of key decisions made in an accommodation project to fully reflect the rationales behind and the level at which the decisions are taken; (b) consider ways to improve option analysis for an accommodation project, including seeking specialist assistance to provide accurate planning and costing data for making an informed decision; (c) provide user requirements to the works agent at an early stage of an accommodation project; and (d) conduct a review of the planning of the use of the SKLCB to draw lessons for managing similar accommodation projects in future.*

5. ***Utilisation of courtrooms and support facilities.*** Audit found that some courtrooms and refreshment kiosks in four Magistrates' Courts and the Labour Tribunal had not been utilised for their intended purposes for a long period of time. *Audit has recommended that the Judiciary Administrator should: (a) monitor the utilisation of courtrooms and consider suitable temporary use for those that have remained unused for a long period of time; (b) when planning for any new court facilities, take into account any spare capacity in the existing courts; and (c) consider the feasibility of converting the unused refreshment kiosks into other suitable use.*

6. ***Management information for accommodation planning.*** Audit found that there were discrepancies between the floor area information of the Judiciary premises used for accommodation planning and that used for costing purposes. *Audit has recommended that the Judiciary Administrator should: (a) in consultation with the Government Property Administrator, reconcile the discrepancies; and (b) maintain an accurate and consistent set of floor area information to support accommodation planning and other management functions.*

Bailiff services

7. ***Monitoring bailiffs.*** The Judiciary's internal guidelines require each Assistant Chief Bailiff and Senior Bailiff to conduct supervisory checks on the work of Bailiffs and Bailiff's Assistants, and to submit a monthly return on the checks. Audit found instances of

non-compliance with the guidelines. *Audit has recommended that the Judiciary Administrator should require the Bailiff Section to implement procedures to monitor the compliance with the guidelines.*

8. ***Monitoring contract security guards.*** The Bailiff Section arranges contract security guards to safeguard seized goods and chattels. The Judiciary has not issued guidelines on monitoring the security guards. Audit's sample checks revealed that: (a) the Bailiff Section's spot checks on the security guards did not cover the entire period of their working hours; and (b) the extent of checks varied from "no checks" in some cases to "two checks within 20 minutes" in other cases. *Audit has recommended that the Judiciary Administrator should: (a) review the cost-effectiveness of the current practice of conducting spot checks to monitor contract security guards; (b) set guidelines on monitoring contract security guards; and (c) require the Bailiff Section to implement procedures to monitor the compliance with the guidelines.*

Procurement of stores and services

9. ***Procurement through tender procedures.*** Audit found that there was room for improvement in the Judiciary's evaluation of tenders and administration of contracts. For example: (a) there were errors in calculating the tender sum in one case and an omission in submitting a tender to the assessment panel in another case; and (b) there were instances where no action was taken on contractors who were late in complying with certain contract conditions or had unsatisfactory performance. *Audit has recommended that the Judiciary Administrator should: (a) review the cases where errors or omissions were made in evaluating the tenders to identify the deficiencies in the procedures; (b) improve the tender evaluation procedures to prevent and detect the recurrence of such errors and omissions; and (c) improve the procedures for monitoring contractors to ensure that they comply with the contract terms and perform to standard.*

10. ***Procurement of computer products under Standing Offer Agreements (SOAs).*** The Government Logistics Department has entered into SOAs with suppliers for departments to procure personal computer products (with a value not exceeding \$1.3 million). According to the Stores and Procurement Regulations (SPRs), tendering was required for purchases with a value exceeding \$1.3 million. For a computer project in 2008 with a total expenditure of \$5.11 million, the Judiciary purchased the required computer products under the SOAs by seven separate orders of less than \$1.3 million each. The computer products should have been procured through open tendering in accordance with the SPRs. *Audit has recommended that the Judiciary Administrator should step up monitoring to ensure that Judiciary staff adopt tender procedures to procure personal computer products, where required by the SPRs, in order to obtain the best value-for-money offer through open competition.*

Management of library collections

11. ***Manning of main libraries.*** The Judiciary keeps about 174,000 volumes of books and serials in three main libraries, various chambers, Magistrates' Courts and tribunals. The main library in the Court of Final Appeal is manned by a clerical staff. When the staff takes leave or performs other duties outside the library, nobody will take care of the library collections. *Audit has recommended that the Judiciary Administrator should deploy adequate staff to man the Court of Final Appeal library to ensure the provision of ready assistance to users and the exercise of proper controls over the library collections.*

12. ***Stocktaking of library collections.*** According to the SPRs and the Judiciary's internal guidelines, the Judiciary should conduct a full check of library materials annually, and surprise stock checks at least once every three months. However, Audit found that the Judiciary did not conduct any full check of the materials in the three main libraries. Except for the Court of Final Appeal library, the numbers of surprise stock checks conducted for other libraries and locations were less than the requirement. *Audit has recommended that the Judiciary Administrator should take measures to ensure that Judiciary staff comply with the requirements on stocktaking of library materials as stated in the SPRs and the Judiciary's internal guidelines.*

13. ***Missing books.*** When implementing a library computer system between 2001 and 2005, 1,091 books were found missing. As at mid-January 2011, 116 missing books had been written off and the Judiciary had yet to deal with the remaining 975 missing books. As the Judiciary did not conduct any full check of the materials in the three main libraries, it could not ascertain whether the libraries had a significant problem of missing books. *Audit has recommended that the Judiciary Administrator should: (a) ascertain the causes of any missing books found during stocktaking, and improve the controls as appropriate to prevent recurrences; and (b) take prompt actions to deal with the 975 missing books.*

Response from the Judiciary

14. The Judiciary Administrator agrees with the audit recommendations.

April 2011