

## **ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE**

### **HEAD 80 - JUDICIARY Subhead 001 Salaries**

Members are invited to recommend to Finance Committee the creation of the following supernumerary post in the Judiciary for the period up to 28 September 2003 -

1 Justice of Appeal of the Court of Appeal of the High Court  
(JSPS 17) (\$189,900)

### **PROBLEM**

A Justice of Appeal of the Court of Appeal of the High Court has been re-appointed as the Chairman of the Electoral Affairs Commission (EAC) for the period up to 28 September 2003. We need to provide a replacement to the Judiciary to ensure that its work as a whole would not be adversely affected during the period.

### **PROPOSAL**

2. We propose to create one supernumerary post of Justice of Appeal of the Court of Appeal of the High Court for the period up to 28 September 2003.

### **JUSTIFICATION**

3. The EAC is a statutory body set up under the Electoral Affairs Commission Ordinance (Cap. 541). It is responsible for making recommendations on the delineation of geographical constituencies and District Council constituencies, and the conduct and supervision of elections. It also supervises the registration of electors and makes regulations, guidelines and arrangements to ensure that elections are conducted openly, fairly and honestly.

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4. In September 2000, the Chief Executive, in consultation with the Chief Justice of the Court of Final Appeal, re-appointed Mr Justice Woo Kwok-hing, Justice of Appeal, to be the Chairman of the EAC for another term of three years up to 28 September 2003.

5. We envisage that the workload of the EAC for the next three years will continue to be heavy. For instance, the EAC is to produce a report on the 2000 Legislative Council elections for submission to the Chief Executive by the statutory deadline of December 2000. The EAC is also responsible for organizing the Legislative Council by-election for the Hong Kong Island to be held on 10 December 2000. In early to mid 2001, the EAC will conduct another voter registration exercise to encourage eligible people to sign up as electors, and prepare the voter registers. Similar exercises will be carried out again in both 2002 and 2003.

6. Apart from these exercises, the EAC also plans to conduct a comprehensive review on the overall electoral arrangements, with a view to providing better services to voters and candidates in the next round of elections. The Commission will explore the feasibility of wider application of technology in the polling and counting processes, and also in the registration of electors. It will also review the existing regulations and guidelines for monitoring electoral activities more effectively.

7. The next election cycle will begin with the District Councils election in 2003 and the Legislative Council elections in 2004. Preparations for the 2003 District Councils election such as the delineation of constituencies, followed by those for the 2004 Legislative Council elections, will begin as early as in 2002.

8. These scheduled activities require a very heavy commitment of the EAC Chairman. If a replacement post is not provided, we consider that the work of the Judiciary would be adversely affected. At present, there are only nine Justices of Appeal in the Court of Appeal. The caseload of the Court of Appeal has remained consistently heavy for the past few years. In 2000, the number of civil appeal cases filed with the Court increased sharply due to a large number of civil appeals lodged in connection with right of abode cases (from January to October 2000, there were 409 right of abode cases). Cases handled by the Court are, on the other hand, becoming more complex and require a longer time to dispose of. In the interests of the administration of justice, it is necessary for all nine Justices of Appeal to devote fully to the work of the Court of Appeal. Therefore, we propose to create a replacement post to take up Mr Justice Woo's judicial duties up to 28 September 2003.

**FINANCIAL IMPLICATIONS**

9. The additional notional annual mid-point salary cost of this proposal is \$2,278,800. The full annual average staff cost including salaries and staff on-cost is \$4,367,000. We have not included any provision in the 2000-01 Estimates to meet the cost of this proposal. Subject to Members' approval, we will provide the necessary supplementary provision under delegated authority. We will include sufficient provision in the 2001-02 draft Estimates.

**BACKGROUND INFORMATION**

10. The Electoral Affairs Commission Ordinance (Cap. 541) provides for the establishment of the EAC for the purpose of making recommendations regarding the delineation of constituency boundaries and to be responsible for, inter alia, the conduct and supervision of elections. There are two members in addition to the Chairman and they are also appointed by the Chief Executive. As provided in the Ordinance, the Chairman must be a judge of the High Court appointed in consultation with the Chief Justice of the Court of Final Appeal.

11. Mr Justice Woo was first appointed as Chairman of the EAC on 29 September 1997 whilst he was a Judge of the Court of First Instance for a term of three years up to 28 September 2000. On 14 November 1997, the Finance Committee approved the creation of a replacement post on a supernumerary basis in Judiciary to take up Mr Justice Woo's judicial work for the period up to 28 September 2000. Mr Justice Woo was appointed as Justice of Appeal of the Court of Appeal on 21 January 2000.

**CIVIL SERVICE BUREAU COMMENTS**

12. The Civil Service Bureau considers the ranking and grading of the proposed supernumerary post appropriate having regard to its duties and level of responsibilities.

**ADVICE OF THE STANDING COMMITTEE ON JUDICIAL SALARIES AND CONDITIONS OF SERVICE**

13. As the post is proposed on a supernumerary basis, we will report its creation, if approved, to the Standing Committee on Judicial Salaries and Conditions of Service in accordance with the agreed procedure.