

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 80 – JUDICIARY Subhead 000 Operational expenses

Members are invited to recommend to Finance Committee the creation of the following permanent posts in the Judiciary Administration with immediate effect –

1 Senior Principal Executive Officer
(D2) (\$115,450 - \$122,600)

1 Principal Executive Officer
(D1) (\$97,250 - \$103,200)

to be offset by the deletion of the following permanent post –

1 Principal Executive Officer
(D1) (\$97,250 - \$103,200)

PROBLEM

The work of the Judiciary Administration has been growing substantially in terms of scope and complexity over the years. To provide effective and quality support services to the courts in the administration of justice, we need to strengthen the directorate structure in the Judiciary Administration.

/PROPOSAL

PROPOSAL

2. The Judiciary Administrator (JA) proposes, with the endorsement of the Chief Justice, Court of Final Appeal (Chief Justice), to enhance the directorate support in the Judiciary Administration by –
- (a) upgrading the post of Assistant Judiciary Administrator (Corporate Services) (AJA(CS)) from Principal Executive Officer (PEO) (D1) to Senior Principal Executive Officer (SPEO) (D2) to reflect its level of responsibilities; and
 - (b) creating a new permanent post of PEO (D1) to head the Quality Division.

JUSTIFICATION**The Judiciary Administration**

3. As head of the Judiciary, the Chief Justice is charged with the statutory duties of the administration of the Judiciary (by virtue of section 6(2) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484)). In discharging such statutory duties, the Chief Justice is assisted by the Judiciary Administration comprising about 1 500 support staff, headed by JA.

4. The Judiciary Administration provides essential administrative support to ensure the smooth operation of the courts and tribunals in Hong Kong. The Judiciary Administration offers such assistance to the Chief Justice, the Court Leaders and Judges and Judicial Officers (JJOs) as well as court users in various ways. It ensures that adequate and competent administrative support is provided to JJOs; efficient and quality registry services are accessible to court users; and all ancillary infrastructural support is in place. It is also tasked to develop and review operational procedures and systems in the offices and registries at all levels of courts to strive for continuous service improvement. With JA being the controlling officer of the Expenditure Head for the Judiciary, the Judiciary Administration is responsible for the effective management of resources provided. Furthermore, it is responsible for developing and implementing the required technology; dealing with public relations; as well as liaising with and communicating on behalf of the Judiciary with the Administration and the Legislative Council (LegCo), court users, the media and the public.

5. The Judiciary Administration is currently organised into four functional divisions as briefly described below –

/(a)

(a) *Development Division*

The Division is headed by the Deputy Judiciary Administrator (Development) (DJA(D)) at Administrative Officer Staff Grade B (AOSGB) (D3) level, who is supported by an Assistant Judiciary Administrator (Development) (AJA(D)) at Administrative Officer Staff Grade C (AOSGC) (D2) level. The DJA(D) is responsible for legislation concerning court jurisdictions and procedures, public relations, liaison with court users, and providing direct administrative support to the Chief Justice;

(b) *Operations Division*

The Division is headed by the Deputy Judiciary Administrator (Operations) (DJA(O)) at AOSGB (D3) level. The Division comprises the sections of Court Registries, Judicial Support, Court Language, Bailiff Service, Mediation Service, Legal Reference and Complaints;

(c) *Corporate Services Division*

This Division is headed by the Assistant Judiciary Administrator (Corporate Services) (AJA(CS)) pitched at PEO (D1) level. The Division comprises four sections, i.e. Human Resources and General Administration, Finance, Accommodation, and JJOs; and

(d) *Quality Division*

The Division comprises the sections of Information Technology Management, Management Review and Management Information. It is currently headed by the Assistant Judiciary Administrator (Quality and Operations) (AJA(Q&O)) at AOSGC (D2) level. This supernumerary post has been created under delegated authority since July 2006 to be held against a vacant JJO post of comparable rank to prepare for the implementation of the Civil Justice Reform (CJR) in the run up to its full launch in April 2009, in addition to heading the Quality Division as well as to strengthening the directorate structure of the Judiciary Administration.

Encl. 1 6. The current organisation chart of the Judiciary Administration is at Enclosure 1.

/Review

Review of the directorate structure in 2007

7. In 2007, the Judiciary Administration reviewed its directorate structure, having regard to past and present experiences and future requirements in the post-CJR implementation era. The outcome of the review is broadly as follows –

- (a) the existing structure of the Judiciary Administration, being organised into four functional divisions, viz. Development, Operations, Corporate Services and Quality, is operationally sound and should be retained;
- (b) the post of the AJA(CS) should be upgraded from the rank of PEO (D1) to that of SPEO (D2) to reflect the appropriate level of responsibilities;
- (c) a permanent post of Assistant Judiciary Administrator (Quality) (AJA(Q)) at the rank of PEO (D1) should be created to head the Quality Division; and
- (d) the span of control and scope of responsibilities of DJA(O) is too wide, and there is room for rationalisation by transferring some of his current duties to the proposed AJA(Q).

Need for upgrading the AJA(CS) post to SPEO

8. The incumbent of the AJA(CS) post has been shouldering heavier responsibilities in recent years. Apart from overseeing a whole range of administrative, finance and human resources functions, AJA(CS) has to take on more strategic responsibilities, including the following –

- (a) ***Providing support to JA in servicing the Judicial Officers Recommendation Commission***

The Commission is a high-ranking body chaired by the Chief Justice and takes charge of all policy and procedural matters on judicial appointments. JA is the secretary to the Commission who, under the direction of the Chief Justice, deals with matters relating to the operation of the Commission. AJA(CS) has to provide competent support to JA in conducting researches and providing input in formulating the appointment policy and strategy of JJOs, drafting submissions to the Commission on matters within its purview and taking follow up actions on its decisions;

/(b)

(b) *Supporting the strategic human resource management functions of JJOs*

AJA(CS) has to assist JA in providing a full range of quality human resources support services to JJOs. These include conducting recruitment exercises, arranging appointments, administering the terms and conditions of service and the establishment for JJO posts. JA is also in need of AJA(CS)'s support in conducting research into comparable policies and practices in the civil service on relevant policy issues concerning JJOs, drafting submissions for consideration by the Chief Justice, and implementing the decisions made. In addition, AJA(CS) is responsible for providing administrative and secretarial support to the Judicial Studies Board in formulating and implementing the strategic training plan and programmes for JJOs;

(c) *Helping the Judiciary secure adequate resources to meet challenges ahead*

AJA(CS) assists JA in formulating and co-ordinating the Judiciary's proposals for financial and manpower resources in the annual Resource Allocation Exercise. AJA(CS) has supported JA in liaising with the Financial Services and the Treasury Bureau as well as the Civil Service Bureau in the formulation and implementation of a revised budgetary arrangement for the Judiciary in respect of both financial as well as manpower resources. Under the revised arrangement, the Judiciary has to conduct comprehensive reviews on the overall resource requirements and prepare budget proposals to the two resources bureaux annually. AJA(CS) would assist JA in conducting such reviews and preparing the funding and staffing proposals. In addition, AJA(CS) would be responsible for the development and implementation of effective financial management systems to enhance financial control and to ensure efficient use of resources to support the Judiciary's operations and improvement programmes; and

(d) *Devising a long-term comprehensive accommodation strategy which could meet future demand and increasing expectation of court users*

The Judiciary is in need of formulating a strategic plan concerning the future operational requirements for courtrooms at various levels of courts. This exercise requires substantial directorate input at an appropriate level to provide proper steer at the planning stage and spearhead the implementation of new projects to ensure satisfactory completion.

9. In sum, the portfolio of the AJA(CS) post is expanding with a greater policy content. It requires an officer with strong organisational and leadership capabilities, sound communication skills and political acumen, as well as profound administrative and management experience and strategic thinking. Given the core qualities required of AJA(CS) and the operational need for AJA(CS) to take on more strategic duties, JA considers it necessary to upgrade the AJA(CS) post from PEO (D1) to SPEO (D2) to further enhance operational efficiency and organisational effectiveness. Apart from providing more quality support to JA in managing the Corporate Services Division, the SPEO-ranked officer is also expected to discharge most operational functions independently, thereby enabling JA to focus her attention on important strategic issues.

10. We have critically examined whether the AJA(CS) post could remain at its existing rank of PEO (D1), but have come to the view that such an alternative is not desirable. Given the scope and complexity of AJA(CS)'s portfolio and the substantial directorate inputs he is expected to provide as a member of the senior management of the Judiciary Administration, an officer at D1 level would not be able to meet the expectations of the job. The existing directorate officers are already fully occupied with their own portfolios and initiatives. It is practically impossible to ask them to share out the duty of AJA(CS) without hampering their efficiency.

Encl. 2 11. The proposed job description for the upgraded AJA(CS) post is at Enclosure 2.

Need for one permanent PEO post as AJA(Q) to head Quality Division and transfer of certain functions from Operations Division to Quality Division

12. JA considers that there is a permanent need to strengthen directorate support for the Quality Division to enhance the strategic planning and development in a number of vital areas. We propose that a PEO (D1) post, to be designated as AJA(Q), be created to lead the Quality Division and to take over from the DJA(O) of the Operations Division certain functions, namely the Legal Reference and Library Section, the Court Reporters' Office (which oversees the digital audio recording and transcription services (DARTS)) and the Complaints Office, with a view to further rationalising the functions and responsibilities of the directorate echelon. The proposed portfolio of AJA(Q) has high policy, operational and managerial contents as set out below –

/(a)

- (a) AJA(Q) would assist JA in steering and managing the Quality Division which holds a strategic position in the long-term development of the Judiciary Administration. We need a sufficiently senior officer to be the head to ensure that the Quality Division is capable of helping the Judiciary Administration as a whole to maintain quality support services to courts and tribunals through applying information technology (IT) and conducting management reviews. Having the Quality Division headed by a directorate officer can also relieve JA from having to look after the work and daily operation of the functional sections of the Quality Division personally;
- (b) on the IT side, the Chief Justice has established working groups comprising JJOs of different levels of courts to explore the benefits of potential IT applications to the practices, procedures and operations of the courts. AJA(Q) would undertake policy research and provide input for the working groups in formulating the IT policy and strategies for the Judiciary and see through the implementation of agreed strategies and initiatives;
- (c) coupled with (b) above, AJA(Q) would also be responsible for the maintenance and enhancement of an IT governance structure for the Judiciary under a total outsourcing approach, which involves sophisticated operational and contract management. He would also need to keep a close liaison with the Office of the Government Chief Information Officer to gauge high-level technological support and inputs. At the project management level, AJA(Q) would lead project steering committees, with the support of in-house IT professionals, to ensure individual IT projects are delivered on time and within budget;
- (d) the Management Review Section of the Quality Division plays an important role in enhancing the overall effectiveness of the Judiciary Administration through conducting management reviews and studies on services provided by various operating units, and recommending possible areas for improvement. The section also introduces management systems, models and tools to support the operating units in strategic planning. AJA(Q) would take charge of the overall planning and implementation of management reviews and studies in pursuit of excellence and continual improvements in the delivery of services by the Judiciary Administration;
- (e) the Management Information Section of the Quality Division is responsible for maintaining a central database of management information and producing statistical and analytical reports to

/facilitate

facilitate Court Leaders and the senior management of the Judiciary in formulating strategies, mobilising resources and monitoring performance. AJA(Q) would provide directorate input in giving steer to policy matters involved; and

- (f) as mentioned in paragraph 12 above, AJA(Q) would take over certain functions from DJA(O). The Legal Reference and Library Section offers two important support services to JJOs and the legal profession, while the DARTS is crucial to the daily operation of various courts and tribunals. AJA(Q) would play a strategic role in sustaining quality services on these fronts. AJA(Q) would also oversee the operation of the Complaints Office and provide steer in handling cases which are complex, sensitive in nature or involve policy issues.

13. We have critically examined the alternatives of continuing with the arrangement of creating a supernumerary directorate post or whether the existing directorate officers in the Judiciary Administration can share out the duties of the proposed PEO post, but have concluded that such alternatives are not feasible. The Quality Division is in need of on-going directorate leadership to strengthen its capacity to live up to its increasingly important role in enhancing the efficiency and effectiveness of the Judiciary Administration. The existing supernumerary directorate post, which is mainly to cater for the interim workload arising from the implementation of the CJR, cannot meet the long-term operational needs. As the existing directorate manpower is already fully stretched with responsibilities and the numerous improvement initiatives under their respective schedules, it is operationally not possible for them to take up any additional tasks without adversely affecting the discharge of their current duties.

14. The proposed PEO post can also share out the burden of the Operations Division, thereby making the portfolio of DJA(O) more manageable. At present, DJA(O) as the head of the Operations Division has a very wide span of control comprising a total of about 1 260 staff under nine sections/sub-sections. He oversees the operation, procedures and practices of court registries at all levels of courts; supervises the operation of eight offices providing services to JJOs, the legal profession and other court users; manages all six departmental grades in the Judiciary; and oversees the outsourcing and contract management of the DARTS and various operational reviews of the registries in all courts and tribunals. In the meantime, some areas of work under DJA(O) are also expanding. With the setting up of the Chief Justice's Working Party on Mediation and the introduction of the Pilot Scheme of Mediation in the Lands Tribunal, DJA(O) is required to provide additional inputs to the implementation and evaluation of the Pilot

Scheme. In addition, DJA(O) provides support to the Steering Committee on Resource Centre for Unrepresented Litigants and ensures that any improvement measures agreed by the Steering Committee are followed through. Despite his expanding portfolio and the wide span of control and complexities of his responsibilities, there is currently no directorate support available to DJA(O). The existing set-up has not only over-burdened DJA(O). It has also deprived him of paying sufficient management attention to all the sections under him.

15. In view of the foregoing, the Judiciary Administration considers that the creation of a permanent PEO post is operationally necessary to strengthen directorate leadership for the Quality Division on an on-going basis, and to produce a more rational and efficient distribution of duties among the directorate officers. The supernumerary AJA(Q&O) post at AOSGC (D2) level created for leading the Quality Division and preparing for the implementation of CJR as referred to in paragraph 5(d) above will lapse as and when the proposed AJA(Q) post at PEO level, if approved by Members, is filled. In terms of timing, we expect that this should be around early 2009 so that the incumbent of the supernumerary AJA(Q&O) post can help see through the preparatory work before the CJR is fully launched in April 2009.

Encl. 3 16. The job description of the proposed AJA(Q) post at PEO (D1) rank is at Enclosure 3 while the proposed organisation chart of the Judiciary Administration upon the implementation of the proposed changes is at
 Encl. 4 Enclosure 4.

FINANCIAL IMPLICATIONS

17. The proposed changes to the directorate establishment in the Judiciary Administration will bring about an additional notional annual mid-point salary value of \$1,428,000, broken down as follows –

	Post	\$	No. of posts
	SPEO (D2)	1,428,000	1
	PEO (D1)	1,201,200	1
Less :	PEO (D1)	1,201,200	1
	Total	1,428,000	1

18. The additional full annual average staff cost, including salaries and staff on-cost, is \$1,870,000. We have included the necessary provision in the 2008-09 Estimates to meet the cost of this proposal.

PUBLIC CONSULTATION

19. We consulted the LegCo Panel on Administration of Justice and Legal Services (the Panel) on the proposal at its meeting held on 26 May 2008. In response to Members' request, we provided in writing supplementary information on a number of issues, including further justifications on the need for upgrading the AJA(CS) post from PEO (D1) to SPEO (D2). We attended another meeting of the Panel on 29 May 2008 to answer Members' enquiries. Members were satisfied and generally supported the proposal. The relevant supplementary information provided to the Panel is at Enclosure 5.

Encl. 5

BACKGROUND

Organisational review in 2000

20. In 2000, a review was conducted on the organisation of the Judiciary Administration. As a result, the directorate structure of the Judiciary Administration has been re-organised into four functional Divisions under JA as set out in paragraph 5 above. The Corporate Services Division and the Quality Division were intended to be headed by officers at SPEO (D2) and PEO (D1) rank respectively. The above structure was implemented with the following temporary changes in the directorate establishment to ascertain its effectiveness -

- (a) creation of a supernumerary post of SPEO (D2) under delegated authority and designated as AJA(CS) to head the Corporate Services Division; and
- (b) creation of a supernumerary post of PEO (D1) under delegated authority and designated as AJA(Q) to head the Quality Division.

21. The re-organised directorate structure has proved to be generally effective, as it provides clearer focus of accountability for various functions. The Judiciary Administration has been operating more smoothly and efficiently since 2000. Important issues requiring senior management's directives have been effectively addressed, and challenges more promptly responded to. Specifically –

/(a)

- (a) the Development Division under DJA(D) and AJA(D) has been providing very effective support to legislative work and administrative assistance to the Chief Justice;
- (b) the Operations Division under DJA(O) has been able to focus its attention on the core business of court operations and systems. One problem has, however, been identified subsequently, i.e. the span of control of DJA(O) is too wide as he is supervising some 1 260 staff under nine sections/sub-sections directly without any further directorate support;
- (c) in the Corporate Services Division, AJA(CS) in the supernumerary post of SPEO (D2) has been able to enhance its service and performance in both systems and work processes between 2000 and 2003. In particular, many initiatives on the human resources management front were implemented during these few years; and
- (d) the Quality Division under AJA(Q) has provided a focus for improvement in quality services. In particular, the Quality Division has been instrumental in the development of application of information technology in the Judiciary's operation, the pursuit of management reviews and service improvements in various registries and offices, and the development of key management information databases.

22. In 2003, the Judiciary Administration considered that there were obvious merits in retaining the directorate structure adopted since 2000 and intended to make it permanent by creating permanent directorate posts of one AJA(CS) at D2 level and one AJA(Q) at D1 level. However, in view of the then budgetary situation, the proposal was not pursued.

23. The two supernumerary posts of SPEO (D2) and PEO (D1) created in June 2000 lapsed in June 2003, while the organisational structure of the Judiciary Administration comprising four functional divisions is maintained. The AJA(CS) post has since been pitched at the rank of PEO (D1) (the post was formerly designated as the Judiciary Secretary). As regards the Quality Division, internal temporary redeployment was arranged for a senior departmental grade staff (Master Pay Scale Point 45 to 49) to lead the Quality Division from July 2003 to December 2004. The three functional sections of the Quality Division worked directly to the Judiciary Administrator from January 2005 to July 2006. The arrangement was far from satisfactory.

/Further

Further developments since 2003

24. In March 2004, the Chief Justice accepted the recommendations in the Final Report of the Working Party on CJR. The recommendations aim to improve the cost-effectiveness of the civil justice system, to make it less complex and to reduce delays, without compromising the fundamental requirement of doing justice between the parties. The CJR involves substantial amendments to the relevant legislation and court procedures. The Chief Justice subsequently decided that the proposed changes should be implemented not just in the High Court, but also in the District Court and the Lands Tribunal where such changes are appropriate. A Steering Committee on the Civil Justice Reform under the chairmanship of the Chief Judge of the High Court was formed in the same month to oversee the implementation of CJR. The Judiciary Administration is responsible for providing support in all areas of work in the implementation of CJR, including legislation, training, infrastructural support and application of information technology. To cope with these new challenges, we have taken the following temporary measures to strengthen and rationalise its directorate structure and organisation in the interim –

- (a) creation of a supernumerary post of AOSGC (D2) in July 2006 under delegated authority and designated as AJA(Q&O) to head the Quality Division and to assist DJA(O) of the Operations Division in the implementation of the CJR; and
- (b) formation of an integrated CJR team comprising staff from all relevant divisions within the Judiciary Administration to provide co-ordinated support to the implementation of the CJR. AJA(Q&O) is the head of this integrated team.

25. The target date of the implementation of the CJR is 2 April 2009. We expect that the supernumerary post of AJA(Q&O) would lapse by then. The integrated CJR team would also be dissolved, and further follow up work would be undertaken by individual divisions and sections respectively.

ESTABLISHMENT CHANGES

26. The establishment changes in the Judiciary for the last two years are as follows –

Establishment (Note)	Number of posts		
	Existing (as at 1 April 2008)	As at 1 April 2007	As at 1 April 2006
A	177@^	177@	175*
B	147#	147#	147#
C	1 248	1 230	1 267
Total	1 572	1 554	1 589

/Note:

Note:

- A – ranks in the directorate pay scale or equivalent
- B – non-directorate ranks the maximum pay point of which is above MPS Point 33 or equivalent
- C – non-directorate ranks the maximum pay point of which is at or below MPS Point 33 or equivalent
- @ – including 172 JJO posts
- * – including 170 JJO posts
- # – including 11 JJO posts
- ^ – there were 21 unfilled directorate posts as at 1 April 2008

CIVIL SERVICE BUREAU COMMENTS

27. The Civil Service Bureau supports the proposed upgrading of the AJA(CS) post from the rank of PEO to SPEO and the proposed creation of the AJA(Q) post at the rank of PEO. The proposed ranking of the posts is considered appropriate having regard to the level and scope of responsibilities concerned.

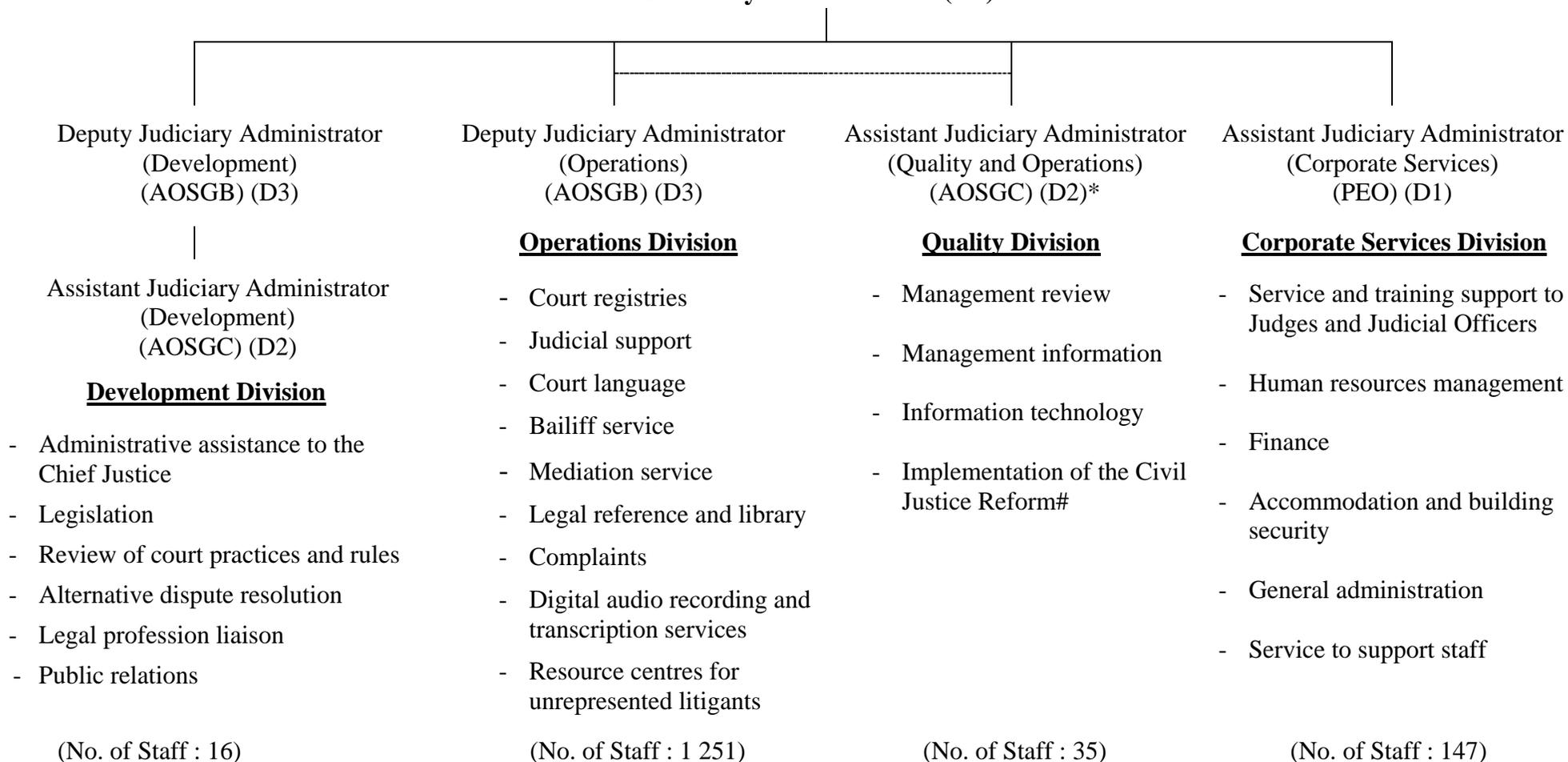
ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE

28. The Standing Committee on Directorate Salaries and Conditions of Service has advised that the grading proposed for the SPEO and PEO posts would be appropriate if the proposal was to be implemented.

Judiciary Administration
June 2008

Current Organisation Chart of Judiciary Administration

Judiciary Administrator (D8)



Total No. of Staff ^: 1 449

Legend:

* Supernumerary post

This duty falls within the purview of the Operations Division.

^ Including non-civil service contract staff

AOSG - Administrative Officer Staff Grade

PEO - Principal Executive Officer

Job Description

Post title : Assistant Judiciary Administrator (Corporate Services)

Rank : Senior Principal Executive Officer (D2)

Responsible to : Judiciary Administrator (D8)

Main Duties and Responsibilities –

1. To head the Corporate Services Division comprising the Judges and Judicial Officers Section, Human Resources and Support Staff Section, Finance Section, Accommodation Section and General Administration Section.
2. To assist in servicing the Judicial Officers Recommendation Commission; and to handle appointment, conditions of service and related matters for judges and judicial officers.
3. To handle all appointment, personnel and related matters which include recruitment and promotion of the Judiciary's support staff; and to oversee the management of general grades staff.
4. To formulate training policies and strategies and to allocate training resources; to advise on strategy of improving staff relations and consultation; and to oversee staff welfare work.
5. To assist in the control of the Judiciary's establishment; and to provide input in the planning on manpower and succession.
6. To plan, manage and review allocation of financial resources and accounting matters; and to explore scope of productivity enhancement.
7. To plan and implement an accommodation strategy; and to oversee the management of all existing court buildings and new projects, maintenance and related matters.
8. To co-ordinate Judiciary-wide issues; to oversee the provision of general support services to judges and judicial officers and non-judicial officers; and to formulate plans for the implementation of service-wide policies such as equal opportunity, data privacy and green management.
9. To assist in the development and implementation of strategic plans for human resources management reforms, in particular tackling staff issues and enhancing staff participation; to help to establish a service-oriented culture; and to assist in the management of human resources.

Job Description

Post title : Assistant Judiciary Administrator (Quality)

Rank : Principal Executive Officer (D1)

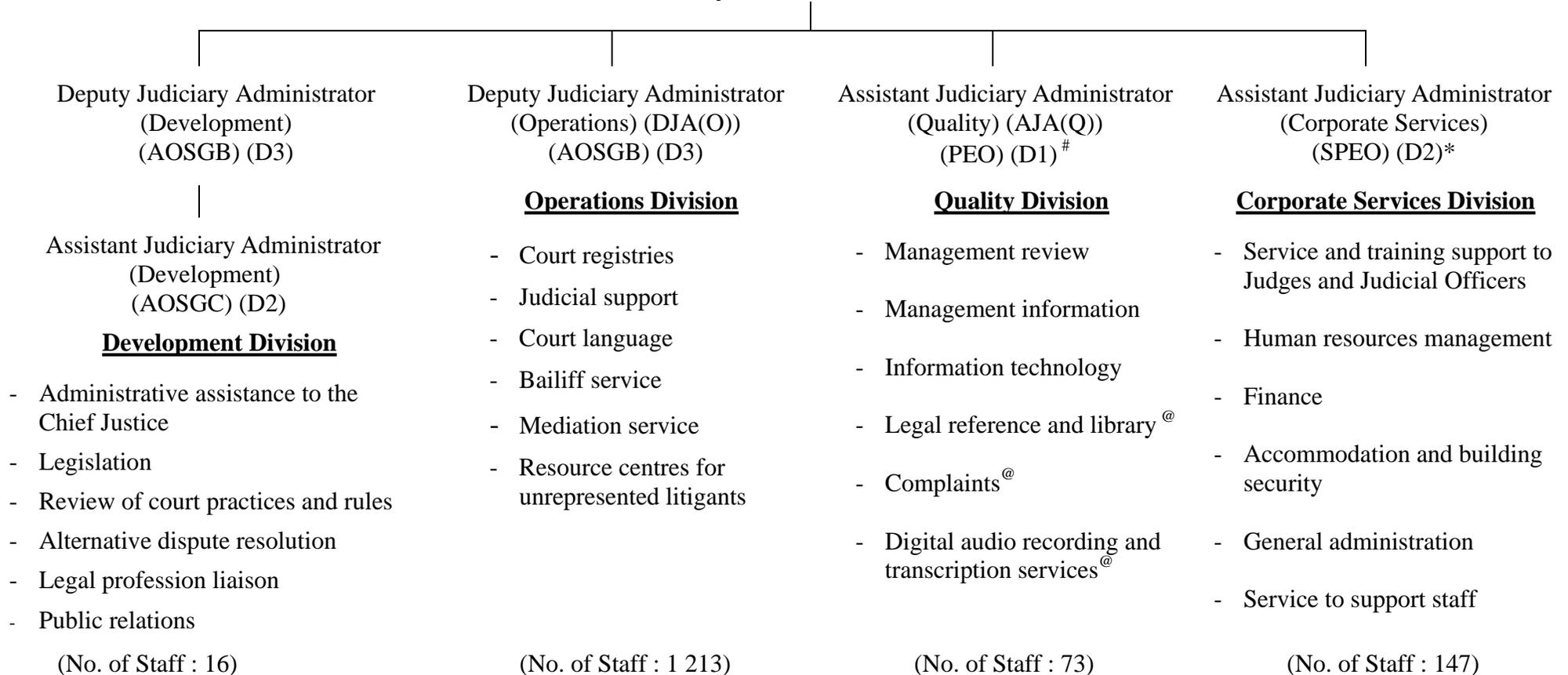
Responsible to : Judiciary Administrator (D8)

Main Duties and Responsibilities –

1. To head the Quality Division, comprising the Information Technology Management Section, the Management Review Section, the Management Information Section, the Legal Reference and Library Section, the Court Reporters' Office and the Complaints Office.
2. To serve as member/secretary of the Information Technology Working Group led by senior judges; and to assist in policy formulation and evaluation as well as implementation of new strategies and enhancement initiatives.
3. To monitor the quality of service and compliance of the Information Technology (IT) service provider (which is in charge of all computer systems supporting the operations of the Judiciary) as well as other IT contractors; and to develop and implement it proposals to enhance support for judicial functions and streamline work processes.
4. To plan and conduct management and efficiency reviews and improvement initiatives; and to monitor the implementation of recommendations arising therefrom.
5. To maintain and enhance a strategic management information system which delivers statistical and analytical reports to facilitate policy and management decision making and efficient deployment of resources.
6. To oversee the provision and enhancement of legal referencing services in both paper-based and electronic forms for judges and judicial officers, the legal profession and other court users.
7. To supervise the processing and investigation of complaints received; and to make recommendations for improvement where appropriate.
8. To oversee the provision of effective and efficient digital audio recording and transcription services at all levels of courts and tribunals through monitoring the quality of service and performance of service providers.

Proposed Organisation Chart of Judiciary Administration

Judiciary Administrator (D8)



Total No. of Staff ^: 1 449

Legend:

* Post to be upgraded from PEO to SPEO

New post to be created

@ Proposed transfer of responsibilities from DJA(O) to AJA(Q)

^ Including non-civil service contract staff

AOSG - Administrative Officer Staff Grade

PEO - Principal Executive Officer

SPEO - Senior Principal Executive Officer

**Legislative Council
Panel on Administration of Justice and Legal Services
("AJLS Panel")**

**Proposed Creation of New Rank and Posts in the Judiciary
and Strengthening of the Directorate Structure of
the Judiciary Administration**

**Response to Issues Raised by
Members at the Meeting on 26 May 2008**

Purpose

This paper provides supplementary information and responses to the various issues raised by Members at the meeting on 26 May 2008.

Issue (1): The Judiciary Administration to reconsider the wording of paragraphs 3 and 27 of its paper when preparing a paper for the Establishment Subcommittee ("ESC").

2. Referring to paragraph 3 of the paper to the AJLS Panel, the Judiciary Administration would like to confirm that the proposed creation of new rank and Judges and Judicial officers ("JJO") posts in the Judiciary are made by the Judiciary Administrator ("JA") as the Controlling Officer for the Judiciary on the instruction of the Chief Justice. This point would be made clear in the paper to be submitted to the ESC.

3. Regarding paragraph 27 of the paper to the AJLS Panel, we would like to clarify that the Judiciary Administration provides essential administrative support to the Chief Justice, Court Leaders and all JJOs to ensure the smooth operation of the courts and tribunals in Hong Kong. The wordings would be refined in the paper to be submitted to the ESC.

(This part of the paper is not related to the staffing proposal concerning the Judiciary Administration, but in connection with the proposal of creation of Judges and Judicial Officers posts under a separate ESC paper.)

Issue (3)(e): Existing and proposed organisation charts of Judiciary Administration showing the staff establishment of each division.

19. The existing and proposed organization charts of the Judiciary Administration showing the staffing position of each division are at Annex 2 and Annex 3 respectively.

(These are now attached as Enclosures 1 and 4.)

Issue (4): In relation to paragraph 37, Judiciary Administration was requested to further justify the upgrading of the post of Assistant Judiciary Administrator (Corporate Services) (“AJA(CS)”) and explain the demarcation of duties between the Judiciary Administrator and AJA(CS).

20. As head of the Judiciary Administration, the JA is ultimately responsible to the Chief Justice for all the responsibilities listed under her Deputy and Assistant Judiciary Administrators, including those under AJA(CS). There is a clear distinction in the levels of responsibilities between the JA and the AJA(CS) on the areas of responsibilities as listed under para. 37 of the paper:

- (a) The JA is the secretary to the Judicial Officers Recommendation Commission (“the Commission”). As secretary, the JA, under the direction of the Chief Justice, deals with all matters relating to the operation of the Commission. These include the following: preparing papers, servicing the meetings of the Commission, and dealing with the processing of the Commission's recommendations. In order to perform such high level tasks effectively, the JA requires competent support from AJA(CS) to assist her in drafting papers, servicing selection boards for the recruitment of JJOs and taking follow up actions upon the recommendations of the Commission;
- (b) The JA provides advice and makes recommendations to the Chief Justice on a wide range of human resources management matters concerning JJOs. The JA requires competent support from AJA(CS) to assist her in conducting research into comparable policies and practices in the civil service and precedent cases, in drafting submissions for the consideration of the Chief Justice, and in implementing the decisions made by the Chief Justice. The JA is a member of the Judicial Studies Board chaired by a Court of Appeal Judge, and the AJA(CS) is responsible for providing administrative support in implementing the training plans and programmes for JJOs;

- (c) The JA is responsible for devising a long-term accommodation strategy for the consideration of the Chief Justice. She chairs meetings on accommodation strategy matters, and give the appropriate steer on agreed projects and programmes. The AJA(CS) will assist her in doing the background work, exploring available options, liaising with other Government departments concerned and follow through the implementation of projects;
- (d) Under the revised budgetary arrangement between the Judiciary and the Administration, the JA devises resources proposals for the consideration of the Chief Justice, and after the Chief Justice's decision, submits such proposals to the Administration. AJA(CS) provides the JA with the necessary information and analyses in reviewing and assessing the resource requirements in all areas of work of the Judiciary. He also assists in the drafting of submissions and in the overall monitoring of financial control and management.

21. It is also evident that the responsibilities as listed under para 37 of the paper show that AJA(CS) has been shouldering much heavier responsibilities in recent years, and is expected to take up more strategic challenges in the coming years. Further to the detailed justifications already provided in the paper, we would like to elaborate on one important aspect. As far as the long-term accommodation strategy for the Judiciary is concerned, it is expected that much extensive and challenging work would be required. Apart from the proposed relocation of the Court of Final Appeal to the existing LegCo Building, the Chief Justice has directed that the long-term accommodation needs for all other levels of court should be looked into, and suitable plans be devised. In particular, the existing accommodation for the Lands Tribunal, the Small Claims Tribunal and some Magistracy Buildings such as the Tsuen Wan Magistrates' Courts are considered inadequate and unsatisfactory. It is also noted that the Administration has indicated that it would study the relocation of the three Government Office Buildings in Wanchai, at which the District Court, Family Court and the Small Claims Tribunal are located. An officer at D2 level is required to take charge of these tasks competently.