

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

Appointment of Temporary/Deputy Judges and Judicial Officers

PURPOSE

The Legislative Council Panel on Administration of Justice and Legal Services has requested the Judiciary to provide further information relating to the engagement and deployment of temporary judicial resources as follows –

- (a) The actual numbers of Temporary/Deputy Judges and Judicial Officers (“JJOs”) at various levels of courts;
- (b) The respective numbers of these JJOs appointed from outside the Judiciary; and
- (c) The number of cases heard by JJOs not of substantive appointment in the past three years.

This paper seeks to provide the relevant information.

RELEVANT INFORMATION

2. The relevant information referred to in (a) and (b) above is shown in **Table 1**.

3. As regards the requested information referred to in (c) above, the Judiciary does not compile regular statistics on the number of cases heard by Judges and Judicial Officers (“JJOs”) not of substantive appointment at various levels of court. It is also considered impracticable to do so on a manual basis. We are however able to compile relevant information to show the percentages of judicial resources provided by non-substantive JJOs in handling judicial work at various levels of court in the past three years. We believe that such information is relevant to illustrate the position. Please refer to **Table 2**.

COMMENTS

4. The Judiciary notes that the ratios of non-substantive JJOs and the percentages of judicial resources provided by such non-substantive JJOs are consistently high during the past few years. The Judiciary's view is that such high ratios and percentages over a long period of time are not satisfactory. While the engagement of some temporary judicial resources is inevitable at times to help relieve fluctuating workload, our intention is to bring down the number of deputy/temporary/acting JJOs. In this regard, we have taken/are taking the following measures to address the situation:

- (a) We have enhanced the establishment of JJOs at various levels of court, namely, the Court of Appeal and the Court of First Instance of the High Court, District Court and Family Court. In July 2008, we obtained approval of the Legislative Council Finance Committee to create a net addition of seven JJO posts – creation of one Justice of Appeal (“JA”), five Judges of the Court of First Instance (“CFI Judges”), one Principal Family Court Judge (“PFCJ”) upgraded from District Judge (“DJ”), one DJ and one Deputy Registrar/District Court; offset by the deletion of one Principal Magistrate post. As at 1 April 2009, the establishment of JJOs stood at 189^{Note} and the strength at 153, with 36^{Note} vacancies.
- (b) The JA post was substantively filled in September 2008. During the last quarter of 2008, however, the incumbent was mainly engaged in cases already listed before him at the CFI. Therefore, the full effect of the filling of the additional JA post can only be assessed in 2009. We will keep in view and closely monitor the situation.
- (c) As for CFI Judges, DJs and Magistrates, the current open recruitment exercises are well in progress. It is expected that the substantive manpower position would be greatly improved upon the taking up of these judicial offices by the new appointees. At that time, the number of non-substantive JJOs should be greatly reduced.

^{Note} One Permanent Judge post is created for a Non-Permanent Judge (“NPJ”) of the Court of Final Appeal (“CFA”). In practice, an NPJ is invited to sit in the CFA as required in accordance with Section 5 and Section 16 of the Hong Kong CFA Ordinance, Cap.484. This NPJ post is not counted in the establishment and number of vacancies for the purpose of this paper.

- (d) Following the completion of the current round of recruitment exercises for CFI Judges, DJs and Magistrates, the Judiciary will consider a recruitment exercise for Deputy Registrars of the High Court.

5. The Judiciary will continue to keep a close watch of the JJO manpower position and review the situation after completing the current round of recruitment exercises to see if any further establishment changes are necessary.

ADVICE SOUGHT

- 6. Members are requested to note the content of this paper.

Judiciary Administration
April 2009

Table 1

**Establishment and Manpower Position
of Judges and Judicial Officers (“JJOs”)
(As at 1 April 2009)**

Level of Court	JJOs at substantive or equivalent level ^A	Deputy/Temporary/Acting JJOs		Total Manpower	Establishment
		Internal	External		
Court of Final Appeal	4	0	0	4	4 ^B
Registrar, CFA	0	1	0	1	1
Court of Appeal, High Court	11	0	0	11	11
Court of First Instance, High Court	24	10	2	36	32
High Court Masters’ Office	5	5	1	11	9
District Court (Including Family Court and Member, Lands Tribunal)	21	14	1	36	36
District Court Masters’ Office	5	0	0	5	4
Magistrates’ Courts/ Specialized Court/ Other Tribunals	50	3	24	77	92
Total	120	33	28	181	189

Notes

- (A) Figures in this column include JJOs deployed to carry out the functions of other judicial offices at equivalent levels, such as those deployments arranged under the cross-posting policy for Magistrates to take up positions in the tribunals and District Court Registry.
- (B) Excludes one Permanent Judge vacant post which is created for a Non-Permanent Judge (“NPJ”) of the Court of Final Appeal (“CFA”). In practice, an NPJ is invited to sit in the CFA as required in accordance with Section 5 and Section 16 of the Hong Kong CFA Ordinance, Cap. 484.

Table 2

**Percentages of Judicial Resources
Provided by Non-Substantive Judges and Judicial Officers^(A)
in Handling Judicial Work at Various Levels of Court**

Level of Court	2006	2007	2008
Court of Final Appeal	0	0	0
Registrar, CFA	100%	100%	100%
Court of Appeal, High Court ^(B)	16%	36%	34%
Court of First Instance, High Court	43%	30%	35%
High Court Masters' Office	50%	53%	60%
District Court (Including Family Court and Member, Lands Tribunal)	59%	40%	42%
District Court Masters' Office	33%	33%	25%
Magistrates' Courts/ Specialized Court/ Other Tribunals	31%	29%	30%

Note : (A) Non-substantive Judges and Judicial Officers ("JJOs") include: (i) JJOs who are appointed to take up judicial positions at a higher rank in the Judiciary; and (ii) private practitioners who are appointed as deputy JJOs.

(B) For the Court of Appeal in the High Court, Judges of the Court of First Instance have been appointed to sit as additional judges of the Court of Appeal in accordance with section 5 of the High Court Ordinance, Cap.4.