

**For information**

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

**Bailiff Services**

**PURPOSE**

This paper aims to provide information on:

- (a) The work undertaken by the Bailiff Office in the Judiciary Administration; and
- (b) The manpower situation of Bailiffs and Bailiff's Assistants ("BAs").

**BACKGROUND**

2. At the special meeting of the Finance Committee on 24 March 2010, questions were raised about the workload and manpower situation of the Bailiffs and BAs during the examination of the Estimates for Expenditure for the Judiciary in the financial year of 2010-2011. The Legislative Council Panel on Administration of Justice and Legal Services agreed to discuss the issue of Bailiff services and requested the Judiciary Administration to provide the relevant information.

**WORK OF THE BAILIFF OFFICE**

3. To facilitate Members' understanding of the issues concerned, it would be useful to set out, as background, the work of the Bailiff Office in the Judiciary Administration and its role in the enforcement of judgment in civil actions.

4. As part of the Judiciary Administration, the Bailiff Office serves two principal functions:

- (a) It is responsible for effecting the execution of court orders and judgments where applications for such execution have been approved by the Court ("the Execution function"); and
- (b) It is responsible for serving summonses or legal documents as from time to time ordered by the Court ("the Service function").

The duties at the frontline at (a) and (b) above are undertaken by Bailiffs and BAs respectively. They are supervised by Senior Bailiffs and overseen by Assistant Chief Bailiffs and Chief Bailiffs.

5. With regard to the Execution function, it should be pointed out that in civil actions, the enforcement of judgment is the responsibility of the judgment creditor and it is up to the judgment creditor to assess and decide, having regard to the specific circumstances of each and every case, which mode of execution should best serve his/her purpose in enforcing the judgment. In the event that the judgment creditor decides to enforce the judgment by means of a writ/warrant, he/she can apply for execution by the Bailiff Office. The Bailiff Office's responsibility is to carry out execution of the court judgment upon the judgment creditor's instruction. Whether the enforcement action subsequently taken would turn out to be effective in recoveries or not would depend on a wide range of factors, including whether the debtor has sufficient means to repay the debt.

## **MEASURES TO IMPROVE PRODUCTIVITY AND QUALITY OF SERVICES**

6. The Bailiff Office has been striving to improve the effectiveness of its operation and enhance the quality of its services. The major efforts of the Bailiff Office in this regard during the past few years are summarized in paragraphs 7 to 11 below.

### Re-organization of Bailiff Office

7. The Bailiff Office was re-organized in October 2006. The re-organization introduced, among others, the formation of integrated action teams headed by Senior Bailiffs which are in charge of both Execution and Service functions. Before 2006, Bailiffs and BAs were divided into two different units, namely the Execution Unit and the Service Unit and they were put under the supervision of different Senior Bailiffs. After the re-organization, integrated action teams comprising Bailiffs and BAs under the charge of the same Senior Bailiff are formed to take care of both Execution and Service functions. As the integrated team size is comparatively smaller, the Senior Bailiff can oversee the assignments of his/her team members more closely. The mix of Bailiffs and BAs in one team also enables the Senior Bailiff to arrange their assignments more flexibly. For example, the Senior Bailiff can deploy his/her Bailiffs to assist and reinforce the BAs in the service of summonses if the circumstances warrant. This not only maximizes the utilization of

manpower resources but also fosters better morale and staff collaboration in the office.

8. Moreover, since some Bailiffs have taken up part of Senior Bailiffs' work in arranging assignment for BAs, the Senior Bailiffs can spare more time in conducting supervisory checks and providing appropriate coaching, guidance and training to their team members. The efficiency and quality of services are enhanced as a result.

9. The re-organization was introduced on a pilot basis in 2006 and made permanent in 2009. Staff of the Bailiff and BA grades are closely involved in the implementation and evaluation of the re-organization. Positive feedbacks to the new organizational set-up have been received from both the management and staff of the Bailiff Office.

#### Improvement of Work Procedure under the ISO 9001:2000 Certification

10. The Bailiff Office was awarded with ISO 9001:2000 certificate in 2007. ISO 9001:2000 specifies requirements for a quality management system where an organization needs to demonstrate its ability to consistently provide product/service that meets user and applicable regulatory requirements; and aims to enhance user satisfaction through the effective application of the system, including processes for continual improvement of the system and the assurance of conformity to user and applicable regulatory requirements.

11. Prior to the formal auditing for the certificate, all operation procedures of the work of Bailiffs and BAs have been reviewed and streamlined. The refined and re-engineered procedures were subsequently recorded in the Operation Procedures Manual for the use of staff in their daily operation. After the award of the certificate, the quality management system itself and individual procedures are regularly reviewed and revised if needed to ensure they are effective. This creates a more efficient and effective operation and enhances staff motivation and awareness.

#### **MANPOWER AND OUTPUT**

12. With the implementation of the measures at paragraphs 7 to 11, and efforts of all staff in the Bailiff Office, the productivity and quality of services of the Bailiff Office are further enhanced. Despite the reduction in manpower, the productivity of Bailiffs and BAs has been increasing in the past three years.

On execution

Year	Number of executions attempted	Number of Bailiffs			Average output per head
		Civil service Bailiffs	Non-civil service contract Bailiffs	Total	
2007	23 280	22	8	30	776
2008	22 276	22	6	28	796
2009	24 277	26	2	28 <sup>Note 1</sup>	867

On service of summonses

Year	Number of summons services attempted	Number of BAs			Average output per head
		Civil service BAs	Non-civil service contract BAs	Total	
2007	79 866	40	-	40	1 997
2008	84 416	38	-	38	2 221
2009	88 335	37	-	37 <sup>Note 2</sup>	2 387

13. Moreover, the quality of services is maintained at a reasonable level. It should be noted that:

- (a) The average waiting time for the execution of a Writ of Fieri Facias was maintained at around seven days and that for execution of Warrant of Distress is less than six days in 2009. In addition, incoming summonses could be attempted to be served on average within six days of receipt in 2009;
- (b) Following the award of ISO 9001:2000 certificate in 2007, the quality management system of the Bailiff Office was further assessed in 2008, 2009 and 2010. A number of areas were audited and no non-conformity was found. Certification was thus renewed. This demonstrates that the quality of services provided by the Bailiff Office continues to be in compliance with the requirements adopted by a third party accredited certification body; and

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Note <sup>1</sup> Recruitment exercise for Bailiffs is in progress, it is expected that the manpower position will improve in due course.

Note <sup>2</sup> 5 contract BAs reported for duty in June 2010. The net total manpower for BAs as at 15 June 2010 is 39, after taking into account 3 BAs who had retired earlier.

- (c) As a fulfillment to the requirement of the quality management system based on ISO 9001, the Bailiff Office had conducted user satisfaction surveys on its execution and counter services in 2007 and 2009. Comparing with the 91.5% of respondents that were satisfied with the execution services provided by the Bailiff Office in the survey conducted in 2005, the figures in 2007 and 2009 were even much higher, which are 92.4% and 97.5% respectively. This indicates that there is continuous improvement in the provision of execution services by the Bailiff Office.

### **MANPOWER REVIEW**

14. The Judiciary Administration has kept a close watch on the manpower situation of the Bailiffs and BAs and would review the situation regularly to see if additional manpower is required. To be prudent about the use of public money, recruitment exercises would be conducted if there are anticipated wastages and the additional workload could not be absorbed by the existing manpower available.

15. In view of the anticipated wastages of the Bailiffs and BAs in 2010 and the possibility of further rise in workload in future, recruitment exercises have been conducted for the Bailiffs and BAs in early 2010. The recruitment exercise for the Bailiffs is in progress. As regards the BAs, experience shows that the workload on service of summonses may fluctuate greatly from time to time. The immediate need for manpower is therefore met by the appointment of non-civil service contract staff initially. In this regard, five contract BAs have recently been recruited and reported for duty. The Judiciary Administration will continue to keep in view the manpower requirements of the Bailiff Office.

### **ADVICE SOUGHT**

16. Members are requested to note the content of this paper.

Judiciary Administration  
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