

**Replies to supplementary questions raised by Finance Committee Members in
examining the Estimates of Expenditure 2012-13**

**Controlling Officer : Judiciary Administrator
Session No. : 11**

Reply Serial No.	Question Serial No.	Name of Member	Head	Programme
S-JA01	SV032	Hon. EU Yuet-mee, Audrey	80	Courts, Tribunals and Various Statutory Functions
S-JA02	SV029	Hon. NG Margaret	80	Courts, Tribunals and Various Statutory Functions Support Services for Courts' Operation
S-JA03	SV030	Hon. NG Margaret	80	Courts, Tribunals and Various Statutory Functions

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-JA01

Question Serial No.

SV032

Head: 80 Judiciary Subhead (No. & title):
Programme: (1) Courts, Tribunals and Various Statutory Functions
Controlling Officer: Judiciary Administrator
Director of Bureau: Judiciary Administrator

Question:

Provide information on the criteria for selecting and the process of appointing members of the Panel of Adjudicators pursuant to the Control of Obscene and Indecent Articles Ordinance (Cap. 390).

Asked by: Hon. EU Yuet-mee, Audrey

Reply:

Section 5 of the Control of Obscene and Indecent Articles Ordinance ("COIAO"), Cap. 390 provides for the establishment of a panel of adjudicators, the members of which are appointed by the Chief Justice for a period of not exceeding three years. To be eligible for appointment as an adjudicator, the person must be (a) ordinarily resident in Hong Kong and has so resided for at least seven years; and (b) proficient in written English or written Chinese. They may be re-appointed or removed by the Chief Justice.

To enhance the representativeness of the OAT adjudicators and to allow more opportunities for members of the public to serve as adjudicators, the Judiciary has decided in 2010 to increase the total number of adjudicators from 280 to 500 and to apply the nine-year rule in the re-appointment of serving adjudicators. As at present, there is a pool of 401 adjudicators and the intention is to recruit more adjudicators in the coming year to achieve the target of 500.

The application of the nine-year rule is considered appropriate as this will ensure that –

- (a) the changeover could be instituted in a proper and systematic manner;
- (b) there would be a regular and healthy turnover of adjudicators; and
- (c) there would be better continuity of membership.

Under the current arrangement, the adjudicators are recruited through open invitation of the Commerce and Economic Development Bureau. Eligible persons from all walks of life can apply to be adjudicators. Where the number of applicants exceeds the number of vacancies, the selection will be conducted by balloting.

Signature: _____
Name in block letters: EMMA LAU
Post Title: Judiciary Administrator
Date: 21.3.2012

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-JA02

Question Serial No.

SV029

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions
(2) Support Services for Courts' Operation

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Please provide information on the distribution of support staff in the Judiciary by rank, pay and job function.

Asked by: Hon. NG Margaret

Reply:

The support staff in the Judiciary are mainly deployed on the following functions:

- (a) Direct support to Judges and Judicial Officers;
- (b) Court/Tribunal registries and related work;
- (c) Support services for courts' operation, such as court interpretation service, bailiff services and library service; and
- (d) Administrative and other support, such as general administration, personnel, finance and IT services.

The job functions above are mainly delivered by:

- (a) Departmental grades comprising –
 - (i) Bailiff's Assistant grade;
 - (ii) Bailiff grade;
 - (iii) Court Interpreter grade;
 - (iv) Court Reporter grade;
 - (v) Judicial Clerk grade; and
 - (vi) Tribunal Officer grade; and

- (b) General and Common grades including –
- (i) Administrative Officer grade;
 - (ii) Executive Officer grade;
 - (iii) Professional grades (e.g. Treasury Accountant grade, Systems Manager grade, etc.);
 - (iv) Clerical grades; and
 - (v) Secretarial grades.

The distribution of the support staff establishment (projected position as at 31.3.2012) by job function, rank and pay is as follows –

	Job functions			
	(a) Direct support to Judges and Judicial Officers	(b) Court/Tribunal registries and related work	(c) Support services for Courts' operation	(d) Administrative and other support
Departmental Grades				
Upper band^	28	37	52	9
Middle band^	107	73	224	10
Lower band^	0	0	0	0
General & Common Grades				
Upper band^	1	3	6	26
Middle band^	193	372	56	132
Lower band^	45	46	22	22

- ^ Upper band refers to ranks with maximum pay at MPS 34 (\$53,060) or above
 Middle band refers to ranks with maximum pay between MPS 10 (\$16,855) and 33 (\$51,670)
 Lower band refers to ranks with maximum pay at MPS 9 (\$15,900) or below

Signature: _____

Name in block letters: EMMA LAU

Post Title: Judiciary Administrator

Date: 21.3.2012

**CONTROLLING OFFICER'S REPLY TO
SUPPLEMENTARY QUESTION**

S-JA03

Question Serial No.

SV030

Head: 80 Judiciary

Subhead (No. & title):

Programme: (1) Courts, Tribunals and Various Statutory Functions

Controlling Officer: Judiciary Administrator

Director of Bureau: Judiciary Administrator

Question:

Provide information on:

- (a) the process and timetable of recruiting judges and judicial officers to fill the recent and existing vacancies; and
- (b) the number of deputy judges appointed to cope with the fluctuation of workload, the expenditure involved and the percentage of cases handled by deputy judges.

Asked by: Hon. NG Margaret

Reply:

- (a) The process and timetable of recruiting Judges and Judicial Officers (“JJOs”) are as follows:

<u>Key Action</u>	<u>Time Required</u>
1. Advertisement of vacancies and closing of applications	5 - 6 weeks
2. Vetting of applications	4 - 6 weeks (depending on the number of applications received)
3. Selection Board process, including shortlisting of applicants, conduct of interviews if necessary, selection of applicants and preparation of the Selection Board Report	8 – 12 weeks (depending whether interviews are necessary or not and if so, the number of applicants selected for interviews)
4. Judicial Officers Recommendation Commission (“JORC”) process, including deliberation by JORC on the Selection Board Report, the making of recommendations by JORC and obtaining the acceptance of the Chief Executive on JORC’s recommendations	8 weeks

Key Action

Time Required

5. Upon the Chief Executive’s acceptance of JORC’s recommendations, completion of appointment formalities such as medical and integrity checks

8 weeks

6. New appointment to take effect

(i) For appointees from within the Judiciary, the appointment normally takes effect immediately after the completion of all appointment formalities

(ii) For appointees from outside the Judiciary, the appointment will take effect on a date after the appointee has ceased private practice

(b) Deputy JJOs include Recorders, internal deputy JJOs and external deputy JJOs. The number of deputy JJOs appointed fluctuates according to operational needs. The duration of their sittings also varies. As at 1.4.2011, 65 deputy JJOs, comprising 35 deputies who were appointed from within the Judiciary to act in a higher position and 30 deputies appointed from outside the Judiciary, were engaged to cope with the courts’ workload.

The expenditure incurred for the appointment of deputy JJOs in the year of 2011 was \$38.834 million.

As regards cases handled by deputy JJOs, the Judiciary does not compile regular statistics on the number and percentage of such cases. We are however able to compile relevant information to show the percentages of judicial resources provided by deputy JJOs in handling judicial work at various levels of court in the year of 2011 as follows:

<u>Level of Court</u>	<u>Percentage of Judicial Resources Provided by Deputy JJOs</u>
Court of First Instance of the High Court	30%
District Court, Family Court and Lands Tribunal	44%
Magistrates’ Courts and Specialized Court/Other Tribunals	39%

Signature:

Name in block letters:

EMMA LAU

Post Title:

Judiciary Administrator

Date:

21.3.2012