

香港特別行政區政府
政務司司長辦公室轄下行政署



The Government of
The Hong Kong Special Administrative Region
Administration Wing,
Chief Secretary for Administration's Office

香港添馬添美道 2 號

2 Tim Mei Avenue, Tamar, Hong Kong

本函檔號 Our Ref.:

Tel: 2810 3838

Fax: 2804 6870

來函檔號 Your Ref.:

21 May 2012

Miss Flora Tai
Clerk to the Panel on
Administration of Justice and Legal Services
Legislative Council Complex
11 Legislative Council Road
Central
Hong Kong

Dear Miss Tai,

Judicial remuneration review

Thank you for your letter dated 30 April 2012.

We understand that as per the request of the Panel, the Judiciary Administration will provide the Panel with an information paper to facilitate discussion on the judicial manpower situation and that the paper will also cover Members' suggestion that there should be a consensual mechanism for judicial remuneration review. We would like to supplement our views on the latter issue.

The judicial remuneration review mechanism

As approved by the Chief Executive in Council (CE-in-Council) in May 2008, judicial remuneration is determined according to a mechanism separate from that of the civil service. Specifically, judicial remuneration is determined by the CE-in-Council after considering the recommendations of the independent Standing Committee on Judicial Salaries and Conditions of Service (the Judicial Committee). The mechanism comprises an annual review and a regular benchmark study which seeks to check whether

judicial pay is kept broadly in line with the movements of legal sector earnings over time.

In coming up with the recommendations, the Judicial Committee would take into account the basket of factors approved by the CE-in-Council in May 2008, the principle of judicial independence and the position of the Judiciary. The basket of factors include the responsibility, working conditions and workload of judges vis-à-vis those of lawyers in private practice; recruitment and retention in the Judiciary; retirement age and retirement benefits of the Judges and Judicial Officers (JJOs); unique features of the judicial service; prohibition against return to private practice in Hong Kong; benefits and allowances enjoyed by JJOs; cost of living adjustment; general economic situation in Hong Kong; budgetary situation of the Government; overseas remuneration arrangements; private sector pay levels and trends; and public sector pay as a reference.

2011-12 Judicial Service Pay Adjustment

For the 2011 judicial remuneration review, the Judicial Committee recommended a 4.22% increase in judicial pay adjustment for 2011-12. In coming up with this recommendation, the Judicial Committee has taken into account the basket of factors as approved by the CE-in-Council in May 2008, the principle of judicial independence and the position of the Judiciary. In particular, both the Judiciary and the Judicial Committee agreed in principle that the cumulative effect of the private sector pay trends in 2009, 2010 and 2011 should be taken into account in determining judicial pay adjustment for 2011-12; and have based their respective calculations on the same set of data.

The slight difference in the percentage of pay increase sought by the Judiciary (4.23%) and that recommended by the Judicial Committee (4.22%) was the result of rounding-off due to the different arithmetical method adopted, and did not represent any fundamental difference regarding matters of principle or the mechanism itself. Besides, when the Administration consulted the Judiciary on the recommendation of the Judicial Committee, the Judiciary indicated that they would leave it to the Administration to decide on whether the judicial pay increase should be 4.23% or 4.22%. We also note that, with the experience of the 2011 judicial remuneration review, the Judiciary has indicated no difficulty with the arithmetical method adopted by the Judicial Committee in similar cases in future.

Attendance of the Panel meeting on 28 May

For discussion of the above item at the Panel meeting on 28 May, the following officer from the Administration will attend –

Howard Lee

Assistant Director of Administration

*Yours sincerely,
Jennifer Mak*

(Miss Jennifer Mak)
Director of Administration

c.c. Judiciary Administrator