

香港特別行政區政府  
The Government of the Hong Kong Special Administrative Region

發展局(規劃地政科)

香港添馬添美道二號  
政府總部西翼十七樓



Development Bureau  
(Planning & Lands Branch)  
17/F, West Wing  
Central Government Offices  
2 Tim Mei Avenue, Tamar

本局檔號 Our Ref. LM(1) to DEVB(PL-UR) 36/02/03 Pt.4

電話 Tel.: 3509 8807

來函檔號 Your Ref. CB2/PL/AJLS

傳真 Fax: 2905 1002

21 May 2012

Clerk to the Panel on Administration of Justice and Legal Services  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong  
(Attn: Miss Flora Tai )

Dear Miss Tai,

**Panel on Administration of Justice and Legal Services  
Staff cost arrangement for the proposed creation of two judicial posts  
in the Lands Tribunal of the Judiciary**

Thank you for your letter dated 30 April 2012 addressed to the Administration requesting information relating to the staff cost arrangement for the proposed creation of two judicial posts in the Lands Tribunal of the Judiciary to help cope with the increase in workload arising from the rising number of compulsory sale applications filed with the Lands Tribunal under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545) (LCSRO).

I have pleasure in enclosing a note explaining the existing practice for Members' reference.

For the present case, the requested additional manpower resources in the Lands Tribunal are required consequent on a policy and legislative initiative of the Development Bureau in making the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice which came into effect on 1 April 2010 with the policy objective to speed up urban redevelopment through private sector participation. The Development Bureau is of the view that undue delay in the hearing of such cases before the Lands Tribunal will not be conducive to the smooth implementation of the LCSRO and may undermine the interests of the two parties, particularly, the minority owners.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Winnie So', with a large flourish at the end.

(Winnie So)  
for Secretary for Development

c.c. Director of Administration  
Judiciary Administrator

**Staff Cost Arrangement  
for the Proposed Creation of Two Judicial Posts  
in the Lands Tribunal of the Judiciary**

**Purpose**

This note sets out the arrangements for funding the Judiciary's resources requirements arising from the implementation of the Administration's policy or legislative proposals.

**Budgetary and Funding Arrangements for the Judiciary**

2. The existing budgetary arrangements for the Judiciary had been in place since 2006-07, after the arrangements were agreed between the Judiciary and the Financial Services and the Treasury Bureau ("FSTB") of the Administration in July 2005.

3. Under the existing budgetary arrangements, the Judiciary is consulted each year on its overall resources requirements prior to FSTB's drawing up of the Operating Expenditure ("OPEX") envelope for the Judiciary. In response, the Judiciary sets out its overall OPEX requirements for the following financial year, both for delivering services at the existing level and for meeting additional service demands, for the Administration's consideration.

4. After a decision has been made on the Judiciary's requests, the Administration will issue the OPEX envelope for the Judiciary for the following financial year.

5. In working out the resources requirements, the Judiciary does not factor in any resources required for the implementation of policy or legislative proposals emanating from the Administration. As a matter of established practice, the Judiciary's resources requirement in this regard would be provided by the policy bureau concerned, normally by including the resource implications for the Judiciary in a composite bid to be submitted by the policy bureau concerned.

6. In the subsequent preparation of the draft Estimates for the following financial year, any resources that the relevant policy bureau has

obtained for the Judiciary (see paragraph above) would be transferred from that policy bureau to the Judiciary (in the form of a cost-neutral transfer), and the OPEX envelopes of the two parties concerned would be adjusted accordingly.

### **The Present Case**

7. The proposed creation of two judicial posts in the Lands Tribunal (“the Tribunal”) (i.e. one District Judge post and one Member, Lands Tribunal post) is to help the Tribunal to cope with the increased workload arising from the rising number of compulsory sale applications filed with the Tribunal under the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545). There has been a substantial increase in the number of compulsory sale applications filed with the Tribunal since the Land (Compulsory Sale for Redevelopment) (Specification of Lower Percentage) Notice came into effect on 1 April 2010.

8. The requested additional manpower resources are required consequent on a policy and legislative initiative emanating from the Development Bureau (“DEVB”) of the Administration. In line with the established practice and arrangement described in paragraphs 5 and 6 above, the DEVB is responsible for providing the relevant resources to the Judiciary for funding the additional judicial and support staff manpower resources required. The required additional manpower resources comprise two judicial posts (see paragraph 7 above) and four support staff posts, i.e. two Judicial Clerk and two Assistant Clerical Officer posts. The total additional provision needed for the two judicial and four support staff posts amounts to \$4.734 million.

9. In preparing the draft Estimates for 2012-13, \$4.734 million was transferred from DEVB to the Judiciary, for funding the two judicial and four support staff posts proposed to be created in the Judiciary.

### **Precedent Cases**

10. The following precedent cases followed the established practice and arrangement described in paragraphs 5 and 6 above –

- (a) In 2007-08, the Administration (Security Bureau) provided additional provision to Head 80 - Judiciary for funding the proposed creation of the following posts in the Judiciary:
  - (i) Two additional posts of Judges of the Court of First Instance of the High Court (“CFI Judge”) to cope with the impact on existing judicial resources arising from the implementation of the new regime for the regulation of interception of communications and covert surveillance under the then Interception of Communications and Surveillance Bill; and
  - (ii) Three additional non-directorate posts of support staff to provide administrative support to the Panel Judges.
  
- (b) In 2011-12, the Administration (Commerce and Economic Development Bureau) provided additional provision to Head 80 – Judiciary for the establishment of the Competition Tribunal pending the passage of the Competition Bill. The additional provision includes funding for two additional judicial posts (one CFI Judge and one Deputy Registrar of the High Court) and nine additional support staff posts.

Judiciary Administration  
May 2012