

**For discussion on
24 June 2014**

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

**Proposed Creation of Judicial Posts
and a Non-civil Service Position in the Judiciary
and Strengthening of the Directorate Structure
of the Judiciary Administration**

PURPOSE

This paper seeks Members' views and support on the Judiciary's proposals to create –

- (a) seven permanent judicial posts to enhance the establishment of judicial manpower at various levels of court;
- (b) a non-civil service position designated as Executive Director (Judicial Institute) (“ED(JI)”), to head the Executive Body of the Hong Kong Judicial Institute; and
- (c) two permanent civil service posts at directorate level to cope with the work of the Judiciary Administration, particularly in support of the implementation of the Information Technology Strategy Plan (“ITSP”).

I. CREATION OF ADDITIONAL JUDICIAL POSTS

PROPOSALS

- 2. The Judiciary proposes to create –
 - (a) three posts of Justice of Appeal of the Court of Appeal of the High Court (“JA”) (JSPS 17);
 - (b) one post of Judge of the Court of First Instance of the High Court (“CFI Judge”) (JSPS 16);

- (c) one post of Judge of the District Court (“DJ”) (JSPS 13);
and
- (d) two posts of Magistrate (JSPS 7-10)

in the Judiciary to strengthen the establishment of the respective courts in order to cope with the increasing workload of the High Court and to cover the absence of Judges and Judicial Officers (“JJOs”) for attending training and dealing with judicial education matters.

JUSTIFICATIONS

The 2013-14 Establishment Review

3. The Judiciary is keenly aware of the importance of having adequate resources for the continued discharge of its responsibilities in maintaining an independent and effective judicial system which upholds the rule of law, safeguards the right and freedoms of the individual and commands confidence within and outside Hong Kong. To this end, the Judiciary has kept under constant review its judicial establishment and manpower situation at all levels of court having regard to operational needs, including the need to keep court waiting times within targets.

4. In 2013-14, despite great efforts that had been made (including the filling of all the JA posts of the Court of Appeal substantively, the conduct of recruitment exercises for the CFI Judges on a much frequent basis and the engagement of temporary judicial resources as far as practicable), the High Court continued to remain an acute pressure area as far as judicial workload and waiting times were concerned. Having regard to the above, the Chief Justice has instructed that a comprehensive establishment review of the judicial manpower be conducted in early 2013. The review concluded that the creation of additional judicial (and associated support staff) posts at various levels of court would be needed to cope with the increasing workload at the High Court and to cover the absence of JJOs at all levels of court for attending training and dealing with judicial education matters. The details are set out in the following paragraphs.

(A) Additional JA Posts for Increasing Workload at the High Court

Establishment of the Court of Appeal and Formation of Divisions for Listing Purpose

5. The High Court is made up of the Court of Appeal and the Court of First Instance (“CFI”). For cases heard (including applications for leave to appeal) in the Court of Appeal, at least two JAs are required. For hearing substantive appeals, three JAs are required. In addition to hearing cases, JAs are required to spend substantial amount of time in considering paper applications, on top of the preparation for appeal hearings and writing of judgments.

6. The establishment of the Court of Appeal was last increased from 10 to 11 in 2008. Since then, the Court of Appeal has a complement of 11 Judges, comprising the Chief Judge of the High Court (“CJHC”) (who, as the Court Leader of the High Court and the President of the Court of Appeal, has considerable administrative responsibilities in addition to his judicial duties) and 10 JAs.

7. With the existing complement of the Court of Appeal, if three substantive JAs are required to form one division for the purpose of listing appeal cases, at most three divisions can be formed at any one time subject to the availability of the JAs. (It should also be noted that the experience and expertise of the JAs are also important factors to be taken into account for listing purposes.) In practice, in order to cope with the heavy workload of the Court of Appeal and to help improve waiting times, the Court of Appeal has been drawing heavily from the judicial manpower of the CFI by deploying CFI Judges to sit as additional judges at the Court of Appeal, thereby increasing listing flexibility and maximizing the number of divisions that can be formed to hear cases.

8. As a result, in the past two years, i.e. 2012 and 2013, only 49% of the appeals dealt with by the Court of Appeal were heard by divisions constituted solely of substantive JAs. For the remaining 51%, they were heard by divisions consisting of either one CFI Judge (38%) or two CFI Judges (13%) as additional judges. Whilst a moderate degree of participation by experienced CFI judges in the appellate process serves useful purposes and should be regarded as normal and healthy, the high percentages witnessed in 2012 and 2013 are considered not entirely satisfactory.

Caseload and Workload of the Court of Appeal

9. For the past two years in 2012 and 2013, the total caseload of the Court of Appeal remained relatively steady (i.e. 734 cases in 2013 and 809 cases in 2012). But looking at the caseload figures alone can be misleading, as they do not fully reflect the workload of the JAs.

10. To assess the workload of the JAs, it is essential to give due regard to the complexity of the cases as well, as such factor would directly impact on the amount of time and efforts required of the JAs to deal with the cases. It is very difficult, if not impossible, to devise quantifiable indicators in a meaningful way to measure the increase in the workload of the JAs arising from the need to deal with more complex cases and cases of greater complexity. According to the CJHC, cases handled by the Court of Appeal are getting increasingly complex in the recent years as many trials and interlocutory matters in the CFI are getting increasingly long and complicated.

11. In addition, apart from sitting in court, the JAs need to do a substantial amount of work out of court in order to discharge their judicial duties efficiently –

- (a) The JAs need to deal with lots of paper applications. These include a very substantial number of leave applications for intended interlocutory appeals from the CFI, and of leave applications for intended appeals from the District Court and the Lands Tribunal, the former being a new requirement introduced under the Civil Justice Reform which has resulted in the reduction of substantive interlocutory appeals from the CFI in civil matters. Whilst many of these leave applications turn out to be “totally without merit” and are disposed of accordingly, not infrequently the JAs have to read through a large amount of materials (particularly when the parties are unrepresented) in order to reach that conclusion, not to mention the further time they have to spend to prepare written judgments to explain their decisions;
- (b) In preparing for the hearings, the JAs need considerable time to read voluminous bundles of documents including written submissions by counsel. Very often, appeals from long trials lasting many days or weeks are only listed for an

appeal hearing for one or two days and a large amount of pre-hearing reading is therefore required to ensure that the appeal is handled effectively, efficiently and fairly; and

- (c) In addition, the JAs need to have time to write the judgments after the hearings, so that the judgments could be handed down within a reasonable period of time. And as the issues involved in many appeals are getting increasingly complex and the arguments more and more sophisticated, judgments also tend to be longer and more detailed, and thus more time is required to prepare them.

Fewer Days for Listing and Longer Waiting Times

12. Under the established practice, hearings are not listed at the Court of Appeal on Mondays, which are set aside as “reading days” for the JAs to do the pre-hearing preparation and post-hearing work. Having regard to the increasing number of complex cases, more “reading days” on top of the Mondays are required by the JAs, with the endorsement of the CJHC, to enable them to make good pre-hearing preparation and write judgments. As a result of setting aside more “reading and writing days”, the number of days available for listing of hearings has been correspondingly reduced. This has a direct impact on the lengthy waiting times.

13. Moreover, the listing of appeals has to be done with due regard to the areas of expertise of the individual JAs. All the JAs have different expertise in different areas of law. When a JA who has expertise in a particular area of law is not available to sit, the listing of the appeal may have to be delayed.

14. Having regard to the above, the court waiting times for both criminal and civil appeals have exceeded their targets in 2011 and 2012. In tackling the lengthening waiting times, great efforts and priority were given to timely disposal of criminal appeals in the Court of Appeal. As such, the court waiting times for criminal appeals met the target of 50 days in 2013. The average waiting times for civil appeals were however lengthening and continued to have exceeded the target in the past three years.

Effects on the Manpower Position of the CFI

15. In order to cope with the acute work pressure at the Court of Appeal and keep the court waiting times, in particular that for criminal appeals, within reasonable periods, throughout the past few years, a substantial number of CFI Judges has been deployed to sit as additional judges of the Court of Appeal, to help reducing the waiting times in the Court of Appeal (see paragraph 8 above). This arrangement has inevitably led to a corresponding reduction in the substantive judicial manpower at the CFI level. This has in turn affected the effective operation of the CFI and is one of the contributing factors for the facts that court waiting times in the CFI have exceeded their targets since 2010 and that the proportion of deputy judges in the CFI has also been very high during the past few years.

Need for Enhancement of the Establishment of the Court of Appeal

16. Therefore, the Judiciary considers that the establishment of the Court of Appeal should be enhanced by the addition of three JA posts. In making such proposals, the following considerations are relevant –

- (a) Leaving aside the position of the CJHC (who is having heavy administrative responsibilities on top of his judicial duties), an addition of two JA posts will bring the number of JA in the Court of Appeal from 10 to 12, the minimum number for the formation of four divisions of three substantive JAs each for listing purpose at any one time;
- (b) Having regard to the need to cater for the expertise required of the JAs in listing cases and for the setting aside of adequate “reading and writing days” for the JAs to do pre-hearing preparation and post-hearing work and the fact that JAs need to take leave from time to time, one additional JA post will be required to ensure that the listing arrangements would be working effectively;
- (c) While CFI Judge will continue to be deployed to sit as an additional judge on operational or other appropriate ground, it is expected that this would happen more on an ad hoc rather than a permanent basis; and

- (d) The JAs, who are highly experienced judges, are expected to take an active role in the development and participation of the enhanced programmes of judicial education. Protected time would need to be allowed for the JAs to take up additional responsibilities in this regard (please also see paragraph 21 below).

17. With the proposed addition of three JA posts above, it is expected that a greater proportion of the cases heard at the Court of Appeal would be conducted by divisions constituted solely by substantive JAs than at present, thereby releasing judicial manpower at the CFI back to that level of court to handle trials.

18. The main duties of the three proposed JA posts are as set out at Annex A **Annex A**.

(B) Additional Judicial Posts for Covering the Absence of JJOs for Attending Training and Dealing with Judicial Education Matters

Review on Judicial Education and the Establishment of the Judicial Institute

19. The Chief Justice attaches great importance to the pursuit of continuing judicial education by all JJOs. He takes the view that central to the administration of justice is the quality of our JJOs at all levels of court and that a modern judiciary is expected to maintain the high standards, if not improve on them. Judicial education plays a vital role in this regard. In 2012, the Judiciary conducted a review and concluded that the judicial education needed to be enhanced to meet the ever increasing operational needs of JJOs. Starting from 2013, the Judiciary is in the process of making important changes to its system of judicial education. First and foremost, in early 2013, the former Judicial Studies Board has been replaced by the setting up of the Judicial Institute. The role of the Judicial Institute is to enhance judicial skills and knowledge through the development of continuing and more structured judicial education for all JJOs.

20. Under the new set up, the Judicial Institute comprises a Governing Body (“GB”) and an Executive Body (“EB”). The GB of the Judicial Institute, which is chaired by the Chief Justice, was set up in 2013 to provide strategic steer for and oversee the development of judicial

education. The EB, to be set up and staffed by legally qualified professionals, will conduct research and provide executive support on training for the enhancement of judicial skills and knowledge (please see paragraphs 24 to 28 below).

Need for “Protected Time” for Judicial Education Purposes

21. Under the Judicial Institute, dedicated and structured training programmes will be developed and provided for JJOs and inputs from serving JJOs will be essential. At present, JJOs are generally not provided with “protected time” to engage in the planning, preparation, delivery of and attendance at judicial training activities. They are doing so on top of their normal judicial responsibilities. While the JJOs have been conscientiously doing so over the past years, this has created additional demands on their already heavy workload and work pressure. Moreover, this is not conducive to well structured and sustainable development of judicial education in keeping abreast of the changes.

22. The above issue has been taken into account in the establishment review in 2013 mentioned at paragraph 4 above. Having reviewed the present establishment of JJOs at various levels of court, the Judiciary considered that for providing “protected time” for JJOs for dealing with judicial education matters (which would include planning, preparation and delivery of such training as appropriate) and attending judicial training activities, a further four additional judicial posts would be required as follows –

- (a) One CFI Judge post (Note that the requirement at the Court of Appeal level has already been taken into account as set out in paragraph 16 above);
- (b) One DJ post; and
- (c) Two Magistrate posts.

23. The main duties of the four proposed judicial posts, namely, one CFI Judge post, one DJ post and two Magistrate posts are as set out at **Annexes B to D respectively**.

II. CREATION OF A NON-CIVIL SERVICE POSITION AT D3 LEVEL TO HEAD THE EB OF THE JUDICIAL INSTITUTE TO BE SET UP

PROPOSAL

24. It is proposed that one non-civil service position set at a level equivalent to the rank of D3 in the Civil Service, designated as the ED(JI), should be created to head the EB of the Judicial Institute for providing dedicated executive support in implementing the policies and programmes as directed by the GB of the Judicial Institute.

JUSTIFICATIONS

Need for a Professionally Staffed EB

25. Apart from the creation of additional judicial posts as mentioned above, it is imperative that a dedicated and professional EB is to be set up to support the continuing development of judicial education. The proposed initial complement for the EB is that it will be staffed by 10 legally qualified professionals, with ED(JI), a non-civil service position pitched at D3 level as its head. The ED(JI) will take overall responsibility for the day-to-day work of the EB and oversee its administration. He will report to the GB and seek its direction and guidance on strategic matters, coordinate various education initiatives from the Education Committees which have been set up for different levels of court, and support the JJOs in planning, organizing and delivering dedicated training activities. As an integral part of judicial training, the EB will also be providing professional support to the JJOs on matters relating to legal research, production and updating of manuals and bulletins, etc. The proposed job description of the ED(JI) is at **Annex E**.

Annex E

26. It is intended that a total of nine non-directorate non-civil service positions will also be created to underpin the ED(JI). These include three Director positions i.e. Director of Education Programmes, Director of Research and Director of Judicial Publications, and their positions would be pegged to the level of senior professionals at MPS 45-49. Each of them will be responsible for supporting a dedicated major area of judicial education –

- (a) The Director of Education Programmes will be responsible for the planning and implementation of the full range of judicial educational programmes, both local and overseas, as directed by the GB;
- (b) The Director of Research will be responsible for providing legal research support for updating JJOs on important changes in law, both in Hong Kong and in overseas jurisdictions. The team will also provide research support on specific areas of law as required by the JJOs; and
- (c) The Director of Judicial Publications will render assistance to JJOs on the updating of various important judicial manuals and directions.

Moreover, given the wide spectrum of their work, each Director will be assisted by two Legal Researcher positions (“Legal Researcher”), making a total of six Legal Researchers, which are pegged to the level of Government Counsel at MPS 32-44.

27. In addition, one Senior Executive Officer post will be created to provide dedicated administrative support for the EB. Clerical manpower will be redeployed from the existing resources to provide support to the EB.

28. The proposed organization chart of the EB of the Hong Kong Judicial Institute is at **Annex F**.

Annex F

III. STRENGTHENING THE DIRECTORATE STRUCTURE OF THE JUDICIARY ADMINISTRATION

PROPOSALS

29. The Judiciary proposes –

- (a) To create one post of Chief Systems Manager (“CSM”) (D1) to head the Information Technology Office (Technical) (“ITOT”); and

- (b) To upgrade an existing post of Senior Treasury Accountant (“STA”) (MPS 45-49) to the rank of Chief Treasury Accountant (“CTA”) (D1) to head the Finance Section

to enhance both the Information Technology Office (Technical) and the Finance Section of the Judiciary Administration to meet operational needs relating to the implementation of ITSP and the enhancement of financial management of the Judiciary as a whole.

JUSTIFICATIONS

The Directorate Structure and Organization of the Judiciary Administration

30. The Chief Justice is the head of the Judiciary and is charged with the administration of the Judiciary under the Court of Final Appeal Ordinance. In discharging his administrative responsibilities, the Chief Justice is assisted by the Judiciary Administrator and staff in the Judiciary Administration.

Challenges Arising from the Implementation of the ITSP and the Resultant Re-organization of the Judiciary Administration

31. One of the major challenges of the Judiciary in the years ahead is to implement the ITSP. Under the ITSP, the Judiciary aims to provide more effective and efficient services to all its stakeholders through the greater application of Information Technology (“IT”) in its operation. Under the ITSP, the overall IT architecture and systems of the Judiciary will be revamped and many initiatives and projects are being planned and implemented in a holistic but incremental manner. Major projects under the ITSP include the building up of an Integrated Court Case Management System which is essential in supporting the introduction of e-services for court users on many fronts. The implementation of projects under the ITSP was last discussed by Members in February 2013. With Members’ support, the Finance Committee approved the funding application of \$682.4 million for the implementation of a whole range of projects under the Six-year Action Plan, i.e. the first phase, of the Judiciary’s ITSP in May 2013. The Judiciary is now in the process of implementing the ITSP.

32. To provide effective administrative support to the implementation of the ITSP and ensure good synergy with the implementation of the on-going IT projects on a day to day basis, the directorate and organizational structure of the Judiciary Administration was re-organized in December 2013 with the following major changes –

- (a) The former Project Management Office (“PMO”) headed by a Chief Systems Manager under the Deputy Judiciary Administrator (Operations) (“DJA(O)”) (which comprised both IT professional and operational staff and was mainly responsible for overseeing the planning and implementation of the ITSP projects) and the former Information Technology Management Section (“ITMS”) under the Assistant Judiciary Administrator (Quality) (“AJA(Q)”) (which also comprised both IT professional and operational staff and was mainly responsible for the management of day to day IT operation and on-going IT projects) were merged and re-organized into a single Information Technology Office (“ITO”) under the DJA(O);
- (b) Under this single ITO, staff are further re-organized under two separate sections, i.e. the Information Technology Office (Operational) (“ITOO”) supervised by the Assistant Judiciary Administrator (Quality and Information Technology) (“AJA(Q&IT)”) (which comprises mainly operational staff and is responsible for all IT operational matters relating to both the implementation of the ITSP and those on an on-going basis); and the Information Technology Office (Technical) (“ITOT”) supervised by the Chief Systems Manager (IT) (“CSM(IT)”) (which comprises mainly IT professional staff and is responsible for all IT technical matters relating to both the implementation of the ITSP and those on an on-going basis); and
- (c) The duties and the responsibilities of the former AJA(Q) were expanded to include a wider scope covering all IT operational matters and as a result, the post was retitled as AJA(Q&IT).

33. The organization charts of the Judiciary Administration before and after the re-organization in December 2013 are at **Annexes G and H**.

34. At the same time, the implementation of the ITSP has also posed important challenges to the work of other sections of the Judiciary Administration. One of these is the Finance Section under the Assistant Judiciary Administrator (Corporate Services) (“AJA(CS)”) which has been subject to immense pressures as a result. This has in turn triggered an overall review of the manpower situation of the Finance Section under AJA(CS) and as a result of the review, it is considered that there is a case to enhance the directorate structure to strengthen the overall financial management of the Judiciary (please also see paragraphs 39 to 41 below).

Need for A Permanent CSM to Head the ITOT

35. Under the re-organized ITO and having regard to the size and complexity of the projects under the ITSP, the Judiciary considers it essential for the ITOT to be headed by an IT professional at the CSM level.

36. Indeed, since 2009, a supernumerary CSM post¹ was created in the Judiciary to provide the necessary IT professional support in the conduct of the Information Systems Strategy Study (“ISSS”), the drawing up of the ITSP and its implementation. It is clear that the continued provisions of IT professional support at this level will be critical and essential for the smooth implementation of the ITSP and the sustainable development and maintenance of the effective use of the IT in the Judiciary in the long run. The Judiciary therefore proposed that such post should be made permanent. This proposal has the support of the Office of the Government Chief Information Officer and the Civil Service Bureau of the Administration.

Annex I

37. The job description of the CSM(IT) is set out at **Annex I**.

Need for Enhanced Financial Management in the Judiciary

38. Under the existing organization structure, the Finance Section, which is responsible for the financial management of the Judiciary, is currently headed by a Senior Treasury Accountant (“STA”) at the senior professional level since 1994.

¹ With the endorsement of the Chief Justice and with the support of the Office of the Government Chief Information Officer and the approval of the Civil Service Bureau, the supernumerary post of the CSM at D1 level was created by holding against a vacancy at the Principal Magistrate rank. It should be pointed out that during the past few years, only seven of the nine Principal Magistrate posts are fillable on operational grounds as there are seven Magistrates’ Courts in Hong Kong and that two such vacancies are frozen. The Chief Justice agreed that one of such frozen vacancies could be temporarily used to be held against for the purpose of creating a supernumerary CSM post to meet the urgent operational needs of the Judiciary in the interim on the one hand and without causing any practical effects on the judicial manpower position on the other.

39. A review of the workload and level of the responsibilities of the Finance Section as triggered by the developments at paragraphs 31 to 34 above has revealed that with the implementation of the ITSP, the major impact on the Finance section is as follows –

- (a) The Finance Section is required to devise financial control and monitoring system and is responsible for overseeing the operation of such system with the funding of \$682.4 million for numerous projects under the ITSP. This creates additional financial management work; and
- (b) The introduction of e-services including the exploring into the provision of e-payment options requires the carrying out of an extensive and in-depth study into the work procedures of the Finance Section, including the possible need for major work process re-engineering in support of any electronic transactions involving payment in and out of the Judiciary.

40. The review also reveals that apart from the additional workload and heavier policy responsibility arising from the implementation of the ITSP, there has also been considerable growth in workload and responsibilities for the Finance Section in the following areas –

- (a) Apart from the fundamental financial and accounting work and handling the Judiciary's annual estimates, the Finance Section is required to manage six suitors' funds/trust funds for different courts and tribunals under their respective rules of court/tribunal, such as the High Court Suitors' Fund, the District Court Suitors' Fund, etc. This aspect of work has been growing in the past decades, and will continue to grow as new suitors' funds may be required to be set up, e.g. the setting up of the Suitors' Fund for the newly established Competition Tribunal;
- (b) Over the past 20 years, there has been huge increase in the amount of monies managed by the Finance Section. The total expenditure handled has increased from \$494 million in 1994/95 to \$1,272 million in 2013/14 and the total amount of suitors' funds managed has increased from \$1.852 billion to \$5.525 billion over the same period; and

- (c) Arising from the growth in workload and scope of work, there is an increasing need to strengthen the financial management of the Judiciary. Strategic advice in monitoring and review on financial matters, work procedures and internal control is needed to ensure that resources are utilized in an effective and efficient manner.

41. As such, the Judiciary proposes to upgrade the existing head of the Finance Section at the rank of STA to that of CTA (D1) with a view to enhancing the managerial support to the overall financial management of the Judiciary. This proposal has the support of the Treasury and the Civil Service Bureau of the Administration. The Judiciary also intends to strengthen the manpower position of the Finance Section by creating three support staff posts at various ranks to meet increasing operational needs.

Annex J 42. The job description of the CTA post is set out at **Annex J**.

FINANCIAL IMPLICATIONS

43. The proposed creation of seven permanent judicial posts will bring about an additional notional annual salary cost at mid-point of \$16,239,600 as follows –

Post	Notional annual salary cost at mid-point \$	No. of posts
Justice of Appeal of the Court of Appeal of the High Court (JSPS 17)	8,665,200	3
Judge of the CFI of the High Court (JSPS 16)	2,752,800	1
Judge of the District Court (JSPS 13)	2,002,800	1
Magistrate (JSPS 7 – 10)	2,818,800	2
Total	<u>16,239,600</u>	<u>7</u>

The additional full annual average staff cost, including salaries and staff on-costs, is \$31,566,000.

44. The total remuneration package for the proposed non-civil service ED(JI) position will not exceed the full annual average staff cost of \$2,925,000, inclusive of salaries and staff on-cost for a D3-equivalent post.

45. The proposed creation and upgrading of directorate posts in the Judiciary Administration will bring about a net additional notional annual salary cost at mid-point of \$1,776,600 as follows –

Post	Notional annual salary cost at mid-point \$	No. of posts
CSM (D1)	1,465,200	1
CTA (D1)	1,465,200	1
Less : STA (MPS 45 - 49)	1,153,800	1
Total	<u>1,776,600</u>	<u>1</u>

The net additional full annual average staff cost, including salaries and staff on-costs, is \$2,722,000.

46. There is sufficient provision in the 2014-15 Estimates to meet the cost of the staffing proposals in this paper.

ADVICE SOUGHT

47. Members are invited to give their views on and support to the proposals as set out at paragraphs 2, 24 and 29 above.

WAY FORWARD

48. Subject to Members' views and support, the Judiciary intends to submit the proposals to the Establishment Subcommittee for endorsement and the Finance Committee for approval with a view to implementing the proposals as soon as practicable.

**Job Description of
Justice of Appeal of the Court of Appeal of the High Court**

Post title : Justice of Appeal of the Court of Appeal of the High Court

Rank : Justice of Appeal of the Court of Appeal of the High Court
(JSPS 17)

Responsible to : Chief Judge of the High Court (JSPS 18)

1. To hear and determine appeals on civil and criminal matters from the Court of First Instance of the High Court, the District Court, the Lands Tribunal, the Competition Tribunal and various tribunals and statutory bodies, and all related applications.
2. To give rulings on questions of law referred by lower levels of courts.

**Job Description of
Judge of the Court of First Instance of the High Court**

Post title : Judge of the Court of First Instance of the High Court

Rank : Judge of the Court of First Instance of the High Court
(JSPS 16)

Responsible to : Chief Judge of the High Court (JSPS 18)

1. To hear and determine criminal and civil cases which are within the jurisdiction of the Court of First Instance of the High Court.
2. To hear and determine cases which are within the jurisdiction of the Competition Tribunal¹.
3. To hear appeals from the Magistrates' Courts, the Labour Tribunal, the Small Claims Tribunal and the Obscene Articles Tribunal as well as appeals from Masters' decisions in civil cases.

¹ Section 135(1) of the Competition Ordinance (Cap. 619) provides that every Judge of the Court of First Instance of the High Court ("CFI Judge") will, by virtue of his or her appointment as CFI Judge, be a member of the Competition Tribunal.

**Job Description of
Judge of the District Court**

Post title : Judge of the District Court

Rank : Judge of the District Court (JSPS 13)

Responsible to : Chief District Judge (JSPS 15)

To hear and dispose of proceedings in the District Court. District Judges may also be posted to the Family Court, or the Lands Tribunal or to the Masters Office of the High Court where they will sit as Deputy Registrar, High Court.

Job Description of Magistrate

Post title : Magistrate

Rank : Magistrate (JSPS 7 - 10)

Responsible to : Chief Magistrate (JSPS 15)

To try cases in the Magistrates' Courts. Magistrates may also be posted to the Coroner's Court, Labour Tribunal, Small Claims Tribunal and Obscene Articles Tribunal where they will sit as Coroners, Presiding Officers, Adjudicators and Presiding Magistrates respectively, or to the Masters' Office in the District Court where they will sit as Deputy Registrar, District Court.

**Job Description of
the Executive Director of the Hong Kong Judicial Institute
(a non-civil service position)**

Post Title : Executive Director (Judicial Institute)

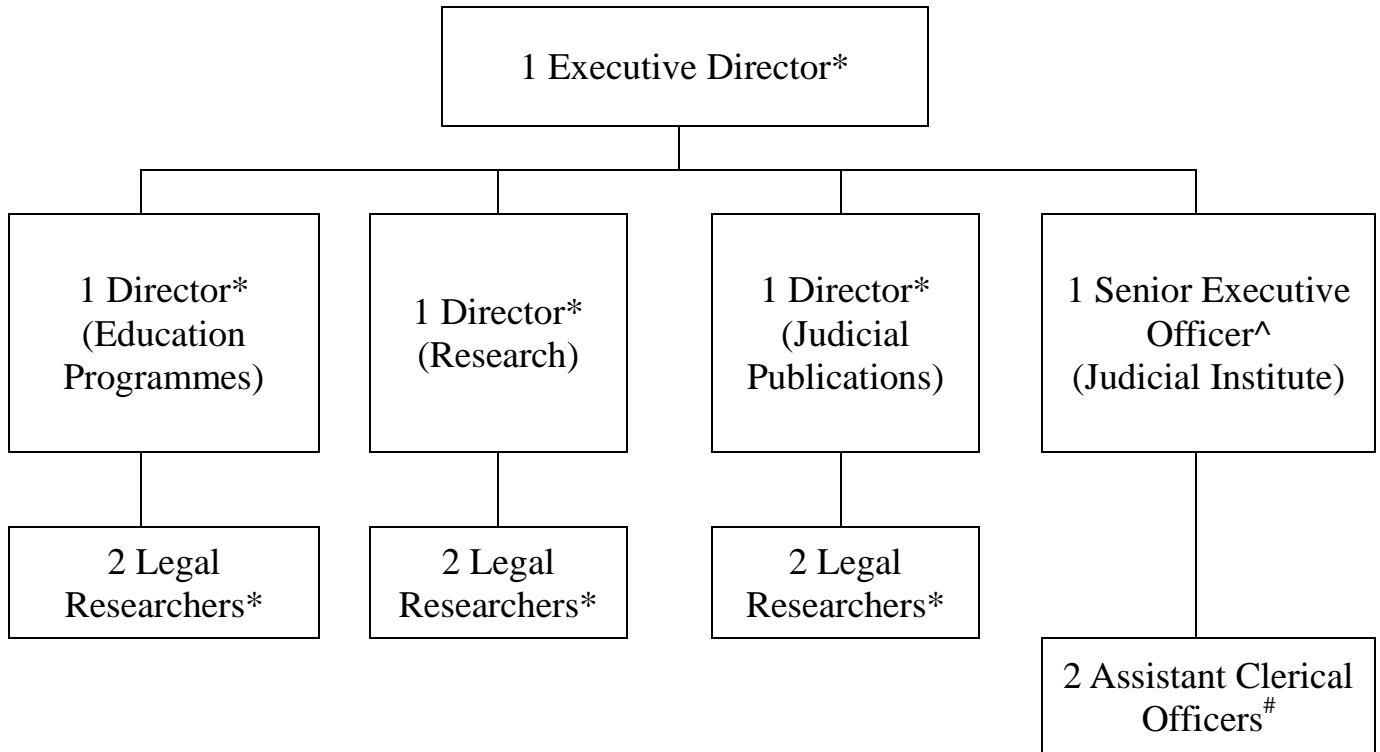
Equivalent Rank : Pegged to level equivalent to the rank of D3

Responsible to : The Governing Body of the Judicial Institute chaired by the Chief Justice

Main Duties and Responsibilities –

1. To advise the Governing Body (“GB”) of the Judicial Institute in the setting of strategic direction of the development of judicial education;
2. To assist the GB in the formulation and implementation of judicial training initiatives;
3. To oversee the conduct of judicial education programmes, provision of legal research support, development of various databases and production/updating of publications on judicial education;
4. To develop links with other judicial training bodies in other jurisdictions to facilitate exchange of expertise and experience and promote operational links;
5. To provide executive and secretarial support to meetings of the GB and Education Committees at various levels of courts; and
6. To take overall responsibility for the day-to-day work of the EB and to oversee its administration.

**Proposed Organisation Chart of the Executive Body
of the Hong Kong Judicial Institute**

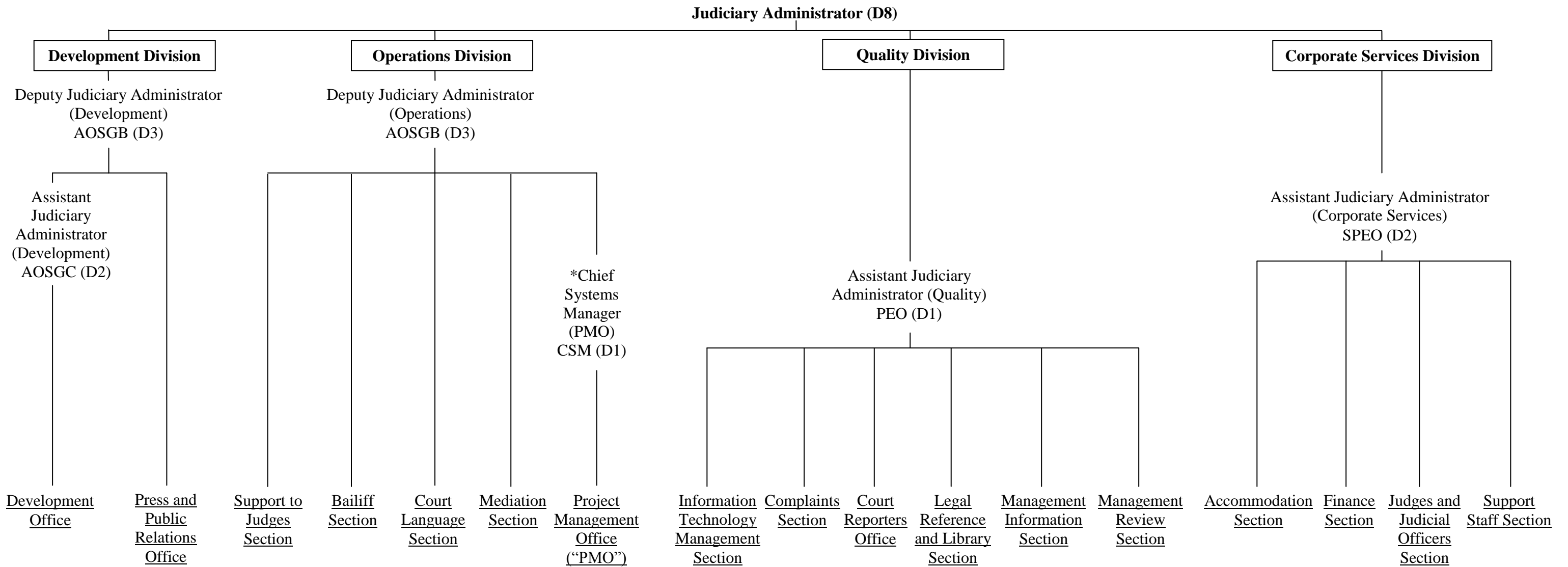


* Non-civil service positions proposed to be created

^ New civil service post proposed to be created

Clerical support to be redeployed from existing resources

Organisation Chart of Judiciary Administration before the Re-organisation in December 2013



Development Division

- Administrative assistance to the Chief Justice
- Legislation
- Civil Justice Reform ("CJR") monitoring
- Alternative dispute resolution
- Interface with the Administration
- Legal profession liaison
- Press and public relations

Operations Division

- Court registries
- Support to Judges and Judicial Officers
- Court language
- Bailiff services
- Promotion of court-related mediation
- Services for unrepresented litigants
- CJR implementation
- Implementation of Information Technology Strategy Plan

Quality Division

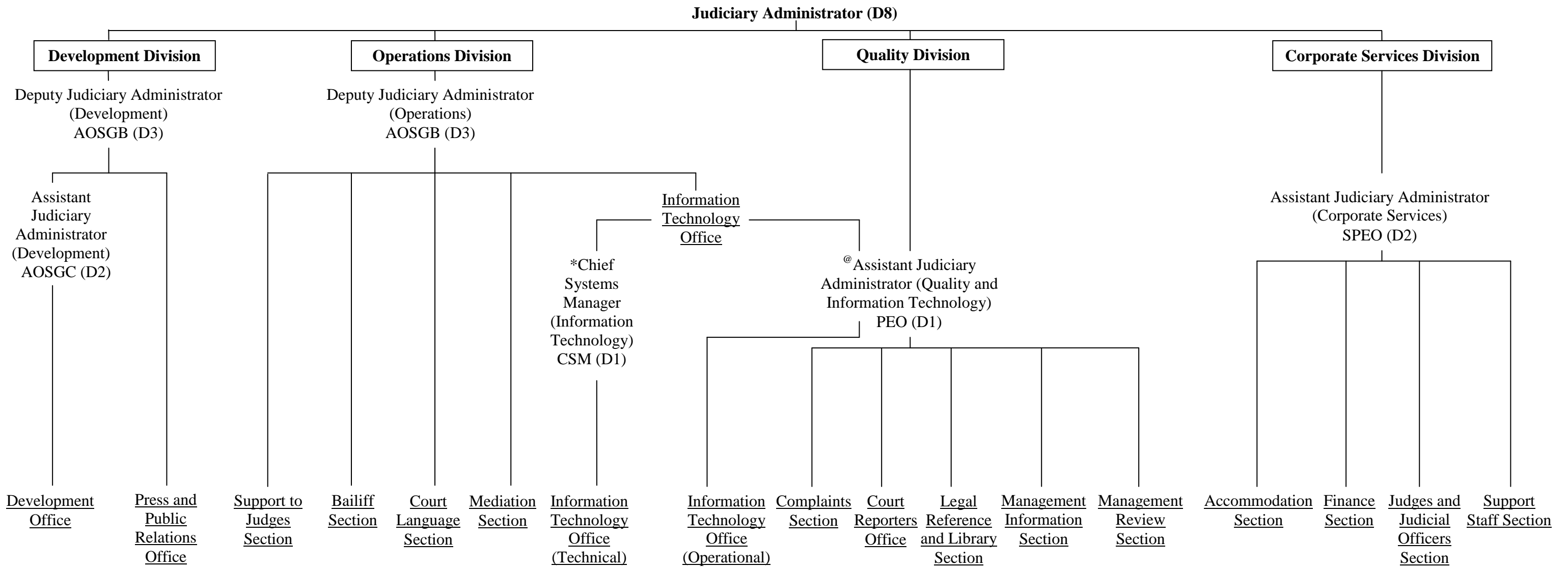
- Management review
- Management information
- Information Technology
- Legal reference and library
- Complaints
- Digital audio recording and transcription services

Corporate Services Division

- Service and training support to Judges and Judicial Officers
- Human resources management
- Finance
- Accommodation and building security
- General administration
- Service to support staff

* Supernumerary post created by holding against a frozen vacant post at the Principal Magistrate rank.

Organisation Chart of Judiciary Administration after the Re-organisation in December 2013



- All IT matters, both relating to day-to-day operation and the implementation of the ITSP

- All operational matters relating to the application of information technology, including the implementation of the ITSP

Development Division

- Administrative assistance to the Chief Justice
- Legislation
- Civil Justice Reform (“CJR”) monitoring
- Alternative dispute resolution
- Interface with the Administration
- Legal profession liaison
- Press and public relations

Operations Division

- Court registries
- Support to Judges and Judicial Officers
- Court language
- Bailiff services
- Promotion of court-related mediation
- Services for unrepresented litigants
- CJR implementation
- Implementation of Information Technology Strategy Plan

Quality Division

- Management review
- Management information
- Legal reference and library
- Complaints
- Digital audio recording and transcription services

Corporate Services Division

- Service and training support to Judges and Judicial Officers
- Human resources management
- Finance
- Accommodation and building security
- General administration
- Service to support staff

* Supernumerary post created by holding against a frozen vacant post at the Principal Magistrate rank.

@ Assistant Judiciary Administrator (Quality and Information Technology) continues to report to the Judiciary Administrator direct in respect of areas of his portfolio other than those related to Information Technology Office (Operational).

Job Description

- Post title** : Chief Systems Manager (Information Technology)
- Rank** : Chief Systems Manager (D1)
- Responsible to** : Deputy Judiciary Administrator (Operations) (AOSGB)
(D3)

Main Duties and Responsibilities –

1. To head the Information Technology Office (Technical). To plan, formulate and review the Judiciary's policies and strategies on the application of information technology ("IT") in the operations of the Judiciary.
2. To steer and execute the IT strategies and initiatives of the Judiciary, to lead and coordinate the work of project teams set up for implementation of IT projects, to give directions and make decisions relevant to the projects, manage service provider selection and engagement exercises and monitor the progress of the IT projects and decommissioning of information systems.
3. To formulate, recommend and execute strategies for the procurement of IT services and computer equipment.
4. To provide professional input on policy, legal and operational matters pertaining to the IT initiatives adopted by the Judiciary and analyse and propose measures on IT-related technical matters.
5. To advise on IT technology management, governance, standards and best practices, and enhance IT awareness and competencies for the Judiciary in support of the implementation of the ITSP.
6. To manage the staff and financial resources relating to the maintenance and development of the Judiciary's information systems.

7. To act as the IT consultant of the Judiciary and the central liaison point between the Judiciary and the Office of Government Chief Information Officer on matters concerning service-wide IT standards and initiatives, technology infrastructure and IT manpower deployment.
8. To act as the Secretary to the Committee on Information Technology and report to the Committee on Information Technology and the Information Technology Steering Group on matters relating to the implementation of the ITSP.
9. To plan and formulate change management strategies and activities relating to the implementation of the Judiciary's IT strategies and initiatives, including consultations with internal and external stakeholders, and participate in the activities.

Job Description

Post title : Chief Treasury Accountant

Rank : Chief Treasury Accountant (D1)

Responsible to : Assistant Judiciary Administrator (Corporate Services) (SPEO) (D2)¹

Main Duties and Responsibilities –

1. To head the Finance Section and oversee its operation, including revenue and collection, expenditure and payment control, stores and supplies, funds management and internal audit.
2. To advise the Controlling Officer on financial management matters of the Judiciary, including strategy and overall monitoring of the system of internal control, financial position and various exercises such as resource allocation exercise, draft estimates, budget allocation, mid-year review, year-end closing and accrual accounting.
3. To provide financial information in support of management decision making, including the conduct of researches and analysis on financial position.
4. To be responsible for the management of suitors' funds set up / to be set up, in accordance with respective legislation.
5. To be responsible for the overall monitoring of the budget and cost control for systems projects under the Information Technology Strategy Plan ("ITSP").
6. To contribute to the implementation of the ITSP, in particular the introduction of e-payment options in support of e-services to be introduced under the various IT initiatives.
7. To plan and formulate the overall fee revision policy for statutory and administrative fees in the Judiciary.

¹ The proposed CTA will also indirectly report to Deputy Judiciary Administrator (Operations) (AOSGB) (D3) on finance, accounting and control aspects of the respective operations of the Judiciary.