

## ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

### HEAD 80 – JUDICIARY Subhead 000 Operational expenses

Members are invited to recommend to Finance Committee the following proposals with immediate effect –

#### **Judge and Judicial Officer posts**

- (a) the creation of the following seven permanent judicial posts in the Judiciary –

3 Justice of Appeal of the Court of Appeal of the High Court  
(JSPS 17) (\$240,700)

1 Judge of the Court of First Instance of the High Court  
(JSPS 16) (\$229,400)

1 Judge of the District Court  
(JSPS 13) (\$162,050 - \$171,750)

2 Magistrate  
(JSPS 7-10) (\$103,970 - \$124,600)

**/Non-civil .....**

**Non-civil service position**

- (b) the creation of the following one permanent non-civil service position in the Executive Body of the Hong Kong Judicial Institute –

1 Executive Director (Judicial Institute)  
(\$158,850 - \$173,350)

**Permanent civil service posts**

- (c) the creation of the following two permanent civil service posts in the Judiciary Administration –

1 Chief Systems Manager  
(D1) (\$115,050 - \$125,800)

1 Chief Treasury Accountant  
(D1) (\$115,050 - \$125,800)

to be offset by the deletion of the following permanent post –

1 Senior Treasury Accountant  
(MPS 45-49) (\$89,565 - \$103,190)

**PROBLEM**

Despite great efforts on various fronts, given the growing workload, the average court waiting times for the High Court (other than criminal appeals) have exceeded their targets over the past few years. Besides, given their heavy judicial responsibilities, Judges and Judicial Officers (JJOs) at various levels have difficulties in sparing sufficient time to organise and/or participate in judicial training activities. High-level professional support for the new Judicial Institute is also needed to ensure effective implementation of judicial education programmes. On the Judiciary Administration front, the implementation of the Judiciary's major Information Technology (IT) project and growing complexity of financial management work necessitate strengthened directorate support.

**/PROPOSAL .....**

**PROPOSAL**

2. The Judiciary Administrator as the Controlling Officer for the Judiciary, on the instruction of the Chief Justice, Court of Final Appeal (Chief Justice), proposes to –

- (a) create the following permanent posts to cope with the increasing workload of the High Court and to cover the absence of JJOs for attending training and dealing with judicial education matters –
  - (i) three posts of Justice of Appeal of the Court of Appeal of the High Court (JA) (JSPS 17);
  - (ii) one post of Judge of the Court of First Instance of the High Court (CFI Judge) (JSPS 16);
  - (iii) one post of Judge of the District Court (DJ) (JSPS 13); and
  - (iv) two posts of Magistrate (JSPS 7-10);
- (b) create one non-civil service position pitched at a level equivalent to the rank of D3 in the Civil Service, to head the Executive Body (EB) of the Judicial Institute for providing dedicated executive support in implementing the policies and programmes as directed by the Governing Body (GB) of the Judicial Institute; and
- (c) create/upgrade the following posts under the Judiciary Administration to support the implementation of the Information Technology Strategy Plan (ITSP) and to enhance financial management of the Judiciary –
  - (i) creation of one permanent post of Chief Systems Manager (CSM) (D1); and
  - (ii) upgrading of an existing permanent post of Senior Treasury Accountant (STA) (MPS 45-49) to the rank of Chief Treasury Accountant (CTA) (D1).

**JUSTIFICATION****Creation of Additional JJO Posts*****The 2013-14 Establishment Review***

3. The Judiciary is keenly aware of the importance of having adequate

/resources .....

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.

#### ***Additional JA Posts for Coping with 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 ten 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 ten 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 .....

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 maximising 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 .....

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) 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. The listing of appeals has to be done with due regard to the areas of expertise of the individual JAs. 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 .....

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 ten 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) .....

- (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.

Encl. 1 18. The main duties of the three proposed JA posts are as set out at Enclosure 1.

***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 GB and an 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 25 below).

*/Need .....*



*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. 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 in 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.

Encls.  
2 - 4

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 Enclosures 2 to 4 respectively.

**Creation of a permanent Non-Civil Service Position at D3 Level to head the EB of the Judicial Institute to be set up***Need for a Professionally Staffed EB*

24. Apart from the creation of additional JJO 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 ten legally qualified professionals, with Executive Director (Judicial Institute) (ED(JI)), a permanent non-civil service position pitched at D3 level as its head.

25. 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, organising 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..

Encl. 5

26. The proposed job description of the ED(JI) is at Enclosure 5.

### **Strengthening the Directorate Structure of the Judiciary Administration**

#### *The Directorate Structure and Organisation of the Judiciary Administration*

27. 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-organisation of the Judiciary Administration*

28. 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 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. In May 2013, the Finance Committee approved the creation of a new commitment of \$682.43 million for the implementation of projects under the Six-year Action Plan, i.e. the first phase of the ITSP. The Judiciary is now in the process of implementing the ITSP.

29. 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 organisational structure of the Judiciary Administration was re-organised in December 2013 with the following major changes –

/(a) .....

- (a) the former Project Management Office headed by a CSM 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-organised into a single Information Technology Office (ITO) under the DJA(O);
- (b) under this single ITO, staff are further re-organised under two separate sections, i.e. the Information Technology Office (Operational) 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 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).

Encls. 30. The organisation charts of the Judiciary Administration before and after the re-organisation in December 2013 are at Enclosures 6 and 7.  
6 & 7

31. 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 36 to 38 below).

*/Need .....*

***Need for a Permanent CSM to Head the ITOT***

32. Under the re-organised 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.

33. Indeed, since 2009, a supernumerary CSM post<sup>Note</sup> was created in the Judiciary to provide the necessary IT professional support in the conduct of the Information Systems Strategy Study, the drawing up of the ITSP and its implementation. It is clear that the continued provision 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.

Encl. 8

34. The job description of the CSM(IT) is set out at Enclosure 8.

***Need for Enhanced Financial Management in the Judiciary***

35. Under the existing organisation structure, the Finance Section, which is responsible for the financial management of the Judiciary, is currently headed by an STA at the senior professional level since 1994.

36. A review of the workload and level of the responsibilities of the Finance Section as triggered by the developments at paragraphs 28 to 31 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 \$682.43 million for numerous projects under the ITSP. This creates additional financial management work; and

/(b) .....

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<sup>Note</sup> 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 (JSPS 11) 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.

- (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.

37. 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 a 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 \$1.85 billion to \$5.53 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 utilised in an effective and efficient manner.

38. 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.

Encl. 9 39. The job description of the CTA post is set out at Enclosure 9.

**/ADDITIONAL .....**

**ADDITIONAL NON-DIRECTORATE POSTS**

40. The seven proposed additional JJO posts will be supported by an additional 16 non-directorate posts of the Judicial Clerk, clerical and secretarial grades.

41. The proposed non-civil service position of ED(JI) will be supported by an additional 11 non-directorate non-civil service positions and civil service posts, including three Director positions, six Legal Researcher positions and two civil service posts of the Executive Officer and secretarial grades. The proposed organisation chart of the EB of the Hong Kong Judicial Institute is at Enclosure 10.

Encl. 10

42. The proposed CSM(IT) post will be supported by an additional 14 non-directorate posts of the Analyst/Programmer and secretarial grades. The proposed CTA post will be supported by an additional four non-directorate posts of the Treasury Accountant, Accounting Officer and secretarial grades. The proposed organisation charts of the ITOT and the Finance Section are at Enclosure 11 and 12 respectively.

Encls.  
11 & 12

**ALTERNATIVES CONSIDERED**

43. The existing JJOs in the Judiciary are already fully engaged in the judicial work at various levels of court. While we have been deploying CFI Judges to sit as additional judges at the Court of Appeal and engaging deputy judges in the CFI to help improve court waiting times, this is not a long-term solution. On judicial education, we need to provide adequate professional support to ensure the effective implementation of the various judicial training initiatives for JJOs. There is no other alternative. As regards the two directorate posts of CSM(IT) and CTA, the responsibilities concerned cannot be taken up by more junior staff because of the complexity and scale of the ITSP exercise as well as the need to strengthen the overall financial management of the Judiciary.

**FINANCIAL IMPLICATIONS**

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

/Notional .....

<b>Post</b>	<b>Notional annual salary cost at mid-point \$</b>	<b>No. of posts</b>
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
<b>Total</b>	16,239,600	7

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

45. 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.

46. 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 –

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

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

47. Taking into account all the above proposals together, the additional notional annual salary cost at mid-point for the 36 non-directorate posts is \$16,624,500 and the full annual average staff cost, including salaries and staff on-costs, is \$24,068,000.

48. The Judiciary has included sufficient provision in the 2014-15 Estimates and subsequent years to meet the cost of the proposals in this paper.

## PUBLIC CONSULTATION

49. The Legislative Council Panel on Administration of Justice and Legal Services was consulted on 24 June 2014. Members indicated support and noted that we will seek the endorsement of the Establishment Subcommittee and the approval of the Finance Committee in 2014-15.

## ESTABLISHMENT CHANGES

50. The establishment changes in the Judiciary for the past two years are as follows –

Establishment (Note)	Number of posts			
	Existing (As at 1 November 2014)	As at 1 April 2014	As at 1 April 2013	As at 1 April 2012
<b>A</b>	189 <sup>*^</sup>	189 <sup>*</sup>	189 <sup>*</sup>	185 <sup>**</sup>
<b>B</b>	186 <sup>#</sup>	181 <sup>#</sup>	170 <sup>#</sup>	166 <sup>#</sup>
<b>C</b>	1 389	1 353	1 325	1 298
<b>Total</b>	<b>1 764</b>	<b>1 723</b>	<b>1 684</b>	<b>1 649</b>

Note:

A – ranks in the directorate pay scale or equivalent

B – non-directorate ranks, the maximum pay point of which is above MPS Point 33 or equivalent

C – non-directorate ranks, the maximum pay point of which is at or below MPS Point 33 or equivalent

\* including 183 Judge and Judicial Officer (JJO) posts

\*\* including 179 JJO posts

^ as at 1 November 2014, there were 39 unfilled directorate JJO posts and the judicial functions of 32 such posts were performed by Deputy JJOs appointed from outside the Judiciary. Recruitment exercises to fill the JJO vacancies are on-going.

# including 11 Special Magistrate posts

/CIVIL .....



**CIVIL SERVICE BUREAU COMMENTS**

51. The Civil Service Bureau supports the proposed creation of the non-civil service position and the two permanent civil service directorate posts under the Judiciary Administration as listed out in paragraph 2 (b) and (c) of this paper to meet the operational needs of the Judiciary. The ranking at which the non-civil service position is proposed to be pitched and the proposed ranking of the two directorate civil service posts are considered appropriate having regard to the level and scope of the responsibilities concerned.

**ADVICE OF THE STANDING COMMITTEE ON JUDICIAL SALARIES AND CONDITIONS OF SERVICE**

52. The Standing Committee on Judicial Salaries and Conditions of Service has advised that the proposal for the creation of seven permanent JJO posts in the Judiciary is appropriate.

**ADVICE OF THE STANDING COMMITTEE ON DIRECTORATE SALARIES AND CONDITIONS OF SERVICE**

53. The Standing Committee on Directorate Salaries and Conditions of Service has advised that the grading proposed for the two civil service permanent directorate posts as set out in the proposal is appropriate.

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Judiciary  
November 2014

**Job Description**  
**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)

**Main Duties and Responsibilities –**

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.

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**Job Description**  
**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)

**Main Duties and Responsibilities –**

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 Tribunal<sup>Note</sup>.
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.

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<sup>Note</sup> 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  
Judge of the District Court**

**Rank:** Judge of the District Court (JSPS 13)

**Responsible to:** Chief District Judge (JSPS 15)

**Main Duties and Responsibilities –**

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.

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**Job Description  
Magistrate**

**Rank:** Magistrate (JSPS 7 - 10)

**Responsible to:** Chief Magistrate (JSPS 13)

**Main Duties and Responsibilities –**

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.

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

**Equivalent rank:** D3 level in the Civil Service

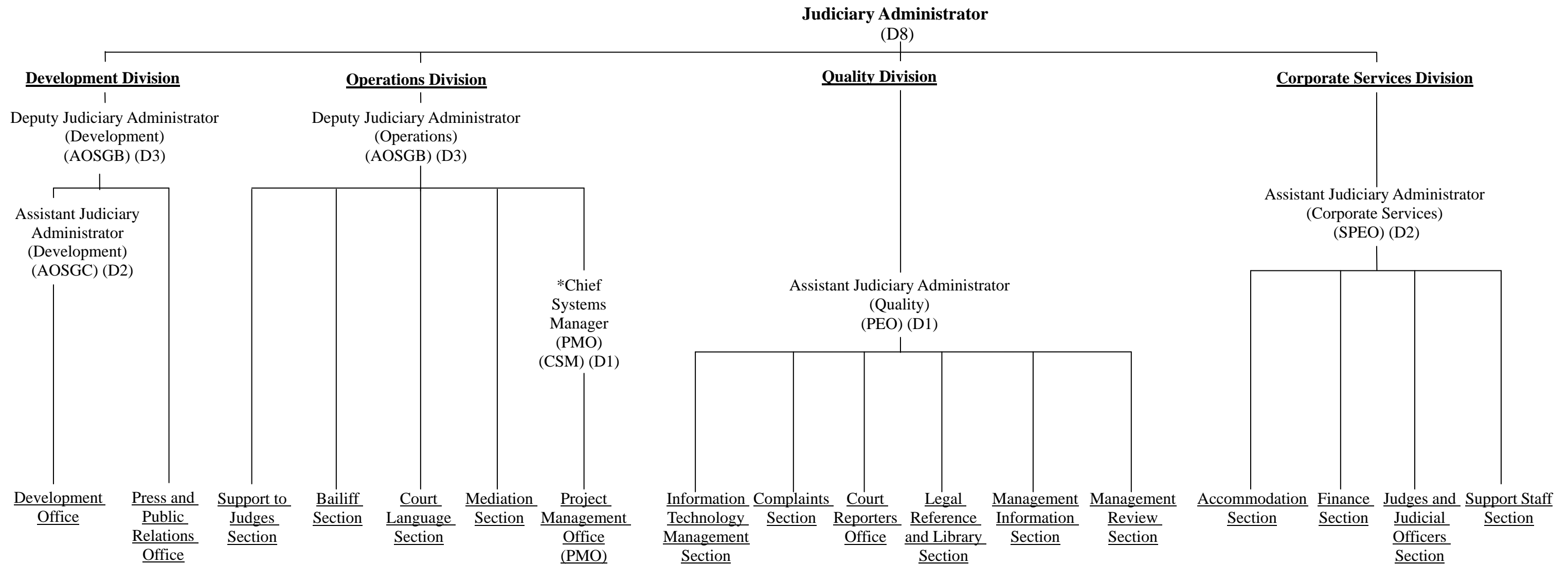
**Responsible to:** The Governing Body of the Judicial Institute chaired by the Chief Justice

**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.
6. To take overall responsibility for the day-to-day work of the Executive Body and to oversee its administration.

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



**Development Division**

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

**Operations Division**

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

**Quality Division**

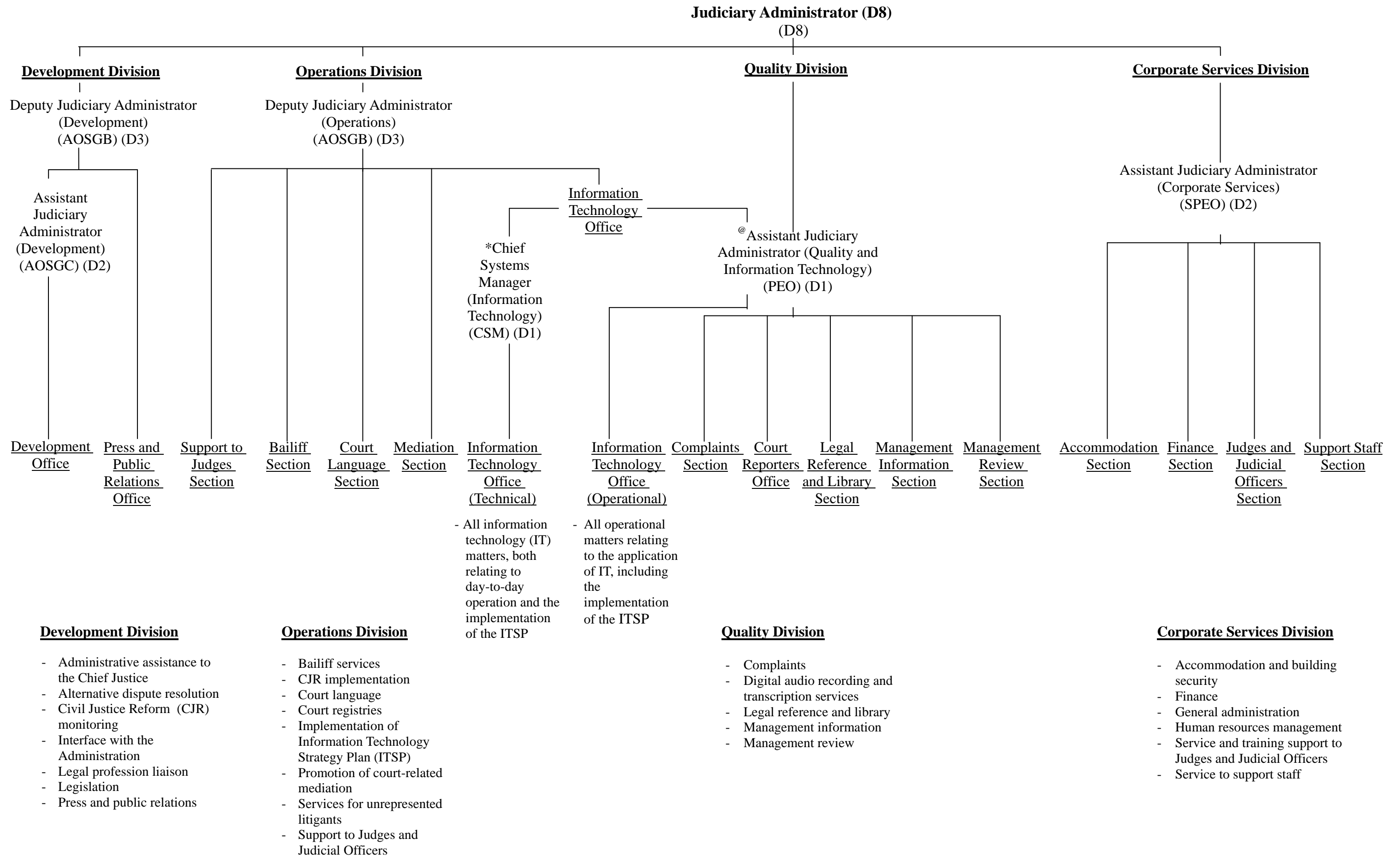
- Complaints
- Digital audio recording and transcription services
- Information Technology
- Legal reference and library
- Management information
- Management review

**Corporate Services Division**

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



\* 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**  
**Chief Systems Manager (Information Technology)**

**Rank:** Chief Systems Manager (D1)

**Responsible to:** Deputy Judiciary Administrator (Operations) (Administrative Officer Staff Grade B) (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 Information Technology Strategy Plan (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.

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**Job Description**  
**Chief Treasury Accountant**

**Rank:** Chief Treasury Accountant (CTA) (D1)

**Responsible to:** Assistant Judiciary Administrator (Corporate Services) (Senior Principal Executive Officer) (D2)<sup>Note</sup>

**Main Duties and Responsibilities –**

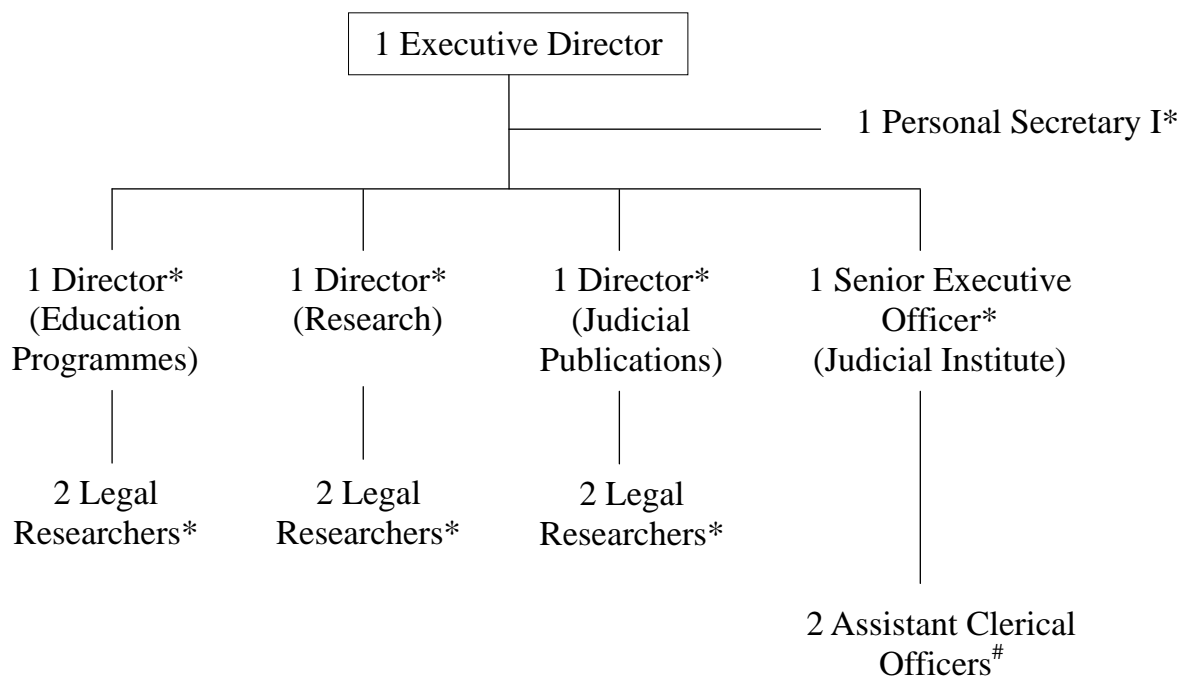
1. To head the Finance Section and oversee its operation, including revenue and collection, expenditure and payment control, stores and supplies, funds management and internal audit.
2. To advise the Controlling Officer on financial management matters of the Judiciary, including strategy and overall 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.

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<sup>Note</sup> The proposed CTA will also indirectly report to Deputy Judiciary Administrator (Operations) (Administrative Officer Staff Grade B) (D3) on finance, accounting and control aspects of the respective operations of the Judiciary.

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



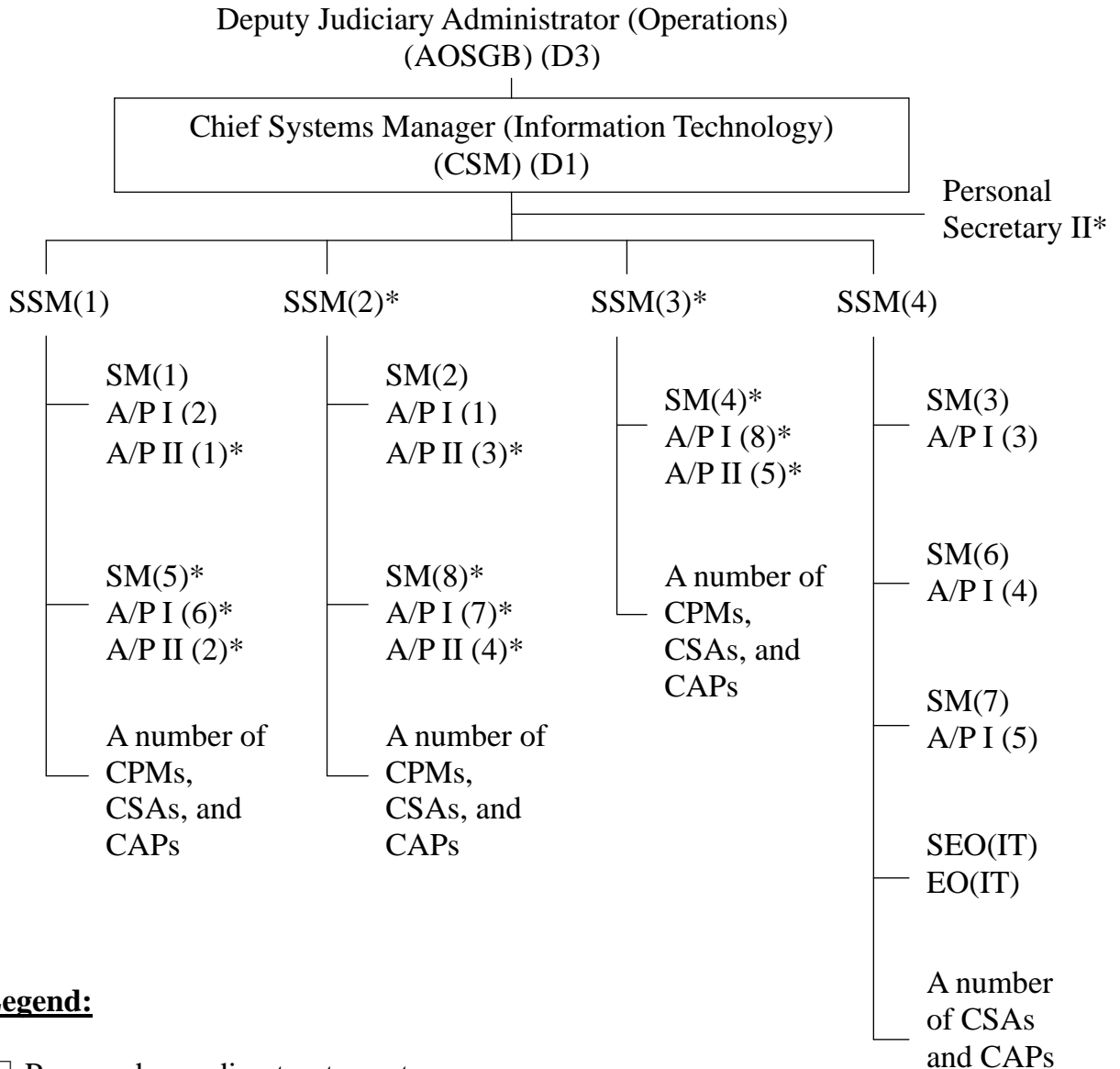
**Legend:**

Proposed non-civil service position at the equivalent rank of D3

\* Additional non-civil service positions/civil service posts at non-directorate level

# Clerical support to be redeployed from existing resources

**Proposed Organisation Chart of the Information Technology Office  
(Technical)**



**Legend:**

Proposed new directorate post

\* Additional civil service posts at non-directorate level

A/P I – Analyst/Programmer I

A/P II – Analyst/Programmer II

CAP – Contract Analyst/Programmer

CPM – Contract Project Manager

CSA – Contract Systems Analyst

EO(IT) – Executive Officer (Information Technology)

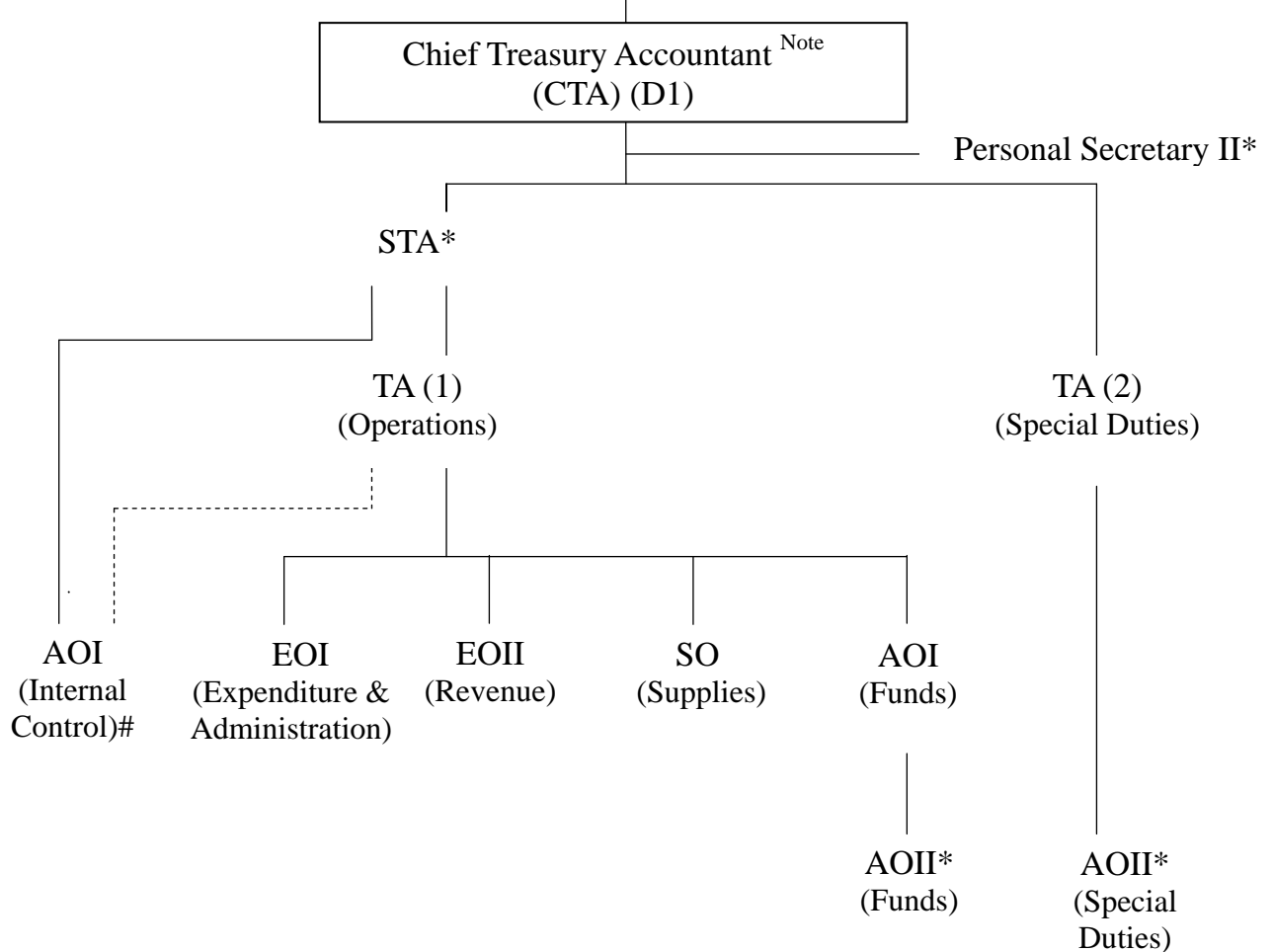
SEO(IT) – Senior Executive Officer (Information Technology)

SM – Systems Manager

SSM – Senior Systems Manager

**Proposed Organisation Chart of the Finance Section**

Assistant Judiciary Administrator (Corporate Services)  
(SPEO) (D2)



**Legend:**

□ Proposed directorate post upgraded from an existing STA post

\* Additional civil service posts at non-directorate level

# AOI(Internal Control) reports to STA direct in respect of internal control function (70%); for other functions related to accrual accounting and tender evaluation (30%), he will continue to report to TA(1) direct

AOI/II – Accounting Officer I/II

EOI/II – Executive Officer I/II

STA – Senior Treasury Accountant

TA(1) – Treasury Accountant

TA(2) – Contract Treasury Accountant

<sup>Note</sup> The proposed CTA will also indirectly report to Deputy Judiciary Administrator (Operations) (Administrative Officer Staff Grade B) (D3) on finance, accounting and control aspects of the respective operations of the Judiciary.