

## **ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE**

### **HEAD 80 – JUDICIARY Subhead 000 Operational expenses**

Members are invited to recommend to Finance Committee the creation of the following supernumerary post in the Development Office of the Judiciary Administration of the Judiciary for a period of three years with immediate effect upon approval of the Finance Committee –

1 Administrative Officer Staff Grade C  
(D2) (\$144,700 - \$158,250)

### **PROBLEM**

The Judiciary anticipates that there will be an upsurge of legislative work arising from the implementation of the Information Technology Strategy Plan (ITSP) and review of Family Procedure Rules, in addition to other on-going and planned legislative exercises. The Judiciary Administration of the Judiciary needs additional staffing support at the directorate level in the Development Office (the Office) to oversee and steer the legislative work.

### **PROPOSAL**

2. The Judiciary Administrator, on the instruction of the Chief Justice, Court of Final Appeal (Chief Justice), proposes to create a supernumerary post of Administrative Officer Staff Grade C (AOSGC) (D2) in the Judiciary Administration of the Judiciary for a period of three years with immediate effect upon the approval of the Finance Committee to steer and supervise the legislative amendments in the coming few years.

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## JUSTIFICATION

3. The Chief Justice is the head of the Judiciary and is charged with the administration of the Judiciary under the Hong Kong Court of Final Appeal Ordinance (Cap. 484). In discharging his administrative responsibilities, the Chief Justice is assisted by, among others, the Judiciary Administrator and the staff in the Judiciary Administration.

### **Challenges arising from key legislative amendment exercises**

4. To enhance access to justice and to provide quality services to court users and members of the public, the Judiciary has been striving for on-going improvement. Most of the court systems, practices, rules and procedures are enshrined in the legislation, and changes to these systems and practices often necessitate legislative amendments. All along, the Judiciary Administration has been providing administrative support in taking forward various legislative amendment exercises. Recent examples are the Administration of Justice (Miscellaneous Provisions) Ordinance 2014 and the procedural rules relating to the Competition Tribunal.

5. In the coming few years, the Judiciary anticipates that the legislative work will surge substantively mainly because of the following two key initiatives ahead –

- (a) implementation of the ITSP; and
- (b) review of Family Procedure Rules.

### *Information Technology Strategy Plan*

6. One of the key 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.

7. The Finance Committee approved vide FCR(2013-14)6 on 24 May 2013 the creation of a new commitment of \$682.43 million for the implementation of a whole range of projects under the first phase of the Judiciary's ITSP, i.e. the Six-year Action Plan. The Six-year Action Plan comprises two stages. The first stage focuses on building up the technical and infrastructure foundation components, conducting process re-engineering,

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streamlining and standardising court operations, and implementing the integrated court case management system in the District Court and the Summons Courts of the Magistrates' Courts. The second stage includes rolling out the system to the Court of Final Appeal, the High Court, the non-summons Courts of the Magistrates' Courts and the Small Claims Tribunal. The Judiciary is now in the process of implementing the ITSP.

8. To ensure access to justice, after the implementation of the ITSP, court users may choose to use electronic services or interact with the Judiciary by means of the existing channels through submission of paper documents. The main processes within the Judiciary will be done electronically. To enable such electronic services and processing, tens of the principal legislation and subsidiary legislation relevant to court operations will need to be studied and amended as appropriate. The legislative amendments are expected to be complicated, technical and extensive. Moreover, given the uniqueness of court operations, the provisions needed may not be commonly found in the Hong Kong laws. Extensive research and examination on similar provisions in other jurisdictions is needed.

9. The legislative work will also need to be done in time in phases to support, as far as possible, the expected target timetable of the rolling out of each stage of the ITSP implementation under the Six-year Action Plan. In other words, the corresponding legislative amendments are likely to be pursued in two stages in the course of the implementation of the Six-year Action Plan with a view to matching the deliverables of the ITSP as far as possible.

#### *Review of Family Procedure Rules*

10. In March 2012, the Chief Justice appointed the Working Party on Family Procedure Rules<sup>1</sup> (the Working Party) to advise him, among other things, on the desirability, impact and practicalities of formulating a single set of procedural rules (subsidiary legislation) for the family jurisdiction applicable both to the Family Court and the High Court. The Working Party has put forward over 130 proposals for consultation with the relevant stakeholders from February to August 2014.

11. One of the key proposals is the adoption of a single unified procedural code that comprehensively deals with the processes and procedures for all family and matrimonial matters. The proposals taken together seek to

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<sup>1</sup> The Working Party consists of Judges and Judicial Officers as well as representatives from the legal professional bodies and government departments (such as the Department of Justice and the Legal Aid Department).

facilitate a more streamlined procedure and contribute to a common approach across the Family Court and the High Court, resulting in a more efficient, effective and user-friendly family justice system. The time and costs needed for family proceedings are likely to be reduced as a result. The stakeholders generally welcome the proposed changes and urge them to be implemented as soon as possible. The Legislative Council Panel on Administration of Justice and Legal Services has also indicated support.

12. The Working Party has examined the views of the stakeholders and prepared a Final Report for the Chief Justice's consideration. The Chief Justice has accepted the recommendations and the Final Report was published on 28 May 2015. The Judiciary is now taking forward the implementation work relating to the procedural reform. The recommendations, if implemented, would necessitate changes to about ten pieces of principal legislation and many pieces of subsidiary legislation in order to consolidate the procedural rules now dispersed over many pieces of legislation. It will be a massive exercise as the legislative work will be extensive, complicated and highly technical. It is expected that the whole exercise will take quite a number of years.

#### **Need for a supernumerary AOSGC post**

13. The Development Division of the Judiciary Administration is headed by Deputy Judiciary Administrator (Development)<sup>2</sup> (DJA(D)) at the Administrative Officer Staff Grade B (AOSGB) (D3) level and currently underpinned by one Assistant Judiciary Administrator (Development) (AJA(D)) at AOSGC (D2) level. AJA(D) leads the Office under the Development Division and is currently supported by one time-limited Senior Administrative Officer (SAO), two Senior Executive Officers (SEOs) and one Administrative Officer (AO).

14. The Office provides administrative support for legislative proposals originating from the Judiciary and supports the development and review of policies on court systems, practices, rules and procedures. The Office also scrutinises legislative proposals originating from the Government which may have an impact on the operation of the Judiciary. Besides, the Office renders administrative assistance in processing legislative proposals from the legal professional bodies regarding certain regulatory matters.

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<sup>2</sup> DJA(D) is also the Administrative Assistant to the Chief Justice and heads the Press and Public Relations Office of the Judiciary.

15. There has been a growing trend of the above legislative amendment exercises, initiated by the Judiciary or otherwise, in recent years. The Office has been fully stretched to provide support for these exercises. With the above two new key legislative amendment exercises ahead as well as many other on-going and planned legislative exercises (such as the review of the monetary jurisdictional limits for the District Court and the Small Claims Tribunal), the Judiciary anticipates that the above slim set-up of the Office, particularly with only one AOSGC officer at present, cannot cope with the heavy demands to meet the target dates for the proposed exercises in the coming few years.

16. To avoid delay in the implementation of initiatives requiring legislative changes, the Judiciary sees the need for creating an additional AOSGC post, initially for three years, to provide the necessary strategic and high-level administrative inputs. These involve discussions with the Judges and Judicial Officers within the Judiciary on the formulation and refinement of the proposals, liaison with the Department of Justice of the Government on the legal policy matters involved and the drafting of the legislative provisions, consultation with all external stakeholders (such as the relevant bureaux and departments of the Government as well as the legal professional bodies), and taking the proposals to the Executive Council and the Legislative Council etc. The proposed AOSGC officer will need to work independently and liaise directly with officers/contacts at senior levels, both within and outside the Judiciary. The continued need for the proposed AOSGC post will be reviewed in good time.

Encls. 1 - 3 17. The job descriptions of the current AJA(D) post, its renamed AJA(D)1 post, and the proposed AJA(D)2 are set out at Enclosures 1, 2 and 3 respectively. The proposed organisation charts of the Office and the Judiciary Administration are at Enclosures 4 and 5 respectively.

### **NON-DIRECTORATE POSTS**

18. For the same reason as mentioned in paragraph 16 above, an existing time-limited SAO post has been extended since 1 April 2015 and the present AO post in the Office will also be upgraded to SAO level for three years to provide stronger support for the legislative work accordingly. To provide secretarial support to the proposed supernumerary AOSGC post, a three-year Personal Secretary I (PS I) post will also be created.

19. With the proposed creation of this supernumerary AOSGC post, the Office will be strengthened with manpower and re-organised into two teams, respectively headed by the current AJA(D) (to be renamed as AJA(D)1) and the proposed supernumerary AOSGC (to be designated as AJA(D)2). AJA(D)1 and AJA(D)2 will respectively be supported by a team of one SAO and one SEO.

**/ALTERNATIVES .....**

## **ALTERNATIVES CONSIDERED**

20. The Office is facing surging workload arising from various legislative amendment exercises in recent years. The Office has been fully stretched to provide support for these exercises. In the coming years, the Office needs to handle two new key legislative amendment exercises and other on-going and planned initiatives. The Judiciary Administration has critically examined whether the existing AJA(D) can take up the additional legislative work etc. but considers that this alternative is not feasible because AJA(D) is already fully occupied with a number of ongoing initiatives, such as review of the monetary jurisdictional limits for the District Court and the Small Claims Tribunal, review of the suitors' funds rules across different levels of courts and tribunals, as well as the full implementation of five-day week in the Judiciary. As the only AOSGC officer in the Office, it will not be viable for AJA(D) to take up the additional work without adversely affecting the discharge of her duties timely.

## **FINANCIAL IMPLICATIONS**

21. The proposed creation of one supernumerary AOSGC post will bring about an additional notional annual salary cost at mid-point of \$1,843,200. The additional full annual average staff cost, including salaries and staff on-costs, is \$2,565,000.

22. The extension of one time-limited SAO post, the upgrading of one AO post to SAO post and the creation of one PS I post will bring about an additional notional annual salary cost at mid-point of \$1,999,560. The additional full annual average staff cost, including salaries and staff on-costs, will be \$3,482,000.

23. The Judiciary has included sufficient provision in the approved 2015-16 Estimates to meet the costs of the staffing proposals mentioned in this paper and will reflect the resources required in the Estimates of subsequent years.

## **PUBLIC CONSULTATION**

24. The Legislative Council Panel on Administration of Justice and Legal Services was consulted on 18 May 2015, and Members supported the staffing proposal.

**/ESTABLISHMENT .....**

**ESTABLISHMENT CHANGES**

25. The establishment changes under Head 80 – Judiciary for the past two years are as follows –

Establishment (Note)	Number of posts			
	Existing (As at 1 June 2015)	As at 1 April 2015	As at 1 April 2014	As at 1 April 2013
<b>A</b>	198 <sup>*^</sup>	198*	189**	189**
<b>B</b>	186 <sup>#</sup>	186 <sup>#</sup>	181 <sup>#</sup>	170 <sup>#</sup>
<b>C</b>	1 399	1 394	1 353	1 325
<b>Total</b>	<b>1 783</b>	<b>1 778</b>	<b>1 723</b>	<b>1 684</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 190 Judge and Judicial Officer (JJO) posts
- \*\* – including 183 JJO posts
- ^ – as at 1 June 2015, there were 31 unfilled directorate JJO posts and the judicial functions of 25 such posts were performed by Deputy JJOs appointed from outside the Judiciary
- # – including 11 Special Magistrate posts

**CIVIL SERVICE BUREAU COMMENTS**

26. The Civil Service Bureau supports the proposed creation of the supernumerary AOSGC post. The grading and ranking of the proposed post are considered appropriate having regard to the level and scope of responsibilities.

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

27. As the AOSGC post is proposed on a supernumerary basis, its creation, if approved, will be reported to the Standing Committee on Directorate Salaries and Conditions of Service in accordance with the agreed procedure.

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**Existing Job Description**  
**Assistant Judiciary Administrator (Development)**

**Rank:** Administrative Officer Staff Grade C (D2)

**Responsible to:** Deputy Judiciary Administrator (Development) (AOSGB)  
(D3)

**Major Duties and Responsibilities –**

1. To take forward all key legislative and policy proposals initiated by the Judiciary on changes relating to the court rules, systems, practices and procedures for various levels of courts and tribunals. Present major tasks include new procedural rules for the Competition Tribunal, review of the monetary jurisdictional limits for the District Court and Small Claims Tribunal, implementation of the Information Technology Strategy Plan, review of suitors' funds rules across different levels of courts and tribunals, as well as the full implementation of five-day week in the Judiciary.
2. To take forward all other legislative exercises initiated by the Judiciary, including on-going operational improvements to the court procedures and processes.
3. To examine and take forward all legislative and policy proposals affecting the Judiciary as put forward by the Government, including the Law Reform Commission reports relating to, among others, the Jury Ordinance, children-related matters and review of the Control of Obscene and Indecent Articles Ordinance.
4. To examine legislative proposals put forward by legal professional bodies.
5. To provide administrative support for some of the statutory and non-statutory committees in the Judiciary, such as the various rules committees, the Civil Justice Reform Monitoring Committee and the new implementation committee for family procedure rules etc.
6. To oversee the administration of the Development Office.

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**Revised Job Description  
Assistant Judiciary Administrator (Development)1**

**Rank:** Administrative Officer Staff Grade C (D2)

**Responsible to:** Deputy Judiciary Administrator (Development) (AOSGB)  
(D3)

**Major Duties and Responsibilities –**

1. To take forward various key legislative and policy proposals initiated by the Judiciary on changes relating to the court rules, systems, practices and procedures for various levels of courts and tribunals. Major tasks in the coming few years include implementation of a consolidated set of family procedure rules, review of the monetary jurisdictional limits for the District Court and the Small Claims Tribunal as well as review of suitors' funds rules across different levels of courts and tribunals.
2. To take forward other legislative exercises initiated by the Judiciary, including on-going operational improvements to the court procedures and processes.
3. To examine and take forward legislative and policy proposals affecting the Judiciary as put forward by the Government, including the Law Reform Commission reports relating to, among others, the Jury Ordinance and children related matters.
4. To examine legislative proposals put forward by legal professional bodies.
5. To provide administrative support for some of the statutory and non-statutory committees in the Judiciary, such as the Civil Justice Reform Monitoring Committee and the new implementation committee for family procedure rules.

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**Proposed Job Description  
Assistant Judiciary Administrator (Development)2**

**Rank:** Administrative Officer Staff Grade C (D2)

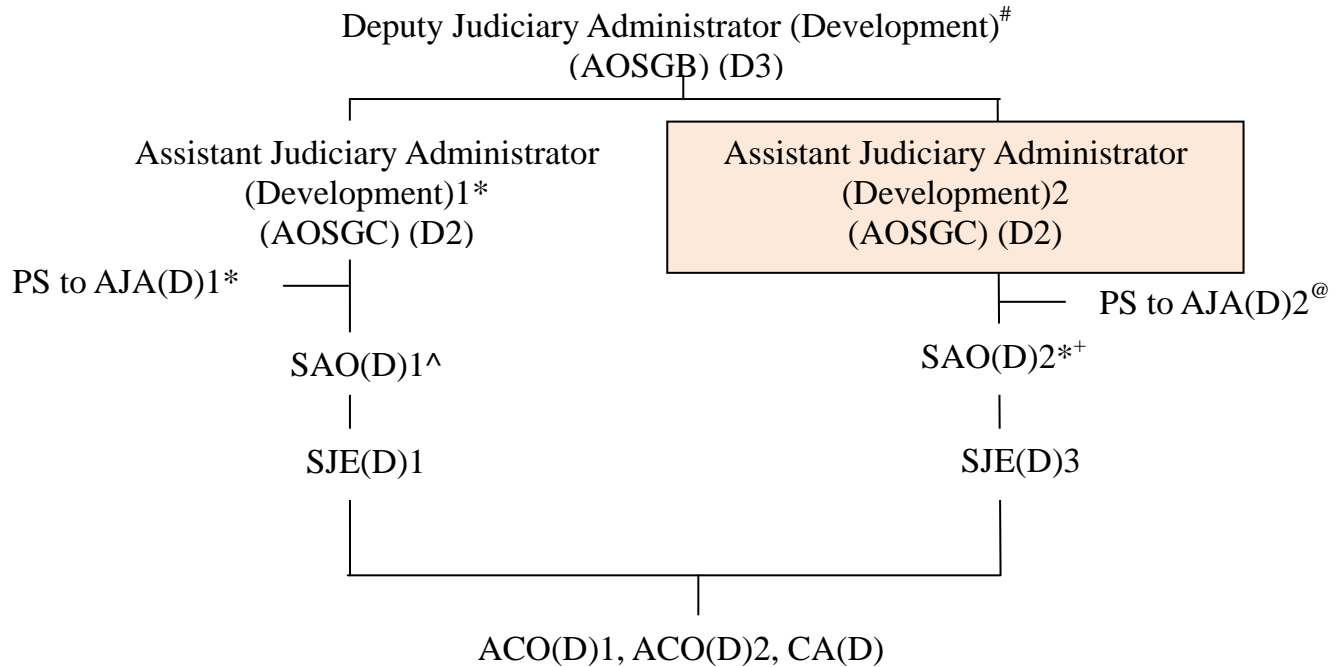
**Responsible to:** Deputy Judiciary Administrator (Development) (AOSGB)  
(D3)

**Major Duties and Responsibilities –**

1. To take forward various key legislative and policy proposals initiated by the Judiciary on changes relating to the court rules, systems, practices and procedures for various levels of courts and tribunals. Major tasks in the coming few years include implementation of the Information Technology Strategy Plan and the full implementation of five-day week in the Judiciary.
2. To take forward other legislative exercises initiated by the Judiciary, including on-going operational improvements to the court procedures and processes.
3. To examine and take forward legislative and policy proposals affecting the Judiciary as put forward by the Government, including proposals relating to the review of the Control of Obscene and Indecent Articles Ordinance etc.
4. To examine legislative proposals put forward by legal professional bodies.
5. To provide administrative support for some of the statutory and non-statutory committees in the Judiciary, such as the various rules committees.
6. To oversee the administration of the Development Office.

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**Proposed Organisation Chart of the Development Office**



**Legend:**

- Proposed supernumerary directorate post to be created in this paper
- ACO(D)1 - Assistant Clerical Officer (Development)1
- ACO(D)2 - Assistant Clerical Officer (Development)2
- AOSGB - Administrative Officer Staff Grade B
- AOSGC - Administrative Officer Staff Grade C
- CA(D) - Clerical Assistant (Development)
- PS to AJA(D)1 - Personal Secretary I to Assistant Judiciary Administrator (Development)1
- PS to AJA(D)2 - Personal Secretary I to Assistant Judiciary Administrator (Development)2
- SAO(D)1 - Senior Administrative Officer (Development)1
- SAO(D)2 - Senior Administrative Officer (Development)2
- SJE(D)1 - Senior Judiciary Executive (Development)1
- SJE(D)3 - Senior Judiciary Executive (Development)3

# Deputy Judiciary Administrator (Development) also heads the Chief Justice’s Private Office and the Press and Public Relations Office. For simplicity, only the posts of the Development Office are featured in the organisation chart.

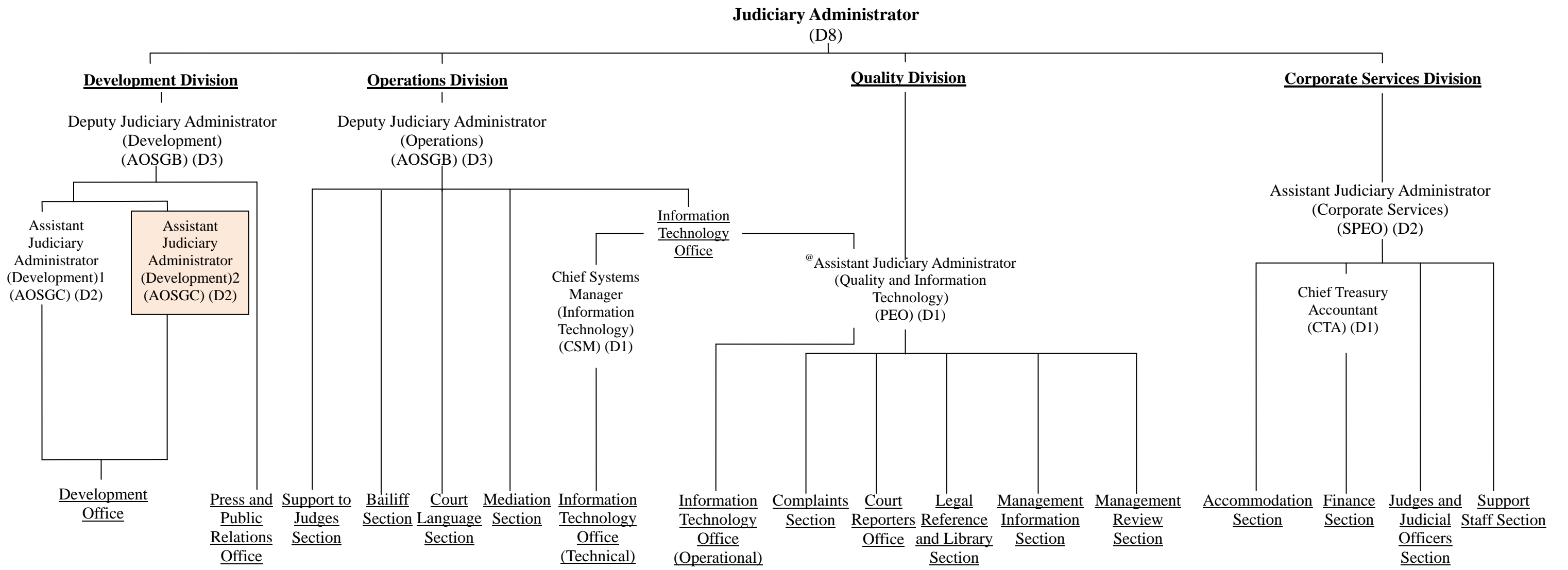
\* To be re-titled from the existing AJA(D), SAO(D) and PS to AJA(D) posts respectively.

^ To be upgraded from the existing AO(D) post for three years.

@ Three-year time-limited post to be created.

+ Time-limited post being extended since 1 April 2015 for three years.

**Proposed Organisation Chart of Judiciary Administration**



- All information technology (IT) matters, both relating to day-to-day operation and the implementation of the ITSP

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

**Development Division**

- Administrative Assistant to the Chief Justice
- Civil Justice Reform (CJR) monitoring
- Interface with the Government
- Legal profession liaison
- Legislation
- Press and public relations

**Operations Division**

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

**Quality Division**

- Complaints
- Digital audio recording and transcription services
- 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

☐ Proposed supernumerary directorate post to be created in this paper

@ 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).