

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 27 March 2015**

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. In the financial year 2015-16, a total provision of \$1,437.2 million is sought to enable the Judiciary to discharge its responsibilities.

2015-16 Draft Estimates

2. In accordance with the budgetary arrangements agreed between the Judiciary and the Government, i.e. the executive authorities, back in 2005, the Judiciary submitted its resource requirements for 2015-16 to the Government in July 2014, prior to the Government's drawing up of the 2015-16 budget for the Judiciary. The Judiciary considers that the above budgetary arrangements have been working satisfactorily, and that the Government has been helpful in the process.

3. The draft Estimates of 2015-16 for the Judiciary, amounting to \$1,437.2 million, represents an increase of \$150.6 million, or 11.7%, over our revised estimates for 2014-15. With this provision sought, the Judiciary will be provided with the financial resources required for the creation of 52 net additional non-judicial civil service posts, filling of existing judicial and non-Judicial vacancies and additional operating expenses to strengthen court's operation, facilitate the implementation of the Information Technology Strategy Plan ("ITSP") and enhance administrative support on the various fronts of the Judiciary.

Judicial Manpower

4. On 20 March 2015, the Finance Committee of the

Legislative Council approved the creation of seven judicial posts, i.e. three Justice of Appeal posts, one Judge of the Court of the First Instance (“CFI”) post, one District Judge (“DJ”) post and two Magistrate posts. The establishment of judicial posts now stands at 200.

5. Over the past year, the Judiciary has been launching open recruitment exercises for filling judicial vacancies at appropriate timing, having regard to the overall judicial manpower situation and succession plan for different levels of court:

- (a) At the CFI level, the Judiciary conducted open recruitment exercise on a yearly basis since 2012. Since 2012, 12 CFI Judge appointments were made. The last recruitment exercise was conducted in October 2014, which is still in progress;
- (b) For the DJ, the last open recruitment was completed in 2012 and 22 judicial appointments were made as a result. Having regard to the low vacancy position (three vacancies at present), there is no imminent need to conduct recruitment exercise for DJ in the near future;
- (c) The last open recruitment exercise for Members, Lands Tribunal was completed in 2013. Two appointments were made and all vacancies have been filled at present; and
- (d) The last open recruitment exercises for Permanent Magistrates and Special Magistrates launched in February 2014 have been completed. 17 Permanent Magistrates and 5 Special Magistrates have been

appointed and all fillable vacancies have been filled at present.

6. As the Chief Justice has mentioned at the Opening of Legal Year on 12 January 2015:

“On the recruitment of judges, this has largely been successful. There are some difficulties in the recruitment at the level of the Court of First Instance in the High Court. With this in mind and in order also to address the long-term needs of the whole of the Judiciary, we are conducting various reviews, such as one on the conditions of service of judges and another on retirement age. The important aspect to bear in mind is that it is of crucial importance that the high standard expected of judges are maintained. I have said on many occasions that it is better to leave positions vacant than to have appointments of persons not of the required standard.”

7. In 2015-16, the Judiciary will aim to complete the current recruitment exercise for CFI Judges, to press on with the various reviews as mentioned above, and in the meantime, to engage deputy judges and judicial officers as far as practicable to assist in meeting the pressing operational needs.

Non-Judicial Manpower

8. In 2015-16, on top of meeting the on-going operational needs in discharging its responsibilities on all fronts, the Judiciary will continue to enhance administrative support in support a number of major initiatives. To this end, a net additional of 52 civil service posts will be required.

9. First, the Judiciary proposes that a new secretariat should be set up to provide administrative support to the Chief Justice

and the Court Leaders in handling complaints against judicial conduct. Members may be aware that the Chief Justice has set up an internal working group under his chairmanship to review the existing mechanism in handling complaints against judicial conduct. The review has reached an advanced stage, and it is expected that the review will be completed in mid 2015. During the course of the review, it is revealed that the administrative support provided to the Chief Justice and the Court Leaders need to be enhanced as a matter of urgency, and should be taken forward as the first step pending the conclusion of the whole review. It is expected that with the establishment of the new secretariat, much useful logistical assistance will be provided in dealing with complaint cases and the collation of relevant information and statistics.

10. Furthermore, additional staff inputs will be required for many new and on-going initiatives. These include:

- (a) Enhanced professional and administrative in-house support to facilitate the implementation of the ITSP;
- (b) Enhanced administrative support in taking forward many initiatives requiring legislative amendments, including both the ITSP and the implementation of the recommendations concerning the revamp of the family procedural rules. For this purpose, the Judiciary proposes to create a supernumerary AOSGC post for three years in order to assist in taking these initiatives forward; and
- (c) The setting up of building management teams for the relocated Court of Final Appeal and the West Kowloon Law Court Building.

The Way Forward

11. The Judiciary will be consulting the Panel on Administration of Justice and Legal Services on the proposed creation of the supernumerary AOSGC post before submitting the proposal to the Establishment Sub-Committee for endorsement and the Finance Committee for approval. The Judiciary looks forward to receiving Members' support.

Conclusion

12. The Judiciary will continue to explore areas for improvement to enhance access to justice and to provide quality services to court users and members of the public.

13. Thank you.