

**For discussion  
on 18 May 2015**

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

**Proposed Creation of a Supernumerary Directorate Post  
in the Judiciary Administration of the Judiciary**

**PURPOSE**

This paper seeks Members' views on and support for the Judiciary's proposal to create one supernumerary Administrative Officer Staff Grade C ("AOSGC") (D2) post in the Judiciary Administration of the Judiciary for three years with immediate effect upon approval of the Finance Committee to enhance administrative support in taking forward many initiatives in the Judiciary requiring legislative amendments.

**BACKGROUND**

2. 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 (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**

3. To enhance access to justice and to provide quality services to court users and members of the public, the Judiciary has been taking on-going actions for improvement. Most of the court systems, practices, rules and procedures are enshrined in the legislation, and changes often necessitate legislative amendments. 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 draft procedural rules relating to the Competition Tribunal.

4. 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 Information Technology Strategy Plan (“ITSP”); and
- (b) review of Family Procedure Rules.

Details are set out in the ensuing paragraphs.

#### Information Technology Strategy Plan

5. 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.

6. The implementation of projects under the ITSP was discussed by Members in February 2013. With Members’ support, the Finance Committee approved 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, streamlining and standardizing 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.

7. 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.

8. 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.

### Review of Family Procedure Rules

9. 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. As the Judiciary Administration briefed Members at the meeting on 22 April 2014, the Working Party has put forward over 130 proposals for consultation with the relevant stakeholders from February to August 2014.

10. 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 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.

11. The Working Party has examined the views of the stakeholders and prepared a Final Report for the Chief Justice’s consideration. Subject to the publication of the Final Report, the Judiciary will take forward the implementation work relating to the procedural reform. The recommendations, if implemented, would necessitate changes to about 10

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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).

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.

## **THE PROPOSAL**

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

12. 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 Development Office (“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”).

13. 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 scrutinizes 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.

14. 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

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

heavy demands to meet the target dates for the proposed exercises in the coming few years.

15. To avoid delay in the implementation of initiatives requiring legislative changes, the Judiciary suggests that an additional AOSGC post be created for three years initially 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 three years' time.

### **Non-directorate support**

16. For the same reason as mentioned in paragraph 15 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.

### **Proposed organizational changes**

17. 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) (renamed as AJA(D)1) and the proposed supernumerary AOSGC, 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.

18. The existing and proposed organisation charts of the Development Office are at **Annexes A and B** respectively. The job descriptions of the current AJA(D) post, its renamed AJA(D)1 post, and the proposed AJA(D)2 are at **Annexes C, D and E** respectively. The current and proposed

organisation charts of the Judiciary Administration upon implementation of the staffing proposal are at **Annexes F and G** respectively.

## **ALTERNATIVES CONSIDERED**

19. 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 has critically examined whether the existing AJA(D) can take up the additional legislative work etc. The Judiciary considers that this alternative is not feasible because AJA(D) is already fully occupied.

## **FINANCIAL IMPLICATIONS**

20. 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.

21. 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.

22. The Judiciary has included sufficient provision in the draft 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.

## **ADVICE SOUGHT**

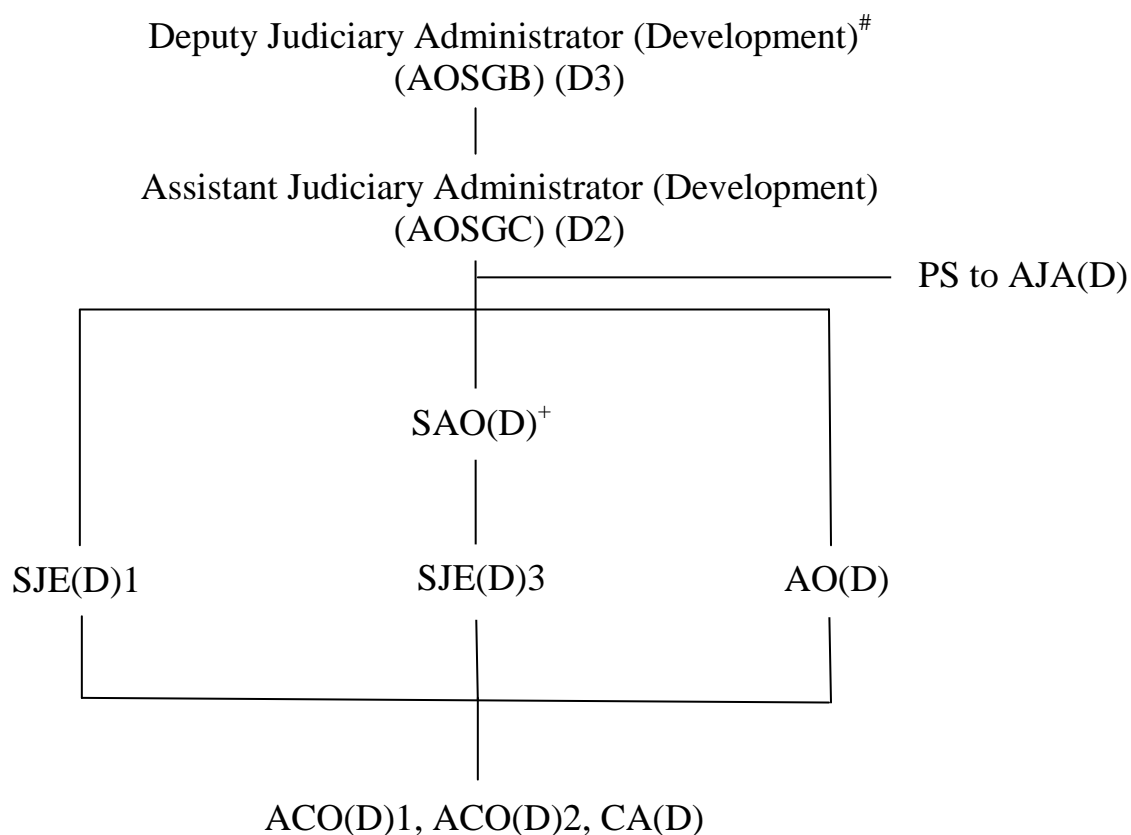
23. Members are invited to give their views on and support for the proposal as set out at paragraph 1 above.

## **WAY FORWARD**

24. Subject to Members' views and support, the Judiciary intends to submit the proposal to the Establishment Subcommittee for endorsement and, subject to the passage of the Appropriation Bill, the Finance Committee for approval. The Judiciary hopes to implement the proposal as soon as practicable.

**Judiciary Administration**  
**May 2015**

**Existing Organisation Chart of the Development Office**



**Legend:**

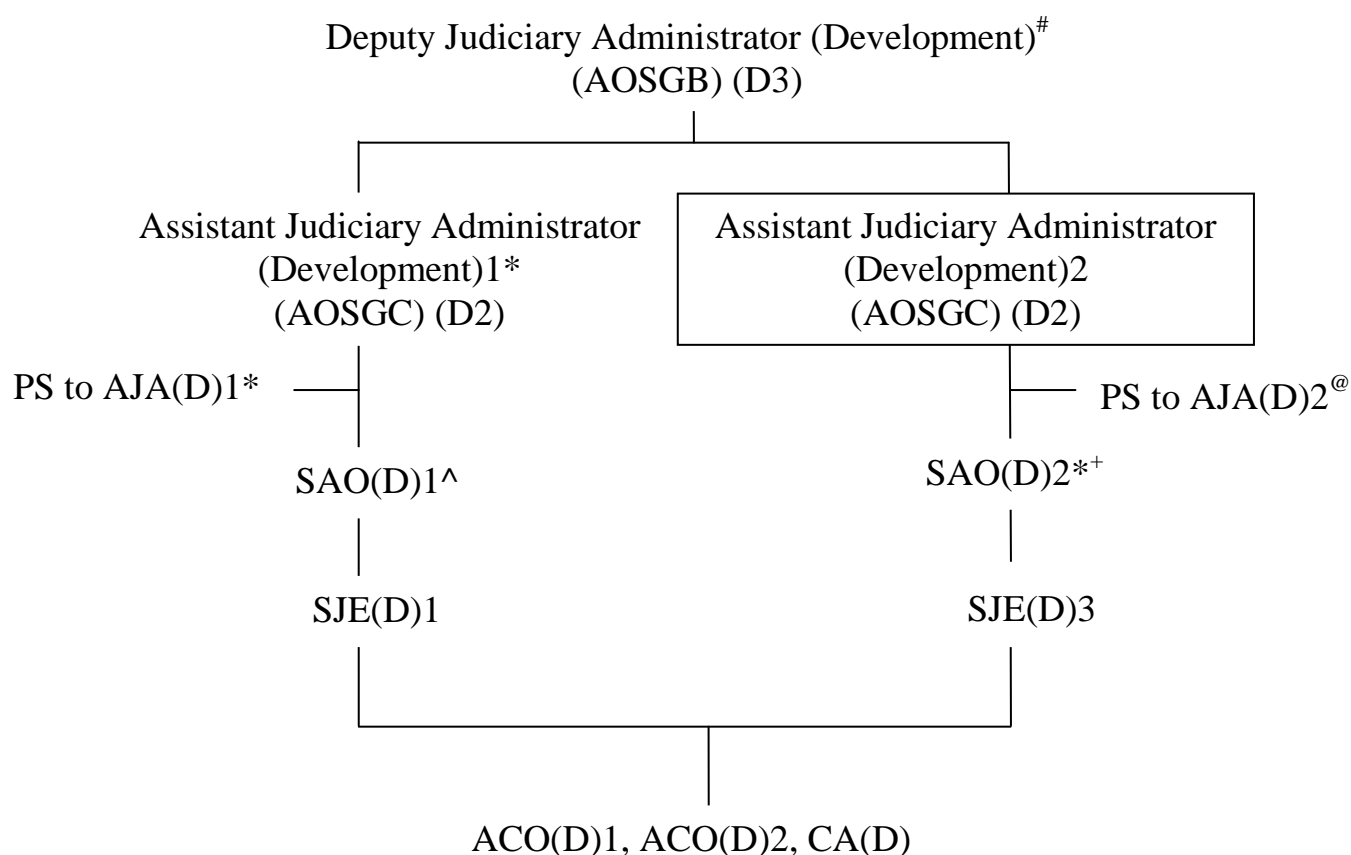
- |              |   |   |
|--------------|---|---|
| AOSGB        | - | Administrative Officer Staff Grade B                                    |
| AOSGC        | - | Administrative Officer Staff Grade C                                    |
| SAO(D)       | - | Senior Administrative Officer (Development)                             |
| AO(D)        | - | Administrative Officer (Development)                                    |
| SJE(D)1      | - | Senior Judiciary Executive (Development)1                               |
| SJE(D)3      | - | Senior Judiciary Executive (Development)3                               |
| PS to AJA(D) | - | Personal Secretary I to Assistant Judiciary Administrator (Development) |
| ACO(D)1      | - | Assistant Clerical Officer (Development)1                               |
| ACO(D)2      | - | Assistant Clerical Officer (Development)2                               |
| CA(D)        | - | Clerical Assistant (Development)  |

# 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.

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



**Proposed Organisation Chart of the Development Office**



**Legend:**

- |   |  |
|---|--|
| <span style="border: 1px solid black; display: inline-block; width: 100px; height: 15px;"></span> | - Proposed supernumerary post  |
| AOSGB   | - Administrative Officer Staff Grade B                                     |
| AOSGC   | - Administrative Officer Staff Grade C                                     |
| 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                                |
| 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 |
| ACO(D)1   | - Assistant Clerical Officer (Development)1                                |
| ACO(D)2   | - Assistant Clerical Officer (Development)2                                |
| CA(D)   | - Clerical Assistant (Development)   |

# 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.

**Job Description**

**Post title** : 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, and implementation of the Information technology Strategy Plan.
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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**Job Description**

**Post title** : 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 as well as review of the monetary jurisdictional limits for the District Court and the Small Claims Tribunal.
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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**Job Description**

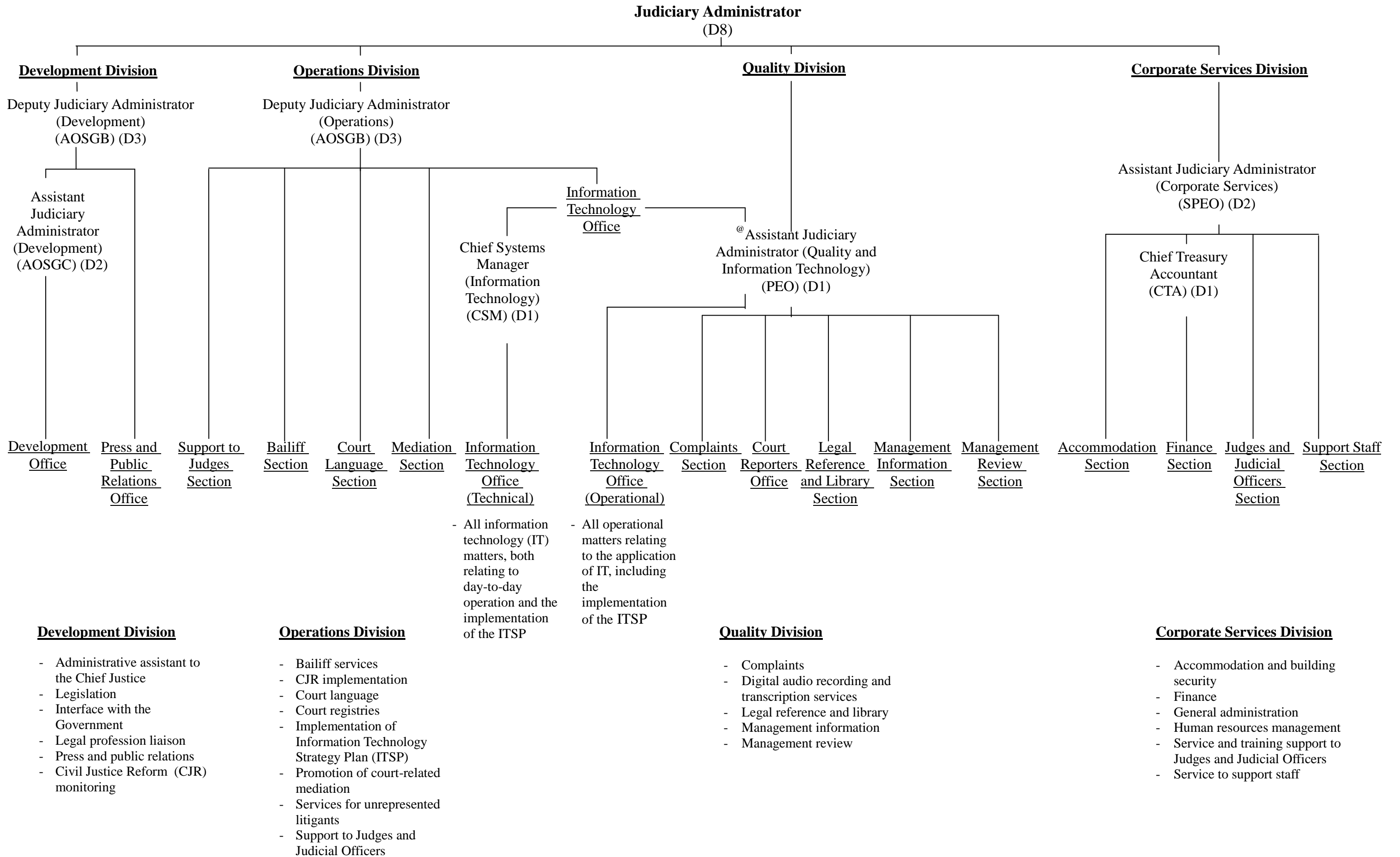
**Post title** : Assistant Judiciary Administrator (Development)2  
**Rank** : Administrative Officer Staff Grade C (D2)  
**Responsible to** : Deputy Judiciary Administrator (Development)  
(AOSGB) (D3)

**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 task in the coming few years includes implementation of the Information Technology Strategy Plan 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.

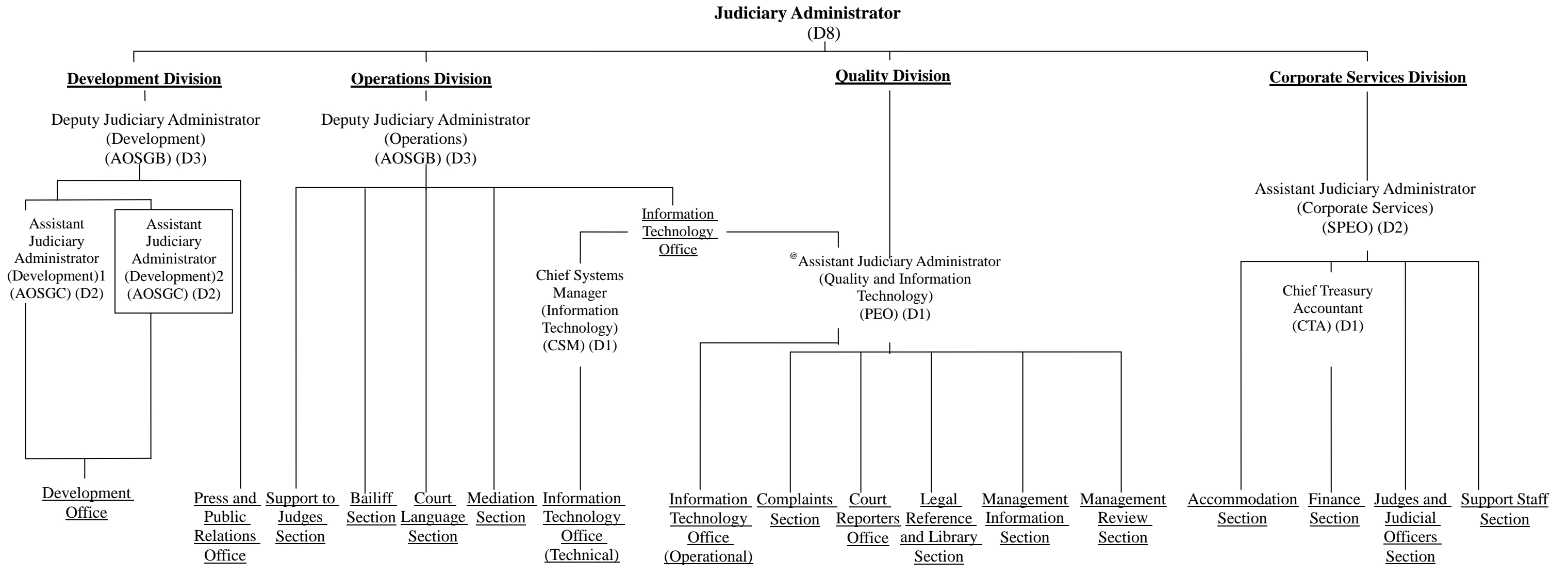
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**Existing Organisation Chart of Judiciary Administration**



<sup>@</sup> 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).

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

**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.

@ 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).