

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 1 April 2016**

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. In the financial year 2016-17, a total provision of \$1,587.5 million is sought to enable the Judiciary to discharge its responsibilities.

2016-17 Draft Estimates

2. In accordance with the budgetary arrangements agreed between the Judiciary and the Government in 2005, the Judiciary submitted its resource requirements for 2016-17 to the Government in August 2015, prior to the Government's drawing up of the 2016-17 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 2016-17 for the Judiciary, amounting to \$1,587.5 million, represents an increase of \$178.6 million, or 12.7%, over our revised estimates for 2015-16. The Judiciary will be provided with the financial resources required for the creation of three additional judicial posts and 50 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. The establishment of judicial posts now stands at 200. For the current financial year, with the support of the Government by providing the necessary financial resources, the Judiciary proposes to create three additional judicial posts to tie in with the commencement of the operation of the new West Kowloon Law Courts Building ("WKLCB") which is scheduled for the latter part of 2016-17. Specifically, the Judiciary proposes to create one additional Magistrate post for the West Kowloon Magistrates' Courts ("WKM") and two additional Adjudicator posts for the Small Claims Tribunal ("SCT"), both will be accommodated in the new WKLCB. Steps will be taken to seek the Legislative Council's approval for the creation of the three additional judicial posts in due course.

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

- (a) At the Judge of the Court of First Instance of the High Court (“CFI”) level, the Judiciary conducted open recruitment exercise on a much regular basis since 2012. A total of 16 CFI Judge appointments were made since 2012. The last round of recruitment launched in 2014 is nearing completion and it is anticipated that any further appointment will be announced as appropriate. The next recruitment exercise for CFI Judges would be launched in mid 2016;
- (b) For the District Judge (“DJ”), the last open recruitment was completed in 2012 and 22 judicial appointments were made as a result. The Judiciary is also planning to launch the next round of recruitment of DJs in mid 2016; and
- (c) 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. The next recruitment exercise for Permanent Magistrates will also be launched within 2016.

6. It is now clear that there are some recruitment difficulties at the CFI level. During the past two years or so, the Judiciary has been conducting a number of reviews to address the recruitment difficulties of CFI Judges as well as the long-term needs of the whole of the Judiciary. One of these is the review on the conditions of service of Judges and Judicial Officers (“JJOs”). This review has been completed. As mentioned by the Chief Justice at the Opening of Legal Year on 11 January 2016, the Judiciary has already written to the Government with proposals to improve the conditions of service of JJOs. Another review is about the statutory retirement ages of JJOs. For this review, the Judiciary has engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of court. The consultant is starting to collect views from stakeholders both within and outside the Judiciary and will make reference to practices in other overseas jurisdictions. The Judiciary will keep the Government informed of the findings of the review at an appropriate juncture.

7. For the year 2016-17 and as far as judicial manpower is concerned, the Judiciary will aim to seek the Legislative Council's approval for the creation of three additional judicial posts, launch a new round of recruitment exercises for JJOs at different levels of court, to follow up and keep dialogue with the Government on the reviews as mentioned above, and in the meantime, to engage deputy JJOs as far as practicable to assist in meeting the pressing operational needs.

Non-Judicial Manpower

8. In 2016-17, 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 respect of a number of major initiatives. To this end, a net additional of 50 civil service posts will be required.

9. First, upon the commissioning of the WKLCB in 2016-17, additional courtrooms would be provided. Additional support staff posts would be created for providing and enhancing the support to the additional courts and new initiatives upon the co-location of the new WKM (to replace the existing Tsuen Wan Magistrates' Courts), SCT, Coroner's Court and Obscene Articles Tribunal to the future WKLCB.

10. Furthermore, additional/continuous staffing support will be required for many new and on-going initiatives. These include:

- (a) Continuous/Enhanced professional and administrative in-house support to facilitate the implementation of the ITSP;
- (b) Continuous administrative support to facilitate the implementation of the file disposal exercise of the Judiciary;
- (c) Enhanced court support in taking forward the full implementation of the new listing arrangement in the SCT; and
- (d) Enhanced administrative support for formulating and implementing an accommodation strategy for the Judiciary in the long term. The Court of Appeal and the Court of First Instance under the High Court are facing an acute shortage of courtrooms, chambers and supporting facilities. The situation is similar for the District Court (including Family

Court) and the Lands Tribunal. For this purpose, the Judiciary proposes to create a supernumerary Principal Executive Officer (“PEO”) post at D1 level for four years in order to provide directorate and strategic support to the formulation of an accommodation strategy for the Judiciary in the long term.

The Way Forward

11. The Judiciary plans to consult the Panel on Administration of Justice and Legal Services on the proposed three permanent judicial and one supernumerary PEO posts before submitting the proposals to the Establishment Sub-Committee for endorsement and the Finance Committee for approval in the 2016-17 legislative session. 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.