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Judiciary Administration

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本函檔號 Our Ref.: JUD CR 1-125/2/7 PT7

來函檔號 Your Ref.: CB4/PAC/R73

7 January 2020

Mr Anthony Chu  
Chief Council Secretary (4)1  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

Dear Mr Chu,

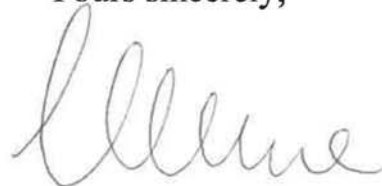
**Public Accounts Committee**

**Consideration of Chapter 6 of the Director of Audit's Report No. 73**

**Judiciary Administration's work in implementing projects under  
Information Technology Strategy Plan**

I refer to your letter of 18 December 2019 to the Judiciary Administrator. Our responses to the questions raised are attached.

Yours sincerely,



(Miss Winnie Wong)  
for Judiciary Administrator

Encl

c.c. Secretary for Financial Services and the Treasury  
(Fax no. 2147 5239)

Director of Audit  
(Fax no. 2583 9063)

**Replies to questions raised by the Public Accounts Committee  
on Chapter 6 of the Director of Audit’s Report No.73  
about ITSP and e-Services**

**Part 2: Progress in Project Implementation and Problems Encountered**

**Question (1)**

**Paragraph 2.6(b) states that it was unlikely that Activity C “Implementation of non-court systems” could be completed by December 2019. Please advise: when the Programme Management Office (“PMO”) realized that this item could not be completed on schedule, whether it had immediately informed and submitted any highlight report(s) to the Information Technology Strategy Plan Steering Committee (“Steering Committee”); and whether it had consulted the Committee on Information Technology (“CIT”) and amended the actual implementation timetable. If yes, what are the details and whether the CIT or Steering Committee had taken any concrete follow-up actions or given any instructions? If not, what are the reasons? Is there any human negligence or violation of any requirements?**

1. As indicated in Table 5, Activity C “Implementation of non-court systems” comprises 4 project bundles with a total of 10 applications/systems. It was expected during the audit study that 7 or most of these 10 applications/systems would have been completed by the end of December 2019.
2. The remaining three applications were considered unlikely to be completed by end-2019 because of various reasons.
  - (a) For item (iii) about “Integrated Fund Management System” (“IFMS”), as this system needs to interface with the integrated court case management system (“iCMS”), there was a consequential delay of the IFMS because of the longer time taken in the implementation of iCMS.
  - (b) As regards item (iv) about the Electronic Information Management System, the Judiciary Administration considered it prudent to adopt pilot runs for some systems to test out the suitable components. Hence, a phased approach was adopted and pilot systems for Electronic Records Management System (“ERMS”) and Collaborative

Workspace (“CWS”) were delivered in November 2018. But such a phased approach is not suitable for the Knowledge Management System (“KMS”). With the pilot runs, the Judiciary Administration has been reviewing the feedback with a view to implementing a wider roll-out of the ERMS and CWS and also completing the KMS by September 2021.

- (c) As regards item (i)(6) about “E-Apostille Service”, it commenced relatively late in the overall list of projects and was hence targeted to be completed beyond end 2019.
3. While the Steering Committee was not invited to give explicit approval for the revision of the then anticipated completion dates above, it was kept informed of the implementation progress of the ITSP projects on a regular basis, including the above changes. Arrangements have now been changed so that more explicit approval would be sought from the Steering Committee for such similar changes in the future. The Steering Committee will continue to monitor progress of the various projects above, especially those outstanding items to ensure that timely actions are undertaken.
4. For CIT, since it is a strategic committee, it normally meets less frequently. Despite so, the Judiciary Administration notes that it would be more desirable if CIT is kept abreast of key changes in a more timely manner.

**Question (2)**

**According to paragraph 2.13, the Judiciary faced an acute shortage of system analysts and programmers in 2013-14 to 2018-19. Had the Judiciary evaluated or reviewed the related hiring procedures, employment terms including remuneration package, benefits, etc.? Were the packages offered much lower than the average market rates resulting in poor responses and a shortage level as high as 60%? If yes, what are the details? If no, will there be an immediate review and adjustment?**

**Question (3)**

**As stated in paragraph 2.14, the turnover rate of T-contract staff was high, with a rising trend in three consecutive years from 2016-2017 to 2018-2019. Please provide:**

- (a) **From the commencement of the implementation of Information Technology Strategy Plan (“ITSP”) till now, in respect of each rank of T-contract staff, the average number of employment years, the number of staff who have left, the number of staff who have worked for less than a year and the percentage of such staff in relation to the respective ranks;**
- (b) **In the light of the high turnover, whether the Judiciary Administration has assessed the reasons why these staff have left and whether there are any new measures or policies to retain talent to ensure the smooth implementation of the rest of the project?**
5. According to the Office of the Government Chief Information Officer (“OGCIO”), under the term contract (commonly known as “T-contract”) administrated by OGCIO for provision of information technology contract staff in government bureaux/departments/Judiciary (“B/Ds/Jud”), there were 13 T-contractors identified through open tender to provide sourcing and staff management services for B/Ds/Jud during the period from 2013-14 to 2018-19. When there was a service request for T-contract staff, the B/D/Jud concerned could invite all listed T-contractors to propose candidates from the market fulfilling the specified qualification, skill-set and experience requirements for the B/D/Jud to select. The selection procedures were developed in consultation with the Corruption Prevention Department of the Independent Commission Against Corruption.
6. OGCIO has indicated that unlike non-civil service contract staff, T-contract staff were employees of T-contractors. T-contractors were paid service fees (capped by the rates submitted in their tenders) for provision of sourcing and staff management services to B/Ds/Jud. The remuneration packages of T-contract staff were determined by T-contractors (rather than individual B/Ds/Jud) having regard to the staff’s individual academic qualifications, professional skills and experience, as well as prevailing manpower market conditions.
7. The Judiciary Administration is given to understand that during the period from 2013-14 to 2018-19, there were over 600 to 800 T-contract staff in the category of Analyst/Programmer engaged for the provision of services in various B/Ds/Jud each year. According

to the OGCIO, it showed that demand for Contract Analyst/Programmer under T-contract was high and the remuneration packages offered by T-contractors were in general competitive to attract and retain qualified talent to work in the Government. The Judiciary has however encountered difficulties in engaging T-contract staff in the category of Analyst/Programmer, probably because of the unique business nature of the Judiciary and the market conditions at the relevant times.

8. As a matter of contingency and having consulted OGCIO, the Judiciary Administration started to engage more junior Systems Analysts to perform both system design and programming work of Stage 1 court systems. This has helped to ease the situation.
9. Details of the engagement duration and turnover of the T-contract staff by rank as requested at question (3)(a) are at the **Annex**. There has been a keen demand for IT talent both in the public and private sectors. Through its on-going communication with the T-contract staff, the Judiciary Administration has gathered that staff have left for various reasons, including better job offers, switching to civil service posts, changes to other types of jobs and personal reasons.
10. To address the manpower shortage, as indicated in its response to the Audit recommendations in paragraph 2.26(c), the Judiciary Administration will continue to monitor the manpower situation and explore all possible means, including considering the engagement of Non-Civil Service Contract staff, to recruit and retain technical staff with suitable skill sets.

**Question (4)**

**As mentioned in paragraph 2.17, the Judiciary Administration was overly optimistic in estimating the time required by the Government Logistics Department and Department of Justice in the tender vetting work, which resulted in a delay of seven months and thirteen months respectively in tender invitation and contract award. What factors made the Judiciary Administration adopt such an “over-optimistic” attitude regarding the work of other departments?**

11. At the commencement of the tender preparation period, the Judiciary Administration made an initial assessment on the likely time needed for the process on the basis of the best possible

scenarios. Since then, as the Judiciary Administration interacted with the relevant departments (such as the Government Logistics Department and the Department of Justice) and given the complexity and unique nature of the projects concerned, the Judiciary Administration came up with a more realistic timetable by adopting a more prudent approach and building in more buffer in the timetable.

12. In future, as indicated by the Judiciary Administrator in her reply to the Audit recommendations in paragraph 2.26(b), the Judiciary Administration will adopt the measures stipulated in the recent guidelines/circular memorandum issued by OGCI and the Financial Services and the Treasury Bureau in planning and arranging future procurement exercises so as to shorten any related tendering process.

#### **Question 5**

**In relation to the development of the court system, it is mentioned in paragraphs 2.19 and 2.20 that the collection of user requirements was delayed from September 2014 to March 2015. At the same time, the Information Technology Office conducted over 100 briefings for end users. Please explain how the Judiciary collected user requirements; and why, after extending the time for collecting user data, it was still unable to gather the user requirements adequately, resulting in over 1000 change requests, a delay of about 2 years and an additional expenditure of 23 million.**

13. For the implementation of the ITSP projects at Phase I, stage 1, two levels of court (namely District Court and Magistrates' Courts) are involved, covering over 30 different types of proceedings. For example, for the District Court, both civil and criminal cases are covered. For civil cases, proceedings such as civil actions, personal injuries cases, tax claims, distraint cases, equal opportunities cases and employees' compensation cases are covered. For the Magistrates' Courts, departmental summons and notices as well as fixed penalty offences of varying nature (including those relating to traffic, vehicle idling, public cleanliness and obstruction, anti-smoking, window inspection and product eco-responsibility) are covered. The process of finalizing user requirements for so many different types of proceedings should be seen in their proper context.

14. While the court procedures and practices for some of these court proceedings are similar, those for the others are more unique. This depends on the relevant legislative basis and the related Practice Directions etc. They are in general complicated. As it is the Judiciary Administration's aim to achieve process automation as far as possible, there was a need for the user teams and IT teams to interactively walk through the detailed steps of each and every type of these proceedings to understand the present workflow and consider ways to automate the future workflow within the legal framework. Many clarifications were inevitably needed.
15. As such, over 100 sets of user requirements were produced and 130 clarification sessions were held. Given the scope and complexity of the procedures and workflow, numerous enhancement items were raised at a later stage of the development in respect of the various types of proceedings.

**Question 6**

**According to paragraph 2.24(a), to enhance accountability, the Judiciary Administration should keep proper and complete meeting records. Please advise this Committee :**

- (a) At present, what yardsticks does the Judiciary Administration use to determine whether there should be meeting records for internal meetings;**
  - (b) The Judiciary Administration held 19 engagement meetings with the prosecuting departments and agencies. Only internal meeting notes were found for 4 meetings. Please explain why so few meeting notes were prepared.**
  - (c) How will the Judiciary Administration keep proper and complete meeting notes in future?**
16. Meeting notes are one form of written records. The Judiciary Administration has kept different forms of written records according to actual operational needs.
    - (a) For example, for briefings of a general nature, the Judiciary Administration does not normally keep any formal notes as no follow-up actions are generally required.

- (b) For meetings which are important and there is a need to record for example the rationale of certain decisions or actions, meeting notes are generally kept.
  - (c) For other meetings, other forms of written records, such as emails recording the key decisions and the follow-up actions, are more likely to be used.
17. In future, the Judiciary Administration will continue to keep written records of meetings, including meeting notes, as appropriate to ensure that prompt follow-up actions are taken.

### **Part 3: Project Governance**

#### **Question 7**

**According to paragraphs 3.8 and 3.9, the Steering Committee had held fewer meetings since 2016 and the intervals between meetings had become longer. Why did the Judiciary Administration choose to convene internal meetings, instead of Steering Committee meetings, to handle the substantial delays of major project components? Had the Judiciary Administration assessed whether this had by-passed the Steering Committee and rendered it impossible to consult experts in the Government in a timely manner, exacerbating the overall delay of the ITSP?**

18. Since 2016, the ITSP project entered a phase when a lot of detailed internal discussions were needed. So, while the Steering Committee has met from time to time to oversee the strategic position of the projects, the Judiciary Administration considered it more appropriate to convene more internal meetings (such as Internal Monitoring Meetings) to work out the details before reporting to the Steering Committee with comprehensive considerations and recommendations.
19. During the process, the Judiciary's IT team has maintained professional exchanges with the OGCIO on a need basis. So, professional inputs have been sought from the Government as appropriate.



### **Question 8**

**As indicated in paragraph 3.10 and Table 10, the CIT did not convene any meetings between January 2018 and June 2019. With no meetings and no papers on the progress of the ITSP, how could the Judiciary Administration ensure that the CIT could fulfil its role in monitoring project progress and offer timely instruction and comments when the project encountered severe delay? What measures will the Judiciary Administration take in this respect?**

20. CIT oversees the implementation of the ITSP projects from an overall and strategic position. While CIT may not need to meet very frequently, the Judiciary Administration has now refined the arrangements so that the CIT will meet at least once a year. It will also meet when there is a need, e.g. when there are major issues after discussions with the Steering Committee. Moreover, more papers on progress and other key policy issues would be circulated to CIT members to keep them updated.

### **Question 9**

**According to paragraph 3.12, the monthly highlight reports prepared by the PMO were overly optimistic. Despite slippages in all four activities under ITSP Phase 1, the overall project progress was rated as green 50 times in the 65 monthly highlight reports. Was such poor assessment attributable to any human factor which resulted in misleading the Steering Committee and ITSP Delivery and Assurance Team? What measures will the Judiciary Administration take to ensure that the reports submitted to the Steering Committee and ITSP Delivery and Assurance Team are correct so as to monitor project progress effectively?**

21. Of the 65 monthly highlight reports, many of them were not submitted in time. So, at the time when the project progress was prepared or reported, some of the issues or concerns might have already been addressed or overtaken by event. As such, the progress reported might not fully reflect the position at the relevant times.
22. The Judiciary Administration agrees that this was not satisfactory and has improved the reporting mechanism so that timely monthly progress reports are now submitted.

## **Part 4: Other Related Issues**

### **Question 10**

**Paragraphs 4.6 to 4.12 refer to deficiencies in the Judiciary website. The Judiciary Administrator agreed to take a number of follow up actions in paragraphs 4.14(a) to (e). Please provide the current situation of the improvement measures and the related timetable.**

23. The Judiciary Administration has been taking follow up actions to implement the Audit recommendations relating to the Judiciary's website. Details of the latest situation for the respective improvement measures are set out below :

- (a) For exploring possible measures to enhance the user-friendliness of the Judiciary's website in disseminating court hearing information as set out in paragraph 4.14(a), the Judiciary Administration is now considering various measures with a view to completing the enhancements by the third quarter of 2020.
- (b) Similarly, the Judiciary Administration is now studying possible enhancements to the online Legal Reference System as set out in paragraph 4.14(b) and will consider how best to implement them as soon as practicable.
- (c) For paragraph 4.14(c) about enhancing the internal guidelines for webpage owners to ensure the accuracy and consistency of information published through the Judiciary's website, the Judiciary Administration is working on those guidelines with a view to issuing them by the first quarter of 2020.
- (d) As regards paragraph 4.14(d) about the need to review the use of online evaluation questionnaires on voluntary mediation, the Judiciary Administration will first consult the relevant Judges and Judicial Officers. If changes are needed, the Judiciary Administration hopes to implement them by 2020/21 after any necessary consultation with external stakeholders.
- (e) On paragraph 4.14(e) about the adoption of a "mobile-friendly" design for the Judiciary's e-services, the Judiciary

Administration has been implementing this on an incremental basis. The Judiciary Administration will first implement this with the next issue of the Judiciary's Annual Report in early 2020.

**Question 11**

**Paragraphs 4.16 to 4.19 states that the Judiciary Administration received complaints from Judges, Judicial Officers and court users that the existing courtroom audio-visual (AV) systems were outdated. As early as in 2015, the Judiciary Administration came up with a checklist of services/facilities that would be introduced in court premises in a progressive manner ("the 2015 Checklist"). Please explain why the Judiciary did not follow the 2015 checklist and replace the outdated systems when improvement works were implemented in District Court and Magistrates' Court in 2016. Why did the Judiciary Administration decide to wait and replace the systems by phases from 2020?**

24. As explained in paragraph 4.20 of the Audit report, simply replacing the display units alone might not be able to resolve the display quality issues encountered. As an ultimate solution, replacement/upgrading of the whole audio-visual presentation systems ("AVPS") would be required to improve the overall AV support in courtrooms.
25. To enable a more holistic enhancement approach, the Judiciary Administration conducted a review in 2018-19, with the conclusion that a new building level and courtroom level architecture for enabling future A/V and IT implementation and integration would be needed. Adopting this more holistic approach, the outdated/obsolete AVPS in the District Court would be replaced progressively from 2020 to 2022. In short, if the Judiciary Administration simply followed the 2015 checklist, this might have resulted in a waste of resources as technology advances quickly.
26. To meet the operational needs before the completion of the above enhancements, the Judiciary Administration has since December 2016 used a portable solution (i.e. using portable e-presentation systems) to provide better display quality in courtrooms at various levels of courts.

### **Question 12**

**Paragraph 4.22 stated that the Judiciary Administration has progressively acquired 20 sets of e-presentation systems as A/V presentation facilities in the courtrooms for shared use in the Magistrates' Courts, the District Court and the High Court. During public order events in the past six months, the Police has arrested over 6 000 people. Many of these cases will use evidence recorded with smart phones and to be played back in courts. Has the Judiciary Administration evaluated whether the existing 20 sets of e-presentation systems are enough. If not, whether the Judiciary Administration will immediately review and update/acquire portable e-presentation systems?**

27. At present, some courtrooms are each equipped with dedicated A/V presentation facilities, e.g. all courtrooms in the West Kowloon Law Courts Building as well as a few courtrooms in High Court and the Court of Final Appeal. The 20 sets of portal e-presentation systems mentioned in the Audit report are additional facilities serving similar purposes and they can be shared use among courtrooms without such dedicated A/V presentation systems. Taking both types of facilities together, the Judiciary Administration is so far able to meet the operational needs at the courtrooms at various levels of court.
28. The Judiciary Administration will continue to closely monitor the utilization of these systems. If there are operational needs for more sets of the portable presentation systems, the Judiciary Administration will make arrangements to procure them as appropriate as soon as practicable; and to deploy them for use in an effective manner.

**Judiciary Administration  
January 2020**

**Analysis by Key Ranks of the Turnover of T-contract Staff engaged for the Implementation of Information Technology Strategy Plan**

**Table 1 : Contract Project Manager**

<b>Contract Project Manager</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
(1) Average no. of staff involved in the implementation of ITSP in the financial year	2.0	4.5	5.5	5.5	6.5	6.0
(2) Average number of engagement years	0.5	1.0	1.9	2.6	3.1	4.2
(3) No. of staff who have left in the financial year	1	1	2	0	2	0
(4) No. of staff who have worked for less than a year and left	1	1	0	0	0	0
(5) Percentage of the staff under (4) in relation to the average number of staff in the rank in the financial year	50.0%	22.2%	0.0%	0.0%	0.0%	0.0%

**Table 2 : Contract Senior System Analyst**

<b>Contract Senior Systems Analyst</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
(1) Average no. of staff involved in the implementation of ITSP in the financial year	5.0	12.0	14.5	14.5	14.0	16.0
(2) Average number of engagement years	0.6	1.2	1.7	1.9	2.9	3.6
(3) No. of staff left in the financial year	0	0	5	4	4	3
(4) No. of staff who have worked for less than a year and left	0	0	1	3	0	0
(5) Percentage of the staff under (4) in relation to the average number of staff in the rank in the financial year	0.0%	0.0%	6.9%	20.7%	0.0%	0.0%

**Table 3 : Contract Systems Analyst**

<b>Contract Systems Analyst (“CSA”)</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
(1) Average no. of staff involved in the implementation of ITSP in the financial year	3.0	11.0	15.0	27.5	43.5	42.0
(2) Average number of engagement years	0.1	1.0	1.3	1.5	1.9	2.3
(3) No. of staff left in the financial year	0	1	6	1	7	13
(4) No. of staff who have worked for less than a year and left	0	1	1	0	3	2
(5) Percentage of the staff under (4) in relation to the average number of staff in the rank in the financial year	0.0%	9.1%	6.7%	0.0%	6.9%	4.8%

**Table 4 : Contract Analyst/Programmer**

<b>Contract Analyst/Programmer</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
(1) Average no. of staff involved in the implementation of ITSP in the financial year	-	2.0	5.5	10.0	12.0	12.0
(2) Average number of engagement years	-	0.4	1.0	1.0	1.3	1.9
(3) No. of staff left in the financial year	-	0	1	5	6	1
(4) No. of staff who have worked for less than a year and left	-	0	1	4	3	0
(5) Percentage of the staff under (4) in relation to the average number of staff in the rank in the financial year	-	0.0%	18.2%	40.0%	25.0%	0.0%