



司法機構政務處

Judiciary Administration

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16 June 2021

Ms Anita SIT
Clerk to the Finance Committee
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms Sit,

Legislative Council Finance Committee
Follow-up to the Meeting held on 26 March 2021

At the meeting of the Finance Committee on 26 March 2021, Members requested the Judiciary Administration to provide supplementary information related to FCR(2020-21)101. The relevant information is enclosed for Members' reference.

Yours sincerely,



(Jock Tam)
for Judiciary Administrator

Encls.

c.c. Financial Services and the Treasury Bureau

**Legislative Council Finance Committee
Follow-up to meeting on 26 March 2021**

FCR(2020-21)101

Question 1

Regarding the existing one supernumerary Administrative Officer Staff Grade C (AOSGC) post in the Development Office under the Development Division of the Judiciary Administration (Jud Adm), please advise the key performance indicators and the related work progress.

Reply to Question (1)

The major duties and responsibilities of the current incumbent of the supernumerary AOSGC post, i.e. Assistant Judiciary Administrator (Development)² (AJA(D)²), and the related work progress are tabulated as follows:

Major duties and responsibilities	Progress and latest position
1. To take forward policy and legislative proposals initiated by the Judiciary on matters relating to various aspects of court rules, systems, practices and procedures for different levels of courts and tribunals.	<ul style="list-style-type: none"> • The AJA(D)² oversaw the legislative exercise to amend the High Court Ordinance (Cap. 4) introduced by the Statute Law (Miscellaneous Provisions) Ordinance 2020 to streamline court procedures and to facilitate the processing of cases, including judicial review involving non-refoulement claims. The legislative amendments came into operation on 18 January 2021. Looking ahead, AJA(D)² will continue to assist in identifying new measures to address pressures arising from non-refoulement claims-related judicial

Major duties and responsibilities	Progress and latest position
	<p>review cases.</p> <ul style="list-style-type: none"><li data-bbox="715 394 1401 1509">• AJA(D)2 has been coordinating the drafting of the proposed legislation to implement the recommendations of the Chief Justice (CJ)'s Working Party on Family Procedure Rules. Apart from the enactment of a new Ordinance (which needs to be drafted from scratch), a new set of self-contained and comprehensive procedural rules, and legislative changes to about ten other pieces of existing principal legislation and many pieces of subsidiary legislation will also be required. The relevant drafting work is in progress. The Judiciary aims to consult relevant stakeholders at an early opportunity and AJA(D)2 will oversee the exercise and any relevant associated work ancillary to the exercise. The implementation of the new set of Family Procedure Rules, once enacted, will also require high-level coordination and strategic planning coordinated by AJA(D)2. Relevant preparatory works have been underway.<li data-bbox="715 1572 1401 1935">• AJA(D)2 also needs to oversee various other policy initiatives and legislative proposals relating to various aspects of the operations of the Judiciary. These would often require consultation with the Government and/or relevant stakeholders. The work is undertaken as and when required on top of regular duties.

<p>Major duties and responsibilities</p>	<p>Progress and latest position</p>
<p>2. To provide assessment from the Judiciary’s policy and operational perspectives on legislative proposals initiated by the Government and to co-ordinate the Judiciary’s feedback to the Government.</p>	<ul style="list-style-type: none"> • From time to time, the Government would consult the Judiciary over policy initiatives and/or legislative proposals affecting various levels of courts. Upon consulting Judges and Judicial Officers and relevant Divisions in the Jud Adm, AJA(D)2 would coordinate feedback to the Government from the perspectives of Judiciary policy, and court operations and resources.
<p>3. To co-ordinate policy-related matters which have an interface with judiciaries in other jurisdictions, for example, the negotiation and signing of Memorandum of Guidance / Understanding relating to court procedures and co-operative arrangements.</p>	<ul style="list-style-type: none"> • From time to time, AJA(D)2 needs to liaise with judiciaries in other jurisdictions to enhance co-operation over various areas and address any practical operational issues, including mutual service of judicial documents, reciprocal recognition of judgments, mutual enforcement of arbitral awards, etc. For co-operation initiatives to be implemented through local legislation introduced by the Government, AJA(D)2 has to co-ordinate the Judiciary’s comments from the policy of the Judiciary and operational perspectives.
<p>4. To provide high-level secretariat and administrative support for the committees and working groups set up by the CJ to consider various legislative and policy matters. For instance, the Implementation Committee for Family Procedure Rules.</p>	<ul style="list-style-type: none"> • As the secretary to these committees and working groups, AJA(D)2 has to oversee appointment matters, and is responsible for drafting and coordinating discussion papers, as well as taking follow-up actions with responsible parties over issues discussed. • From time to time, AJA(D)2 provides administrative support for certain statutory and non-statutory committees

Major duties and responsibilities	Progress and latest position
	under the purview of the Judiciary, e.g. the High Court Rules Committee and the District Court Rules Committee, which are statutory rule-making authorities.
5. Other duties	<ul style="list-style-type: none">• From time to time, AJA(D)2 has to vet legislative proposals from the legal professional bodies in assisting the CJ to discharge his supervisory duties. • AJA(D)2 also has to coordinate various major events hosted by the Judiciary. Some of these events include high level participation from the overseas jurisdictions and significant number of participants.

Question 2

Please provide the vacancy position of Judges and Judicial Officers (JJOs) in the Judiciary; and the situation and outcome of recruitment exercises.

Reply to Question (2)

As at 31 March 2021, the Judiciary has an establishment of 222 judicial posts. 162 of them are substantively filled and there are 60 vacancies. A breakdown of the establishment, strength and vacancy of JJOs as at 31 March 2021 is at **Appendix**.

2. The last round of open recruitment of Judges of the Court of First Instance of the High Court (CFI Judges), District Judge (DJs) and Permanent Magistrates (Perm Mags) launched in 2018-19 has been completed. A total of 6 CFI Judges, 5 DJs and 14 Perm Mags have been appointed as a result.

3. A new round of open recruitment exercise for JJOs at different levels of court has been launched since November 2020. The recruitment exercises of CFI Judges and DJs are in progress, which will be followed by that for Perm Mags in the latter half of 2021.

Judiciary Administration
June 2021

**Establishment, Strength and Vacancy of Judges and Judicial Officers
(Position as at 31 March 2021)**

Level of Court	Establishment	Strength	Vacancy
Court of Final Appeal	4*	4	0
Court of Appeal of the High Court	15 } 49	12 } 39	3 } 10
Court of First Instance of the High Court	34 }	27 }	7 }
High Court Masters' Office	15 } 61	2 } 49	13# } 12
District Court (including the Family Court and Lands Tribunal)	46 }	47 }	-1 }
District Court Masters' Office	9 } 108	0 } 71	9^ } 37
Magistrates' Courts/ Specialised Court/ Other Tribunals	99 }	71 }	28 }
Total	222*	162	60

- Notes:**
- * Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.
 - # Duties of the High Court Masters' Office are mostly taken up by District Judges deployed under the cross-posting policy.
 - ^ Duties of the District Court Masters' Office are mostly taken up by Principal Magistrates/Permanent Magistrates deployed under the cross-posting policy.