

**For discussion
on 31 May 2000**

EC(2000-01)8

ITEM FOR ESTABLISHMENT SUBCOMMITTEE OF FINANCE COMMITTEE

HEAD 80 - JUDICIARY Subhead 001 Salaries

Members are invited to recommend to Finance Committee the deletion of the following permanent posts in the Judiciary -

1 Member, Lands Tribunal
(JSPS 12) (\$116,650 - \$123,850)

2 Magistrates
(JSPS 7 - 10) (\$86,980 - \$104,250)

PROBLEM

Following a review of the caseload and the manpower requirements of the Lands Tribunal, the Judiciary decided that one of the existing two posts of Member, Lands Tribunal (JSPS 12) can be deleted.

2. Separately, consequent to the rationalisation and redistribution of caseload among the Magistracies, two posts of Magistrate (JSPS 7 - 10) were found surplus to requirement.

/PROPOSAL

PROPOSAL

3. The Judiciary Administrator proposes, with the endorsement of the Chief Justice, Court of Final Appeal, to delete one permanent post of Member, Lands Tribunal (JSPS 12) and two permanent posts of Magistrate (JSPS 7 - 10). This is one of the Judiciary's initiatives under the Enhanced Productivity Programme in 2000-01.

JUSTIFICATION***Proposed deletion of one post of Member, Lands Tribunal***

4. Despite a slight increase in the overall caseload of the Lands Tribunal from 1997 to 1999, the number of new tenancy applications and government rental appeal cases fell significantly as shown below -

	<u>1997</u>	<u>1998</u>	<u>1999</u>
(i) new tenancy applications	990	785	425
(ii) government rental appeal	—	134*	95
*(government rent was introduced in mid-1997 and lodging of appeal only started in March 1998)			

These tenancy and appeal cases are those which the Members, Lands Tribunal are specialised in handling.

5. On the other hand, waiting times for all categories of cases fell by more than 50% since 1997. In particular, the average waiting time of tenancy cases (from setting down of a case to hearing) has declined by as much as 67% from 1997 to 1999, reflecting a fall in the total number of new tenancy cases filed during the same period noted in paragraph 4 above. We set out at Enclosure 1 the actual waiting times of different types of cases of the Tribunal between 1997 and 1999.

Encl. 1

6. At present, the Lands Tribunal has an existing establishment of two Presiding Officers who are Judges of the District Court, and two Members who are land valuation surveyors. Having reviewed the caseload and the waiting times of the Tribunal, the Judiciary Administrator has concluded that the existing judicial resources of the Tribunal could be better utilised by deleting one post of Member, Lands Tribunal, without compromising the quality or level of service of the Tribunal.

7. The proposed deletion will not affect any serving officer as the post involved has been left vacant since the incumbent left in September 1999 on completion of agreement.

Proposed deletion of two posts of Magistrate

8. There are currently ten Magistracies in the Judiciary which spread throughout the territory; two on Hong Kong Island, four in Kowloon and four in the New Territories.

9. To facilitate renovation work of the South Kowloon Magistracy which began in early 1999, the Juvenile Court at South Kowloon Magistracy was transferred to Kwun Tong Magistracy in April 1998. In addition, a total of 1 446 cases originated at the South Kowloon Magistracy have been/will be transferred to two other Magistracies since mid-1998 as follows -

- (a) 675 cases transferred to the North Kowloon Magistracy during the period from June 1998 to March 1999;
- (b) 528 cases transferred to the San Po Kong Magistracy between April and December 1999; and
- (c) 243 cases will be transferred to the San Po Kong Magistracy between January and June 2000.

Encl. 2 We set out the relevant statistics at Enclosure 2.

10. As a result of such redistribution, the South Kowloon Magistracy has not been in full operation since mid-1998 and two posts of Magistrate have left vacant since then. At present, there are only one Principal Magistrate Court, one Magistrate Court and one Special Magistrate Court operating at the South Kowloon Magistracy.

11. By making such redistribution of caseload permanently, the Judiciary Administrator considers that the existing judicial resources in the Magistracies can be utilised in a more cost-effective way, without affecting the standard of service. Accordingly, he proposes to delete two permanent posts of Magistrate. As these two posts have been vacant since May 1998, the proposed deletion will not affect any serving officer.

/FINANCIAL

FINANCIAL IMPLICATIONS

12. Savings in notional annual mid-point salary and full annual average staff cost of these proposals are -

	Notional annual mid-point salary \$	Full annual average staff cost \$	No. of posts
Member, Lands Tribunal	1,443,000	2,178,000	1
Magistrate	2,358,000	4,027,000	2
	3,801,000	6,205,000	3

13. In addition, we shall delete 15 non-directorate posts, comprising two posts of Court Interpreter II, two posts of Clerical Officer, seven posts of Assistant Clerical Officer, two posts of Clerical Assistant and two posts of Office Assistant, following the rationalisation of caseload of the Magistracies. The savings in notional annual mid-point salary cost and full annual average staff cost of these non-directorate posts are \$3,064,680 and \$4,800,000 respectively. We shall be able to accommodate the staff so released through natural wastage or internal redeployment and hence no staff will be made redundant.

BACKGROUND INFORMATION***The Lands Tribunal***

14. The Lands Tribunal commenced operations in October 1974 following the enactment of the Lands Tribunal Ordinance, Cap. 17. When first set up, it was primarily responsible for adjudicating claims against the Government for statutory compensation relating to interest in land, or other property rights affected by public works. The jurisdiction of the Lands Tribunal has expanded substantially since 1980 as a result of various legislative amendments.

15. The Tribunal, headed by a President who is a Judge of the Court of First Instance of the High Court, has two Presiding Officers who are Judges of the District Court, and two Members who are land valuation surveyors. The Presiding Officers handle principally all applications for possession arising from the

/Landlord

Landlord and Tenant (Consolidation) Ordinance, building management cases and other related legal matters, and hears all interlocutory and chambers applications. The Members specialise in new tenancy and rating appeal cases, including applications for new tenancy under the Landlord and Tenant (Consolidation) Ordinance where the landlord and tenant are unable to agree on the rent, duration or other terms, appeals against the government rates and rents, and appeals against the assessment of prevailing market value of a property under the Housing Ordinance, Cap. 283.

The Magistracies

16. The Magistrate's Court exercises criminal jurisdiction over a wide range of indictable and summary offences. Each Magistracy, headed by a Principal Magistrate, is staffed by Magistrates and Special Magistrates.

CIVIL SERVICE BUREAU COMMENTS

17. Civil Service Bureau supports the proposed deletion of one vacant Member, Lands Tribunal post and two vacant Magistrate posts.

ADVICE OF THE STANDING COMMITTEE ON JUDICIAL SALARIES AND CONDITIONS OF SERVICE

18. The Standing Committee on Judicial Salaries and Conditions of Service has advised that the proposal is appropriate.

**Comparison between the Actual Waiting Time
and the Target Waiting Time of the Lands Tribunal
(for the period 1997-1999)**

Waiting time of the Lands Tribunal - from setting down of a case to hearing	Target (days)	1997 (Actual) (days)	1998 (Actual) (days)	1999 (Actual) (days)
Appeal cases	100	94	32	33
Compensation cases	100	94	36	34
Building Management cases	100	94	44	33
Tenancy cases	60	84	46	28

**Cases transferred from the South Kowloon Magistracy
to North Kowloon Magistracy and/or San Po Kong Magistracy
(for the period June 1998 - June 2000)**

Cases transferred from South Kowloon Magistracy	To North Kowloon Magistracy		To San Po Kong Magistracy	
	Criminal Charge cases	Summonses	Criminal Charge cases	Summonses
June - December 1998	484	15	-	-
January - March 1999	140	36	-	-
April - December 1999	-	-	478	50
January - June 2000	-	-	223 (estimated)	20 (estimated)
Total	624	51	701	70