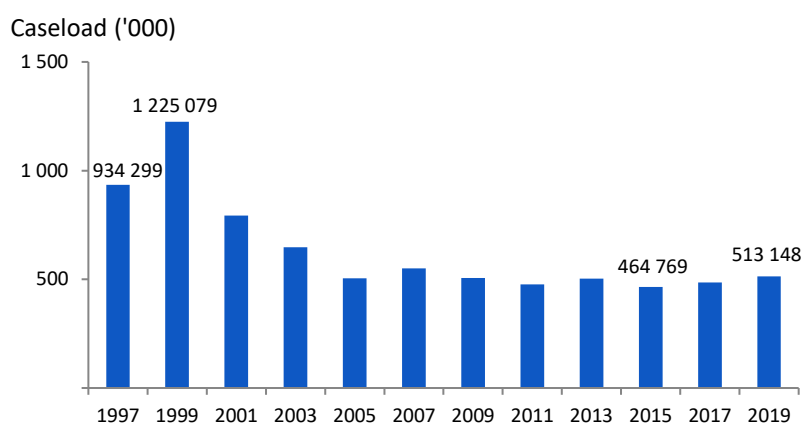




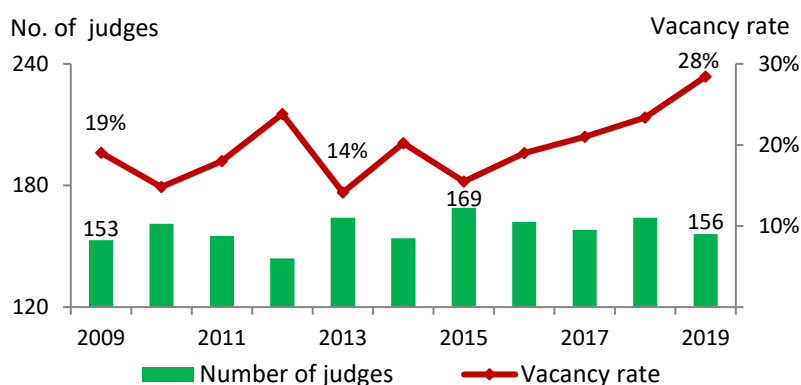
## Manpower in Judiciary

**Figure 1 – Number of cases filed in courts and tribunals<sup>(1)</sup>**



Note: (1) These are (a) the Court of Final Appeal ("CFA"), (b) the High Court, which is divided into the Court of Appeal ("CA") and the Court of First Instance ("CFI"), (c) the District Court ("DC"), (d) Magistrates' Courts ("MC"), and (e) six tribunals/specialized court.

**Figure 2 – Strength and vacancy rate of the Judiciary<sup>(1)</sup>**



Note: (1) Figures as at 31 March each year.

**Figure 3 – Vacancy rate by court level in 2019**

	Establishment	Positions filled	Vacancy rate
Court of Final Appeal <sup>(1)</sup>	4	4	0.0%
High Court	63	42	33.3%
District Court	50	40	20.0%
Magistrates' Courts and Tribunals/Specialized Court	101	70	30.7%
<b>Total</b>	<b>218</b>	<b>156</b>	<b>28.4%</b>

Note: (1) Excluding non-permanent judges.

## Highlights

- The Judiciary in Hong Kong comprises four key layers of courts, ranging from the Court of Final Appeal ("CFA") at the top to Magistrates' Courts ("MC") at the bottom, along with six tribunals/ specialized court. Overall caseload of Judiciary is heavy, averaging at 617 000 per annum over the past 23 years (**Figure 1**). The filed cases once shot up to 1.2 million in 1999, mainly due to increased business and labour disputes after the Asian Financial Crisis in 1997. More recently during 2015-2019, it witnessed a 10% increase to 513 000 cases, upon increased number of judicial reviews and after social incidents in the second half of 2019.
- Notwithstanding this increased caseload, manpower supply of judges is very tight. During 2015-2019, the number of judges at all level of courts fell by 8% to 156 (**Figure 2**). As a matter of fact, the Judiciary did try to address the manpower problem, expanding the judicial establishment by 9% to 218 posts during this period. However, 62 posts were left unfilled in 2019, resulting in a record high vacancy rate of 28%.
- Analysed by court level, the vacancy rate was the highest in High Court ("HC") (33%) in 2019, followed by MC (31%) and District Court ("DC") (20%). Despite open recruitment exercises for vacancies at the level of Court of First Instance ("CFI") of HC and below, "persistent recruitment difficulties" were reported (**Figure 3**).

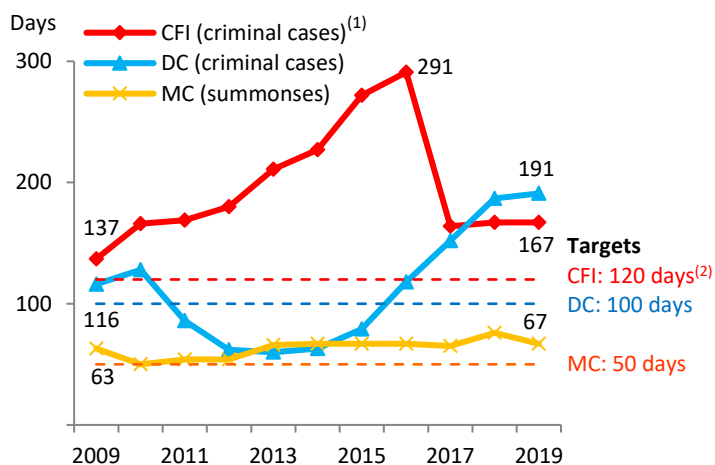
## Manpower in Judiciary (cont'd)

**Figure 4 – Pay gap between judges and private practitioners**

Post <sup>(1)</sup>	Corresponding private post	Difference in salary <sup>(2, 3)</sup>		
		2005	2010	2015
Magistrate	Junior counsel (5-14 years)	12%	7%	-16%
	Solicitor (5-14 years)	46%	13%	20%
District Judge	Junior counsel (15-24 years)	8%	10%	-4%
	Solicitor (15-24 years)	8%	10%	-4%
CFI Judge	Senior counsel (15-24 years)	-47%	-42%	-60%

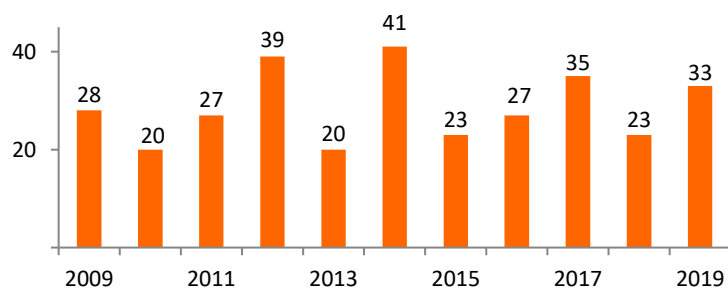
Notes: (1) Figures do not include CFA and CA judges as these posts are filled mainly through internal promotion.  
 (2) Calculated as difference between the average pay at the three judicial entry levels and the upper quartile of legal sector earnings.  
 (3) Negative signs denote lower salaries in the Judiciary than private practice, and vice versa.

**Figure 5 – Average waiting times at selected court levels**



Notes: (1) It refers to cases in the Criminal Fixture List.  
 (2) The target has been under review since 2018.

**Figure 6 – Number of external deputy judges<sup>(1)</sup>**



Note: (1) Figures as at 31 March each year.

## Highlights

- To a certain extent, the recruitment difficulties are attributable to unattractive remuneration of judges which may be insufficient to recruit best talents. According to the five-yearly benchmark study completed by the Standing Committee on Judicial Salaries and Conditions of Service in 2015, salaries of judges were generally lower than lawyers in private practice. For instance, CFI judges earned 60% less than private practitioners with equivalent qualifications (**Figure 4**). While judicial salaries increased by 5.5%-6.2% on average annually during 2015-2018, some Members urged for further review to keep up with the market.
- As a result of shortage of judges, there are public concerns over longer waiting times for hearing at some courts, although CFA and Court of Appeal of HC are still able to keep waiting times within performance targets. For CFI, the average waiting time for criminal cases was 166 days during 2017-2019, exceeding the 120-day target by 38%. For DC, the waiting time was 191 days in 2019, exceeding the 100-day target by 91%. For summons cases in MC, the target of 50 days was only met once in 2010 (**Figure 5**).
- As a matter of fact, the waiting time for the first hearing is not a comprehensive indicator, because shortage of judges also leads to longer court proceedings. Taking leave applications for judicial review as an example, the average processing time at CFI lengthened from 112 days in 2014 to 203 days in 2018.
- To address the manpower shortage problem, the Judiciary appoints legal professionals in the private sector as deputy judges for a few weeks or months. These temporary appointments are made on a need basis, with its number hovering roughly between 20-40 over the past decade (**Figure 6**). Also, judicial retirement ages have been extended by five years to (a) 70 for judges at CFA and HC and (b) 65 for judges at lower courts upon passage of a bill in November 2019.

Data sources: Latest figures from the Judiciary and the Standing Committee on Judicial Salaries and Conditions of Service.

Research Office  
 Information Services Division  
 Legislative Council Secretariat  
 7 April 2020  
 Tel: 2871 2139

Statistical Highlights are compiled for Members and Committees of the Legislative Council. They are not legal or other professional advice and shall not be relied on as such. Statistical Highlights are subject to copyright owned by The Legislative Council Commission (The Commission). The Commission permits accurate reproduction of Statistical Highlights for non-commercial use in a manner not adversely affecting the Legislative Council. Please refer to the Disclaimer and Copyright Notice on the Legislative Council website at [www.legco.gov.hk](http://www.legco.gov.hk) for details. The paper number of this issue of Statistical Highlights is ISSH23/19-20.