

**Response of the Administration to the written submission
from the Hong Kong Bar Association**

The response of the Administration to the written submission from the Hong Kong Bar Association (the Bar Association) dated 29 July 2003 is set out below.

Clause 3(1)(b)

2. Clause 3(1)(b) of the Public Officers Pay Adjustments (2004/2005) Bill (the Bill) seeks to exclude judges and judicial officers from the scope of application of the legislation.

Registrar of the Court of Final Appeal

3. The post of Registrar, Court of Final Appeal is pitched at the rank of Senior Deputy Registrar, High Court. The pay and allowances payable to Registrar, Court of Final Appeal are determined in accordance with the pay and allowances payable to judicial officers at the rank of Senior Deputy Registrar, High Court and the office of Registrar, Court of Final Appeal is not separately identified on the Judicial Service Pay Scale. As the Bill does not apply to the office of Senior Deputy Registrar, High Court pursuant to clause 3(1)(b)(i)(B) of the Bill¹, the pay and allowances payable to the office of Registrar, Court of Final Appeal will not be subject to the pay reduction specified in the Bill. However, in view of the comment of the Bar Association, we would consider introducing a Committee Stage Amendment to clause 3(1) to include in it the office of Registrar, Court of Final Appeal in order to put it beyond doubt that the post is excluded from the scope of application of the Bill.

4. The Bar Association suggested that consideration should be given to amending Schedule 1 to the Judicial Officers Remuneration Ordinance (Cap.92) to include in it the office of Registrar, Court of Final Appeal. We have referred the suggestion to the Judiciary, which will consult the Chief Justice on

¹ Clause 3(1)(b)(i)(B) of the Bill provides that “This Ordinance does not apply to the pay or allowances of a judicial office known as Senior Deputy Registrar, High Court”.

the appropriate amendment to Schedule 1 of Cap.92.

Members of the Lands Tribunal

5. Members of the Lands Tribunal appointed pursuant to section 4(4) of Cap.17 are included in Schedule 1 to Cap.92² and hence clause 3(1)(b)(i)(A)³ of the Bill. Members of the Lands Tribunal appointed pursuant to section 6A of Cap.17 are members appointed on a temporary basis by the Chief Justice. They are covered by clause 3(1)(b)(ii) of the Bill⁴.

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² Schedule 1 to Cap. 92 includes “Members of the Lands Tribunal (being a member who is in the full-time service of the Government)”.

³ Clause 3(1)(b)(i)(A) of the Bill provides that “This Ordinance does not apply to the pay or allowances of a judicial officer holding a judicial office specified in Schedule 1 to the Judicial Officers Recommendation Commission Ordinance (Cap.92)”.

⁴ Clause 3(1)(b)(ii) of the Bill provides that “This Ordinance does not apply to the pay or allowances of a judicial officer appointed by the Chief Justice.”