

**For discussion
on 26 May 2008**

**Legislative Council
Panel on Administration of Justice and Legal Services**

**Proposed Creation of New Rank and Posts in the Judiciary
and Strengthening of the Directorate Structure of
the Judiciary Administration**

PURPOSE

This paper seeks Members' support on the Judiciary's proposals to –

- (a) Create one new rank of Principal Family Court Judge, District Court, upgrade one post of Judge of the District Court to Principal Family Court Judge, and create eight additional permanent posts of Judges and Judicial Officers at various ranks (to be offset by the deletion of one Principal Magistrate) to cope with the increased workload in the High Court and the District Court; and
- (b) Strengthen the directorate structure of the Judiciary Administration to cope with the substantial growth of its work in terms of scope and complexity in order to provide effective and quality support services to the courts in the administration of the judicial system in the years ahead.

I. JUDGES AND JUDICIAL OFFICERS (“JJO”)

PROBLEM

2. The present establishment of JJO posts has experienced in recent years difficulties in coping with the workload in the High Court and the District Court. This has resulted in –

- (a) Target waiting times set for these courts not being fully met; and
- (b) Heavy reliance on Deputy Judges / Temporary Deputy Registrar to meet the operational needs of these courts, which is considered unsatisfactory in the long term.

PROPOSAL

3. The Judiciary Administrator proposes, with the approval of the Chief Justice, Court of Final Appeal, to –

- (a) Create one new rank of Principal Family Court Judge, District Court (JSPS 14);
- (b) Upgrade one post of Judge of the District Court (JSPS 13) to Principal Family Court Judge (JSPS 14) upon creation of this new rank; and
- (c) Create additional permanent posts of one Justice of Appeal of the Court of Appeal of the High Court (JSPS 17), five Judges of the Court of First Instance of the High Court (JSPS 16), one Judge of the District Court (JSPS 13) for the Family Court, and one Deputy Registrar, District Court (JSPS 10), to be offset by the deletion of one Principal Magistrate (JSPS 11),

to strengthen the establishment of the respective courts and Masters Office to meet operational needs and to keep waiting times within targets without having to rely too heavily on temporary judicial resources.

JUSTIFICATIONS

Court of Appeal of the High Court

4. For the High Court, there are two levels of court, namely the Court of Appeal and the Court of First Instance. The Court of Appeal has a complement of 10 Judges, comprising the Chief Judge of the High Court (who also has considerable administrative responsibilities) and nine Justices of Appeal. For cases heard in the Court of Appeal, at least two Justices of Appeal are required. For hearing of substantive appeals, three Justices of Appeal are required. However, due to the insufficient number of Justices of

Appeal in recent years, Judges of the Court of First Instance have been appointed to sit as additional judges of the Court of Appeal in accordance with section 5 of the High Court Ordinance, Cap. 4 where there have been insufficient numbers of Justices of Appeal available to hear appeal cases. From 2004 to 2007, in order to maintain reasonable waiting times for cases heard in the Court of Appeal, about 50% of the cases each year were heard by divisions containing one Judge of the Court of First Instance, with a further 8% heard by divisions containing two Judges of the Court of First Instance. This meant that only about 42% of the cases in 2004 to 2007 were heard by divisions constituted solely by Justices of Appeal.

5. The arrangement of having too many Judges of the Court of First Instance sitting as additional judges of the Court of Appeal, though permissible under the law, is considered unsatisfactory –

- (a) The Court of Appeal is a higher level of court and is intended to be filled by substantive Justices of Appeal. Judges of the Court of First Instance are not substantive Justices of Appeal and there are evident disadvantages in this;
- (b) In practice, it is only when there is an insufficient number of Justices of Appeal that a Judge of the Court of First Instance would sit as an additional judge of the Court of Appeal. This is intended as a temporary, and not a permanent, measure; and
- (c) There are limitations as to the deployment of Judges of the Court of First Instance to sit as additional Judges of the Court of Appeal –
 - (i) A Judge of the Court of First Instance cannot hear an appeal of a judgment made by him / her;
 - (ii) Important appeal cases should be heard by a full bench of Justices of Appeal as far as practicable;
 - (iii) Judges of the Court of First Instance are already fully stretched and it is not always practicable or easy to release them to sit in the Court of Appeal; and

- (iv) The different streams of expertise of the judges, i.e. criminal, civil or mixed, further create difficulties and limitations in listing.

6. In addition, the deployment of Judges of the Court of First Instance as additional judges of the Court of Appeal has led to a corresponding reduction in judicial manpower at the Court of First Instance level.

7. The Judiciary considers that the Court of Appeal should be reinforced by the addition of one Justice of Appeal. It is estimated that with this addition, a significantly greater proportion of the cases heard at the Court of Appeal would be conducted by divisions constituted solely by Justices of Appeal than at present. The job description of Justice of Appeal of the Court of Appeal of the High Court is at **Enclosure 1**.

Encl. 1

Court of First Instance of the High Court

8. The approved establishment of Judges of the Court of First Instance is 27. However, not all the 27 posts were created for judicial duties. In 1995, one was created for the purpose of hearing cases in the Insider Dealing Tribunal. In August 2006, two posts were created to cope with work arising from the implementation of a new regime for the regulation of interception of communications and covert surveillance provided for under the Interception of Communications and Surveillance Ordinance. Moreover, the engagement of Judges of the Court of First Instance to take up non-judicial work under various statutory functions (namely the Electoral Affairs Commission, the Securities and Futures Appeal Tribunal and the Clearing and Settlement Systems Appeal Tribunal), for which financial resources are provided to the Judiciary by the relevant bureaux of the Administration (but in respect of which no judicial posts were correspondingly created), has in fact meant that less judicial resources were available for court work at the Court of First Instance. It is estimated that about 80% of the time of a Judge of the Court of First Instance has been deployed for these three functions in the past years. Hence, against an establishment of 27 Judges of the Court of First Instance, about 23.2 posts are actually deployed for judicial work.

9. The existing establishment of Judges of the Court of First Instance for judicial work, which has remained at the same level for more than 10 years, has been extremely stretched to meet the increasing workload. The waiting times for criminal and civil fixture cases at the

Court of First Instance have greatly exceeded the respective target waiting times of 120 days and 180 days in the past few years. Furthermore, cases have in general become more complex and have taken longer to conclude. Additional temporary judicial resources have therefore been deployed to the Court of First Instance since the latter part of 2005 with a view to shortening court waiting times. As a result, the situation has been considerably improved in 2006 and 2007, bringing waiting times back to within targets. Experience over the past few years shows that to maintain waiting times at reasonable levels, the Judiciary needs to deploy, on average, a total of about 35 substantive and Deputy Judges of the Court of First Instance to meet all the operational requirements. Currently about 10 to 12 Deputy Judges of the Court of First Instance are operating on a regular basis.

10. The high ratio of Deputy Judges of the Court of First Instance operating on a long-term basis has given rise to a number of concerns –

- (a) The provision for appointment of Deputy Judges of the Court of First Instance is intended to fulfill temporary requirements and is not intended to provide judicial manpower to the court on a permanent basis; and
- (b) It should be noted that there are substantial areas of work which must be done by substantive Judges of the Court of First Instance and not by Deputy Judges of the Court of First Instance. These include murder and manslaughter trials, heavy criminal trials (including complex commercial crime), heavy civil cases and all judicial review cases. An exceptionally high ratio of Deputy Judges of the Court of First Instance over a long period of time is undesirable and creates constraints in listing for the Court of First Instance.

11. The Judiciary considers that while the existing judicial manpower of 35 should be maintained for the Court of First Instance in the foreseeable future, the ratio of Deputy Judges of the Court of First Instance to substantive Judges of the Court of First Instance should be reduced to a more acceptable level.

12. To allow for fluctuations in workload and to continue to provide an opportunity for the appointment of Deputy Judges to the Court of First Instance, the Judiciary considers that 70% of the additional judicial resources required on top of the approved establishment of 27 should be

made up of substantive judges. Hence, a total of five posts of Judge of the Court of First Instance would be required (i.e. $(35 - 27) \times 70\% = 5.6$, say 5). The job description of Judge of the Court of First Instance of the High Court is at **Enclosure 2**.

Encl. 2

Family Court, District Court

Judge of the District Court

13. The approved establishment of the Family Court, which is part of the District Court, was increased from three to four judges in July 1995. Since 2003, there has been difficulty in meeting some of the target waiting times for the Family Court due to increase in the caseload (from about 15,700 cases in 2001 by about 15% to over 18,100 in 2007). Additional temporary judicial resources have been provided to the Family Court.

14. The caseload alone, however, does not fully reflect the workload, having regard to listing constraints of the Family Court referred to below in dealing with divorce cases involving financial disputes. Under the "Pilot Scheme on Ancillary Relief Proceedings" ("the Pilot Scheme"), divorce cases involving financial disputes have to go through the Financial Dispute Resolution ("FDR") procedures, in which the Family Court Judge sits essentially in the role of a "conciliator" or "facilitator" to assist the parties to settle their financial disputes. If no settlement is reached, the Court would then fix a date for trial by another judge.

15. Since the commencement of the Pilot Scheme in end December 2003 and up to end 2007, there were over 4,060 cases which had gone through the new procedures under the Scheme requiring additional judicial resources, of which about 680 cases had eventually been brought before another judge. In other words, these cases where no settlement is reached would require the judicial input from two Family Court Judges. We are at present maintaining seven judges (including Deputy Family Court Judges) to handle family cases. Given the limited number of Family Court Judges, the requirement of two judges to hear FDR cases where no settlement is reached poses considerable listing constraints, and adversely affects the waiting time for these cases. As the FDR Pilot Scheme has proved to be a success, it is the Judiciary's intention to make it a permanent feature in the Family Court.

16. In view of the increasing caseload in the Family Court, as well as the need for two Family Court Judges in dealing with trials of FDR cases, the Judiciary considers that one additional post of Judge of the District Court

has to be created in the Family Court with a view to alleviating the tight manpower situation and keeping waiting times within targets. The job description of Judge of the District Court ("District Judge") is at Enclosure 3.

Encl. 3

Principal Family Court Judge

17. In order to improve the administration of the Family Court, the Chief Justice, Court of Final Appeal has appointed a District Judge of the Family Court as Judge-in-charge to lead the Family Court since July 2006. The Judge-in-charge is tasked with the responsibilities to ensure that the Family Court operates effectively and judicial resources are utilized efficiently, to enhance communication with court users and to make suggestions concerning the development and matters related to the Family Court. Experience has shown that this arrangement has been effective in enhancing the better utilization of judicial resources at the Family Court and communication with the court users. We consider that there are strong operational needs to formally establish a new rank of Principal Family Court Judge, District Court to head the Family Court.

18. Apart from performing the duties of a District Judge and hearing cases at the Family Court, the Principal Family Court Judge supervises the District Judges sitting in the Family Court and discharges the leadership role by assuming overall responsibility for the administration of the Family Court, ensuring the efficient listing of cases and utilization of judicial resources and court time. In consultation with other Family Court Judges, the Principal Family Court Judge would review court practices and procedures to keep pace with the changing needs and new developments. Externally, the Principal Family Court Judge is tasked with the responsibility to strengthen liaisons with family law practitioners and court users. In this connection, the Principal Family Court Judge chairs the Family Court Users' Committee on an ex officio basis. The Committee was set up by the Chief Justice, Court of Final Appeal in December 2006 with members comprising the Chief District Judge, Judges of the Family Court and District Court, senior counsel, legal practitioners and representatives from relevant government departments. The major objective of the Committee is to liaise closely with users of the Family Court to discuss matters of concern relating to the Court's practice and procedure, administration and facilities.

19. To recognize the higher level of responsibility of the Principal Family Court Judge and having regard to the fact that he is responsible to the Chief Judge of the District Court (whose rank is set at JSPS Point 15), it is

considered that the Principal Family Court Judge should be ranked at JSPS Point 14, which is equivalent in rank to the Senior Deputy Registrar of the High Court. It is further proposed that on creation of the new rank, one post of Judge of the District Court in the Family Court be upgraded to Principal Family Court Judge at JSPS 14. A revised Judicial Service Pay Scale incorporating the new rank, if approved, is at **Enclosure 4**. A job description of the proposed post of Principal Family Court Judge is at **Enclosure 5**.

Encl. 4
Encl. 5

Masters Office, District Court

20. The Masters Office of the District Court was established in September 2000 for the following judicial functions –

- (a) Hearing and determining interlocutory applications in civil actions;
- (b) Transacting all the business and exercising all the authority and jurisdiction that may be transacted and exercised by a District Judge in chambers; and
- (c) Taxing solicitors' bills of costs after trial by District Judges.

21. The establishment of the Masters Office, which comprises one Registrar, District Court and two Deputy Registrars, District Court, has remained unchanged. However, the workload of the Masters Office has increased significantly since its establishment –

- (a) Quota list applications¹ of various kinds, which could be dealt with within a time slot and for which a quota could be set, have increased by 13% from 2001 to 2007;
- (b) Non-quota list applications², for which a longer time is needed for dealing with them and for which no quota could be set, have increased by 67% from 2001 to 2007;

¹ Including, for example, call-over hearings for interlocutory applications and applications relating to execution of judgments, direction hearings, moneylender's action, checklist hearings for personal injury actions, etc.

² Including, for example, pre-trial reviews, taxation hearings, substantive hearings for interlocutory applications and applications relating to execution of judgments, etc.

- (c) The number of personal injury cases has increased significantly in the District Court, from 33 new cases per month in 2001 to more than 225 cases per month in 2007;
- (d) The total number of civil actions and miscellaneous proceedings filed has increased by about 11% from 2000 to 2007; and
- (e) There are increasing cases involving unrepresented litigants, which generally require more hearings before the Masters prior to trials eventually before Judges. From 2005 to 2007, on average 50% of the civil cases listed for trial at District Court involved at least one party who was unrepresented.

22. Since December 2006, a judicial officer has been appointed as temporary Deputy Registrar and deployed to the District Court Masters Office to enable the office to cope with the increased workload. We consider that the current establishment of three Masters in the District Court needs to be strengthened by one post of Deputy Registrar, District Court to four to cope with the increase in workload. With the additional Deputy Registrar, the Masters would be able to conduct Check-list Review hearings, direction hearings and pre-trial reviews more efficiently, with a view to meeting the target waiting times of the District Court. The job description of Deputy Registrar, District Court is at **Enclosure 6**:

Encl. 6

Deletion of one Principal Magistrate post

23. Having regard to reduced operational needs due to the closure of Magistrates' Courts, it is proposed to delete one Principal Magistrate post.

II. THE DIRECTORATE ESTABLISHMENT OF THE JUDICIARY ADMINISTRATION

PROBLEM

24. The work of the Judiciary Administration has been growing substantially in terms of scope and complexity over the years. To provide effective and quality support services to the courts in the administration of the judicial system, we need to strengthen the directorate structure in the Judiciary Administration to meet the challenges in the years ahead.

PROPOSAL

25. The Judiciary Administrator proposes, with the approval of the Chief Justice, Court of Final Appeal, the following changes to the directorate establishment of the Judiciary Administration –

- (a) To upgrade the post of Assistant Judiciary Administrator (Corporate Services) from Principal Executive Officer (D1) to Senior Principal Executive Officer (D2) to reflect its level of responsibilities; and
- (b) To create a new permanent post of Principal Executive Officer (D1) to head the Quality Division.

JUSTIFICATIONS

26. As head of the Judiciary, the Chief Justice is charged with the statutory duties of the administration of the Judiciary (see section 6(2) of the Hong Kong Court of Final Appeal Ordinance, Cap. 484). In discharging such statutory duties, the Chief Justice is assisted by the Judiciary Administration comprising about 1,500 support staff, headed by the Judiciary Administrator (D8).

27. The Judiciary Administration provides essential support to ensure the smooth operation of the courts and tribunals in Hong Kong. It is primarily responsible for ensuring the proper administration of the courts and tribunal, on-going development of systems and measures which would enhance the performance of the Judiciary, effective management of the Judiciary's resources, developing and implementing the required technology, and dealing with public relations. The Judiciary Administration is also responsible for liaising with and communicating on behalf of the Judiciary with the executive branch of the Government and the Legislative Council, court users, the media and the public.

Organizational Review of the Judiciary Administration in 2000

28. In 2000, a review was conducted on the organization of the Judiciary Administration. As a result, the directorate structure of the Judiciary Administration has been re-organized into four functional Divisions under the Judiciary Administrator as briefly described below –

(a) Development Division

The Development Division is headed by the Deputy Judiciary Administrator (Development) (“DJA(D)”) at Administrative Officer Staff Grade B (AOSGB) (D3) level, who is supported by an Administrative Officer Staff Grade C (AOSGC) (D2), organizationally known as Assistant Judiciary Administrator (Development) (“AJA(D)”). The DJA(D) is responsible for legislation concerning court jurisdictions and procedures, public relations, liaison with court users, and providing direct administrative support to the Chief Justice.

(b) Operations Division

The Operations Division is headed by the Deputy Judiciary Administrator (Operations) (“DJA(O)”) at AOSGB (D3) level. The Division comprises the sections of Court Registries at all levels of court, Judicial Support, Court Language, Bailiff Service, Mediation Service, Legal Reference and Complaints.

(c) Corporate Services Division

This Division is headed by the Assistant Judiciary Administrator (Corporate Services) (“AJA(CS)”) originally proposed at Senior Principal Executive Officer (SPEO) (D2) level. The Division comprises four sections, i.e. Human Resources and General Administration, Finance, Accommodation, and Judges and Judicial Officers.

(d) Quality Division

The Division should be headed by the Assistant Judiciary Administrator (Quality) (“AJA(Q)”) at D1 level and comprises the sections of Information Technology Management, Management Review and Management Information.

29. The above structure was implemented in 2000 but the following changes were only made temporarily in order to test its effectiveness –

- (a) A supernumerary post of SPEO (D2) held against a judicial vacancy was created under delegated authority and designated as AJA(CS) to head the Corporate Services Division; and
- (b) A supernumerary post of PEO (D1) was created under delegated authority and designated as AJA(Q) to head the Quality Division held against the vacant permanent post of PEO (formerly designated as Judiciary Secretary who headed the Judiciary Secretary's Office responsible for the administrative functions which, upon restructuring, had been placed under the AJA(CS) of (a) above).

Effectiveness of the Re-organization in 2000

30. The re-organized directorate structure has proved to be generally effective, as it provides clearer focus of accountability for various functions. The Judiciary Administration has been operating more smoothly and efficiently since 2000. Important issues requiring senior management's directives have been effectively addressed, and challenges more promptly responded to. Specifically –

- (a) The Development Division under the DJA(D) and AJA(D) has been providing very effective support to legislative work and administrative assistance to the Chief Justice;
- (b) The Operations Division under the DJA(O) has been able to focus its attention on the core business of court operations and systems. One problem has, however, been identified subsequently, i.e. the span of control of the DJA(O) is too wide as he is supervising some 1,260 staff under nine sections / sub-sections directly without any further directorate support. (This issue would be addressed in paragraphs 42 to 43 later);
- (c) In the Corporate Services Division, the AJA(CS) in the supernumerary post of SPEO (D2) was able to enhance its service and performance in both systems and work processes between 2000 and 2003. In particular, many initiatives in the human resources management front were implemented during these few years; and

- (d) The newly formed Quality Division under the AJA(Q) has provided a focus for improvement in quality services. In particular, the Quality Division has been instrumental in the development of application of information technology in the Judiciary's operation, the pursuit of management reviews and service improvements in various registries and offices and the development of key management information databases.

31. In 2003, the Judiciary Administration considered that there were obvious merits in retaining the directorate structure adopted since 2000 and intended to make it permanent by creating permanent directorate posts of one AJA(CS) at D2 level and one AJA(Q) at D1 level. However, in view of the then budgetary stringency and constraints, the proposal was not pursued.

32. The two supernumerary posts of SPEO (D2) and PEO (D1) created in June 2000 and designated as AJA(CS) and AJA(Q) respectively (see paragraph 29 above) lapsed in June 2003, while the organizational structure of the Judiciary Administration comprising four functional divisions is maintained. The AJA(CS) has since been pitched at the rank of PEO (D1) (the post was formerly designated as the Judiciary Secretary). As regards the Quality Division, internal temporary redeployment was arranged for a senior departmental grade staff (Master Pay Scale Point 45 to 49) to lead the Quality Division from July 2003 to December 2004. Since then the three functional sections of the Quality Division worked directly to the Judiciary Administrator from January 2005 to July 2006. The arrangement was far from satisfactory.

Further Developments Since 2003

33. In March 2004, the Chief Justice accepted the Recommendations of the Final Report of the Working Party on Civil Justice Reform. The recommendations aim to improve the cost-effectiveness of the civil justice system, to make it less complex and to reduce delays, without compromising the fundamental requirement of doing justice between the parties. The Reform involves substantial amendments to the relevant legislation and court procedures. The Chief Justice subsequently decided that the proposed changes should be implemented not just in the High Court, but also in the District Court and the Lands Tribunal where such changes are appropriate. A Steering Committee on the Civil Justice Reform under the chairmanship of the Chief Judge of the High Court was formed in the same

month to oversee the implementation of the Civil Justice Reform (CJR). The Judiciary Administration is responsible for providing support in all areas of work in the implementation of the CJR, including legislation, training, infrastructural support and application of information technology. These new initiatives require significant additional input at the directorate level.

34. To cope with these new challenges, we have taken some temporary measures to strengthen and rationalize its directorate structure and organization in the interim –

- (a) A supernumerary post of AOSGC (D2) held against a judicial vacancy, designated as Assistant Judiciary Administrator (Quality and Operations) (AJA(Q&O)), was created in July 2006 under delegated authority to head the Quality Division and to assist DJA(O) in the work of the Operations Division in the implementation of the CJR; and
- (b) An integrated CJR team comprising staff from all relevant divisions within the Judiciary Administration was formed to provide co-ordinated support to the implementation of the CJR. AJA(Q&O) is the head of this integrated team.

35. The target date of the implementation of the CJR is 2 April 2009. It is expected that the supernumerary post of AJA(Q&O) would lapse by then. The integrated CJR team would also be dissolved, and further follow up work would be undertaken by individual divisions and sections respectively.

Further Review of the Directorate Structure in 2007/2008

36. A further review was conducted on the directorate structure of the Judiciary Administration in 2007/08, having regard to past and present experiences and future requirements in the post-CJR implementation era. The outcome of the review is broadly as follows –

- (a) The existing structure of the Judiciary Administration, being organized into four functional divisions, viz. Development, Operations, Corporate Services and Quality, is sound and should be retained;

- (b) The post of the AJA(CS) should be upgraded from the rank of PEO (D1) to that of SPEO (D2) to reflect the appropriate level of responsibilities;
- (c) A post of AJA(Q) at the rank of PEO (D1) should be created on a permanent basis; and
- (d) The span of control and scope of responsibilities of DJA(O) is too wide, and there is room for rationalization by transferring some of his current duties to AJA(Q).

Proposed Changes

(1) Upgrading of the AJA(CS) Post to SPEO

37. The AJA(CS) has been shouldering much heavier responsibilities in recent years, and is expected to take up more strategic challenges in the coming years. We believe that there is a strong case of upgrading the post from D1 to D2. Apart from overseeing a whole range of administrative, finance and human resources functions, the AJA(CS) has to take on more strategic responsibilities, including –

- (a) Servicing the Judicial Officers Recommendation Commission (“the Commission”) and supporting the strategic human resource management functions of JJOs. The Commission is a high-ranking body chaired by the Chief Justice, which takes charge of all policy and procedural matters on judicial appointments. AJA(CS) has to provide support in formulating such policy and strategy, drafting submissions to the Commission on matters within its purview and implementing its decisions. AJA(CS) has to ensure quality human resources support services are provided to all JJOs, which include manpower planning, recruitment, appointments, terms and conditions of service for JJOs which are different from civil service staff in a number of respects, and administering the establishment of JJOs. In addition, AJA(CS) is responsible for providing administrative and secretarial support to the Judicial Studies Board in formulating and implementing the strategic training plan and programmes for JJOs;

- (b) Devising a long-term accommodation strategy for the Judiciary. The Judiciary is in need of a strategic plan concerning the future operational requirements for courtrooms at various levels of courts. The Chief Justice has directed that a long-term strategy on accommodation be formulated to address the issue. Initial review has indicated that there is imminent operational need to provide additional and more efficient courtroom facilities at all court levels to meet increasing requirements. In the long run, the Court of Final Appeal would also have to be relocated due to inadequacies of the existing court building and the need for additional facilities to facilitate the smooth functioning of the Court. Devising a long-term comprehensive accommodation strategy which could meet future demand and increasing expectation of court users requires substantial and strategic directorate input at an appropriate level to provide proper steer at the planning stage and spearhead the implementation of new projects to ensure satisfactory completion.
- (c) Looking after the financial and resource management functions of the Judiciary. AJA(CS) has to assist the Judiciary Administrator in formulating and co-ordinating the Judiciary's bids for financial and manpower resources in the annual Resource Allocation Exercise (RAE). AJA(CS) has been assisting the Judiciary Administrator in liaising with the Financial Services and Treasury Bureau and the Civil Service Bureau on establishing and implementing a revised budgetary arrangement for the Judiciary in respect of both financial as well as manpower resources. Under the new arrangement, the Judiciary has to conduct comprehensive reviews on the overall resource requirements and prepare budget proposals to the two policy bureaux. AJA(CS) would assist the Judiciary Administrator in conducting the comprehensive review and preparing the budget proposals on an annual basis. In addition, AJA(CS) would be responsible for the development and management of effective financial management systems to enhance financial control and to ensure the efficient use of resources to support the Judiciary's operations and improvement programmes.

38. In sum, the entire portfolio of duties of the AJA(CS) require an officer with strong organizational and leadership capabilities, sound communication skills and political acumen, as well as profound administrative and management experience and strategic thinking. An appropriate officer at D2 level is required to take charge of these complex and important tasks competently. Furthermore, because the AJA(CS) is at D1 level at present, many day-to-day personnel management and human resource matters which could be resolved competently by a D2 officer under delegated authority have to be brought to the Judiciary Administrator's personal attention for approval. The present ranking of AJA(CS) at D1 level has proven insufficient for the effective operation of the organization. The Judiciary Administrator considers it necessary to upgrade the AJA(CS) post from PEO (D1) to SPEO (D2) to further enhance operational efficiency and organizational cost-effectiveness.

39. The job description for the upgraded AJA(CS) post is at
Encl. 7 **Enclosure 7.**

Alternatives Considered for Proposal (1)

40. We have critically examined whether the AJA(CS) post could remain at its existing rank of PEO (D1), but have come to the view that such an alternative is not desirable. Given the scope and complexity of the AJA(CS)'s portfolio and the substantial directorate inputs he is expected to provide as a member of the senior management of the Judiciary Administration, an officer at D1 level would not be able to meet the expectations of the job.

(2) Creation of one permanent PEO Post as AJA(Q) to head the Quality Division and Transfer of Certain Functions from the Operations Division to the Quality Division

41. The Judiciary Administrator considers that there is a permanent need to strengthen its directorate support for the Quality Division to enhance the strategic planning and development in a number of vital areas. It is proposed that a PEO (D1) post, to be designated AJA(Q), be created to lead the Quality Division and to take over from the DJA(O) certain functions, namely the Legal Reference and Library Section, the Court Reporters' Office which oversees the digital audio recording and transcription services ("DARTS") and the Complaints Office, with a view to further rationalising

the functions and responsibilities of the directorate echelon. The portfolio of the AJA(Q) has high policy, operational and managerial contents as set out below –

- (a) AJA(Q) would assist the Judiciary Administrator in steering and managing the Quality Division which holds a strategic position in the long-term development of the Judiciary Administration. This would relieve the Judiciary Administrator from having to look after the work and daily operation of the functional sections of the Quality Division personally;
- (b) On the IT side, the Chief Justice has established Working Groups on Information Technology and Electronic Filing comprising JJOs of different levels of courts to explore the benefits of potential IT applications to the practices, procedures and operations of the courts. AJA(Q) would undertake policy research and provide input for the working groups in formulating the IT policy and strategies for the Judiciary and see through the implementation of agreed strategies and initiatives;
- (c) Coupled with (b) above, the AJA(Q) would also be responsible for the maintenance and enhancement of an IT governance structure for the Judiciary under a total out-sourcing approach, which involves sophisticated operational and contract management. He would also need to keep a close liaison with the Office of the Government Chief Information Officer to gauge high-level technological support and inputs. At the project management level, the AJA(Q) would lead project steering committees, with the support of in-house IT professionals, to ensure individual IT projects are delivered on time and within budget;
- (d) The Management Review Section plays an important role in enhancing the functioning of the various operating units through conducting management reviews, studies and consultancies in delivering efficient, effective, quality and user-oriented services. They also introduce management systems, models and tools to support the operating units in strategic planning. AJA(Q) would take

charge of the overall planning and implementation of management reviews and studies in pursuit of excellence and continual improvements in the delivery of services in the Judiciary Administration;

- (e) The Management Information Section is responsible for maintaining a central database of management information and producing statistical and analytical reports to facilitate court leaders and senior management in formulating strategies, mobilising resources and monitoring performance. AJA(Q) would provide directorate input in giving steer to policy matters involved;
- (f) AJA(Q) would take over the Legal Reference and Library services which are two very important support services to all JJOs and the legal profession. Directorate input is required in the continual pursuit of excellence in the quality of services provided;
- (g) The DARTS is an important function supporting the daily operation of all courts and tribunals. AJA(Q) would play a strategic role in ensuring uninterrupted and quality service to the courts and in overseeing all matters relating to the contract and performance management of the service providers; and
- (h) The Judiciary Administration has an established mechanism to handle complaints on administrative matters. The Complaints Office is responsible for handling public complaints, conducting independent investigations, preparing reports, making replies and giving recommendations on remedial measures to prevent recurrence of similar incidents under complaint. AJA(Q) would give steer to the Complaints Officer in handling cases which are complex, sensitive in nature or involve policy issues.

42. The Judiciary Administrator also considers that the proposal at paragraph 41 above would result in a more rational and efficient distribution of duties among the directorate officers and a more manageable portfolio for DJA(O). A present, DJA(O) who heads the Operations Division has a very wide span of control comprising a total of 1,260 staff under nine sections /

subsections. He oversees the operation, procedures, and practices of court registries at all levels of courts (comprising the Court of Final Appeal, the High Court, District Court, Family Court, seven Magistrates' Courts, Coroner's Court and four Tribunals), supervises the operation of the Judicial Support Office, Court Language Section, Bailiff Office, Mediation Co-ordinator's Office, Complaints Office, Court Reporters' Office, Legal Reference and Library Section and the Resource Centre for Unrepresented Litigants, manages all six departmental grades in the Judiciary, oversees the outsourcing and contract management of the DARTS and various operational reviews of the registries in all courts and tribunals. Despite the wide span of control and complexities of responsibilities involved, there is no directorate support to DJA(O). DJA(O) has been over-burdened with tasks and responsibilities and the existing set up is depriving him of paying sufficient management attention to all the sections under him.

43. In addition, some areas of work under DJA(O) are expanding. With the setting up of the Chief Justice's Working Party on Mediation, and the introduction of the Pilot Scheme of Mediation in the Lands Tribunal, DJA(O) is required to provide additional inputs to the implementation and evaluation of the Pilot Scheme. In addition, DJA(O) is required to provide directorate support to the Steering Committee on Resource Centre for Unrepresented Litigants, and ensure that any improvement measures agreed by the Steering Committee are followed through.

Alternatives considered for Proposal (2)

44. We have critically examined the alternatives of continuing with the supernumerary AOSGC post or whether the existing directorate staff can share out the duties of the proposed PEO post, but have concluded that such alternatives are not feasible. The on-going and permanent need for a directorate officer to provide steer and guidance to the Quality Division is apparent for the efficient and effective operation of the Judiciary Administration. A supernumerary post on a time-limited basis, which is mainly to cater for the interim workload arising from the implementation of the Civil Justice Reform, is not viable in meeting the long-term operational needs. The existing directorate staff are already fully stretched with responsibilities and the numerous improvement initiatives under their respective schedules, it is operationally not possible for them to take up any additional tasks without adversely affecting the discharge of their current duties. It is also highly undesirable for some functional heads to work to the Judiciary Administrator direct.

45. The job description of the proposed AJA(Q) post at PEO (D1) rank is at **Enclosure 8**.

Encl. 8

46. A proposed organization chart of the Judiciary Administration upon the implementation of these proposals is at **Enclosure 9**.

Encl. 9

FINANCIAL IMPLICATIONS

47. The proposed creation of eight JJO posts, upgrading of one JJO post and deletion of one JJO post will bring about an additional NAMS value of \$15,447,600 and an additional full annual average staff cost, including salaries and staff on-cost, of \$27,555,720.

48. The proposed upgrading and creation of directorate posts in the Judiciary Administration will bring about an additional NAMS value of \$1,428,000 and an additional full annual average staff cost, including salaries and staff on-cost, of \$1,973,160.

ADVICE SOUGHT

49. Subject to Members' views, we will seek the endorsement of the Establishment Subcommittee on 19 June 2008 and the approval of the Finance Committee on 4 July 2008.

Judiciary Administration
May 2008

Enclosure 1

**Job Description of
Justice of Appeal of the Court of Appeal of the High Court**

1. To hear appeals on civil and criminal matters from the Court of First Instance of the High Court, the District Court, the Lands Tribunal and various Tribunals and Statutory Bodies; and
2. To give rulings on questions of law referred by lower levels of courts.

Enclosure 2

**Job Description of
Judge of the Court of First Instance of the High Court**

1. To hear criminal and civil cases which are within the jurisdiction of the Court of First Instance of the High Court; and
2. To hear appeals from the Magistrates' Courts, the Labour Tribunal, the Small Claims Tribunal and the Obscene Articles Tribunal; and from masters' decisions in civil cases.

**Job Description of
Judge of the District Court
(in the Family Court)**

1. To hear and adjudicate cases which are within the jurisdiction of the District Court and Family Court.

Judicial Service Pay Scale

<u>Rank</u>	<u>Point</u>	<u>Monthly Salary</u> \$
Chief Justice, Court of Final Appeal	19	227,450
Judge, Court of Final Appeal	) 18	221,250
Chief Judge of the High Court		
Justice of Appeal of the Court of Appeal of the High Court	17	199,400
Judge of the Court of First Instance of the High Court	16	190,100
Registrar, High Court	) 15	157,050
Chief Judge of the District Court		
Senior Deputy Registrar, High Court	) 14	(151,950)
Principal Family Court Judge, District Court*		(147,550) 143,200
Judge of the District Court	) 13	(142,300)
Deputy Registrar, High Court		(138,250)
Chief Magistrate		134,300
Assistant Registrar, High Court	) 12	(130,050)
Member, Lands Tribunal		(126,250) 122,450
Registrar, District Court	) 11	(119,650)
Principal Presiding Officer, Labour Tribunal		(116,300)
Principal Adjudicator, Small Claims Tribunal		112,850
Principal Magistrate		
Deputy Registrar, District Court	) 10	(109,450)
Coroner		(106,150)
Presiding Officer, Labour Tribunal		103,150
Adjudicator, Small Claims Tribunal		

<u>Rank</u>	<u>Point</u>	<u>Monthly Salary</u> \$
Magistrate	10	(109,450)
		(106,150)
		(103,150)
	9	(95,795)
	8	(93,555)
	7	91,320
Special Magistrate	6	(70,135)
	5	(66,880)
	4	(63,780)
	3	(62,285)
	2	(60,815)
	1	59,360

* denotes proposed new rank

**Job Description of
Principal Family Court Judge, District Court**

1. To advise the Chief Justice and Chief District Judge on the development and implementation of policies and practices in relation to the Family Court, District Court;
2. To advise the Chief District Judge on how best to utilize court time and judicial resources and on how to improve listing arrangements, in consultation with District Judges sitting in the Family Court, District Court;
3. To give advice to the Chief District Judge on problems concerning the operation of the Family Court, District Court;
4. To advise on legislation affecting the Family Court, District Court;
5. To provide leadership and to co-ordinate the work of District Judges sitting in the Family Court, District Court;
6. To sit as a judge in the Family Court, District Court; and
7. To chair the Family Court Users' Committee.

**Job Description of
Deputy Registrar, District Court**

1. To discharge judicial duties by sitting as Masters, which include –
 - (i) Discharging the judicial functions which may be exercised by the Registrar, District Court;
 - (ii) Hearing interlocutory and summary applications of District Court civil cases in chambers;
 - (iii) Conducting examination of debtors, assessment of damages, taking of accounts and enquiries, interpleader trials;
 - (iv) Acting as Practice Master; and
 - (v) Taxing bills of costs.
2. To undertake case management work in the Personal Injuries List and in other cases of the civil jurisdiction in which effective case management will be developed.
3. To discharge quasi-judicial duties as follows –
 - (i) Assisting the Registrar, District Court in supervising the day to day operation of the District Court Registry;
 - (ii) Administering suitors' funds, which includes dealing with requests and applications by parents or guardians for payment out of infant's awards; and
 - (iii) Discharging the function of a commissioner for oaths.

Job Description

Post title : Assistant Judiciary Administrator (Corporate Services)

Rank : Senior Principal Executive Officer (D2)

Responsible to : Judiciary Administrator (D8)

Main Duties and Responsibilities –

1. To head the Corporate Services Division comprising the Judges and Judicial Officers Section, Human Resources and Support Staff Section, Finance Section, Accommodation Section and General Administration Section.
2. To assist in servicing the Judicial Officers Recommendation Commission and to handle appointment, conditions of service and related matters for judges and judicial officers.
3. To handle all appointment, personnel and related matters which include recruitment and promotion of the Judiciary's support staff and to oversee the management of general grades staff.
4. To formulate training policies and strategies and to allocate training resources; to advise on strategy of improving staff relations and consultation; and to oversee staff welfare work.
5. To assist in the control of the Judiciary's establishment; to provide input in the planning on manpower and succession.
6. To plan, manage and review allocation of financial resources and accounting matters, and to explore scope of productivity enhancement.
7. To plan and implement an accommodation strategy and to oversee the management of all existing and new court building projects, maintenance and related matters.

8. To co-ordinate Judiciary-wide issues, to oversee the provision of general support services to judges and judicial officers and non-judicial officers, and to formulate plans for the implementation of the service-wide policies such as equal opportunity, data privacy and green management.
9. To assist in the development and implementation of strategic plans for human resources management reforms, in particular tackling staff issues and enhancing staff participation; to help to establish a service-oriented culture and to assist in the management of human resources.

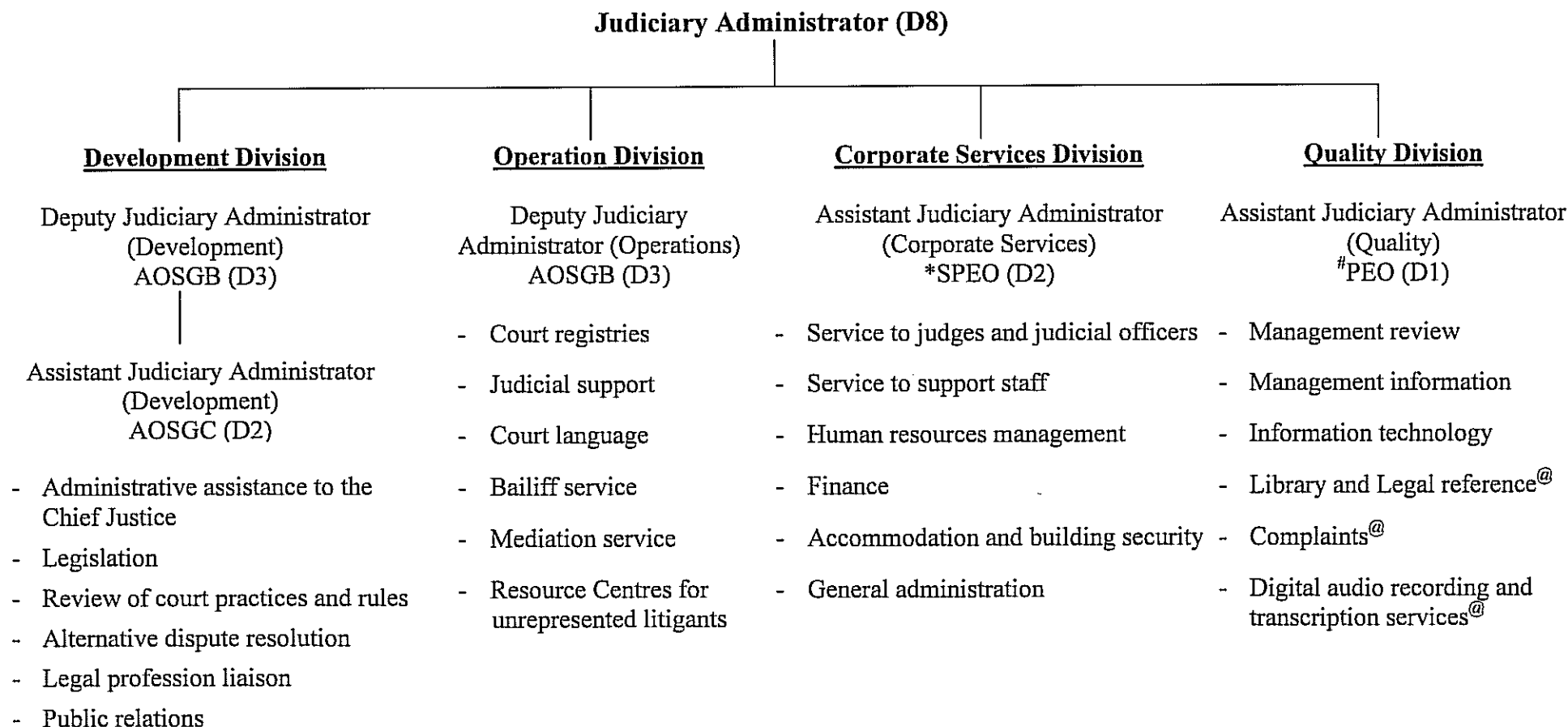
Job Description

Post title : Assistant Judiciary Administrator (Quality)
Rank : Principal Executive Officer (D1)
Responsible to : Judiciary Administrator (D8)

Main Duties and Responsibilities –

1. To head the Quality Division, comprising the Information Technology Management Section, the Management Review Section, the Management Information Section, the Legal Reference and Library Section, the Court Reporters' Office and the Complaints Office.
2. To serve as member / secretary of the Information Technology Working Group led by senior judges and to assist in policy formulation, evaluation and implementation of new strategies and enhancement initiatives.
3. To monitor the quality of service and compliance of the Information Technology service provider which covers all computer systems supporting the operations of the Judiciary as well as other IT contractors; and to develop and implement information technology proposals to enhance support for judicial functions and streamline work processes.
4. To plan and conduct management and efficiency reviews and improvement initiatives and to monitor the implementation of recommendations arising therefrom.
5. To maintain and enhance a strategic management information system which delivers statistical and analytical reports to facilitate policy and management decision making and efficient deployment of resources.
6. To oversee the provision and enhancements of legal referencing services in both paper-based and electronic forms for judges and judicial officers, the legal profession and other court users.
7. To supervise the processing and investigations of complaints received and to make recommendations for improvement where appropriate.
8. To oversee the provision of effective and efficient digital audio recording and transcription services at all levels of courts and tribunals through monitoring the quality of service and performance of service providers.

Proposed Organization Chart of Judiciary Administration



* Post to be upgraded from PEO to SPEO.

New post to be created.

@ Proposed transfer of responsibilities from DJA(O) to AJA(Q).