



司法機構政務處

Judiciary Administration

電話 Tel: 2825 4260
傳真 Fax: 2121 1985
本函檔號 Our Ref.: JUD CR 1-55/1 Pt. 7
來函檔號 Your Ref.:

17 December 2015

Ms Mary So
Clerk to Panel on Administration
of Justice and Legal Services
Legislative Council Complex
1 Legislative Council Road
Central
Hong Kong

Dear Ms So,

Panel on Administration of Justice and Legal Services
Follow-up to meeting on 23 November 2015

I refer to the list of follow up actions arising from the meeting of the Panel on Administration of Justice and Legal Services (“AJLS Panel”) held on 23 November 2015. The Judiciary Administration was requested to provide the following information requested by Members:

- (A) Progress of the review on retirement ages of judges and judicial officers and when the review was expected to be completed; and
- (B) Suggestion on expanding the Scheme on Judicial Assistants to provide assistance to judges other than appellate judges in CFA and CA.

2. The requested information is provided in the following paragraphs.

(A) Progress of review on retirement ages of judges and judicial officers (“JJOs”) and when the review is expected to be completed

3. The Chief Justice has set up an internal Working Group on Retirement Ages of Judges and Judicial Officers (“the Working Group”) chaired by a Permanent Judge of the Court of Final Appeal, to conduct a comprehensive study and make recommendations on whether changes to the statutory retiring ages of JJOs should be made.

4. The Working Group has considered carefully as to how the matters should be taken forward. Given the complexity of the issues : JJOs at different levels of court have different retirement ages and different extension of term of office as prescribed under relevant ordinances, and have the option of applying for early retirement, any proposed changes to the existing retiring ages and whether they will be applicable to serving JJOs and to different levels of court will have much impact on the manpower situation at different court levels, including elevation and retention of JJOs at different court levels, intake of new blood, etc. Having regard to the complexity of the issues involved and there are areas where the Judiciary does not have the expertise and experience in, such as conducting surveys with a view to gauging views from different stakeholders particularly from those outside the Judiciary for analysis, assessing manpower and financial implications arising from different scenarios etc., the Working Group has decided to engage a consultant with highly specialized expertise and multi-disciplinary experiences for the provision of consultancy study for reviewing the statutory retiring ages of JJOs at all levels of courts. Moreover, an external consultant will be in a better position to tackle the divergent views impartially and to provide objective analyses and independent assessments in the study.

5. The Judiciary will give steer to the consultant on the study. For such purpose, a Steering Group chaired by the Chief Judge of the High Court has been set up under the Working Group to work closely with the consultant.

6. A consulting firm has just been engaged by the Judiciary to carry out the consultancy study. The consultant will conduct a comprehensive study on all relevant statutory retirement ages of JJOs at all levels of court for analysis, and, based on the findings and results, to make recommendations on whether and what changes should be recommended for the JJOs’ statutory retirement ages, and to assess the possible implications, including financial assessment and identify any related issues which may arise from different scenarios of JJOs’

retiring ages at all levels of court. The consultant has already commenced preparatory work for the study and will submit an inception report on how to go about the study to the Judiciary in early 2016, setting out the recommended approach with detailed methodology for collecting views from all relevant stakeholders, particularly from those outside the Judiciary through surveys, interviews and focus group discussions, etc. Upon completion of the inception report, the Judiciary will have a better plan of where to go and depending on the extent of the review, it is expected to be completed at the latest in 2017.

(B) Suggestion on expanding the Scheme on Judicial Assistants to provide assistance to judges other than appellate judges in CFA and CA

7. The Judiciary started in 2010 the Scheme on Judicial Assistants (“JDAs”) to provide assistance to appellate judges in the Court of Final Appeal (“CFA”) and Court of Appeal of the High Court (“CA”) in the discharge of their duties. The JDA Scheme has been proven a success in the past five years from 2010 to 2014.

8. In early 2015, the Judiciary has reviewed the JDA Scheme. With a view to enhancing support for appellate judges, it has been decided that starting from 2015, the CFA and the High Court will have separate schemes for providing assistance to their judges and will conduct separate recruitment exercises for such purposes.

9. The JDA Scheme continues to operate for the CFA and dedicated JDAs are recruited to assist in the work of the CFA only. Five JDAs have been appointed in September 2015.

10. For the High Court, a new scheme on Judicial Associates has been separately launched in 2015 to engage legally qualified assistants for providing various legal and professional support to Judges of the High Court. Under the scheme -

- (a) Judicial Associates (General) provide assistance in general and civil work in the High Court, with priority given to the work in the CA. They may also assist in the work of the Court of First Instance and that of the Competition Tribunal where necessary. Four Judicial Associates (General) have been appointed in September 2015; and

- (b) Judicial Associates (Criminal Appeals) provide assistance to Justices of Appeal in hearing criminal appeals. A total of four Judicial Associates (Criminal Appeals) have been appointed in October and December 2015.

11. In addition, it is relevant to mention that the Judicial Institute will provide continued support to JJOs at all levels of court on matters relating to judicial training, legal research and production/updating of manuals and directions etc. for enhancing their judicial skills and knowledge.

12. In this regard, an Executive Body ("EB") is being set up under the Judicial Institute to provide dedicated legal and professional support to all JJOs. The EB will be staffed by ten legally qualified professionals comprising the Executive Director (Judicial Institute) ("ED(JI)") as its head, three Directors and six Counsel. The ten legally qualified professionals of the EB will be engaged by phases to provide dedicated legal and research support to JJOs. The Judiciary will keep in view the setting up of the EB and the recruitment of its professional staff.

Yours sincerely,



(Mrs Connie Ngan)
for Judiciary Administrator