

**The Judiciary Administrator's Speaking Notes  
at the Special Finance Committee Meeting  
on 3 April 2017**

---

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. In the financial year 2017-18, a total provision of \$1,762.7 million is sought to enable the Judiciary to discharge its responsibilities.

**2017-18 Draft Estimates**

2. In accordance with the budgetary arrangements agreed between the Judiciary and the Government in 2005, the Judiciary submitted its resource requirements for 2017-18 to the Government in August 2016, prior to the Government's drawing up of the 2017-18 budget for the Judiciary. The Judiciary considers that the above budgetary arrangements have been working satisfactorily, and that the Government has been helpful in the process.

3. The draft Estimates of 2017-18 for the Judiciary, amounting to \$1,762.7 million, represents an increase of \$239.4 million, or 15.7%, over our revised estimates for 2016-17. The Judiciary will be provided with the financial resources required for the creation of 14 additional judicial posts and 39 net additional non-judicial civil service posts, filling of existing judicial and non-judicial vacancies, implementing the enhancements to the conditions of service for all Judges and Judicial Officers ("JJOs") as approved by the Chief Executive-in-Council in late 2016, and provision of additional operating expenses to strengthen court operation, facilitate the implementation of the Information Technology Strategy Plan ("ITSP") and enhance administrative support on the various fronts of the Judiciary.

**Judicial Manpower**

4. The establishment of judicial posts now stands at 200. For the current financial year, with the support of the Government by providing the necessary financial resources, the Judiciary proposes to create 14 additional judicial posts which include:

- (a) Four District Judge ("DJ"), three Deputy Registrar, District Court ("DR/DC"), and two Adjudicator ("Adj") posts to cope with the increase in workload arising from the proposed implementation of the revised civil

jurisdictional limits of the District Court (“DC”) and the Small Claims Tribunal (“SCT”);

- (b) Two DR/DC posts to strengthen support for the DC Masters’ Office; and
- (c) One Magistrate post for the new West Kowloon Magistrates’ Courts and two additional Adj posts for the SCT to cope with the operational requirements of the respective courts/tribunals at the new West Kowloon Law Courts Building.

Steps will be taken to seek the Legislative Council’s approval for the creation of the 14 additional judicial posts in due course.

5. Over the past years, the Judiciary has been launching open recruitment exercises for filling judicial vacancies at appropriate timing, having regard to the overall judicial manpower situation and operational needs for different levels of courts:

- (a) At the Judge of the Court of First Instance of the High Court (“CFI”) level, the Judiciary conducted four open recruitment exercises on a more regular basis since 2012. A total of 20 CFI Judge appointments were made since 2012;
- (b) For the DJs, two rounds of open recruitments were completed in 2012 and 2016. A total of 28 judicial appointments were made so far as a result; and
- (c) The last open recruitment exercises for Permanent Magistrates and Special Magistrates launched in February 2014 were completed. 17 Permanent Magistrates and five Special Magistrates were appointed as a result. A new round of recruitment exercise for Permanent Magistrates has been launched in end 2016 and is in progress.

6. The Judiciary has been experiencing persistent recruitment difficulties at the CFI level. It is clear that even with the latest round of recruitment exercise for CFI Judges, not all the vacancies at this level can be filled.

7. During the past three years or so, the Judiciary has been conducting a number of reviews to address the recruitment difficulties of CFI Judges as well as the long-term needs of the whole of the Judiciary. One of these is the review on the conditions of service of JJOs. Upon completion of the review, the Judiciary wrote to the Government in January 2016 proposing a number of enhancements to the conditions of service for JJOs. With the support of the Standing Committee on Judicial Salaries and Conditions of Service (“Judicial Committee”), the proposed enhancements have been approved by the Chief Executive-in-Council for commencement with effect from 1 April 2017.

8. The Judiciary is also pleased to note that, pursuant to the 2015 Benchmark Study on the Earnings of Legal Practitioners in Hong Kong and also an annual review of the judicial pay for 2016-17, the Government has accepted the Judicial Committee’s recommendations to adjust upwards the judicial pay at all levels of courts, with additional increases for Judges at the CFI level and above. We thank the Finance Committee of the Legislative Council for approving the proposed judicial pay adjustments at its meeting on 11 February.

9. It is hoped that the adjusted pay together with the enhanced packages for JJOs will have a positive impact on recruiting and retaining the best possible talents to serve as JJOs. We are most grateful for the full support the Judiciary has all along received from the Government, the Judicial Committee and the Legislative Council on the matter.

10. Another review underway is on the statutory retirement ages of JJOs. For this review, the Judiciary has engaged a consultant to carry out a consultancy study to review the retirement ages of JJOs at all levels of courts. The consultant has conducted questionnaire survey, focus group discussions and interviews to collect views from stakeholders both within and outside the Judiciary. It also conducted research on practices in other common law jurisdictions. The consultant is expected to submit its Final Report to the Judiciary around mid-2017 and the Judiciary will consider the consultant’s report and make a submission to the Government at an appropriate juncture.

11. For the year 2017-18 and as far as judicial manpower is concerned, the Judiciary will aim to seek the Legislative Council’s approval for the creation of 14 additional judicial posts, press ahead with the recruitment of permanent magistrates, implement the enhancements to the conditions of service for JJOs, submit a report to the Government on the review on the statutory retirement ages of JJOs, and continue to keep in

view of the judicial manpower situation while engaging deputy JJOs in the meantime as far as practicable in helping to meet pressing operational needs.

### **Non-Judicial Manpower**

12. In 2017-18, on top of meeting the on-going operational needs in discharging its responsibilities on all fronts, the Judiciary will continue to enhance administrative support in respect of a number of major initiatives. To this end, a net additional of 39 civil service posts will be required.

13. First, the Judiciary proposes to create a supernumerary Principal Executive Officer (“PEO”) post to enhance administrative support for formulating and implementing an accommodation strategy for the Judiciary in the long term. The High Court is facing an acute shortage of courtrooms, chambers and supporting facilities. The situation is similar for the DC (including the Family Court) and the Lands Tribunal. For this purpose, the Judiciary is exploring with the Government proposals to meet the long-term accommodation needs of the High Court and the DC. For this purpose, a supernumerary PEO post at D1 level for three years will need to be created to provide directorate and strategic support to such planning.

14. To support the proposals to increase the various jurisdictional limits of the DC and the SCT, additional support staff posts would be created for providing the necessary support to cope with the projected increase in caseload arising from the proposed increase in the civil jurisdictional limits of the DC and the SCT.

15. Furthermore, additional/continuous staffing support will be required for many new and on-going initiatives. These include:

- (a) Providing necessary support to the additional judicial posts to be created to cope with the increase in workload of the Masters’ Office of the DC;
- (b) Continuous/Enhanced administrative support to facilitate the implementation of the ITSP; and
- (c) Enhanced court/administrative support for coping with increased workload or enhancement of services in various areas.

## **The Way Forward**

16. The Judiciary will be consulting the Panel on Administration of Justice and Legal Services on the proposed 14 permanent judicial and one supernumerary PEO posts before submitting the proposals to the Establishment Subcommittee for endorsement and the Finance Committee of the Legislative Council for approval. The Judiciary looks forward to receiving Members' support.

## **Conclusion**

17. The Judiciary will continue to explore areas for improvement to enhance access to justice and to provide quality services to court users and members of the public.

18. Thank you.