

**The Judiciary Administrator's Speaking Notes  
at the Special Finance Committee Meeting  
on 16 April 2018**

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The Judiciary has the constitutional responsibility to administer justice fairly and impartially. In the financial year 2018-19, a total provision of \$1,901.8 million is sought to enable the Judiciary to discharge its responsibilities.

**2018-19 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 2018-19 to the Government in August 2017, prior to the Government's drawing up of the 2018-19 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 2018-19 for the Judiciary, amounting to \$1,901.8 million, represents an increase of \$201.6 million, or 11.9%, over our revised estimates for 2017-18. The Judiciary will be provided with the financial resources required for the creation of four additional judicial posts and 33 net additional non-judicial civil service posts, filling of existing judicial and non-judicial vacancies, 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 214. For the current financial year, with the support of the Government by providing the necessary financial resources, the Judiciary proposes to create four additional judicial posts of Deputy Registrar, High Court to strengthen support for the Masters' Office of the High Court to cope with its increased workload. Steps will be taken to seek the Legislative Council's approval for the creation of the four 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 of the different levels of courts:

- (a) at the Judge of the Court of First Instance of the High Court (“CFI”) level, the Judiciary has conducted four open recruitment exercises on a more regular basis since 2012. A total of 20 CFI Judge appointments have been made since 2012;
- (b) for the District Judge level, two rounds of open recruitment launched in 2011 and 2016 were completed. A total of 31 judicial appointments were made as a result; and
- (c) three rounds of open recruitment exercises for Permanent Magistrates have been conducted since 2011. A total of 41 Permanent Magistrates were appointed as a result.

The Judiciary is now planning to launch a new round of open recruitment exercises for CFI Judges, District Judges and Permanent Magistrates starting from mid-2018 with a view to filling judicial vacancies at various levels of courts.

6. To address the persistent recruitment difficulties at the CFI level as well as the long-term needs of the whole of the Judiciary, the Judiciary has completed the review on the conditions of service for JJOs. With the support of the Government, enhancements to five areas in the conditions of service for JJOs, including housing benefits, medical and dental benefits, Local Education Allowance, Judicial Dress Allowance and transport service for leave travel have been implemented with effect from 1 April 2017. The Judiciary hopes that this would have a positive impact on the new rounds of recruitment exercises to be launched shortly.

7. Another review on the statutory retirement ages of JJOs has also been completed. The Judiciary wrote to the Government in end 2017 making recommendations on the extension of the retirement ages for JJOs. It is proposed that:

- (a) for Judges at the CFI level and above, the relevant retirement age be extended from 65 to 70;
- (b) notwithstanding the retirement age for Judges of the District Court remaining at 65, there be allowance for an extension of the term of service beyond this age, which is not available at present; and
- (c) the retirement age for Magistrates be increased from 60 to 65.

8. The Judiciary envisages that extending the retirement ages of JJOs would have a positive impact on attracting quality candidates who are in private practitioners to join the Bench at the later stage of their career life, in particular at the CFI level, and also on retaining experienced judicial manpower where appropriate. Subject to the acceptance by the Government of the Judiciary's proposals, legislative amendments need to be effected before the proposals are implemented. It is hoped that the revised retirement ages can be implemented within the next two years.

9. For the year 2018-19 and as far as judicial manpower is concerned, the Judiciary will aim to seek the Legislative Council's approval for the creation of four additional judicial posts, proceed to launch a new round of open recruitment of JJOs at different levels of courts, follow up on the proposals to extend the statutory retirement ages of JJOs, and continue to keep in view of the judicial manpower situation while engaging deputy JJOs in the meantime in helping to meet pressing operational needs as far as practicable.

### **Non-Judicial Manpower**

10. In 2018-19, 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 addition of 33 civil service posts will be required.

11. First, the Judiciary proposes to create a permanent Principal Executive Officer ("PEO") post to enhance support to the Deputy Judiciary Administrator (Operations) ("DJA(O)")'s Office of the Operations Division of the Judiciary Administration. At present, there is no directorate support to the DJA(O) on the operational and policy issues despite the wide span of control and complexities of responsibilities involved. For this purpose, a permanent PEO post at D1 level will need to be created to support the DJA(O) by relieving her from the day-to-day operational and administrative work at the directorate level so that she can focus on the more strategic policy matters and longer term planning in response to the rapidly changing environment.

12. To continue providing support for the Development Office of the Development Division of the Judiciary Administration, we also propose to extend a supernumerary Administrative Officer Staff Grade C ("AOSGC") post for three years from 27 November 2018 to 26 November 2021. The supernumerary post was approved by the Finance Committee of the Legislative Council on 27 November 2015 for creation for three years. Given the complexity and scale of the various key legislative amendment exercises and the many other initiatives such as organization of major events, we consider it necessary for the supernumerary AOSGC post at D2 level be retained and extended for three years till November 2021.

13. 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 High Court;
- (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**

14. The Judiciary will consult the Panel on Administration of Justice and Legal Services on the proposed creation of four permanent judicial posts and the proposed creation/extension of two directorate 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**

15. 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.

16. Thank you.