

**For discussion
on 18 July 2018**

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

**Proposed Creation of Judicial Posts and
Proposed Creation and Retention of Directorate Posts in the Judiciary**

PURPOSE

This paper seeks Members' views and support on the Judiciary's proposals to -

- (I) Creation of judicial posts
 - (a) create four permanent judicial posts of Deputy Registrar, High Court ("DR/HC") (JSPS 13) to enhance the establishment of judicial manpower at the Masters' Office of the High Court ("HC") with immediate effect upon approval by the Finance Committee ("FC");
- (II) Creation and retention of civil service directorate posts
 - (b) create one permanent Principal Executive Officer ("PEO") post (D1) to enhance support to the Deputy Judiciary Administrator (Operations)'s ("DJA(O)") Office of the Operations Division ("Ops Division") of the Judiciary Administration ("Jud Adm") with immediate effect upon approval by FC; and
 - (c) retain one supernumerary Administrative Officer Staff Grade C ("AOSGC") post (D2) for three years from 27 November 2018 or with immediate effect upon approval by the FC, whichever is later, to continue providing support for the Development Office ("Dev Office") of the Development Division ("Dev Division") of the Jud Adm.

I. CREATION OF ADDITIONAL JUDICIAL POSTS

PROPOSALS

2. The Judiciary proposes to create four posts of DR/HC (JSPS 13) in the Judiciary to strengthen the establishment of the Masters' Office of the HC to cope with its heavy workload.

JUSTIFICATIONS

3. The Registrar, Senior DRs and DRs of the HC are judicial officers working in the Masters' Office of the HC who deal with all aspects of a civil action from its issue until it is ready for trial by a HC Judge. After the trial, they deal with applications such as taxation of costs and enforcement of judgements, etc. On a daily basis, they are responsible for conducting hearings on interlocutory applications, bankruptcy and companies winding up matters, case management summonses, etc.; dealing with paper applications under the various portfolios such as Jury services, Admiralty Law, Liquidators' Bills, Insolvency Law and Probate matters; and performing court administration duties and taxing of bill of costs from the solicitors and litigants. In addition, they hear legal aid appeals as provided under the relevant legislation.

4. Since April 2013, the Masters' Office of the HC has an establishment of 11 posts comprising one Registrar, four Senior DR and six DR posts. Nonetheless, to cope with the increasing workload arising from the functions as mentioned in paragraph 3 above and cater for the need for expanded areas of work arising from the implementation of new Practice Directions, additional judicial manpower has been deployed and engaged to sit as Temporary DRs. The total number of Judges and Judicial Officers ("JJOs"), both substantive and temporary, deployed to sit in the Masters' Office of the HC has increased over the past few years from 11 in April 2013 to 16 since April 2017. The Judiciary considers that the need for these five additional JJOs will continue for the following reasons -

- (a) there has been an increase in the number and complexity of various hearings conducted by the Registrar, Senior DRs and Temporary DRs, and they need also more time to prepare for the hearings and to process the paper applications made by parties before and after hearings. As a result, additional judicial manpower needs to be deployed to prevent backlog from building up;

- (b) in the light of various measures to enhance the case management functions of the HC, three Temporary DRs are required to take up the new duties due to the new procedures adopted for processing criminal appeals, civil appeals and criminal listing as required under the relevant Practice Directions; and
- (c) in addition to their judicial duties, Registrar and some DRs have certain administrative duties such as court administration including overseeing court registries, and provision of policy and research support to reviews of court procedures, e.g., the review of Family Procedure Rules.

5. It is noted that the proposed revision of civil jurisdictional limits of the District Court (“DC”)¹ would divert some of the civil cases from the HC to the DC, thereby reducing the judicial manpower requirement of the Masters’ Office of the HC. It is envisaged that the reduction of requirement would be about one DR/HC. Hence, the Judiciary considers it necessary to rationalise the manpower situation of the Masters’ Office of the HC by creating four permanent DR/HC posts. The job description of the DR/HC is at Annex A.

Annex A

II. CREATION AND RETENTION OF DIRECTORATE POSTS

PROPOSALS

6. The Judiciary proposes to -
- (a) create one permanent PEO post (D1) to enhance support to the DJA(O)’s Office of the Ops Division of the Jud Adm; and
 - (b) retain one supernumerary AOSGC post (D2) for three years from 27 November 2018 or with immediate effect upon approval by the FC, whichever is later, to continue providing support for the Dev Office of the Dev Division of the Jud Adm.

JUSTIFICATIONS

7. The Chief Justice of the Court of Final Appeal (“CJ”) is the head of the Judiciary and is charged with the administration of the Judiciary under the Hong Kong Court of Final Appeal Ordinance (Cap. 484). In discharging his

¹ On 27 June 2018, the Legislative Council (“LegCo”) approved by resolution to increase the general civil jurisdictional limits of the DC from \$1 million to \$3 million.

administrative responsibilities, the CJ is assisted by, among others, the Judiciary Administrator and staff in the Jud Adm.

8. Enhanced administrative support at the directorate level is required for the Jud Adm having regard to its operational needs.

(A) Creation of a permanent PEO post

9. At present, the DJA(O) (at Administrative Officer Staff Grade B (“AOSGB”) (D3) level) who heads the Ops Division of the Jud Adm has a very wide span of control comprising a total of about 1 400 staff under six sections/offices. She oversees the operational policies, day-to-day operation, procedures and practices of court registries at all court levels; supervises the operation of the Support to Judges Section, the Information Technology Office, the Court Language Section, the Bailiff Section, the Mediation Section and the Resource Centre for Unrepresented Litigants; and manages five Judiciary grades in the Jud Adm.

10. The DJA(O) is only supported by two directorate officers at D1 rank (one Chief Systems Manager and about 50% of one PEO viz. Assistant Judiciary Administrator (Quality and Information Technology) (“AJA(Q&IT)”²) regarding the information technology portfolio, and there is no directorate support to the DJA(O) on the operational and policy issues in respect of the other aspects of her portfolio. The DJA(O) has been overburdened with prevailing day-to-day tasks and responsibilities, and the existing set up is depriving her of the capacity to respond effectively to new operational challenges and to pay sufficient management attention to all the sections under her purview.

11. The situation has been getting more acute in recent years, given the Judiciary has been facing many new operational challenges on many fronts. To ensure smooth operation of business under her purview, the DJA(O) requires enhanced directorate support in the following areas -

- (a) the Judiciary is committed to taking forward two mega court building projects, namely, to relocate the HC Building and to develop a new complex to house the DC, the Family Court and the Lands Tribunal. The two mega projects require many forward-looking planning, project management and coordination work, both internally within the Judiciary and with court users externally. DJA(O) is responsible for overseeing the strategic planning and coordination of all users’

² Not entirely as the AJA(Q&IT) also works to the Judiciary Administrator direct on other Quality Division subjects.

requirements for these two mega projects, and in this regard, enhancement of support at the directorate level is critical to ensure that the planning and implementation of the projects meet the long-term operational needs of all internal and external court users;

- (b) there are many ongoing initiatives undertaken by the Judiciary to ensure that operational challenges are met. All of these have important operational implications requiring the DJA(O) to provide strategic inputs and follow through to ensure that all sections of the Jud Adm work in synergy to support the smooth implementation of various initiatives. For example, DJA(O) is required to provide strategic coordination and support for the management of high profile cases which attract much public and media attention, the review and implementation of measures in enhancing court security in all Judiciary premises, the planning and implementation of logistical measures in support of new requirements under Practice Directions, etc. Enhanced administrative support at the directorate level is required for the DJA(O) in this regard; and
- (c) in addition, the present extensive span of control of the DJA(O) has proved to be difficult for her to give effective attention to the day-to-day issues, staff management issues and strategic operational issues at the same time. For staff management in particular, her span of control is simply too wide to give individual officers under her direct supervision (who are at or below Master Pay Scale Points 45 to 49) the level of attention and supervision required. There is a strong need for enhanced directorate support to the DJA(O) to relieve her from the more operational tasks requiring detailed ground work, such as the overall grade management and other management work involving multi-disciplinary teams and efforts, so that she could focus more on the strategic and long-term planning and operational issues in response to the rapidly changing environment.

12. In view of the imminent operational need to take forth various projects and initiatives in the pipeline, since end December 2017, a supernumerary PEO post³ has been created in the Jud Adm to enhance directorate support to the DJA(O) in the interim. Subject to the endorsement of

³ With the endorsement of the CJ and the support of the General Grades Office and approval of the Civil Service Bureau, a supernumerary PEO post was created on 27 December 2017 under delegated authority by holding against a vacant post at the Principal Magistrate rank on a temporary basis to urgently provide directorate and strategic support to the DJA(O) on various projects and initiatives in the pipeline. This stop gap arrangement pending the approval of the FC for the creation of the permanent PEO post has not had any practical effects on the judicial manpower position of the Judiciary, as the Principal Magistrate post had previously been frozen as a result of the closure of a former Magistrates' Courts.

the Establishment Subcommittee and approval of the FC of the LegCo on the proposed creation of this permanent PEO post, the supernumerary PEO post created under delegated authority to provide the necessary manpower in the interim shall lapse.

Annexes
B and C

13. The revised job description of the DJA(O) and the job description of the proposed PEO post, designated as Assistant Judiciary Administrator (Operations), are at **Annexes B and C** respectively.

(B) Retention of a supernumerary AOSGC post

14. The Dev Division of the Jud Adm is headed by the Deputy Judiciary Administrator (Development) (“DJA(D)”) ⁴ at AOSGB (D3) level. She is currently underpinned by one permanent Assistant Judiciary Administrator (Development)1 (“AJA(D)1”) post and one supernumerary Assistant Judiciary Administrator (Development)2 (“AJA(D)2”) post, both at AOSGC (D2) level, to steer and supervise the work of the Dev Office. The AJA(D)2 post was approved by the FC of the LegCo on 27 November 2015 for creation for three years from 27 November 2015 to 26 November 2018 to strengthen support at the Dev Office to ensure smooth and timely implementation of various key legislative amendment exercises. At that time, the Judiciary undertook to review the continued need for the AJA(D)2 post in good time.

15. The Dev Office is responsible for taking forward the legislative amendment exercises within the Judiciary. Having comprehensively reviewed the workload and operational needs of the Dev Office, the Judiciary considers it essential to retain the AJA(D)2 post for another three years. The reasons are as follows -

- (a) the Judiciary is currently taking forward the necessary legislative work for the implementation of the recommendations in the Final Report on the Review of Family Procedure Rules, which comprises the enactment of a new Ordinance providing the necessary legislative framework for the making of the self-contained family procedure rules, and amending many other pieces of existing principal legislation and subsidiary legislation in the light of the reforms. It is a massive exercise involving extensive, complicated and highly technical legislative amendments. Over the past three years, the AJA(D)2 has been actively involved in overseeing the legislative work in consultation with the JJOs at the HC and the Family Court, and other stakeholders internally and externally, to iron out the legal, policy and

⁴ The DJA(D) also heads the CJ’s Private Office and the Press and Public Relations Office. About 50% of her time is spent on providing administrative support to the CJ, and about 50% is spent on the work of the Dev Division.

operational issues identified during the drafting process of the legislative provisions and the Practice Directions concerned. Steady progress has been made so far. It is expected that the legislative work will become more intensive in the next three years as the legislative provisions will need to be finalised and made ready for consultation, and eventually put to the LegCo for scrutiny. Extensive consolidation work, analysis of views collected during the consultation exercise, and liaison with various internal and external stakeholders at senior levels for reviewing and refining the proposals will be necessary;

- (b) the Judiciary maintains regular exchanges with the judiciaries of other jurisdictions. Over the past few years, more exchange activities were conducted and attended by the Judiciary. In this regard, the duties of the AJA(D)2 have been extended to provide directorate support for overseeing major events and exchange activities with other jurisdictions. In particular, the Judiciary will host the 18th Conference of Chief Justices of Asia and the Pacific in Hong Kong in 2019. This event will likely involve the attendance of over 30 Chief Justices from the Asia Pacific region. AJA(D)2 will need to continue providing steer over the organisation of these major events; and
- (c) it should be pointed out that the AJA(D)1 does not have the capacity to take on the duties of the AJA(D)2. AJA(D)1 has all along been heavily engaged in the legislative work relating to the implementation of the Information Technology Strategy Plan in the Judiciary. In addition, she needs to provide directorate support to take forward the urgent legislative amendments in relation to the revisions of retirement ages of the JJOs.

16. It is clear that the workload for the Dev Office will still be very heavy in the coming three years or so. Given the complexity and scale of the various legislative amendment exercises and the need for the Office to have intensive direct discussions with internal and external stakeholders at various levels (including very senior ones) for all legislative amendment exercises, exchange activities and event organisation, the Judiciary considers it essential that the supernumerary AJA(D)2 post should be retained. We suggest that the existing supernumerary AOSGC post should be retained for at least three years from 27 November 2018 or with immediate effect upon approval by the FC, whichever is later.

Annex D 17. The job description of the AJA(D)2 post is at **Annex D**.

FINANCIAL IMPLICATIONS

18. The proposed creation of four permanent judicial posts of DR/HC (JSPS 13) will bring about an additional notional annual salary cost at mid-point of \$10,024,800. The additional full annual average staff cost, including salaries and staff on-costs, is \$13,957,000.

19. The proposed creation of one permanent PEO post and retention of one supernumerary AOSGC post will bring about an additional notional annual salary cost at mid-point of \$3,859,800 as follows -

Post	Notional annual salary cost at mid-point \$	No. of posts
AOSGC (D2)	2,094,600	1
PEO (D1)	1,765,200	1
Total	<u>3,859,800</u>	<u>2</u>

The additional full annual average staff cost, including salaries and staff on-costs, is \$5,377,000.

20. The Judiciary has included sufficient provision in the approved 2018-19 Estimates to meet the cost of the staffing proposals mentioned in this paper and will reflect the resources required in the Estimates of subsequent years.

ADVICE SOUGHT

21. Members are invited to give their views on and support to the proposals as set out in paragraphs 2 and 6 above.

WAY FORWARD

22. Subject to Members' views and support, the Judiciary intends to submit the proposals to the Establishment Subcommittee for endorsement and the FC for approval. The Judiciary hopes to implement the proposals as soon as practicable.

The Judiciary
July 2018

Job Description

Post title : Deputy Registrar, High Court

Rank : Deputy Registrar, High Court (JSPS 13)

Responsible to : Registrar, High Court (JSPS 15)

Major Duties and Responsibilities –

1. To discharge judicial duties by sitting as Masters, which include –
 - (a) hearing interlocutory and summary applications of High Court civil cases in chambers;
 - (b) discharging judicial duties which are within the jurisdiction of the Competition Tribunal;
 - (c) conducting examinations of debtors, assessment of damages, taking of accounts and enquiries, interpleader trials and uncontested bankruptcy and winding up applications in court;
 - (d) conducting hearings in connection with probate applications and administration of estates;
 - (e) dealing with paper applications under the various portfolios related to Jury services, Admiralty Law, Liquidators' Bills, Insolvency Law, Probate, etc.;
 - (f) handling default judgment applications;
 - (g) taxing bills of costs; and
 - (h) acting as Practice Master.
2. To undertake case management work in the Personal Injuries List and other areas to which effective case management will be developed and expanded.

3. To discharge statutory and administrative duties such as –
 - (a) acting as Probate Master and Official Administrator. This involves issuing grants of representation and supervising the operation of the Probate Registry;
 - (b) administering suitors funds. This includes dealing with requests and applications by parents or guardians for payment out of infant's awards;
 - (c) overseeing the compilation of the Jury List and administering the jury system as prescribed by the Jury Ordinance (Cap. 3);
 - (d) taking evidence on commission in foreign proceedings;
 - (e) hearing appeals from decisions of Director of Legal Aid;
 - (f) dealing with works of various committees set up by the Judiciary; and
 - (g) conducting legal research for various reviews of court procedures.
4. To undertake general administrative work.

Revised Job Description

Post title : Deputy Judiciary Administrator (Operations)

Rank : Administrative Officer Staff Grade B (D3)

Responsible to : Judiciary Administrator (D8)

Major Duties and Responsibilities –

1. To oversee the provision of effective court support service to Judges and Judicial Officers (“JJOs”) at all levels of courts, including overseeing the management of high profile cases.
2. To oversee the launch of the Information Technology Strategy Plan for the Judiciary and monitor the progress of implementing different stages of the plan.
3. To provide overall steer to various major projects and legislative exercises with operational implications, such as relocation of the High Court and District Court and implementation of the increases in the jurisdictional limits of the District Court and the Small Claims Tribunal.
4. To direct the overall strategy for efficient operation of registries at all levels of courts as well as to follow through any changes to court procedures and practices affecting the operation of the registries.
5. To oversee the management and development of different grades/sections of the Judiciary, including the Judicial Clerk, Court Interpreter, Tribunal Officer, Bailiff and Bailiff’s Assistant grades; the Information Technology Offices, and the Support to Judges, Court Language, Bailiff and Mediation Sections; as well as to provide strategic steer on issues or development relating to these few grades/sections.
6. To oversee the development of the provision of services for unrepresented litigants.
7. To support JJOs on the work of various court users’ committees.

Job Description

- Post title** : Assistant Judiciary Administrator (Operations)
- Rank** : Principal Executive Officer (D1)
- Responsible to** : Deputy Judiciary Administrator (Operations) (“DJA(O)”) (Administrative Officer Staff Grade B) (D3)

Major Duties and Responsibilities –

1. To provide strategic inputs in the overall management and coordination of strategic projects and operational issues which may involve various teams of the Operations Division, such as the proposed mega court building projects, implementation of various reviews, including enhancement in court security measures and implementation of new Practice Directions.
2. To be responsible for the management, reviews and day-to-day operation of the Court Language Section, the Bailiff Section and the Mediation Section of the Operations Division to ensure the provision of effective and efficient services in support of court operations.
3. To support DJA(O) in the management and development of different grades of the Judiciary, including the Court Interpreter, Bailiff and Bailiff’s Assistant grades.
4. To support Judges and Judicial Officers (“JJOs”) on the implementation of initiatives and changes relating to promotion of mediation.
5. To support JJOs on the work of various Court Users’ Committees.
6. To perform any other duties as assigned by supervisors.

Job Description

Post title : Assistant Judiciary Administrator (Development)2
Rank : Administrative Officer Staff Grade C (D2)
Responsible to : Deputy Judiciary Administrator (Development)
(Administrative Officer Staff Grade B) (D3)

Major Duties and Responsibilities –

1. To take forward various extensive, complicated and sensitive legislative and policy proposals initiated by the Judiciary on changes relating to the court rules, systems, practices and procedures for various levels of courts and tribunals. Major tasks include the review of family procedure rules.
2. To take forward other legislative exercises initiated by the Judiciary, including on-going operational improvements to the court procedures and processes.
3. To examine and take forward major legislative and policy proposals concerning the Judiciary as put forward by the Government.
4. To examine legislative proposals put forward by legal professional bodies.
5. To provide administrative support for some of the statutory and non-statutory committees in the Judiciary, such as the various rules committees.
6. To oversee and steer exchange activities with other jurisdictions and organisation of major events; and coordinate the Judiciary's participation in the various legal training programmes organised by local universities.
7. To supervise administration of the Development Office.
8. To undertake any other duties as assigned by the supervisors.
