



司法機構政務處

Judiciary Administration

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17 April 2019

Miss Katherine Chan
Council Secretary
Legislative Council Secretariat
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss CHAN,

**Bills Committee on Judicial Officers (Extension of Retirement Age)
(Amendment) Bill 2019**

**List of follow up actions arising from the discussion at the meeting on
3 April 2019**

I refer to your email of 8 April 2019 and the letter of 9 April 2019 from the Clerk to Bills Committee. I am sending you at Annex the Judiciary Administration's responses. The Chinese version will follow shortly.

Yours sincerely,



(Miss Winki LAM)
for Judiciary Administrator

c.c. Administration Wing
(Attn: Mr Leo TZE)
Department of Justice
(Attn: Ms Karmen KWOK and Mr Wallance NG)

**Bills Committee on Judicial Officers (Extension of Retirement Age)
(Amendment) Bill 2019**

**List of follow up actions arising from the discussion
at the meeting on 3 April 2019**

PURPOSE

The paper sets out the Judiciary’s responses to the list of follow up actions arising from the discussion at the meeting on 3 April 2019.

RESPONSES

(a) **The detailed breakdown of the establishment and strength of Judges as well as other Judicial officers at various levels of courts.**

2. The detailed breakdown of the establishment and strength of Judges and Judicial Officers (“JJOs”) at various levels of courts as at 31 March 2019 is as follows –

Level of Court	Establishment	Strength
Court of Final Appeal (“CFA”)	4*	4
Court of Appeal, High Court	14 } 48	13 } 40
Court of First Instance, High Court	34 }	27 }
High Court Masters’ Office	15 } 58	2 } 44
District Court (including the Family Court and Lands Tribunal)	43 }	42 }
<i>Judges</i>	41	40
<i>Members, Lands Tribunal</i>	2	2
District Court Masters’ Office	9 } 108	0 } 68
Magistrates’ Courts/Specialized Court/Other Tribunals	99 }	68 }
<i>Permanent Magistrates and Above</i>	88	62
<i>Special Magistrates</i>	11	6
Total	218*	156

Note : * Excluding one Permanent Judge post created for a Non-Permanent Judge of the CFA.

(b) The detailed breakdown of the numbers of Judges and Judicial Officers (“JJOs”) who retired upon reaching the statutory retirement ages and who were approved to extend their services beyond the statutory retirement ages (“extended terms of office”) over the past five years.

3. The detailed breakdown of the number of JJOs who retired upon reaching the statutory normal retirement age or retired upon completion of extended term of office over the past five years from 2014-15 to 2018-19 is as follows –

Rank	2014-15	2015-16	2016-17	2017-18	2018-19
Judge of the CFA					(1)
Judge of the High Court	3 + (1)		(1)		1 + (1)
District Judge	1	1		1	
Registrar/Senior Deputy Registrar/ Deputy Registrar of the High Court					1
Member, Lands Tribunal					
Judicial Officers at Magisterial Level	1	4	3 + (1)	1 + (1)	2
Total	6	5	5	3	6

Note : Figures in bracket indicate the number of JJOs who were retired upon completion of extended term of office.

4. The detailed breakdown of the number of JJOs whose extension of term of office beyond statutory normal retirement age commenced over the past five years from 2014-15 to 2018-19 is as follows –

Rank	2014-15	2015-16	2016-17	2017-18	2018-19
Judge of the CFA	1*	1			
Judge of the High Court	2*	3		4	5
District Judge					
Registrar/Senior Deputy Registrar/ Deputy Registrar of the High Court					
Member, Lands Tribunal			1		
Judicial Officers at Magisterial Level	1	1	1	2	3
Total	4	5	2	6	8

Note : * JJOs whose extension of term of office commenced before 2014-15.

(c) **The Administration’s response to the suggestion of introducing a mechanism to review whether JJOs on extended terms of office are suitable to continue their service on a regular basis, to be conducted by JJOs concerned and the Judiciary Administration together.**

5. According to the existing legislative provisions, after reaching the normal retirement age, the term of office of the Chief Justice (“CJ”) and a Permanent Judge of the CFA may be extended for not more than two periods of three years. As regards the High Court Judges and the relevant Judicial Officers such as Magistrates, their term may be extended for a specified period or periods not exceeding five years in aggregate. In practice, the duration of each extended term for JJOs at the High Court and below levels is normally one, two or three years.

6. Regardless of the actual duration of the extended term, the JJOs concerned are required to pass a medical examination to ascertain that they are medically fit for continued employment before each extension of the term after the normal retirement age.

7. If the medical conditions of a JJO deteriorate substantively which may affect his performance of judicial duties, the case may be handled by convening a medical board. This applies regardless of the age of the JJO and whether the JJO is on extension or not. If the JJO is confirmed to be unfit to perform his judicial duties, he may retire on medical grounds without waiting for reaching the normal retirement age or the end of the prevailing term. According to section 7(1)(h) of the Pensions Benefits (Judicial Officers) Ordinance (Cap. 401), a pension shall be granted in respect of a JJO's pensionable service on his retirement on medical evidence that satisfies the Chief Executive that the JJO is incapable by reason of an infirmity of mind or body of discharging the duties of his office and that the infirmity is likely to be permanent.

8. For JJOs on agreement terms, after a similar process involving the medical board above, the agreement of the JJO concerned may be resolved by mutual consent.

(d) The Administration's response to the suggestion of formulating measures to relieve the administrative work of JJOs who are on extended terms of office so that they can focus on the judicial duties.

9. In general, JJOs mainly perform judicial duties and only a small proportion of them such as Court Leaders perform administrative duties. This applies to JJOs on extension of term of office beyond normal retirement age as well. In considering whether to invite a relevant JJO to take up any administrative duties, the relevant Court Leaders will take into account all the relevant factors, including the JJO's workload, expertise and experience.