

**For discussion
on 2 November 2020**

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

**Proposed Making Permanent of a Supernumerary Directorate Post in the
Judiciary Administration of the Judiciary**

PURPOSE

This paper seeks Members' views on the Judiciary's proposal to make permanent one supernumerary directorate post of Administrative Officer Staff Grade C (AOSGC) (D2) (\$179,350 - \$196,050) under the Judiciary Administration (Jud Adm) with effect from 1 February 2022 to enhance directorate support for the Planning and Quality Division (PQ Division) of the Jud Adm.

BACKGROUND

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

3. On 24 April 2020, the Finance Committee (FC) of the Legislative Council (LegCo) approved, among others, the Judiciary's proposal to create one permanent directorate post of Administrative Officer Staff Grade B1 (AOSGB1) (D4) in the Judiciary. According to this proposal, the AOSGB1, designated as Deputy Judiciary Administrator (Planning and Quality) (DJA(PQ)), will be heading a new PQ Division comprising the Information Technology Office (ITO), the Digital Audio Recording and Transcription Services Section, the Accommodation Section, and the Management Review and Information Section. The post will be underpinned by three directorate officers at D1 rank, viz. one Chief Systems Manager and two Principal Executive Officers in undertaking the following strategic management functions of the Judiciary –

- (a) making greater use of technology, including information technology (IT) and other modern management tools to enhance the efficiency of court support services. The DJA(PQ) will have to assist the JA in the long-term strategic planning on the Judiciary's use of IT having regard to the rapid developments in technology and unique operating environment of the Judiciary. Specifically, these include overseeing the incremental

implementation of the full range of initiatives and projects under the Information Technology Strategy Plan (ITSP)¹. Another important and related responsibility is to ensure synergy and integration of IT development with the two new mega accommodation projects, namely, reprovisioning of the High Court, and reprovisioning of the District Court and the Family Court (to be co-located with the Lands Tribunal);

- (b) continual review of its accommodation strategy to keep pace with court and office development initiatives. The DJA(PQ) will have to assist the JA in the ongoing pursuit of the Judiciary's long-term accommodation strategy and formulation of a comprehensive strategic plan to meet future demands (including the two new mega accommodation projects). This seeks to ensure not only all ancillary infrastructural support is in place, but also the long-term IT development strategy and court security requirements are fully taken into account during the project planning and implementation stages; and
- (c) ensuring and sustaining quality management in the Jud Adm. The DJA(PQ) will have to assist the JA in steering and facilitating quality enhancement of the Jud Adm to maintain quality support services for courts and tribunals through conducting management reviews and studies on services provided by various operating units, conducting business process re-engineering and recommending possible areas for improvement. The DJA(PQ) will also have to spearhead reviews and revamping of the existing management information system under the ITSP with a view to formulating long-term and sustainable quality enhancement initiatives of the Jud Adm.

¹ In February 2013, following a study on the use of IT, the Judiciary obtained funding to implement a major IT upgrading project called the ITSP to achieve the following objectives –

- (a) to enhance the existing IT systems with the prevailing technologies to ensure sustainable operation in the long run;
- (b) in support of the administration of justice, to provide more effective and efficient services of a higher quality to all stakeholders with the use of IT;
- (c) to facilitate active case management throughout the entire litigation/adjudication and ancillary processes to improve access to justice for the benefit of all stakeholders; and
- (d) to respond positively to the rising expectations of court users and the community.

JUSTIFICATIONS

Functional review of the new PQ Division

4. Further to the establishment of the PQ Division, the Jud Adm has recently taken a critical examination of the roles and functions of the Division having regard to the short and long-term development and management initiatives to be undertaken by the Jud Adm. Taking into account the heavy and complex nature of the duties and responsibilities involved, we see the need to create a permanent AOSGC post for providing dedicated support to the DJA(PQ) in taking forward the long-term planning and implementation of the Judiciary-wide initiatives, including the policy and strategy on the increased use of technology in court operations, conduct of service reviews and compilation of useful management information.

5. In light of the above considerations, we propose making permanent the existing supernumerary AOSGC post in the Development Office (Dev Office) of the Development Division² upon the lapse of it on 1 February 2022, and re-deploying the post to the PQ Division for taking up the duties as set out in paragraphs 6 and 7 below. This re-deployment will rationalise the directorate support between the DJA(PQ) and the Deputy Judiciary Administrator (Development) (DJA(D)) such that each will be underpinned by one permanent AOSGC post³ dedicated to specified policy issues. This will bring about a more balanced and sustainable directorate structure for the Jud Adm.

Major duties of the proposed permanent AOSGC post

6. The proposed permanent AOSGC post, to be designated as Assistant Judiciary Administrator (Planning and Quality) (AJA(PQ)), will assist the DJA(PQ) in taking forward strategic and planning studies relating to the following areas of work –

(a) Use of Technology

The AJA(PQ) will have to provide dedicated support to the DJA(PQ) to assist him/her in the long-term strategic planning of the Judiciary's use of technology, such as the legislative exercise on remote hearing, having regard to the rapid development in the area and unique operating environment of the Judiciary. He/She will also need to assist in identifying opportunities to build synergy in IT development of the Judiciary. Major examples of the new and on-going IT initiatives include remote hearings, e-filing/e-transactions of court documents and e-appointments for registry services.

² As approved by the FC on 1 February 2019 for three years vide FCR(2018-19)77 to continue providing support for the Dev Office of the Development Division of the Jud Adm.

³ As approved by the FC on 24 April 2020 vide FCR(2019-20)25 for taking up the role of the Deputy Administrative Assistant to Chief Justice. This post is placed under the supervision of DJA(D) who assumes the responsibilities of the Administrative Assistant to Chief Justice post.

(b) Policy matters relating to ITSP

Following the enactment of the Court Proceedings (Electronic Technology) Ordinance, he/she will be responsible for identifying and tackling policy matters on the implementation of the ITSP and supporting the preparation of the detailed rules and practice directions in phases for all levels of courts. Owing to the varying nature and types of court processes and documents relating to different proceedings at different levels of courts which are subject to different court rules, it will be necessary to examine the policy issues underlying the question of whether and how to adapt the rules to enable the use of electronic mode. For instance, with the introduction of the integrated court case management system, we need to examine how to strike a reasonable balance between ensuring parity of justice (such as the computation of time for submissions) for court users opting for physical submissions and enhancing efficiency of court operations by promoting the use of electronic submissions.

(c) Long-term planning of Judiciary-wide administrative initiatives

The AJA(PQ) will have to provide the DJA(PQ) with policy support in the Judiciary's long-term planning on enhancing the efficiency and effectiveness of court operations. For example, he/she will provide policy input to the DJA(PQ) on the development of the Judiciary's accommodation projects, namely, the re-provisioning of the High Court, and re-provisioning of the District Court and the Family Court (to be co-located with the Lands Tribunal).

(d) Support to committees/working groups

The AJA(PQ) will have to provide secretariat and administrative support to high-level committees/working groups relating to the implementation of ITSP and relevant stakeholders' engagement meetings required to take forward various major initiatives and steer the long-term development of the Judiciary.

(e) Interface with Government and LegCo

The AJA(PQ) will assist the DJA(PQ) in co-ordinating matters which have an interface with the Government and the LegCo.

7. To ensure the timely and effective adoption of technology and management initiatives in the various parts of the court operations in accordance with the IT strategy of the Judiciary, the AJA(PQ) will also need to render appropriate policy and administrative support to the Operations Division led by the Deputy Judiciary Administrator (Operations) as and when necessary.

Consequential reshuffling of duties of the Assistant Judiciary Administrator (Development)

8. Consequential to the re-organisation of the PQ Division, the only permanent AOSGC post in the Dev Office, to be re-designated as Assistant Judiciary Administrator (Development) (AJA(D)), will take up most of the existing duties of the supernumerary AOSGC post on top of his/her own duties upon the lapse of the supernumerary AOSGC post on 1 February 2022. The duties include taking forward various policy proposals initiated by the Judiciary to promote ongoing improvements to court systems, practices, rules and procedures for various levels of courts and tribunals. Some of the proposals may entail legislative changes, as well as consultation with internal and external stakeholders at various levels as appropriate. Moreover, the AJA(D) is responsible for assessing the policy and legislative proposals originating from the Government which impact on the Judiciary's policies or court operations.

9. The AJA(D) has recently been tasked with co-ordinating the proposed legislation on the Review of Family Procedure Rules. It is a massive exercise as the legislative work involved is extensive, complicated and highly technical, requiring extensive legal, operational and administrative inputs. Apart from enacting a new Ordinance (which needs to be drafted from scratch), a new set of self-contained and comprehensive procedural rules on family matters with corresponding practice directions, and legislative changes to about ten other pieces of existing principal legislation and many pieces of subsidiary legislation will also be required. The implementation of the Family Procedure Rules will also require high-level co-ordination and strategic planning. It is expected that the whole exercise will take quite a number of years.

10. The job description of the proposed AJA(PQ) post and the revised job description of the AJA(D) post are at **Annexes A and B** respectively. The proposed organisation chart of the Jud Adm is at **Annex C**.

Annexes
A to C

NON-DIRECTORATE SUPPORT

11. The proposed permanent AOSGC post in the PQ Division will be supported by three permanent posts of one Senior Administrative Officer, one Personal Secretary I and one Assistant Clerical Officer.

ALTERNATIVES CONSIDERED

12. In light of the wide span of responsibilities of the DJA(PQ) and the strategic issues and initiatives he/she needs to take up, the Jud Adm sees a strong need for an AOSGC with extensive administrative and policy-making experience to provide dedicated support to him/her on the overall long-term planning for the various

important initiatives as set out in paragraphs 3 to 6 above. Otherwise, the DJA(PQ) and the Jud Adm will be deprived of the dedicated directorate support required for ensuring the effective and efficient discharge of the multiple duties and responsibilities involved.

FINANCIAL IMPLICATIONS

13. The proposed permanent AOSGC post will bring about an additional notional annual salary cost at mid-point of \$2,283,600. The additional full annual average staff cost, including salaries and staff on-costs, is \$3,170,000.

14. The notional annual salary cost at mid-point for the three non-directorate posts as mentioned in paragraph 11 above is \$2,266,620 and the full annual average staff costs, including salaries and staff on-costs, is \$3,301,000.

15. The Judiciary will include sufficient provision in the draft Estimates of 2021-22 to meet the cost of the staffing proposal in this paper and will reflect the resources required in the Estimates of subsequent years.

ESTABLISHMENT CHANGES

16. The establishment changes under Head 80 – Judiciary for the past two years are as follows –

Establishment (Note)	Number of posts			
	Existing (As at 1 October 2020)	As at 1 April 2020	As at 1 April 2019	As at 1 April 2018
A	223 ^{***^}	218 ^{**}	219 ^{**}	214 [*]
B	203 [#]	198 [#]	198 [#]	199 [#]
C	1 622	1 609	1 544	1 497
Total	2 048	2 025	1 961	1 910

Note:

- A – ranks in the directorate pay scale or equivalent
- B – non-directorate ranks, the maximum pay point of which is above MPS Point 33 or equivalent
- C – non-directorate ranks, the maximum pay point of which is at or below MPS Point 33 or equivalent
- * – including 204 Judges and Judicial Officers (JJO) posts
- ** – including 208 JJO posts
- *** – including 211 JJO posts
- ^ – as at 1 October 2020, there were 46 unfilled directorate JJO posts and the judicial functions of 33 such posts were performed by Deputy JJOs appointed from outside the Judiciary
- # – including 11 Special Magistrate posts

CIVIL SERVICE BUREAU COMMENTS

17. The Civil Service Bureau supports the proposed making permanent of one AOSGC post under the Jud Adm. The grading and ranking of the proposed post are considered appropriate having regard to the level and scope of responsibilities of the post.

ADVICE SOUGHT

18. Members are invited to give their views on the proposal.

WAY FORWARD

19. Subject to Members' views and support, the proposal will be submitted to the LegCo for approval.

The Judiciary
October 2020

Job Description

- Post title** : Assistant Judiciary Administrator (Planning and Quality)
- Rank** : Administrative Officer Staff Grade C (D2)
- Responsible to** : Deputy Judiciary Administrator (Planning and Quality) (DJA(PQ)) (Administrative Officer Staff Grade B1) (D4)

Major Duties and Responsibilities –

1. To take forward legislative and policy proposals initiated by the Judiciary relating to the use of technology, such as the legislative exercise on remote hearing and identify opportunities to build synergy in information technology development of the Judiciary.
2. To resolve policy matters for the implementation of the Information Technology Strategy Plan (ITSP) and prepare detailed rules and practice directions.
3. To provide policy support in the formulation, evaluation and monitoring of long-term planning for the Judiciary to facilitate overall administration, efficiency and effectiveness of court operations.
4. To provide secretariat and administrative support to high-level committees/working groups relating to the implementation of the ITSP and relevant stakeholders engagement meetings to take forward various major initiatives and provide steer on the long-term development of the Judiciary.
5. To provide overall co-ordination on matters which have an interface with the Government and the Legislative Council.
6. To perform any other duties as assigned by the DJA(PQ).

Revised Job Description

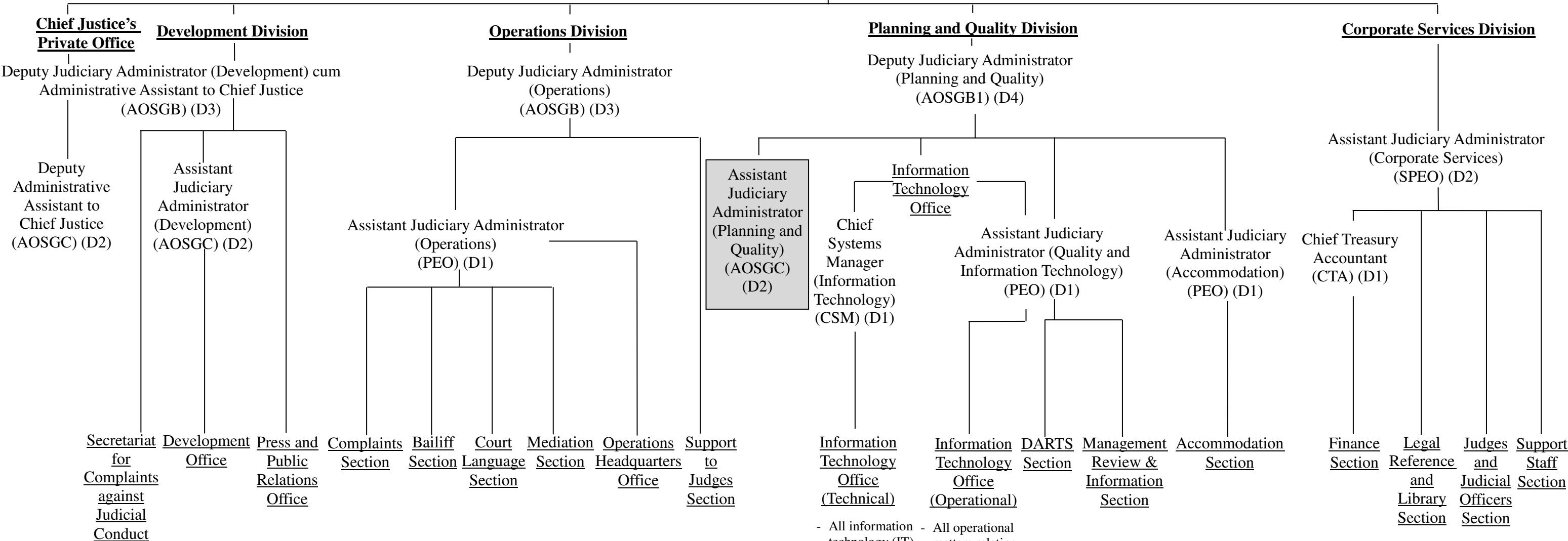
- Post title** : Assistant Judiciary Administrator (Development)
- Rank** : Administrative Officer Staff Grade C (D2)
- Responsible to** : Deputy Judiciary Administrator (Development)
(DJA(D)) (Administrative Officer Staff Grade B) (D3)

Major Duties and Responsibilities –

1. To take forward legislative and policy proposals initiated by the Judiciary on matters relating to various aspects of court rules, systems, practices and procedures for different levels of courts and tribunals.
2. To provide assessment from the Judiciary's policy and operational perspectives on legislative proposals initiated by the Government and to co-ordinate the Judiciary's feedback to the Government.
3. To co-ordinate policy-related matters which have an interface with judiciaries in other jurisdictions, for example, the negotiation and signing of Memorandum of Guidance/Understanding relating to court procedures and co-operative arrangements.
4. To provide high-level secretariat and administrative support for the committees and working groups set up by the Chief Justice to consider various legislative and policy matters. For instance, the Implementation Committee for Family Procedure Rules and the Working Group on Costs Budgeting.
5. To perform any other duties as assigned by the DJA(D).

Proposed Organisation Chart of Judiciary Administration, Judiciary

**Judiciary Administrator
(D8)**



Development Division

- Interface with the Government
- Legal profession liaison
- Policy and legislation
- Press and public relations

Operations Division

- Bailiff services
- Complaints
- Court language
- Court registries
- Promotion of court-related mediation
- Services for unrepresented litigants
- Support to Judges and Judicial Officers

Planning and Quality Division

- Accommodation and building security
- Adoption of Information Technology
- Digital audio recording and transcription services (DARTS)
- Interface with the Legislative Council
- Management information
- Management review

Corporate Services Division

- Finance
- General administration
- Human resources management
- Legal reference and library
- Service and training support to Judges and Judicial Officers
- Service to support staff

Existing supernumerary AOSGC post in the Development Office of the Development Division proposed to be made permanent upon the lapse of it on 1 February 2022, and to be redeployed to the Planning and Quality Division.