

**The Judiciary Administrator's Speaking Notes
at the Special Finance Committee Meeting
on 7 April 2020**

The Judiciary has the constitutional responsibility to administer justice fairly and impartially. In the financial year 2020-21, a total provision of \$2,264.0 million is sought to enable the Judiciary to discharge its responsibilities.

2020-21 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 2020-21 to the Government in July 2019, prior to the Government's drawing up of the 2020-21 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 2020-21 for the Judiciary, amounting to \$2,264.0 million, represents an increase of \$262.1 million, or 13.1%, over our revised estimates for 2019-20. In 2020-21, the Judiciary will be provided with the financial resources required for the creation of one additional judicial post and 34 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 application of information technology in the Judiciary and enhance administrative support on the various fronts of the Judiciary.

Judicial Manpower

4. The establishment of judicial posts now stands at 218. The Judiciary was provided with the financial resources for the creation of three additional District Judge posts for the Family Court in the 2019-20 financial year. These proposals were supported by the Panel on Administration of Justice and Legal Services in February 2019 and endorsed by the Establishment Subcommittee in May 2019. We are seeking the approval of the Finance Committee. For the current financial year, with the support of the Government by providing the necessary financial resources, the Judiciary proposes to create one additional judicial post of Justice of Appeal of the Court of Appeal of the High Court to strengthen the establishment of the Court of Appeal of the High Court to cope with the increased workload.

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 five open recruitment exercises on a more regular basis since 2012, including the latest round of recruitment exercise launched in mid-2018 and completed in 2019. A total of 26 CFI Judges have been appointed, including six CFI Judges appointed from the latest recruitment exercise;
- (b) for the District Judge level, three rounds of open recruitment launched in 2011, 2016 and 2018 were completed. A total of 36 judicial appointments were made as a result, including five District Judges appointed from the latest recruitment exercise; and
- (c) four rounds of open recruitment exercises for Permanent Magistrates have been conducted since 2011, including the latest round of recruitment exercise launched in March 2019. A total of 45 Permanent Magistrates were appointed, including four Permanent Magistrates so far appointed from the latest recruitment exercise. More judicial appointments arising from the latest round will be announced in due course.

6. To address the persistent recruitment difficulties at the CFI level as well as the long-term needs of the whole of the Judiciary, and with the support of the Government, enhancements to the conditions of service for Judges and Judicial Officers (“JJOs”) have been implemented with effect from 1 April 2017. The Judiciary hopes that this would have a positive impact on recruiting suitable practitioners to join the Bench.

7. With the support of the Government, the legislative amendment exercise for the extension of retirement ages of JJOs had been completed. Following the passage of the Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019 by the Legislative Council on 27 November 2019, the new retirement age arrangements have come into effect since 6 December 2019. The Judiciary believes that extending the retirement ages of JJOs would have a positive impact on attracting quality candidates who are in private practice 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.

8. For the year 2020-21 and as far as judicial manpower is concerned, the Judiciary will aim to seek the Legislative Council’s approval for the creation of three District Judge posts and one Justice of Appeal of the Court of Appeal of the High Court post, and follow up on the making of judicial appointments upon

completion of the open recruitment of Permanent Magistrates. The Judiciary is also planning to launch another round of recruitment for CFI Judges, District Judges and Permanent Magistrates starting from the latter part of 2020-21 financial year. In addition, the Judiciary would continue to keep in view the judicial manpower situation and engage deputy JJOs in the interim in helping to meet pressing operational needs as far as practicable.

Non-Judicial Manpower

9. In 2020-21, 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 34 civil service posts will be required.

10. First, the Judiciary proposes to make permanent a Principal Executive Officer (“PEO”) (D1) post in the Judiciary Administration (“Jud Adm”) to rationalise the existing manpower in the Accommodation Section so as to provide on-going and long-term strategic and management support to the Jud Adm on accommodation matters and court security.

11. Besides, the Judiciary was provided with the financial resources for the creation of one Administrative Officer Staff Grade (“AOSG”) B1 post and one AOSGC post to strengthen the administrative support in the 2019-20 financial year. These proposals were supported by the Panel on Administration of Justice and Legal Services in February 2019 and endorsed by the Establishment Subcommittee in May 2019. We are seeking the approval of the Finance Committee.

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

- (a) necessary support to the additional judicial post to be created to cope with the workload of the Court of Appeal of the High Court;
- (b) enhanced court/administrative support to cope with the surge in workload arising from the huge volume of non-refoulement claims cases filed with the High Court;
- (c) continuous/enhanced administrative support to facilitate the application of information technology in the Judiciary and implementation of the Information Technology Strategy Plan; and
- (d) enhanced court/administrative support for coping with increased workload, for example, enhanced support to JJOs in the High

Court and the District Court; taking forth long-term accommodation strategy and court security measures; enhanced support to the press office and public communication; and enhancement of services in various areas such as the Probate Registry, the High Court Registry, etc.

The Way Forward

13. The Judiciary will consult the Panel on Administration of Justice and Legal Services on the proposed creation of one permanent judicial post and the proposed making permanent of one civil service directorate post 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

14. 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.

15. Thank you.