

STANDING COMMITTEE ON JUDICIAL SALARIES AND CONDITIONS OF SERVICE

Report on Judicial Remuneration Review 2009

June 2009

司法人員薪俸及服務條件常務委員會
Standing Committee on Judicial Salaries and Conditions of Service

29 June 2009

The Honourable Donald Tsang, GBM
The Chief Executive
Hong Kong Special Administrative Region
People's Republic of China
Government House
Hong Kong

Dear Sir,

On behalf of the Standing Committee on Judicial Salaries and Conditions of Service, I have the honour to submit our report on the review of judicial remuneration in 2009. The report contains our findings and recommendation in the first annual review of judicial remuneration conducted in accordance with the new mechanism and methodology for the determination of judicial remuneration approved by the Chief Executive-in-Council in May 2008.

Yours sincerely,



(Christopher CHENG Wai-chee)
Chairman
Standing Committee
on Judicial Salaries and Conditions of Service

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Chapter 1

Introduction

1.1 The Standing Committee on Judicial Salaries and Conditions of Service (the Judicial Committee) has conducted a review of judicial remuneration according to the new mechanism and methodology for the determination of judicial remuneration as approved by the Chief Executive-in-Council in 2008. This Reports sets out its findings and recommendation on the review of judicial remuneration in 2009.

The Judicial Committee

1.2 The Judicial Committee is an independent advisory body appointed by the Chief Executive to advise and make recommendations on matters concerning the salary and conditions of service of Judges and Judicial Officers¹. It was first established in December 1987 in recognition of the independent status of the Judiciary and the need for the pay and conditions of service of Judges and Judicial Officers to be dealt with separately from those of the civil service.

1.3 In May 2008, the Chief Executive-in-Council accepted all the major recommendations of the Judicial Committee's Report on the Study on the Appropriate Institutional Structure, Mechanism and Methodology for the Determination of Judicial Remuneration in Hong Kong in 2005² (the 2005 Report). With the approval of the Chief Executive, the Judicial Committee's terms of reference and membership

¹ Judges refer to officers in the grades of Chief Justice, Court of Final Appeal; Judge, Court of Final Appeal; Judge of the High Court; and Judge of the District Court. Judicial Officers refer to officers in the grades of Registrar, High Court; Registrar, District Court; Member, Lands Tribunal; Magistrate; Presiding Officer, Labour Tribunal; Adjudicator, Small Claims Tribunal; Coroner; and Special Magistrate.

² The 2005 Report can be found in the website http://www.jsscs.gov.hk/en/publications/reports_jscs.htm.

were expanded. Its terms of reference and membership are at **Appendix A** and **Appendix B** respectively.

Judicial Independence

1.4 The Judicial Committee continues to premise its deliberations on the need to uphold the principle of judicial independence. Judicial independence is a cherished principle of the legal system and constitutional law of modern states based on the Rule of Law and the protection of human rights³. It includes independence from the executive and legislative branches of Government, as well as independence from other institutions, organisations or forces in society. It enables the court to adjudicate cases in a fair and impartial manner by ascertaining the facts objectively and applying the law properly.

1.5 In discharging its functions, the Committee has to ensure that judicial remuneration is sufficient to attract and retain talent in the Judiciary, in order to maintain an independent and effective judicial system which upholds the rule of law and commands confidence within and outside Hong Kong. The need to maintain an independent Judiciary of the highest integrity is of utmost importance.

Judicial Remuneration

1.6 In recognition of the independence and uniqueness of the Judiciary, Judges and Judicial Officers are remunerated according to an independent salary scale known as the Judicial Service Pay Scale (**Appendix C**). Judicial salaries are subject to regular reviews that are distinct from that carried out in respect of the civil service, with the Judicial Committee rendering advice to the Chief Executive on matters concerning judicial remuneration.

³ Professor Albert H Y Chen, *The Determination and Revision of Judicial Remuneration: Report of a Consultancy Study* (September 2004), Chapter 1, paragraph 1.01.

Judicial Remuneration Review 2009

1.7 In conducting the review in 2009, the Committee has invited the Judiciary and the Administration to provide relevant data and views pertaining to the basket of factors. The Committee then exercises its best judgement in analysing and balancing all relevant considerations in formulating its recommendation. Having considered all relevant factors, the Judicial Committee **recommends** that judicial salaries should remain unchanged in 2009-10.

Chapter 2

Institutional Structure, Mechanism and Methodology for the Determination of Judicial Remuneration

New Mechanism

2.1 In May 2008, the Chief Executive-in-Council accepted all the major recommendations of the Judicial Committee in respect of the institutional framework and mechanism for the determination of judicial remuneration. Judicial remuneration would continue to be fixed by the Executive after considering recommendations by an independent advisory body. With the approval of the Chief Executive, the Judicial Committee has an expanded terms of reference and membership to perform the functions of the intended independent body with effect from October 2008. The new mechanism for formulating recommendations on judicial remuneration comprises two components: a regular benchmark study and an annual salary review.

Benchmark Study

2.2 The Judicial Committee reaffirms its view that a benchmark study on the level of earnings of private sector and public sector legal practitioners should be conducted on a regular basis, in order to ascertain their earning levels, monitor such trends and review judicial salaries where appropriate.

2.3 As stated in the 2005 Report, the Judicial Committee conducted a pilot study on earnings of private sector legal practitioners in Hong Kong in the last quarter of 2005. Through the pilot study, the Committee has confirmed the feasibility of such benchmark study and noted the then relativities between judicial salaries and earnings of private legal practitioners. Having regard to the 2005 experience, the

Committee has decided that a benchmark study should in principle be conducted every five years, with its frequency subject to periodic review. The Committee will revisit the appropriate timing of the next benchmark study in 2010-11.

Annual Review

2.4 The Committee has agreed that an annual review on judicial remuneration should be conducted, including in the year when a benchmark study is carried out. This will enable the Committee to take a holistic view on the year-on-year changes in relation to the basket of factors, in conjunction with the findings of the regular benchmark study. During the review, the Committee will consider whether and, if so, how judicial pay should be adjusted.

Balanced Approach

2.5 Consistent with its recommendations in the 2005 Report as approved by the Chief Executive-in-Council, the Committee adopts a balanced approach in reviewing judicial remuneration by taking into account a basket of factors. The basket of factors include the following –

- (a) the responsibility, working conditions and workload of judges vis-à-vis those of lawyers in private practice;
- (b) recruitment and retention in the Judiciary;
- (c) the retirement age and retirement benefits of Judges and Judicial Officers;
- (d) the benefits and allowances enjoyed by Judges and Judicial Officers;
- (e) prohibition against return to private practice in Hong Kong;
- (f) public sector pay as a reference;
- (g) private sector pay levels and trends;

- (h) cost of living adjustments; and
- (i) the general economic situation in Hong Kong.

2.6 In addition to the above, the Committee also agrees to take into account the following factors suggested by the Administration –

- (a) overseas remuneration arrangements – as the Judiciary also recruits judges from overseas jurisdictions which form an integral part of its employment market;
- (b) unique features of judicial service – such as the security of tenure, the prestigious status and high esteem of judicial offices; and
- (c) the budgetary situation of the Government – which is a relevant factor for consideration in adjusting civil service pay.

Chapter 3

Judicial Remuneration Review 2009

The Review

3.1 In conducting the review in 2009, the Committee has considered the basket of factors and the views of the Judiciary.

Responsibility, Working Conditions and Workload

3.2 The Committee remains of the view that the nature of judicial work is unique. The responsibility and working conditions of Judges and Judicial Officers are different from that of legal practitioners in the private sector, rendering any direct comparison between the two inappropriate.

3.3 On the basis of the information provided by the Judiciary, the Committee has not observed any major change in the responsibility and working conditions of Judges and Judicial Officers. Members of the Judiciary continue to discharge their functions in maintaining an independent and effective judicial system to uphold the rule of law and safeguard the rights and freedoms of the individual. The levels of court and the respective judicial ranks remain broadly the same, as detailed in **Appendix D**.

3.4 As regards workload, the total caseloads of the Judiciary as a whole have been relatively steady in the past few years, with the exception of a noticeable increase in the caseload of the Court of Final Appeal. Details are shown in **Appendix E**.

3.5 Caseload figures alone do not fully reflect workload; the complexity of cases has to be taken into account. The Judiciary faces a number of challenges and new developments, including the growing number of complex cases, judicial reviews and unrepresented civil litigants; the increasing use of Chinese language in court proceedings; the Civil Justice Reform; and the promotion of the use of mediation.

Recruitment and Retention

3.6 According to the Judiciary, it has not encountered any insurmountable problem in recruitment or retention in recent years. Judges are appointed on the basis of their judicial and professional qualities, and suitable candidates are recommended for appointment by the Judicial Officers Recommendation Commission. On retention, wastage other than normal retirement is low.

3.7 The Committee notes that there are vacancies at various judicial ranks. As at 1 April 2009, the total establishment of Judges and Judicial Officers stood at 189 and the strength at 153, with 36 vacancies.

Table 3.1: Establishment and strength of Judges and Judicial Officers

Levels of Court	As at 1 April 2009	
	Establishment	Strength
Court of Final Appeal ⁴	4	4
High Court ⁵	53	39
District Court ⁶	39	31
Magistrates' Courts and Specialised Tribunals/Court ⁶	93	79
Total	189	153

⁴ The figures exclude one Permanent Judge post created for Non-Permanent Judge (NPJ) of the Court of Final Appeal (CFA). In practice, an NPJ is invited to sit in the CFA as required in accordance with the Hong Kong CFA Ordinance, Cap. 484.

⁵ For Senior Deputy Registrar and Deputy Registrar vacancies in the Masters' Office of the High Court, the functions are now carried out by some District Judges and some Magistrates who are appointed as temporary Deputy Registrars.

⁶ For judicial offices in the Masters' Office of the District Court and at the Labour Tribunal, Small Claims Tribunal and the Coroner's Court, the functions are carried out by Principal Magistrates or Magistrates under the cross-posting policy. The cross-posting policy provides greater flexibility in the posting of judicial officers between various courts to serve operational needs.

3.8 The Judiciary has engaged temporary judicial resources to help relieve workload, including internal/external ⁷ deputy and temporary or acting Judges and Judicial Officers. Meanwhile, open recruitment exercises for various judicial ranks are in progress. The Judiciary would conduct future recruitment exercises as required. While the Judiciary has not encountered any insurmountable recruitment problem in recent years, it has indicated that it has not been easy to attract outsiders to the District Court. In this respect, it is important that the Judiciary is able to recruit and retain quality legal professionals of suitable calibre, particularly when general demand for high-calibre legal talent often remains strong. The Committee will invite the Judiciary to offer its views on the outcome of these recruitment exercises in future judicial remuneration reviews.

Retirement

3.9 The statutory normal retirement age for Judges and Judicial Officers is 60 or 65, depending on the level of court. Beyond that, extension of service may be approved up to the age of 70 or 71, depending on the level of court and subject to consideration on a case-by-case basis. For retirement benefits, Judges and Judicial Officers are entitled to pension⁸ or provident fund⁹ according to their terms of appointment.

3.10 Retirement is the main source of wastage among Judges and Judicial Officers. The Committee notes that an increasing number of judges at different levels of court will reach their statutory retirement age in the coming three years, based on the existing staff profile. In this light, the challenge for the Judiciary is to attract new blood and retain existing talent to maintain the efficiency and quality of the judicial system.

⁷ As at 1 April 2009, there were 28 external deputy/temporary Judges and Judicial Officers.

⁸ Governed by the Pension Benefits (Judicial Officers) Ordinance, Cap. 401.

⁹ Governed by the Mandatory Provident Fund Schemes Ordinance, Cap. 485.

Benefits and Allowances

3.11 In accordance with their terms of appointment, Judges and Judicial Officers are entitled to a range of benefits and allowances in addition to salary. The scope of their benefits and allowances is largely similar to that available in the civil service, with some adaptations having regard to the unique characteristics of the judicial service.

3.12 The existing package of benefits is an integral part of judicial remuneration, and is an important component that helps attract capable private legal practitioners to join the bench. As stated in the 2005 Report, the Committee does not see any immediate need for any adjustment of their benefits and allowances. The Committee will continue to keep the situation under review.

Public Sector Pay as a Reference

3.13 The Committee notes the informal linkage between judicial salaries and senior civil service salaries before the implementation of the new mechanism for determining judicial remuneration. As concluded in the 2005 Report, some reference to public sector pay is beneficial, but pegging is not appropriate. De-linking judicial remuneration from that of the civil service will not only strengthen the perception of judicial independence, but also provide the necessary safeguard and reassurance to Judges and Judicial Officers. The conclusion has also taken into account new developments that render it no longer appropriate for a direct comparison between the Judiciary and the civil service. For instance, Judges and Judicial Officers now largely come from the private sector. Public sector pay is hence only one of the factors under the balanced approach for determining judicial remuneration.

3.14 In the context of the 2009 review, the Committee has made reference to the Chief Executive-in-Council's decision in June 2009 to freeze the pay for civil servants in the lower and middle salary bands, and to reduce the pay for the upper salary band and above by 5.38% in 2009-10, with the pay reduction subject to legislation which will take

prospective effect. The Administration has taken into account the net pay trend indicators¹⁰ of the three salary bands and other relevant factors, including the state of the economy, changes in the cost of living, Government's fiscal position, staff sides' pay claims and staff morale.

Private Sector Pay Levels and Trends

3.15 With an increasingly prevalent trend to recruit private sector legal practitioners to serve as Judges and Judicial Officers, it is necessary to take into account private sector pay levels and trends in determining judicial remuneration to ensure competitiveness. However, the Committee is mindful that there are problems in comparing judicial pay with earnings of private sector legal practitioners. The responsibility, working conditions and attributes of judges are quite different from those of private sector lawyers. The inherent volatility of private sector pay is a contrast to the principles of stability and progression on which the judicial pay system is founded. That said, as suggested in the 2005 Report, the Committee has looked into the data compiled by the Judiciary on the pre-appointment earnings of Senior Counsel. With reference to this information and the pilot benchmark study in late 2005, the Committee observes that there remain broad differentials between the earnings of private practitioners and judicial salaries, particularly at the senior levels.

3.16 The Committee notes that there is no comprehensive or representative pay trend survey in the legal sector, although there are small surveys conducted by individual recruitment agencies with limited coverage and hence they are of little relevance to the Judiciary. In terms of overall pay trend in the private sector, companies tend to adopt a prudent approach with a freeze or small increase in basic salary and a reduction in variable pay since the fourth quarter of 2008 with the onset

¹⁰ As part of the civil service pay adjustment mechanism, a pay trend survey is conducted every year to ascertain the year-on-year pay movements in private sector pay to arrive at the gross pay trend indicators (PTI). The pay trend survey in 2009 covers the period from 2 April 2008 to 1 April 2009. Specifically for the upper salary band, the net PTI is -5.38% after deducting 0.59% payroll cost of increment (for 2008-09) from the gross PTI of -4.79%. The net PTI for the middle and lower salary bands are -1.98% and -0.96% respectively.

of the economic downturn. Latest information from the Administration indicates that average earnings of workers in the higher skilled category, viz. professional and managerial employees, fell by 5.4% in the first quarter of 2009 over the same period last year.

General Economic Situation and Cost of Living Adjustments

3.17 With the benefit of the detailed information from the Administration, the Committee takes into account Hong Kong's economic and fiscal indicators in considering judicial remuneration in 2009. The overall growth rate for Hong Kong's Gross Domestic Product (GDP) in real terms in 2008 was 2.4%, with the economy holding firm in the first half of the year but taking an abrupt turn after September because of the global financial crisis. Stepping into 2009, our GDP has registered a sharp year-on-year decline of 7.8% in real terms in the first quarter and is forecast to contract by 5.5% to 6.5% in 2009.

Table 3.2: Changes in Gross Domestic Product in real terms

Year	Quarter	GDP year-on-year % change
2008	Q1	7.3 %
	Q2	4.1 %
	Q3	1.5 %
	Q4	-2.6 %
2009	Q1	-7.8 %

(Source: Figures published by the Census and Statistics Department.)

3.18 Hong Kong's unemployment rate has started to deteriorate since the fourth quarter in 2008, with the latest seasonally adjusted unemployment rate increased to 5.3% (provisional figure) in March to May 2009. These unemployment figures concern the general labour market as a whole and are not entirely relevant to the specialised candidate pool in respect of judicial offices.

3.19 On changes in cost of living, the underlying¹¹ Composite Consumer Price Index (CCPI) rose by an average of 5.6% in 2008. With receding local and external price pressures under the economic downturn, inflationary pressure has notably further eased in the first quarter of 2009 and is expected to come down further in the months ahead. In May 2009, the year-on-year rate of increase in the underlying CCPI lowered to 1.3% and the forecast rate for 2009 as a whole is less than 1%.

Other Factors

Overseas Remuneration Arrangements

3.20 The Judiciary has advised the Committee that it has not recruited from overseas in the past ten years or so and overseas remuneration arrangements are of no relevance in determining judicial remuneration. While noting this view, the Committee also takes the opportunity to keep track of major development, if any, on judicial remuneration in major overseas jurisdictions for reference. From research on six overseas common law jurisdictions, namely Australia, Canada, New Zealand, Singapore, the United Kingdom and the United States, no significant or fundamental change is apparent in their judicial remuneration systems. On the other hand, there are emerging signs of more conservative action in adjusting judicial pay in some jurisdictions in the light of the economic downturn.

Unique Features of the Judicial Service

3.21 The Judiciary is unique in many aspects. A prominent feature is the prohibition against return to private practice. Judges at the District Court level and above must give an undertaking not to practise in future as barristers or solicitors in Hong Kong without the permission of the Chief Executive. The Chief Justice and Judges of the Court of Final Appeal are prohibited by statute from practising as

¹¹ Underlying rates net out the effects of all one-off relief measures implemented by the Government.

barristers or solicitors in Hong Kong while holding office or at any time after ceasing to hold office. On the other hand, judges enjoy security of tenure¹² and high esteem, which may be seen as attractions for private practitioners joining the bench. These are all long established arrangements and hence do not have any particular bearing on the judicial remuneration review in 2009.

Budgetary Situation of the Government

3.22 Based on the information from the Administration, the Government had a consolidated surplus of \$1.5 billion in 2008-09 and the total fiscal reserves stood at \$494.4 billion at end March 2009. For 2009-10, a deficit of \$9.8 billion and \$30.1 billion is estimated for the Operating Account and Capital Financing Statement respectively, which will result in a deficit of \$39.9 billion in the Consolidated Account, equivalent to 2.4% of our GDP. Additional relief measures costing \$16.8 billion were announced in May 2009.

3.23 It is noteworthy that the annual staff cost of the Judiciary in 2009-10 is estimated at about \$816 million¹³, which is roughly 0.3% of the Government's total operating expenditure of \$244 billion in the 2009-10 Estimates.

The Judiciary's Position

3.24 In the context of the present review, the Judiciary proposed that judicial salaries be frozen in 2009-10. It also stated that it would not accept any reduction in judicial salaries.

¹² Any removal from office is subject to detailed statutory procedures, and the removal of the most senior Judges (i.e. the Chief Justice, Judges of the Court of Final Appeal and the Chief Judge of the High Court) has to be endorsed by the Legislative Council and reported to the Standing Committee of the National People's Congress for the record.

¹³ Based on the Estimates of Expenditure for 2009-10 for the Judiciary as a whole (total establishment of about 1 650) in regard to Personal Emoluments and Personnel Related Expenses, covering salary, allowances, and provident funds contribution.

Chapter 4

Conclusion and Recommendation

4.1 As mentioned in Chapter 1, the Committee premises its deliberations on the need to uphold the principle of judicial independence. Judicial independence is a core value deeply cherished by our community and a critical success factor for Hong Kong's continuing prosperity and stability. In the context of the 2009 review, the Judiciary has pointed out that –

“Any reduction of judicial salaries may well offend the principle of judicial independence and have possible constitutional consequences. The principle of judicial independence is enshrined in the Basic Law, in particular Articles 85 and 89. A fundamental aspect of this independence must relate to a judge's terms and conditions, especially prohibition on any erosion of such terms and conditions during tenure of office. Many leading common law jurisdictions have recognised the crucial importance of the principle by specifically prohibiting by law the reduction of a judge's salary after his appointment. They have done this by enshrining the principle in their constitutions or in separate legislation. In Hong Kong, even without specific constitutional or legislative provision, the protection of judicial salaries is recognised to be of such importance that it amounts to an established constitutional principle. Any decision to reduce judicial salaries will be out of step with the world's leading common law jurisdictions on the question of protection of judicial pay, and will likely give rise to a perception overseas that our Judiciary does not enjoy separateness from the rest of the public service, reflecting as this does on its independence and thereby

its integrity. It is of fundamental importance that the independence and separateness of the Judiciary should be recognised substantively. Accordingly, judicial pay should not be reduced, irrespective of what the Administration may decide on civil service pay.”

4.2 In the light of the Judiciary’s position, the Committee has revisited the implications of reduction of judicial salaries on the principle of judicial independence. The Committee reaffirms the views in the 2005 Report as recapitulated below –

- (a) The Committee agrees that the essential conditions of judicial independence include security of tenure, financial security and the institutional independence of the judiciary with respect to matters of administration bearing directly on the exercise of its judicial functions.
- (b) The Committee subscribes to the premise that while in general, judicial remuneration should not be reduced during the continuance of judicial office, this general rule may be subject to exceptions applicable in extreme conditions. Even in jurisdictions which have constitutionally entrenched provisions absolutely prohibiting reduction of judicial salaries, dire economic difficulties had resulted in judicial salaries being reduced voluntarily, presumably because the economic conditions in those jurisdictions were adverse and the community expectations were clear.
- (c) Theoretically it is doubtful that judicial independence will be threatened by a reduction in judicial salaries, which is general and non-discriminatory and is widely perceived in the community as being justified due to exceptional circumstances. However, it has at no time been easy to find a process which is not in any way politicised and that judges are not under any actual or perceived political or community pressure. The Committee has therefore concluded that there are

inherent risks associated with a decision to reduce (or ask for voluntary reduction of) judges' salaries in Hong Kong.

4.3 The Judicial Committee has carefully taken into account the above considerations, alongside the basket of factors, in reviewing judicial remuneration in 2009. At the macro level, the prevailing economic environment necessitates that a prudent approach be adopted in pay adjustment. In the private sector, wages and income are coming down and the prevailing trend is to have a freeze or small increase in basic salary with a reduction in variable pay. In the public sector, civil servants in the middle and lower salary bands (88% of the entire civil service) will have a pay freeze in 2009-10, while civil servants in the upper salary band and above (12%) will have a 5.38% pay reduction, subject to the relevant legislation being approved and implemented.

4.4 In respect of the Judiciary, whilst there is no insurmountable problem in recruitment and retention at present, there will be an increasing number of vacancies, particularly at senior levels, due to retirement in the near future. Lawyers of high calibre are always in strong demand, and their earnings in the private sector are invariably higher than judicial pay. To enable the Judiciary to attract talent to join the bench, we must ensure that judicial remuneration should be kept at a reasonable level, particularly taking into account the unique feature of the Judiciary to prohibit judges at District Court level and above from returning to private practice.

4.5 Having balanced all considerations, the Judicial Committee **recommends** that judicial salaries should remain unchanged in 2009-10.

4.6 Looking ahead, the Committee will continue to adopt a balanced approach, taking into account the basket of factors and in the light of the experience in 2009, in conducting future reviews on judicial remuneration.

Acknowledgements

We would like to express our sincere gratitude to both the Administration and the Judiciary for providing us with comprehensive and valuable information. Their contribution is most useful in facilitating our deliberation on the basket of factors under the new mechanism for the determination of judicial remuneration. Our appreciation also goes to the Secretary General and the Joint Secretariat for their assistance in this review.

**Standing Committee on Judicial Salaries
and Conditions of Service**

Terms of Reference

I. The Committee will advise and make recommendations to the Chief Executive on –

- (a) the structure, i.e. number of levels and salary level; and conditions of service and benefits other than salary appropriate to each rank of judges and judicial officers and other matters relating thereto;
- (b) matters relating to the system, institutional structure, methodology and mechanism for the determination of judicial salary and other matters relating thereto which the Chief Executive may refer to the Committee; and
- (c) any other matter as the Chief Executive may refer to the Committee.

II. The Committee will also, when it so determines, conduct an overall review of the matters referred to in I(a) above. In the course of this, the Committee should accept the existing internal structure of the Judiciary and not consider the creation of new judicial offices. If, however, the Committee in an overall review discovers anomalies, it may comment upon and refer such matters to the Chief Justice, Court of Final Appeal.

**Standing Committee on Judicial Salaries
and Conditions of Service**

Membership

Chairman

Mr Christopher Cheng Wai-chee, GBS, JP

Members

Professor Chan Yuk-shee, BBS, JP

Mr Henry Fan Hung-ling, SBS, JP*

Dr Victor Fung Kwok-king, GBS

Ms Jacqueline Pamela Leong, SC

Mr Brian David Li Man-bun

Mr Herbert Tsoi Hak-kong, BBS, JP

* Taking a leave of absence

Judicial Service Pay Scale
(with effect from 1 April 2008)

Judicial Service Pay Scale (JSPS)		Rank
Point	\$	
19	241,750	✧ Chief Justice, Court of Final Appeal
18	235,100	✧ Permanent Judge, Court of Final Appeal ✧ Chief Judge of the High Court
17	211,900	✧ Justice of Appeal of the Court of Appeal of the High Court
16	202,000	✧ Judge of the Court of First Instance of the High Court
15	166,900	✧ Registrar, High Court ✧ Chief Judge of the District Court
14	(161,500)	✧ Senior Deputy Registrar, High Court ✧ Principal Family Court Judge, District Court
	(156,800)	
	152,200	
13	(151,200)	✧ Deputy Registrar, High Court ✧ Judge of the District Court ✧ Chief Magistrate
	(146,950)	
	142,700	
12	(130,300)	✧ Assistant Registrar, High Court ✧ Member, Lands Tribunal
	(126,500)	
	122,700	
11	(119,900)	✧ Registrar, District Court ✧ Principal Adjudicator, Small Claims Tribunal ✧ Principal Magistrate ✧ Principal Presiding Officer, Labour Tribunal
	(116,550)	
	113,100	
10	(109,700)	✧ Adjudicator, Small Claims Tribunal ✧ Coroner ✧ Deputy Registrar, District Court ✧ Presiding Officer, Labour Tribunal
	(106,400)	
	103,400	
10	(109,700)	✧ Magistrate
	(106,400)	
	103,400	
9	96,015	
8	93,770	
7	91,530	

Judicial Service Pay Scale (JSPS)		Rank
Point	\$	
6	70,295	✧ Special Magistrate
5	67,035	
4	63,925	
3	62,430	
2	60,955	
1	59,495	

Note: Figures in brackets (for JSPS 10 – 14) represent increments under which the officer may proceed to the first increment after satisfactory completion of two years of service in the rank and to the second increment after satisfactory completion of another three years of service in the rank.

Levels of Court and Judicial Ranks

Level of Court	Rank	Pay Scale (JSPS)
Court of Final Appeal	Chief Justice, Court of Final Appeal	19
	Permanent Judge, Court of Final Appeal	18
High Court, Court of Appeal	Chief Judge of the High Court	18
	Justice of Appeal of the Court of Appeal of the High Court	17
High Court, Court of First Instance	Judge of the Court of First Instance of the High Court	16
High Court, Masters' Office	Registrar, High Court	15
	Senior Deputy Registrar, High Court	14
	Deputy Registrar, High Court	13
	Assistant Registrar, High Court*	12
District Court	Chief Judge of the District Court	15
	Principal Family Court Judge, District Court	14
	Judge of the District Court	13
District Court, Masters' Office	Registrar, District Court	11
	Deputy Registrar, District Court	10
Lands Tribunal	Member, Lands Tribunal	12
Magistrates' Courts	Chief Magistrate	13
	Principal Magistrate	11
	Magistrate	7 – 10
	Special Magistrate	1 – 6
Labour Tribunal	Principal Presiding Officer, Labour Tribunal	11
	Presiding Officer, Labour Tribunal	10
Small Claims Tribunal	Principal Adjudicator, Small Claims Tribunal	11
	Adjudicator, Small Claims Tribunal	10
Obscene Articles Tribunal	Magistrate	7 – 10
Coroner's Court	Coroner	10

* There is at present no post in the rank of Assistant Registrar, High Court.

Caseloads in Different Levels of Court Between 2006 and 2008

No. of cases Level of Court	2006	2007	2008
Court of Final Appeal			
– application for leave to appeal	113	139	158
– appeals	35	44	42
– miscellaneous proceedings	1	3	2
Court of Appeal of the High Court			
– criminal appeals	533	488	439
– civil appeals	443	421	385
Court of First Instance of the High Court			
criminal jurisdiction			
– criminal cases	264	312	311
– confidential miscellaneous proceedings	59	56	64
– appeals from Magistrates' Courts	1 238	1 234	1 125
civil jurisdiction	20 736	20 657	21 514
probate cases	15 298	13 483	13 339
District Court			
– criminal cases	1 199	1 240	1 250
– civil cases	30 948	28 820	28 527
– divorce jurisdiction	18 544	18 131	18 364
Magistrates' Courts	298 257	314 214	337 442
Lands Tribunal	5 471	5 128	5 228
Labour Tribunal	6 524	6 160	7 199
Small Claims Tribunal	76 925	68 797	59 246
Obscene Articles Tribunal	78 714	70 212	44 464
Coroner's Court	218	175	151

