

Head 80 — JUDICIARY

Controlling officer: the Judiciary Administrator will account for expenditure under this Head.

Estimate 2004–05	\$981.1m
Establishment ceiling 2004–05 (notional annual mid-point salary value) representing an estimated 1 572 non-directorate posts as at 31 March 2004 reducing by 141 posts to 1 431 posts as at 31 March 2005.....	\$424.1m
In addition there will be an estimated 177 directorate posts as at 31 March 2004 and as at 31 March 2005, of which 172 are judges and judicial officers.	
Commitment balance	\$10.6m

Controlling Officer's Report

Programmes

Programme (1) Courts and Tribunals
Programme (2) Support Services for Courts' Operation

These programmes contribute to Policy Area 12: Administration of Justice (Judiciary Administrator).

Detail

Programme (1): Courts and Tribunals

	2002–03 (Actual)	2003–04 (Original)	2003–04 (Revised)	2004–05 (Estimate)
Financial provision (\$m)	753.8	765.3	728.5 (–4.8%)	730.8 (+0.3%)
				(or –4.5% on 2003–04 Original)

Aim

2 The aim is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedoms of individuals and commands domestic and international confidence.

Brief Description

3 Under this programme, different levels of courts and tribunals hear and adjudicate criminal cases and civil disputes. The operational objectives of these courts and tribunals are to:

- ensure just and expeditious disposal of cases;
- enhance professional standards;
- ensure the Judiciary and the courts keep abreast with changing times; and
- develop a bilingual court system in Hong Kong.

4 In 2003, the aim of the programme was generally met and the overall performance under the programme, as reflected by the key indicators, was satisfactory.

5 The key performance measures in respect of operations of the courts and tribunals are:

Targets

The waiting time targets have been set in accordance with the recommendations of the Court Users' Committees or are laid down in the respective ordinances or court rules.

	Target	2002 (Actual)	2003 (Actual)	2004 (Plan)
<i>Average Waiting Time (days)</i>				
<i>Court of Final Appeal (Note 1)</i>				
Application for leave to appeal				
Criminal—from notice of hearing to hearing.....	45	40	46	45

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	Target	2002 (Actual)	2003 (Actual)	2004 (Plan)
Civil—from notice of hearing to hearing.....	35	52	46	35
Substantive appeal				
Criminal—from notice of hearing to hearing.....	100	83	90	100
Civil—from notice of hearing to hearing.....	120	63	105	120
Court of Appeal of the High Court				
Criminal—from setting down of a case to hearing.....	50	41	39	50
Civil—from application to fix date to hearing (<i>Note 2</i>).....	90	176	152	150
Court of First Instance of the High Court				
Criminal Fixture—from filing of indictment to hearing (<i>Note 3</i>).....	120	213	192	180
Criminal Running List—from setting down of a case to hearing...	90	83	73	90
Civil Fixture—from application to fix date to hearing.....	180	198	197	180
Civil Running List—from setting down of a case to hearing (<i>Note 4</i>)	90	148	53	90
Appeals from Magistrates' Courts— from lodging of Notice of Appeal to hearing.....	90	86	80	90
District Court				
Criminal—from first appearance of defendants in District Court to hearing.....	100	68	100	100
Civil—from date of listing to hearing.....	120	102	108	120
Family Court				
Dissolution of marriage—from setting down of a case to hearing				
Undefended list (<i>Note 5</i>).....	56	38	—	—
Special procedure list.....	35	20	50	35
Defended list (one day hearing)	110	94	94	110
Financial Applications—from filing of summons to hearing	110-140	72	87	100-140
Lands Tribunal—from setting down of a case to hearing				
Appeal cases	100	34	38	70
Compensation cases	100	48	55	80
Building Management cases	100	36	24	60
Tenancy cases	60	24	18	50
Magistrates' Courts—from plea to date of trial				
Summons	50	46	50	50
Charge cases—				
for defendants in custody	30-45	25	31	30-45
for defendants on bail	45-60	31	38	45-60
Coroner's Court—from receipt by the Coroner of a completed death report or the expiry of the period prescribed for the receipt of any representation (whichever date is later) to hearing	42	48	45	42
Labour Tribunal—				
from appointment to filing of a case ..	30	19	14	30
from filing of a case to first hearing...	30	25	24	30
Small Claims Tribunal—from filing of a case to first hearing	60	54	60	60
Obscene Articles Tribunal—				
from receipt of application to classification.....	5	2	3	5
from referral by a magistrate to determination.....	21	18	17	21

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	Target	2002 (Actual)	2003 (Actual)	2004 (Plan)
from receipt of application to review	35	34	26	35
from receipt of application to reconsideration	35	20	23	35

Note 1: The waiting times of the Court of Final Appeal are dependent on the caseload, the availability of non-permanent judges and the need to accommodate counsel's diary where practicable.

Note 2: Most of the right of abode cases had been dealt with in 2002, hence there was an improvement in the waiting time for civil appeals in the Court of Appeal of the High Court in 2003, as compared to 2002.

Note 3: There has been an improvement in the waiting time for criminal fixture list in the Court of First Instance of the High Court in 2003 due to the reduction of caseload.

Note 4: There has been a great improvement in the waiting time for civil running list in the Court of First Instance of the High Court in 2003 due to the temporary redeployment of one Deputy High Court Judge to clear the backlogs.

Note 5: Following the implementation of the Matrimonial Causes (Amendment) Rules in 2002, the undefended cases in the Family Court are also put under the special procedure list; hence no figures on actual and planned waiting times for undefended list cases are provided for 2003 and 2004.

Indicators

	2002 (Actual)	2003 (Actual)	2004 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
Application for leave to appeal	89	90	90
Appeal	22	27	30
Miscellaneous proceedings (<i>Note 6</i>).....	—	2	3
<i>Court of Appeal of the High Court</i>			
Criminal appeals.....	649	559	570
Civil appeals.....	465	404	390
<i>Court of First Instance of the High Court</i>			
<i>Criminal jurisdiction</i>			
Criminal cases	433	337	330
Confidential miscellaneous proceedings	67	70	80
Appeals from Magistrates' Courts.....	1 265	1 270	1 220
Civil jurisdiction (<i>Note 7</i>).....	42 133	39 554	33 300
Probate cases	12 424	12 569	12 510
<i>District Court</i>			
Criminal cases	1 334	1 339	1 330
Civil cases (<i>Note 8</i>)	32 835	35 466	36 800
Divorce jurisdiction.....	17 197	17 670	17 480
Small Claims Tribunal (<i>Note 9</i>).....	90 815	113 381	123 020
Labour Tribunal	12 326	11 263	11 520
Obscene Articles Tribunal.....	231 096	122 697	148 090
Coroner's Court.....	134	109	100
Lands Tribunal	6 906	8 004	7 470
Magistrates' Courts (<i>Note 10</i>)	298 005	282 331	282 640

Note 6: A new case type has been created in the Court of Final Appeal since 2003 to deal with miscellaneous applications other than leave applications, such as, stay of execution.

Note 7: The number of bankruptcy petitions in the Court of First Instance of the High Court is reducing but it is expected that applications for individual voluntary arrangements will be increased by 150% as more litigants are trying to avoid becoming bankrupt. Since the financial limit of the District Court's civil jurisdiction has been raised from \$600,000 to \$1,000,000 as from December 2003 and in view of the decrease in bankruptcy petitions, it is estimated that the civil caseload of the Court of First Instance of the High Court in 2004 will be reduced.

Note 8: The sharp increase of tax claims accounts for the increase of the civil caseload for the District Court in 2003. Since the financial limit of the District Court's civil jurisdiction has been raised from \$600,000 to \$1,000,000, it is estimated that the civil caseload of the District Court in 2004 will be increased.

Note 9: In view of the economic downturn, it is anticipated that the number of claims filed with the Small Claims Tribunal will continue to increase.

Note 10: The decrease of caseload in the Magistrates' Courts in 2003 is attributable to the significant reduction in anti-litter notices.

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6 It should be noted that the number of cases alone is not a true reflection of a court's workload. In recent years, there has been an increasing number of complex cases that have generally taken longer time to conclude. Without compromising the quality of justice, the Judiciary will continue to enhance the productivity of the courts through measures such as improving the listing system, the use of modern technology and pre-trial reviews.

Matters Requiring Special Attention in 2004–05

7 In 2004–05, the Judiciary will:

- monitor the caseloads and waiting times in the District Court after the increase in the civil jurisdictional limit from \$600,000 to \$1,000,000 in December 2003;
- monitor the waiting time in the Family Court after the introduction of a new procedure for applications for ancillary relief in December 2003; and
- cope with the workload of the Labour Tribunal and Small Claims Tribunal through continuous improvement in work processes.

Programme (2): Support Services for Courts' Operation

	2002–03 (Actual)	2003–04 (Original)	2003–04 (Revised)	2004–05 (Estimate)
Financial provision (\$m)	254.0	266.0	255.6 (–3.9%)	250.3 (–2.1%)
				(or –5.9% on 2003–04 Original)

Aim

8 The aim is to provide efficient and effective services to support the operation of courts.

Brief Description

9 Under this programme, administrative services are provided to support the hearing of cases in courts and tribunals at different levels, and to carry out court orders. The work involves:

- providing effective court recording services for court proceedings and producing transcripts for these proceedings;
- ensuring that both the Chinese and English languages can be used in the court system;
- providing efficient and effective bailiff services to the public;
- keeping the best legal reference books and research materials for the use of judges, judicial officers and the legal profession; and
- implementing the Judiciary Information Systems Strategy (JISS) to enhance the efficiency of court support services.

10 In 2003, the aim of the programme was generally met and the overall performance under the programme, as reflected by the key indicators, was satisfactory.

11 The key performance measures in respect of support services for the courts and tribunals are:

Indicators

	2002 (Actual)	2003 (Actual)	2004 (Estimate)
<i>Reporting and Transcription</i>			
Cases covered			
Criminal.....	327 344	291 593	300 000
Civil.....	122 294	110 436	115 000
Cases with transcripts produced as required by judges			
Criminal.....	5 785	5 609	5 600
Civil.....	1 820	1 704	1 700
<i>Interpretation and Translation</i>			
Pages of certification/translation processed by Court			
Interpreters.....	498 385	457 657	470 000
<i>Bailiff Service</i>			
Executions attempted	36 120	33 957	35 000
Summons services attempted.....	88 514	78 789	77 000

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	2002 (Actual)	2003 (Actual)	2004 (Estimate)
<i>Library</i>			
Library materials acquired and processed	25 665	39 295	39 000
Attendances at the Library.....	83 228	84 652	85 000

Implementation date

	2002	2003	
<i>JISS</i>			
Phase III			
Automated Leadership Resource System		February	
<i>Other Computerisation Projects</i>			
Judiciary Library Information System		June	
Technology Court.....			April

12 The number of library materials acquired and processed in 2003 inflated significantly over that in 2002. This is mainly due to the inclusion of loose-leaf publications, updates, supplements, newsletters and bulletins into the computer records as from 2003.

Matters Requiring Special Attention in 2004–05

13 In 2004–05, the Judiciary will:

- enhance support to unrepresented litigants for civil proceedings in the High Court and District Court through the newly established Resource Centre for Unrepresented Litigants; and
- continue to explore opportunities for using information technology to replace manual work and enhance access to information.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2002–03 (Actual) (\$m)	2003–04 (Original) (\$m)	2003–04 (Revised) (\$m)	2004–05 (Estimate) (\$m)
(1) Courts and Tribunals.....	753.8	765.3	728.5	730.8
(2) Support Services for Courts’ Operation	254.0	266.0	255.6	250.3
	1,007.8	1,031.3	984.1 (–4.6%)	981.1 (–0.3%)
				(or –4.9% on 2003–04 Original)

Analysis of Financial and Staffing Provision

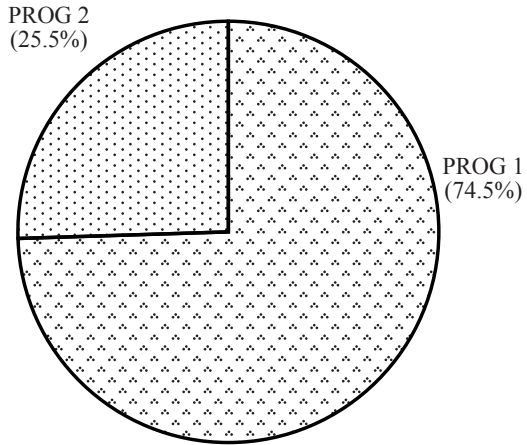
Programme (1)

Provision for 2004–05 is \$2.3 million (0.3%) higher than the revised estimate for 2003–04. This is mainly due to an anticipated increase in operating expenses, partly offset by the net deletion of 97 posts and effect of the 2004 and 2005 civil service pay cut.

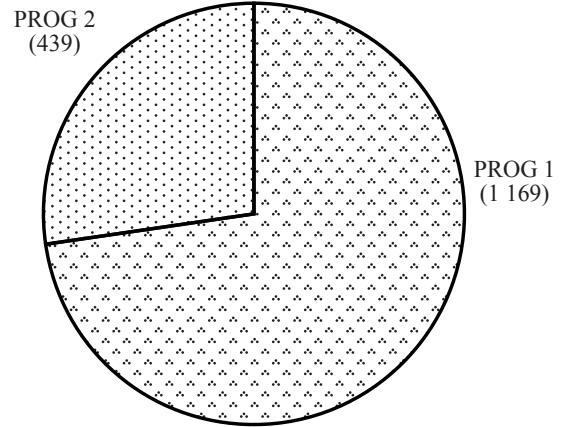
Programme (2)

Provision for 2004–05 is \$5.3 million (2.1%) lower than the revised estimate for 2003–04. This is mainly due to the net deletion of 44 posts and effect of the 2004 and 2005 civil service pay cut, partly offset by an anticipated increase in operating expenses.

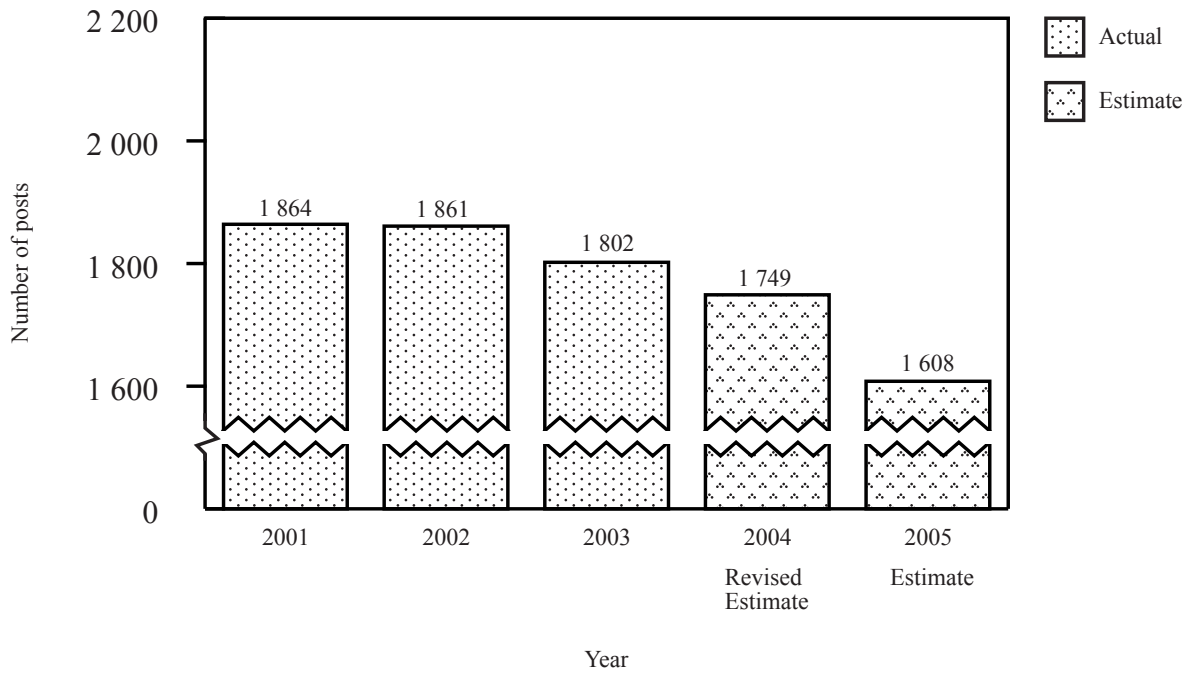
*Allocation of provision
to programmes
(2004-05)*



*Staff by programme
(as at 31 March 2005)*



*Changes in the size of the establishment
(as at 31 March)*



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Sub-head (Code)	Actual expenditure 2002-03	Approved estimate 2003-04	Revised estimate 2003-04	Estimate 2004-05	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses.....	—	1,001,190	957,833	952,405
206	Expenses of witnesses and jurors	7,910	8,541	7,215	7,530*
	Salaries	736,947	—	—	—
	Allowances	20,855	—	—	—
	Job-related allowances	2,450	—	—	—
	Cash allowance in lieu of housing benefits.....	4,028	—	—	—
	Hire of services and professional fees	105,001	—	—	—
	General departmental expenses	114,470	—	—	—
	Magistrates poor box	2	—	—	—
	Total, Recurrent	991,663	1,009,731	965,048	959,935
Non-Recurrent					
700	General non-recurrent.....	1,841	3,620	3,665	6,159
	Total, Non-Recurrent	1,841	3,620	3,665	6,159
	Total, Operating Account.....	993,504	1,013,351	968,713	966,094
Capital Account					
Plant, Equipment and Works					
600	Works	56	201	201	138
603	Plant, vehicles and equipment	2,047	1,987	2,157	1,341
613	Law library acquisitions (block vote)	10,434	10,780	10,780	10,410
661	Minor plant, vehicles and equipment (block vote).....	1,756	4,962	2,245	3,116
	Total, Plant, Equipment and Works	14,293	17,930	15,383	15,005
	Total, Capital Account	14,293	17,930	15,383	15,005
	Total Expenditure.....	1,007,797	1,031,281	984,096	981,099

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Details of Expenditure by Subhead

The estimate of the amount required in 2004–05 for the salaries and expenses of the Judiciary is \$981,099,000. This represents a decrease of \$2,997,000 against the revised estimate for 2003–04 and of \$26,698,000 against actual expenditure in 2002–03.

Operating Account

Recurrent

2 Provision of \$952,405,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$307,900 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment as at 31 March 2004 will be 1 749 permanent posts. It is expected that a net permanent 141 posts will be deleted in 2004–05. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2004–05, but the notional annual mid-point salary value of all such posts must not exceed \$424,098,000.

4 An analysis of the financial provision under *Subhead 000 Operational expenses* is as follows:

	2002–03 (Actual) (\$'000)	2003–04 (Original) (\$'000)	2003–04 (Revised) (\$'000)	2004–05 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	736,947	747,453	731,394	696,302
- Allowances.....	20,855	21,810	18,611	19,099
- Job-related allowances	2,450	2,258	1,781	1,508
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	4,028	5,033	4,593	4,777
- Mandatory Provident Fund contribution.....	—	1,359	1,466	1,525
Departmental Expenses				
- Hire of services and professional fees.....	105,001	107,669	88,000	98,000
- General departmental expenses.....	114,470	115,600	111,980	131,186
Subventions				
- Magistrates poor box	2	8	8	8
	983,753	1,001,190	957,833	952,405

5 Provision of \$7,530,000 under *Subhead 206 Expenses of witnesses and jurors* is for the expenses of witnesses in hearings in criminal cases and in coroners' inquiries, and jurors in both criminal and civil cases and in coroners' inquiries.

Capital Account

Plant, Equipment and Works

6 Provision of \$10,410,000 under *Subhead 613 Law library acquisitions (block vote)* is for the replenishment of court and tribunal libraries and for subscriptions to legal periodicals and supplements.

7 Provision of \$3,116,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$871,000 (38.8%) over the revised estimate for 2003–04. This is mainly due to the increased requirements for minor plant and equipment in court buildings.

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Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2003	Revised estimated expenditure for 2003-04	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	517	Replacement of flags, emblems, etc. of court buildings	6,600	1,421	1,000	4,179
	520	Production of videos	2,800	1,558	—	1,242
	521	Pilot scheme on family mediation	7,500	4,855	1,965	680
	522	Production of videos and brochures on litigants in person in civil litigations..	2,500	—	700	1,800
			19,400	7,834	3,665	7,901
<i>Capital Account</i>						
600		<i>Works</i>				
	216	Modification and refurbishment works of the jury recess rooms	2,900	2,561	201	138
603		<i>Plant, vehicles and equipment</i>				
	217	Provision of basic office equipment to court buildings	2,600	2,169	100	331
	218	Installation of audio-visual presentation system in courtrooms	5,400	2,294	895	2,211
			8,000	4,463	995	2,542
		Total.....	30,300	14,858	4,861	10,581