

Head 80 — JUDICIARY

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

Estimate 2005–06	\$944.4m
Establishment ceiling 2005–06 (notional annual mid-point salary value) representing an estimated 1 464 non-directorate posts as at 31 March 2005 reducing by 49 posts to 1 415 posts as at 31 March 2006.	\$373.3m
In addition, there will be an estimated 177 directorate posts as at 31 March 2005 and as at 31 March 2006, of which 172 are posts for judges and judicial officers.	
Commitment balance	\$10.5m

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

	2003–04 (Actual)	2004–05 (Original)	2004–05 (Revised)	2005–06 (Estimate)
Financial provision (\$m)	748.0	730.8	705.4 (–3.5%)	704.4 (–0.1%)
				(or –3.6% on 2004–05 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 2004, having regard to resources made available and to the matters set out in the Notes below, a number of aspects as reflected by the key indicators show an adverse trend. Subject to the above, the aim of the programme was met and the overall performance thereunder as so reflected 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	2003 (Actual)	2004 (Actual)	2005 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal (Note 1)				
application for leave to appeal				
criminal—from notice of				
hearing to hearing	45	46	44	45

Head 80 — JUDICIARY

	Target	2003 (Actual)	2004 (Actual)	2005 (Plan)
civil—from notice of hearing to hearing.....	35	46	45	35
Substantive appeal				
criminal—from notice of hearing to hearing.....	100	90	82	100
civil—from notice of hearing to hearing.....	120	105	86	120
Court of Appeal of the High Court				
criminal—from setting down of a case to hearing.....	50	39	37	50
civil—from application to fix date to hearing (<i>Note 2</i>).....	90	152	159	150
Court of First Instance of the High Court				
Criminal Fixture List—from filing of indictment to hearing (<i>Note 3</i>)...	120	192	214	180
Criminal Running List—from setting down of a case to hearing (<i>Note 4</i>).....	90	73	135	90
Civil Fixture List—from application to fix date to hearing (<i>Note 5</i>).....	180	197	239	180
Civil Running List—from setting down of a case to hearing (<i>Note 6</i>).....	90	53	116	90
appeals from Magistrates' Courts— from lodging of Notice of Appeal to hearing.....	90	80	72	90
District Court				
criminal—from first appearance of defendants in District Court to hearing.....	100	100	98	100
civil—from date of listing to hearing.....	120	108	54	120
Family Court				
Dissolution of marriage—from setting down of a case to hearing Special Procedure List.....	35	50	68	35
Defended List (one day hearing).....	110	94	129	110
Financial Applications—from filing of summons to hearing.....	110-140	87	113	100-140
Lands Tribunal—from setting down of a case to hearing				
appeal cases.....	100	38	20	50
compensation cases.....	100	55	68	80
building management cases.....	100	24	26	50
tenancy cases.....	60	18	23	50
Magistrates' Courts—from plea to date of trial				
Summons.....	50	50	64	50
Charge cases—				
for defendants in custody.....	30-45	31	34	30-45
for defendants on bail.....	45-60	38	49	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	45	46	42
Labour Tribunal—				
from appointment to filing of a case...	30	14	8	30
from filing of a case to first hearing ...	30	24	24	30
Small Claims Tribunal—from filing of a case to first hearing.....	60	60	46	60
Obscene Articles Tribunal—				
from receipt of application to classification.....	5	3	2	5

Head 80 — JUDICIARY

	Target	2003 (Actual)	2004 (Actual)	2005 (Plan)
from referral by a magistrate to determination	21	17	16	21
from receipt of application to review .	35	26	19	35
from receipt of application to reconsideration	35	23	21	35

Note 1: The waiting time of the Court of Final Appeal is affected by the caseload, the availability and sitting periods of non-permanent judges and the need to accommodate counsel's diary where practicable.

Note 2: The number of complex and lengthy Civil Appeal cases listed in 2004 has increased by 65%, hence prolonging the court waiting time.

Note 3: There has been an increase of approximately 10% in the caseload on the Criminal Fixture List, leading to longer court waiting time.

Note 4: Waiting time for Criminal Running List cases would be improved in 2005 with deployment of additional resources from August 2004.

Note 5: Waiting time for cases on the Civil Fixture List was affected by a number of lengthy trials ranging from 10 to 50 days.

Note 6: Waiting time for Civil Running List cases would be improved in 2005 with deployment of additional resources from October 2004.

Indicators

	2003 (Actual)	2004 (Actual)	2005 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal	90	91	90
appeal	27	37	40
miscellaneous proceedings	2	2	2
<i>Court of Appeal of the High Court</i>			
criminal appeals	559	544	570
civil appeals	404	406	400
<i>Court of First Instance of the High Court</i>			
<i>Criminal jurisdiction</i>			
criminal cases	337	377	400
confidential miscellaneous proceedings	70	76	80
appeals from Magistrates' Courts	1 270	1 285	1 300
Civil jurisdiction	39 554	23 993	24 000
Probate cases	12 569	12 945	13 000
<i>District Court</i>			
criminal cases	1 339	1 408	1 420
civil cases (<i>Note 7</i>)	35 466	36 460	37 860
divorce jurisdiction	17 670	16 126	17 000
Small Claims Tribunal	113 381	88 242	89 870
Labour Tribunal	11 263	8 273	8 470
Obscene Articles Tribunal	122 697	76 875	80 000
Coroner's Court	109	140	140
Lands Tribunal (<i>Note 8</i>)	8 004	6 669	6 180
Magistrates' Courts	282 331	301 147	300 000

Note 7: The civil caseload in the District Court is projected to rise slightly owing to the increase in civil jurisdictional limit and the increase in personal injuries claims. However, the impact is expected to be balanced off to some extent by the decrease in tax claims.

Note 8: The removal of the security of tenure and the introduction of the transitional termination period has the effect of reducing the caseload.

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 try to enhance the productivity of the courts through measures such as improving the listing system, pre-trial reviews and appropriate deployment of judicial resources. But it must be noted that there is a limit to which this could be done.

Head 80 — JUDICIARY

Matters Requiring Special Attention in 2005–06

7 In 2005–06, the Judiciary will continue to:

- monitor the caseloads and waiting time 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 pilot scheme with 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

	2003–04 (Actual)	2004–05 (Original)	2004–05 (Revised)	2005–06 (Estimate)
Financial provision (\$m)	196.1	250.3	240.5 (–3.9%)	240.0 (–0.2%)
				(or –4.1% on 2004–05 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 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 bailiff services for enforcement of court orders;
- keeping comprehensive legal reference books and research materials for the use of judges, judicial officers and the legal profession; and
- adopting information technology and other modern management tools to enhance the efficiency of court support services.

10 In 2004, the aim of the programme was generally met and the overall performance of 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

	2003 (Actual)	2004 (Actual)	2005 (Estimate)
<i>Reporting and transcription</i>			
cases covered			
criminal.....	291 593	315 153	311 000
civil.....	110 436	84 597	85 000
cases with transcripts produced as required by judges			
criminal.....	5 609	5 400	5 400
civil.....	1 704	1 815	1 800
<i>Interpretation and translation</i>			
pages of certification/translation processed by Court			
Interpreters.....	457 657	466 215	460 000
<i>Bailiff service</i>			
executions attempted.....	33 957	32 617	34 000
summons services attempted.....	78 789	78 867	78 000
<i>Library</i>			
library materials acquired and processed.....	39 295	35 951	38 000
attendances at the Library.....	84 652	81 005	81 000

Head 80 — JUDICIARY

	2003	<i>Implementation date</i> 2004	2005 (Estimate)
<i>Computerisation projects</i>			
Technology Court.....	April		
e-Enquiry of Hearing Dates		May	
Revamped Legal Reference System.....		September	
Bilingual Reference System.....			May
Case Management System for Obscene Articles Tribunal.....			May

Matters Requiring Special Attention in 2005–06

12 In 2005–06, the Judiciary will:

- continue to enhance support to unrepresented litigants for civil proceedings in the High Court and District Court through the Resource Centre for Unrepresented Litigants;
- sustain quality management in the Judiciary Administration; and
- provide infrastructural and other support to the implementation of the Civil Justice Reform.

Head 80 — JUDICIARY

ANALYSIS OF FINANCIAL PROVISION

Programme	2003-04 (Actual) (\$m)	2004-05 (Original) (\$m)	2004-05 (Revised) (\$m)	2005-06 (Estimate) (\$m)
(1) Courts and Tribunals	748.0	730.8	705.4	704.4
(2) Support Services for Courts' Operation.....	196.1	250.3	240.5	240.0
	944.1	981.1	945.9 (-3.6%)	944.4 (-0.2%)
				(or -3.7% on 2004-05 Original)

Analysis of Financial and Staffing Provision

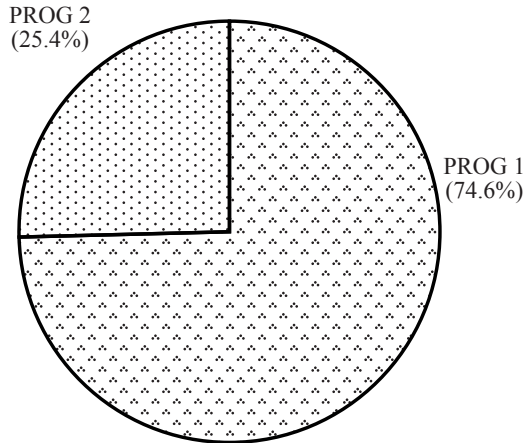
Programme (1)

Provision for 2005-06 is \$1.0 million (0.1%) lower than the revised estimate for 2004-05. This is mainly due to a net reduction in salary provision after taking into account the deletion of 31 posts and full-year effect of the 2005 civil service pay cut, as well as decrease in cash flow requirement of capital account items.

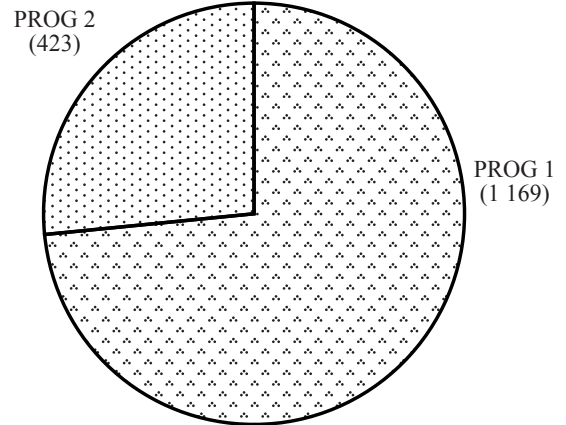
Programme (2)

Provision for 2005-06 is \$0.5 million (0.2%) lower than the revised estimate for 2004-05. This is mainly due to a net reduction in salary provision after taking into account the deletion of 18 posts and full-year effect of the 2005 civil service pay cut.

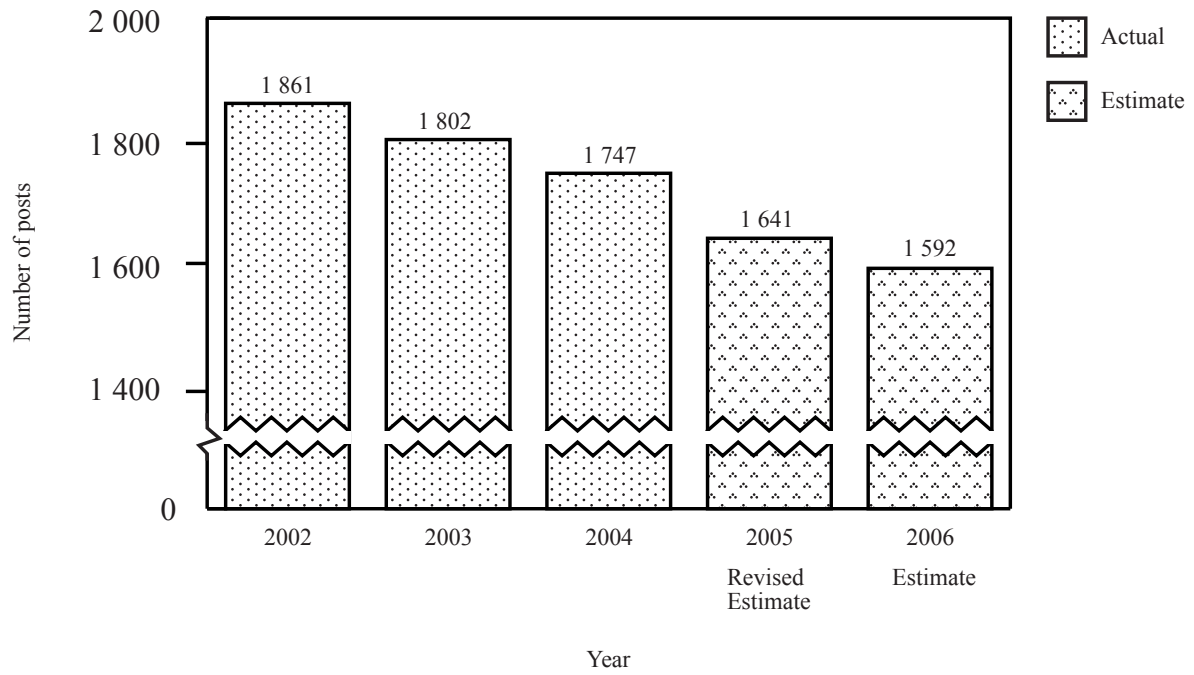
*Allocation of provision
to programmes
(2005-06)*



*Staff by programme
(as at 31 March 2006)*



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



Head 80 — JUDICIARY

Sub-head (Code)	Actual expenditure 2003-04	Approved estimate 2004-05	Revised estimate 2004-05	Estimate 2005-06	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	923,458	952,405	919,664	917,634
206	Expenses of witnesses and jurors	6,110	7,530	7,530	7,530*
	Total, Recurrent	<u>929,568</u>	<u>959,935</u>	<u>927,194</u>	<u>925,164</u>
Non-Recurrent					
700	General non-recurrent	1,709	6,159	3,337	4,761
	Total, Non-Recurrent	<u>1,709</u>	<u>6,159</u>	<u>3,337</u>	<u>4,761</u>
	Total, Operating Account	<u>931,277</u>	<u>966,094</u>	<u>930,531</u>	<u>929,925</u>
Capital Account					
Plant, Equipment and Works					
600	Works	—	138	544	56
603	Plant, vehicles and equipment	1,108	1,341	1,300	835
613	Law library acquisitions (block vote)	10,772	10,410	11,700	11,700
661	Minor plant, vehicles and equipment (block vote)	909	3,116	1,826	1,854
	Total, Plant, Equipment and Works	<u>12,789</u>	<u>15,005</u>	<u>15,370</u>	<u>14,445</u>
	Total, Capital Account	<u>12,789</u>	<u>15,005</u>	<u>15,370</u>	<u>14,445</u>
	Total Expenditure	<u><u>944,066</u></u>	<u><u>981,099</u></u>	<u><u>945,901</u></u>	<u><u>944,370</u></u>

Head 80 — JUDICIARY

Details of Expenditure by Subhead

The estimate of the amount required in 2005–06 for the salaries and expenses of the Judiciary is \$944,370,000. This represents a decrease of \$1,531,000 against the revised estimate for 2004–05 and an increase of \$304,000 over actual expenditure in 2003–04.

Operating Account

Recurrent

2 Provision of \$917,634,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$303,900 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment as at 31 March 2005 will be 1 641 permanent posts. It is expected that 49 posts will be deleted in 2005–06. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2005–06, but the notional annual mid-point salary value of all such posts must not exceed \$373,347,000.

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

	2003–04 (Actual) (\$'000)	2004–05 (Original) (\$'000)	2004–05 (Revised) (\$'000)	2005–06 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	724,283	696,302	683,584	681,715
- Allowances	15,625	19,099	19,074	19,560
- Job-related allowances	1,718	1,508	1,464	1,534
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	4,494	4,777	5,198	5,431
- Mandatory Provident Fund contribution	1,334	1,525	1,336	1,396
Departmental Expenses				
- Hire of services and professional fees	77,830	98,000	94,000	96,000
- General departmental expenses	98,168	131,186	115,000	111,990
Other Charges				
- Magistrates poor box#	6	8	8	8
	923,458	952,405	919,664	917,634

Prior to 2005–06, expenses under this item were classified as “Subventions”. Starting from 2005–06, the provision for this item will be re-classified as “Other Charges” to align with the classification of similar items involving payment of membership fees/subscriptions or miscellaneous contributions.

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 \$11,700,000 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.

Head 80 — JUDICIARY

Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2004	Revised estimated expenditure for 2004–05	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	520	Production of videos	2,800	1,558	—	1,242
	521	Pilot scheme on family mediation	7,500	6,121	680	699
	522	Production of videos and brochures on litigants in person in civil litigations .	2,500	443	1,157	900
	523	Implementation of the Civil Justice Reform	6,940	—	1,500	5,440
			<u>19,740</u>	<u>8,122</u>	<u>3,337</u>	<u>8,281</u>
<i>Capital Account</i>						
600		<i>Works</i>				
	221	Provision of interview rooms for the Small Claims Tribunal.....	600	—	544	56
603		<i>Plant, vehicles and equipment</i>				
	217	Provision of basic office equipment to court buildings.....	2,600	2,211	69	320
	218	Installation of audio-visual presentation system in courtrooms.....	5,400	2,300	1,231	1,869
			<u>8,000</u>	<u>4,511</u>	<u>1,300</u>	<u>2,189</u>
		Total	<u><u>28,340</u></u>	<u><u>12,633</u></u>	<u><u>5,181</u></u>	<u><u>10,526</u></u>