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

Estimate 2006–07	\$952.7m
Establishment ceiling 2006–07 (notional annual mid-point salary value) representing an estimated 1 414 non-directorate posts as at 31 March 2006 reducing by 40 posts to 1 374 posts as at 31 March 2007.	\$367.4m
In addition, there will be an estimated 177 directorate posts as at 31 March 2006 and as at 31 March 2007, of which 172 are posts for judges and judicial officers.	
Commitment balance	\$8.9m

Controlling Officer's Report

Programmes

Programme (1) Courts and Tribunals Programme (2) Support Services for Courts' Operation	These Admini	programmes stration of Justi		Area	12:
Detail					

Programme (1): Courts and Tribunals

	2004–05 (Actual)	2005–06 (Original)	2005–06 (Revised)	2006–07 (Estimate)
Financial provision (\$m)	657.4	704.4	673.5 (-4.4%)	7 28.4 (+8.2%)
				(0 1 0 (

⁽or +3.4% on 2005–06 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 2005, 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 have shown an adverse trend. Subject to the above, the aim of the programme was met and the overall performance 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	2004 (Actual)	2005 (Actual)	2006 (Plan)
$(1, \dots, M, M,$	Target	(Actual)	(Actual)	(1 lall)
Average Waiting Time (days) Court of Final Appeal (Note 1)				
application for leave to appeal				
criminal—from notice of	4.5			
hearing to hearing	45	44	62	45
civil—from notice of hearing to hearing	35	45	49	35
substantive appeal	50	10	12	•••
criminal—from notice of				
hearing to hearing	100	82	61	100
civil—from notice of hearing to hearing	120	86	118	120
Court of Appeal of the High Court	120	00	110	120
criminal—from setting down of a				
case to hearing	50	37	37	50
civil—from application to fix date	90	159	93	90
to hearing Court of First Instance of the High Court	90	139	95	20
Criminal Fixture List—from filing				
of indictment to hearing (Note 2)	120	214	193	180
Criminal Running List—from	00	125	(0	00
setting down of a case to hearing Civil Fixture List—from application	90	135	69	90
to fix date to hearing (Note 3)	180	239	233	180
Civil Running List—from setting				
down of a case to hearing	90	116	54	90
Appeals from Magistrates' Courts—				
from lodging of notice of appeal to hearing	90	72	71	90
District Court	20	12	/ 1	70
criminal—from first appearance of				
defendants in District Court to	100	00	110	100
hearing (<i>Note 4</i>) civil—from date of listing to	100	98	112	100
hearing (Note 5)	120	54	120	120
Family Court				
dissolution of marriage—from				
setting down of a case to hearing Special Procedure List	35	68	29	35
Defended List (one day	35	08	23	55
hearing)	110	129	120	110
financial applications—from filing				
of summons to hearing	110-140	113	124	100-140
Lands Tribunal—from setting down of a case to hearing				
appeal cases	100	20	54	50
compensation cases	100	68	90	80
building management cases	100	26	49	50 50
tenancy cases Magistrates' Courts—from plea to date of	60	23	31	50
trial (Note 6)				
summons	50	64	94	50
charge cases—	20.45	2.4	4.4	20.45
for defendants in custody for defendants on bail	30-45 45-60	34 49	44 68	30-45 45-60
Coroner's Court—from date of listing to	-00-U	T 2	00	45-00
hearing (Note 7)	42	46	48	42
Labour Tribunal—	20	0	10	
from appointment to filing of a case	30 30	8 24	13 25	30 30
from filing of a case to first hearing Small Claims Tribunal—from filing of a	50	24	23	50
case to first hearing	60	46	44	60
5				-

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	Target	2004 (Actual)	2005 (Actual)	2006 (Plan)
Obscene Articles Tribunal—				
from receipt of application to classification	5	2	2	5
from referral by a magistrate to determination	21	16	15	21
from receipt of application to	35	19	21	35
from receipt of application to	55	19	21	35
reconsideration	35	21	^	35

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

Note 2: More judicial resources have been deployed in the latter part of 2005 with a view to shortening the waiting time for Criminal Fixture List.

Note 3: More judicial resources have been deployed in the latter part of 2005 with a view to shortening the waiting time for Civil Fixture List.

Note 4: The average waiting time for criminal cases increased in 2005 due to the general increase in the length of trials and the complexity of cases.

Note 5: The average waiting time for civil cases increased considerably in 2005, as more cases were listed for trial after the increase in civil jurisdictional limit from \$600,000 to \$1,000,000 in December 2003. However, it is still within the target. The general increase in the length of civil trials and the complexity of cases are also causes for the increase in waiting time.

Note 6: The waiting time varies among different Magistrates' Courts. The average waiting time is an average of the Magistrates' Courts at seven locations. More judicial resources have been deployed in the latter part of 2005 with a view to shortening the waiting time for Magistrates' Courts.

Note 7: The waiting time of the Coroner's Court is affected by the upsurge of guardianship.

^ As there are no articles for reconsideration filed in 2005, the waiting time is inapplicable.

Indicators

	2004 (Actual)	2005 (Actual)	2006 (Estimate)
Number of Cases	(l'iotaul)	(i iotuui)	(Listillate)
Court of Final Appeal			
	91	147	150
application for leave to appeal (Note 8)	37	44	40
appeal miscellaneous proceedings	2	44	40
Court of Appeal of the High Court	2	0	U
	544	541	540
criminal appeals	406	414	420
civil appeals	400	414	420
Court of First Instance of the High Court			
criminal jurisdiction	377	326	320
criminal cases (Note 9)	76	526 51	320
confidential miscellaneous proceedings		• -	50
appeals from Magistrates' Courts	1 285	1 254	1 250
civil jurisdiction (Note 10)	23 993	19 915	19 920 12 550
probate cases	12 945	13 547	13 550
District Court	1 400	1.2.40	1 3 5 0
criminal cases	1 408	1 349	1 350
civil cases (Note 11)	36 460	32 016	32 020
divorce jurisdiction	16 126	16 947	16 950
Small Claims Tribunal	88 242	80 472	80 500
Labour Tribunal (Note 12)	8 273	6 900	6 900
Obscene Articles Tribunal (Note 13)	76 875	24 670	24 700
Coroner's Court (<i>Note 14</i>)	140	191	200
Lands Tribunal	6 669	6 268	6 300
Magistrates' Courts	301 147	298 887	299 410

Note 8: The caseload of application for leave to appeal increased by over 60% in 2005.

Note 9: The caseload of criminal cases in the High Court dropped by about 13% in 2005.

Note 10: The caseload of civil cases in High Court dropped by 17% in 2005. It is attributed to the decrease of about 19% in bankruptcy and company winding up cases.

Note 11: There was a drop of 12% in the number of civil cases commenced in the District Court in 2005.

- *Note 12*: With the improving economic condition, the caseload of the Labour Tribunal in 2005 decreased by about 16%.
- *Note 13*: While the number of articles submitted in 2005 decreased by nearly 68% as compared with that in 2004, the workload of the Obscene Articles Tribunal had not decreased correspondingly or significantly. The reasons include an increasing tendency for a single disc to contain a number of films and for books and magazines to contain more stories and photographs than before.
- *Note 14*: There was an increase of about 36% in the caseload in Coroner's Court. This is mainly attributed to the twofold increase in guardianship cases.

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.

Matters Requiring Special Attention in 2006–07

- 7 In 2006–07, the Judiciary will:
- continue to monitor the waiting time in the High Court, District Court and Magistrates' Courts upon the deployment of additional judicial resources;
- adopt the new procedure for issuing grants of probate and letters of administration after the abolition of estate duty; and
- cope with the workload in the Small Claims Tribunal through continuous improvements in work processes.

Programme (2): Support Services for Courts' Operation

	2004–05	2005–06	2005–06	2006–07
	(Actual)	(Original)	(Revised)	(Estimate)
Financial provision (\$m)	223.6	240.0	219.4 (-8.6%)	224.3 (+2.2%)

⁽or -6.5% on 2005–06 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 2005, 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

	2004	2005	2006
	(Actual)	(Actual)	(Estimate)
Reporting and Transcription cases covered			
criminal	315 153	270 157	270 000
civil	84 597	74 040	74 000

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	2004 (Actual)	2005 (Actual)	2006 (Estimate)
cases with transcripts produced as required by judges criminal civil	5 400 1 815	5 702 1 990	5 800 2 000
Interpretation and Translation pages of certification/translation processed by Court Interpreters	466 215	447 208	477 000
Bailiff Service executions attempted summons services attempted	32 617 78 867	27 702 73 055	29 000 74 000
<i>Library</i> library materials acquired and processed attendances at the Library	35 951 81 005	34 337 80 185	35 000 80 500
	2004	Implementation date 2005	2006 (Estimate)
Computerisation Projects e-Enquiry of Hearing Dates Revamped Legal Reference System Bilingual Reference System for Obscene Articles	May September	March	
Tribunal Small Claims Tribunal System Revamp Family Court Document Image Management System Labour Tribunal System Revamp		March November	March September

Matters Requiring Special Attention in 2006–07

12 In 2006–07, the Judiciary will continue to:

- enhance support to unrepresented litigants in the High Court and District Court through the Resource Centre for Unrepresented Litigants;
- provide infrastructural and other support to the implementation of the Civil Justice Reform, particularly in respect of legislative amendments and information technology; and
- sustain quality management in the Judiciary Administration.

Pro	gramme	2004–05 (Actual) (\$m)	2005–06 (Original) (\$m)	2005–06 (Revised) (\$m)	2006–07 (Estimate) (\$m)
(1) (2)	Courts and Tribunals Support Services for Courts'	657.4	704.4	673.5	728.4
(2)	Operation	223.6	240.0	219.4	224.3
		881.0	944.4	892.9 (-5.5%)	952.7 (+6.7%)
					(or +0.9% on

ANALYSIS OF FINANCIAL PROVISION

2005–06 Original)

Analysis of Financial and Staffing Provision

Programme (1)

Provision for 2006–07 is \$54.9 million (8.2%) higher than the revised estimate for 2005–06. This is mainly due to deployment of more judicial resources with a view to shortening the court waiting time, partly offset by the deletion of 19 posts.

Programme (2)

Provision for 2006–07 is \$4.9 million (2.2%) higher than the revised estimate for 2005–06. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts' operation, partly offset by the deletion of 21 posts.



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



Year

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Sub- head (Code)		Actual expenditure 2004–05	Approved estimate 2005–06	Revised estimate 2005–06	Estimate 2006–07
		\$'000	\$'000	\$'000	\$'000
	Operating Account				
	Recurrent				
000 206	Operational expenses Expenses of witnesses and jurors	858,200 6,416	917,634 7,530	868,550 6,630	925,511 7,530
	Total, Recurrent	864,616	925,164	875,180	933,041
	Non-Recurrent				
700	General non-recurrent	2,274	4,761	2,599	3,622
	Total, Non-Recurrent	2,274	4,761	2,599	3,622
	Total, Operating Account	866,890	929,925	877,779	936,663
	Capital Account				
	Plant, Equipment and Works				
603 613 661	Plant, vehicles and equipment Law library acquisitions (block vote) Minor plant, vehicles and equipment (block	516 12,292	835 11,700	835 14,000	634 14,000
001	vote)	948 361	1,854 56	250 56	1,413
	Total, Plant, Equipment and Works	14,117	14,445	15,141	16,047
	Total, Capital Account	14,117	14,445	15,141	16,047
	Total Expenditure	881,007	944,370	892,920	952,710

Details of Expenditure by Subhead

The estimate of the amount required in 2006–07 for the salaries and expenses of the Judiciary is \$952,710,000. This represents an increase of \$59,790,000 over the revised estimate for 2005–06 and of \$71,703,000 over actual expenditure in 2004–05.

Operating Account

Recurrent

2 Provision of \$925,511,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$307,500 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment as at 31 March 2006 will be 1 591 permanent posts. It is expected that 40 posts will be deleted in 2006–07. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2006–07, but the notional annual mid-point salary value of all such posts must not exceed \$367,364,000.

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

2004–05 (Actual) (\$'000)	2005–06 (Original) (\$'000)	2005–06 (Revised) (\$'000)	2006–07 (Estimate) (\$'000)
671,889	681,715	644,900	675,208
14,805	19,560	20,337	23,674
796	1,534	603	1,089
4,655	5,431	5,691	8,719
1,249	1,396	1,132	1,227
70,757	96,000	90,086	99,856
94,048	111,990	105,797	115,730
1	8	4	8
858,200	917,634	868,550	925,511
	(Actual) (\$'000) 671,889 14,805 796 4,655 1,249 70,757 94,048 1	$\begin{array}{c c} (Actual) & (Original) \\ (\$'000) & (\$'000) \\ \hline 671,889 & 681,715 \\ 14,805 & 19,560 \\ 796 & 1,534 \\ \hline 4,655 & 5,431 \\ 1,249 & 1,396 \\ \hline 70,757 & 96,000 \\ 94,048 & 111,990 \\ \hline 1 & 8 \\ \hline \end{array}$	$\begin{array}{c cccc} (Actual) & (Original) & (Revised) \\ (\$'000) & (\$'000) & (\$'000) \\ \hline 671,889 & 681,715 & 644,900 \\ 14,805 & 19,560 & 20,337 \\ 796 & 1,534 & 603 \\ \hline 4,655 & 5,431 & 5,691 \\ 1,249 & 1,396 & 1,132 \\ \hline 70,757 & 96,000 & 90,086 \\ 94,048 & 111,990 & 105,797 \\ \hline 1 & 8 & 4 \\ \hline \end{array}$

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. The increase of \$900,000 (13.6%) over the revised estimate for 2005–06 is mainly due to the anticipated increase in requirement.

Capital Account

Plant, Equipment and Works

6 Provision of \$14,000,000 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 \$1,413,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$1,163,000 (465.2%) over the revised estimate for 2005–06. This is mainly due to replacement of fire services installations in three court buildings.

Commitments

Sub- head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2005	Revised estimated expenditure for 2005–06	Balance
			\$'000	\$'000	\$'000	\$'000
Operating Account						
700		General non-recurrent				
	520	Production of videos	2,800	1,558	500	742
	521	Pilot scheme on family mediation	7,500	6,160	699	641
	522	Production of videos and brochures on litigants in person in civil litigations.	2,500	1,261	500	739
	523	Implementation of the Civil Justice Reform	6,940	1,417	900	4,623
			19,740	10,396	2,599	6,745
Capital Account						
603		Plant, vehicles and equipment				
	217	Provision of basic office equipment to court buildings	2,600	2,211	320	69
	218	Installation of audio-visual presentation system in courtrooms	5,400	2,816	515	2,069
			8,000	5,027	835	2,138
		Total	27,740	15,423	3,434	8,883