

Head 80 — JUDICIARY

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

Estimate 2007–08 **\$995.6m**

Establishment ceiling 2007–08 (notional annual mid-point salary value) representing an estimated 1 377 non-directorate posts as at 31 March 2007 rising by 18 posts to 1 395 posts as at 31 March 2008..... **\$365.7m**

In addition, there will be an estimated 179 directorate posts as at 31 March 2007 and as at 31 March 2008, of which 174 are posts for judges and judicial officers.

Commitment balance **\$7.6m**

Controlling Officer's Report

Programmes

Programme (1) Courts, Tribunals and Various Statutory Functions

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

Programme (2) Support Services for Courts' Operation

Detail

Programme (1): Courts, Tribunals and Various Statutory Functions

	2005–06 (Actual)	2006–07 (Original)	2006–07 (Revised)	2007–08 (Estimate)
Financial provision (\$m)	648.3	728.4	688.1 (–5.5%)	770.5 (+12.0%)
				(or +5.8% on 2006–07 Original)

Aim

2 The aim is to maintain an independent and effective judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual and commands confidence within and outside Hong Kong.

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 2006, the overall performance of the programme area was satisfactory and improving following the deployment of more judicial resources at some courts since the latter part of 2005. The majority of the performance targets were achieved while the targets for certain court cases were not met mainly because there were more complex and lengthy cases listed for hearing.

5 Under this programme, resources are also deployed to perform various statutory functions including those under the Electoral Affairs Commission Ordinance, the Interception of Communications and Surveillance Ordinance and the Securities and Futures Ordinance.

6 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.

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	Target	2005 (Actual)	2006 (Actual)	2007 (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	62	46	45
civil—from notice of hearing				
to hearing.....	35	49	38	35
substantive appeal				
criminal—from notice of				
hearing to hearing.....	100	61	69	100
civil—from notice of hearing				
to hearing.....	120	118	91	120
<i>Court of Appeal of the High Court (Note 2)</i>				
criminal—from setting down of a				
case to hearing.....	50	37	46	50
civil—from application to fix date to				
hearing.....	90	93	100	90
<i>Court of First Instance of the High Court</i>				
Criminal Fixture List—from filing				
of indictment to hearing	120	193	119	120
Criminal Running List—from				
setting down of a case to hearing...	90	69	66	90
Civil Fixture List—from application				
to fix date to hearing.....	180	233	124	180
Civil Running List—from setting				
down of a case to hearing	90	54	64	90
Appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing.....	90	71	87	90
<i>District Court (Note 3)</i>				
criminal—from first appearance of				
defendants in District Court to				
hearing.....	100	112	117	100
civil—from date of listing to				
hearing.....	120	120	125	120
<i>Family Court (Note 4)</i>				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List	35	29	45	35
Defended List (one day				
hearing)	110	120	115	110
financial applications—from filing				
of summons to hearing	110-140	124	101	100-140
<i>Lands Tribunal—from setting down of a</i>				
case to hearing				
appeal cases	100	54	57	50
compensation cases.....	100	90	85	80
building management cases.....	100	49	48	50
tenancy cases	60	31	40	50
<i>Magistrates' Courts—from plea to date of</i>				
trial (Note 5)				
summons	50	94	95	50
charge cases—				
for defendants in custody	30-45	44	42	30-45
for defendants on bail	45-60	68	66	45-60
<i>Coroner's Court—from date of listing to</i>				
hearing (Note 6).....	42	48	43	42
<i>Labour Tribunal—</i>				
from appointment to filing of a case ..	30	13	12	30
from filing of a case to first hearing...	30	25	25	30
<i>Small Claims Tribunal—from filing of a</i>				
case to first hearing	60	44	43	60

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	Target	2005 (Actual)	2006 (Actual)	2007 (Plan)
Obscene Articles Tribunal—				
from receipt of application to classification.....	5	2	2	5
from referral by a magistrate to determination.....	21	15	19	21
from receipt of application to review.....	35	21	27	35
from receipt of application to reconsideration.....	35	— [^]	32	35

Note 1: The Judiciary will monitor the waiting time closely and will strive to keep the waiting time within targets.

Note 2: For criminal appeals, the target waiting time can be met. As regards civil appeals, the target waiting time cannot often be met owing to the more complex and lengthy nature of appeals that are being set down for hearing. Judicial resources are being redeployed with a view to shortening the waiting time. The Judiciary will monitor the situation and will make every effort to improve the waiting time.

Note 3: There are more complex cases listed for trial, which inevitably leads to a longer court waiting time. Additional judicial resources are being deployed with a view to shortening the waiting time. The Judiciary will monitor the situation and will make every effort to improve the waiting time.

Note 4: The target waiting time for both special procedure cases and defended cases cannot be met. An additional Family Judge has been assigned since September 2006 to deal with the increasing workload.

Note 5: The average waiting time for charge cases with defendants in custody can be met and that for charge cases with defendants on bail is close to the target. The Judiciary will make every effort to improve the waiting time for summons cases.

Note 6: The average waiting time has improved and the Judiciary will make every effort to keep the waiting time within target.

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

Indicators

	2005 (Actual)	2006 (Actual)	2007 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal (<i>Note 7</i>)			
applications for leave to appeal.....	147	113	120
appeals.....	44	35	40
miscellaneous proceedings.....	0	1	1
Court of Appeal of the High Court			
criminal appeals.....	541	533	540
civil appeals.....	414	443	450
Court of First Instance of the High Court (<i>Note 8</i>)			
criminal jurisdiction			
criminal cases.....	326	264	270
confidential miscellaneous proceedings.....	51	59	60
appeals from Magistrates' Courts.....	1 254	1 238	1 240
civil jurisdiction.....	19 915	20 736	20 740
probate cases.....	13 547	15 298	15 300
District Court			
criminal cases.....	1 349	1 199	1 200
civil cases.....	32 016	30 948	30 950
divorce jurisdiction.....	16 947	18 544	18 550
Small Claims Tribunal.....	80 472	76 925	76 930
Labour Tribunal.....	6 900	6 524	6 530
Obscene Articles Tribunal (<i>Note 9</i>).....	24 670	78 714	78 720
Coroner's Court.....	191	218	220
Lands Tribunal (<i>Note 10</i>).....	6 268	5 471	5 480
Magistrates' Courts.....	298 887	298 257	298 260

Note 7: In 2006, the caseload for appeals and applications for leave to appeal remained at a significant level.

Note 8: In 2006, the caseload increased by about 13% in the Probate Registry because there was an upsurge in applications as the applicants are not required to file applications first with the Inland Revenue Department following the Revenue (Abolition of Estate Duty) Ordinance coming into operation on 11 February 2006.

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Note 9: In 2006, the number of articles submitted to the Tribunal for classification and determination increased by about 220%, mainly due to the increase in the referral of articles for determination. Further, there had been an increasing tendency for an article, e.g. a single disc or a book/magazine, to contain more than one film, or more stories and photographs.

Note 10: In 2006, the caseload decreased by about 13% due to the reduction in filing of compensation cases, rating appeals, government rent appeals and building management cases.

7 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 2007–08

8 In 2007–08, the Judiciary will continue to:

- monitor the waiting time at the various levels of courts with a view to redeploying judicial resources if necessary; and
- monitor the new procedure for issuing grants of probate and letters of administration after the abolition of estate duty in February 2006.

Programme (2): Support Services for Courts' Operation

	2005–06 (Actual)	2006–07 (Original)	2006–07 (Revised)	2007–08 (Estimate)
Financial provision (\$m)	212.8	224.3	212.5 (–5.3%)	225.1 (+5.9%)
				(or +0.4% on 2006–07 Original)

Aim

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

Brief Description

10 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.

11 In 2006, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators was satisfactory. The computerisation projects on the Family Court Document Image Management System and the Labour Tribunal System Revamp were implemented in June and November 2006 respectively.

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

Indicators

	2005 (Actual)	2006 (Actual)	2007 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	270 157	256 434	260 000
civil.....	74 040	79 244	80 000
cases with transcripts produced as required by judges			
criminal	5 702	5 613	5 600
civil.....	1 990	1 897	1 900

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	2005 (Actual)	2006 (Actual)	2007 (Estimate)
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters.....	447 208	391 066	400 000
<i>Bailiff Service</i>			
executions attempted	27 702	24 478	25 000
summons services attempted	73 055	79 624	80 000
<i>Library</i>			
library materials acquired and processed.....	34 337	33 456	35 000
attendances at the Library.....	80 185	76 910	77 000

Matters Requiring Special Attention in 2007–08

13 In 2007–08, 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 leading up to the implementation of the Civil Justice Reform, particularly in respect of legislative amendments and information technology, and aim to introduce the necessary legislation into the Legislative Council in 2007; and
- sustain quality management in the Judiciary Administration.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2005–06 (Actual) (\$m)	2006–07 (Original) (\$m)	2006–07 (Revised) (\$m)	2007–08 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	648.3	728.4	688.1	770.5
(2) Support Services for Courts’ Operation	212.8	224.3	212.5	225.1
	861.1	952.7	900.6 (–5.5%)	995.6 (+10.5%)
				(or +4.5% on 2006–07 Original)

Analysis of Financial and Staffing Provision

Programme (1)

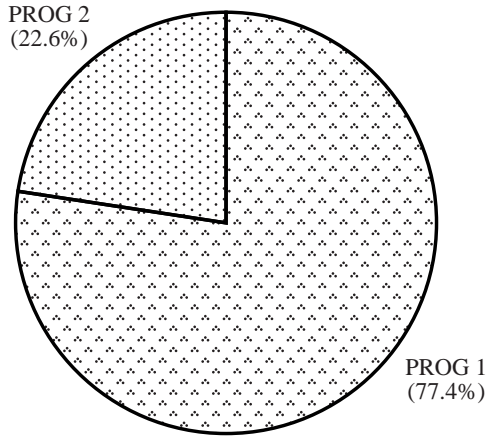
Provision for 2007–08 is \$82.4 million (12.0%) higher than the revised estimate for 2006–07. This is mainly due to the deployment of more judicial resources with a view to shortening the court waiting time and creation of 14 new supporting staff posts to meet operational needs.

Programme (2)

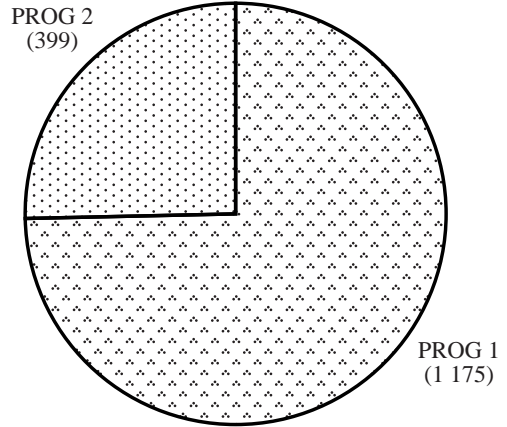
Provision for 2007–08 is \$12.6 million (5.9%) higher than the revised estimate for 2006–07. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts’ operation and creation of four new supporting staff posts to meet operational needs.

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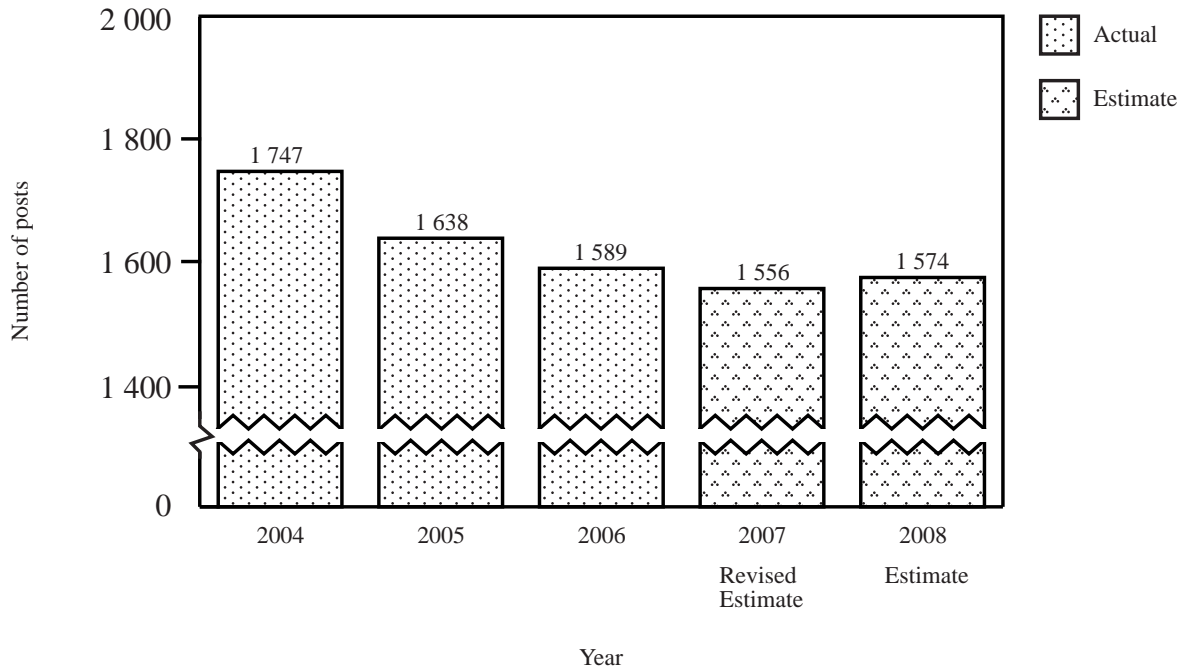
Allocation of provision
to programmes
(2007-08)



Staff by programme
(as at 31 March 2008)



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



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Sub-head (Code)	Actual expenditure 2005-06	Approved estimate 2006-07	Revised estimate 2006-07	Estimate 2007-08	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses.....	838,092	925,511	871,675	964,038
206	Expenses of witnesses and jurors	6,621	7,530	7,502	8,430
	Total, Recurrent	<u>844,713</u>	<u>933,041</u>	<u>879,177</u>	<u>972,468</u>
Non-Recurrent					
700	General non-recurrent.....	1,227	3,622	2,350	3,955
	Total, Non-Recurrent	<u>1,227</u>	<u>3,622</u>	<u>2,350</u>	<u>3,955</u>
	Total, Operating Account.....	845,940	936,663	881,527	976,423
Capital Account					
Plant, Equipment and Works					
603	Plant, vehicles and equipment	768	634	290	200
613	Law library acquisitions (block vote).....	14,000	14,000	16,100	17,100
661	Minor plant, vehicles and equipment (block vote).....	391	1,413	2,690	1,868
	Works	27	—	—	—
	Total, Plant, Equipment and Works	<u>15,186</u>	<u>16,047</u>	<u>19,080</u>	<u>19,168</u>
	Total, Capital Account	15,186	16,047	19,080	19,168
	Total Expenditure.....	<u><u>861,126</u></u>	<u><u>952,710</u></u>	<u><u>900,607</u></u>	<u><u>995,591</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2007–08 for the salaries and expenses of the Judiciary is \$995,591,000. This represents an increase of \$94,984,000 over the revised estimate for 2006–07 and of \$134,465,000 over actual expenditure in 2005–06.

Operating Account

Recurrent

2 Provision of \$964,038,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$313,700 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$92,363,000 (10.6%) over the revised estimate for 2006–07 is mainly due to increased provisions for the appointment of new judges and judicial officers and for other operating expenses to support courts' operation.

3 The establishment as at 31 March 2007 will be 1 556 permanent posts. It is expected that 18 posts will be created in 2007–08. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2007–08, but the notional annual mid-point salary value of all such posts must not exceed \$365,684,000.

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

	2005–06 (Actual) (\$'000)	2006–07 (Original) (\$'000)	2006–07 (Revised) (\$'000)	2007–08 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	636,800	675,208	637,825	682,575
- Allowances.....	18,368	23,674	20,805	18,460
- Job-related allowances.....	389	1,089	960	1,595
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	5,349	8,719	7,054	9,485
- Mandatory Provident Fund contribution.....	1,092	1,227	960	1,150
- Civil Service Provident Fund contribution.....	—	—	136	450
Departmental Expenses				
- Hire of services and professional fees.....	75,278	99,856	86,368	106,998
- General departmental expenses.....	100,815	115,730	117,566	143,317
Other Charges				
- Magistrates poor box	1	8	1	8
	838,092	925,511	871,675	964,038

5 Provision of \$8,430,000 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 \$928,000 (12.4%) over the revised estimate for 2006–07 is mainly due to the anticipated increase in requirement.

Capital Account

Plant, Equipment and Works

6 Provision of \$17,100,000 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 \$1,868,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$822,000 (30.6%) against the revised estimate for 2006–07. This is mainly due to completion of some capital projects in 2006–07.

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Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2006	Revised estimated expenditure for 2006-07	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	520	Production of videos	2,800	1,786	600	414
	521	Pilot scheme on family mediation	7,500	6,213	600	687
	522	Production of videos and brochures on litigants in person in civil litigations	2,500	1,382	150	968
	523	Implementation of the Civil Justice Reform	6,940	2,244	1,000	3,696
			<u>19,740</u>	<u>11,625</u>	<u>2,350</u>	<u>5,765</u>
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms	5,400	3,265	290	1,845
			<u>5,400</u>	<u>3,265</u>	<u>290</u>	<u>1,845</u>
		Total	<u>25,140</u>	<u>14,890</u>	<u>2,640</u>	<u>7,610</u>