

Head 80 — JUDICIARY

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

Estimate 2008–09	\$1,044.8m
Establishment ceiling 2008–09 (notional annual mid-point salary value) representing an estimated 1 395 non-directorate posts as at 31 March 2008 rising by 53 posts to 1 448 posts as at 31 March 2009.....	\$412.7m
In addition, there will be an estimated 179 directorate posts as at 31 March 2008 rising by seven posts to 186 posts as at 31 March 2009, of which 180 are posts for judges and judicial officers.	
Commitment balance	\$5.8m

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

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)	662.1	770.5	708.5 (–8.0%)	796.3 (+12.4%)
				(or +3.3% on 2007–08 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 2007, the overall performance of the programme area was satisfactory. 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	2006 (Actual)	2007 (Actual)	2008 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appealα				
application for leave to appeal				
criminal—from notice of				
hearing to hearing	45	46	40	45
civil—from notice of hearing				
to hearing	35	38	37	35
substantive appeal				
criminal—from notice of				
hearing to hearing	100	69	78	100
civil—from notice of hearing				
to hearing	120	91	110	120
Court of Appeal of the High Court				
criminal—from setting down of a				
case to hearing	50	46	50	50
civil—from application to fix date to				
hearing	90	100	87	90
Court of First Instance of the High Courtβ				
Criminal Fixture List—from filing				
of indictment to hearing	120	119	109	120
Criminal Running List—from				
setting down of a case to hearing ...	90	66	57	90
Civil Fixture List—from application				
to fix date to hearing	180	124	114	180
Civil Running List—from setting				
down of a case to hearing	90	64	61	90
Appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing	90	87	91	90
District Court				
criminal—from first appearance of				
defendants in District Court to				
hearing	100	117	98	100
civil—from date of listing to				
hearing	120	125	58	120
Family CourtΔ				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List.....	35	45	33	35
Defended List (one day				
hearing).....	110	115	119	110
financial applications—from filing				
of summons to hearing.....	110-140	101	83	100-140
Lands Tribunal—from setting down of a				
case to hearingΨ				
appeal cases.....	100	57	83	100
compensation cases	100	85	141	100
building management cases	100	48	54	100
tenancy cases.....	60	40	41	60
Magistrates' Courts—from plea to date of				
trialϕ				
summons	50	95	95	50
charge cases—				
for defendants in custody	30-45	42	47	30-45
for defendants on bail.....	45-60	66	64	45-60
Coroner's Court—from date of listing to				
hearing.....				
	42	43	36	42
Labour Tribunal—				
from appointment to filing of a case...	30	12	10	30
from filing of a case to first hearing ...	30	25	25	30
Small Claims Tribunal—from filing of a				
case to first hearing				
	60	43	42	60
Obscene Articles Tribunal—				
from receipt of application to				
classification	5	2	2	5
from referral by a magistrate to				
determination.....	21	19	17	21

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- α The average waiting time for civil applications for leave to appeal marginally exceeded the target. The Judiciary will continue to monitor closely the situation.
- β The average waiting time for appeals from Magistrates' Courts marginally exceeded the target. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- Δ The waiting time for special procedure cases improved as additional temporary judicial resources were deployed in September 2006 to deal with the increasing workload. As regards defended cases, the average waiting time marginally exceeded the target. The Judiciary will continue to monitor the situation and will make every effort to improve the waiting time.
- Ψ The target waiting time for compensation cases was exceeded due to more cases listed for trial in 2007. Additional temporary judicial resources were deployed since October 2007 with a view to improving the waiting time. The Judiciary will continue to monitor the situation and will make every effort to improve the waiting time.
- φ The target waiting time for both summons and charge cases cannot be met due to an overall increase in caseload. Six newly recruited Special Magistrates took office in mid-2007, and additional temporary judicial resources were also deployed since October 2007 with a view to improving the waiting time. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.

Indicators

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal	113	139	140
appeals	35	44	40
miscellaneous proceedings.....	1	3	3
<i>Court of Appeal of the High Court</i>			
criminal appeals	533	488	490
civil appeals	443	421	420
<i>Court of First Instance of the High Court</i>			
<i>criminal jurisdiction</i>			
criminal cases.....	264	312	310
confidential miscellaneous proceedings.....	59	56	60
appeals from Magistrates' Courts	1 238	1 234	1 230
civil jurisdiction.....	20 736	20 657	20 660
probate cases.....	15 298	13 483	13 480
<i>District Court</i>			
criminal cases.....	1 199	1 240	1 240
civil cases.....	30 948	28 820	28 820
divorce jurisdiction	18 544	18 131	18 130
<i>Small Claims Tribunal</i>			
Labour Tribunal.....	76 925	68 797	68 800
Obscene Articles Tribunal	6 524	6 160	6 160
Coroner's Court	78 714	70 212	70 210
Lands Tribunal.....	218	175	180
Magistrates' Courts.....	5 471	5 128	5 130
	298 257	314 214	314 210

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 2008–09

8 In 2008–09, the Judiciary will continue to:

- monitor the waiting time at the various levels of courts with a view to redeploying judicial resources if necessary;
- monitor the effectiveness of mediation provided under the pilot scheme in resolving disputes in building management cases; and
- improve court services through measures such as relocating the Labour Tribunal to more accessible premises.

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Programme (2): Support Services for Courts' Operation

	2006–07 (Actual)	2007–08 (Original)	2007–08 (Revised)	2008–09 (Estimate)
Financial provision (\$m)	216.4	225.1	221.7 (–1.5%)	248.5 (+12.1%)
				(or +10.4% on 2007–08 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 2007, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators was satisfactory.

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

Indicators

	2006 (Actual)	2007 (Actual)	2008 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	256 434	265 511	270 000
civil	79 244	77 477	78 000
cases with transcripts produced as required by judges			
criminal	5 613	6 016	6 100
civil	1 897	2 046	2 100
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	391 066	368 305	360 000
<i>Bailiff Service</i>			
executions attempted	24 478	23 280	22 100
summons services attempted	79 624	79 866	80 000
<i>Library</i>			
library materials acquired and processed	33 456	34 596	36 000
attendances at the Library	76 910	63 565	65 000

Matters Requiring Special Attention in 2008–09

13 In 2008–09, 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, operational plans, training and information technology, and aim to complete the legislative process in 2008; and
- sustain quality management in the Judiciary Administration.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2006–07 (Actual) (\$m)	2007–08 (Original) (\$m)	2007–08 (Revised) (\$m)	2008–09 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	662.1	770.5	708.5	796.3
(2) Support Services for Courts’ Operation.....	216.4	225.1	221.7	248.5
	878.5	995.6	930.2 (–6.6%)	1,044.8 (+12.3%)
				(or +4.9% on 2007–08 Original)

Analysis of Financial and Staffing Provision

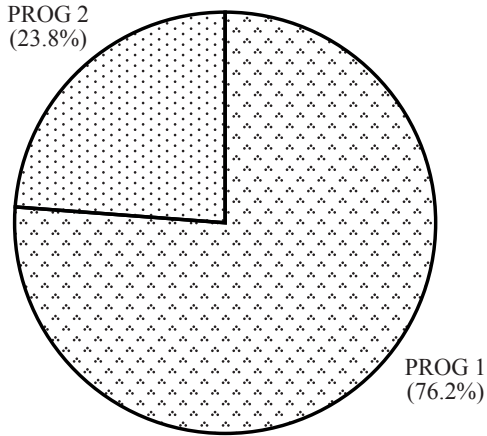
Programme (1)

Provision for 2008–09 is \$87.8 million (12.4%) higher than the revised estimate for 2007–08. This is mainly due to the deployment of more judicial resources with a view to shortening the court waiting time, filling of vacancies, as well as a net increase of six judicial and 50 non-judicial posts to meet operational needs.

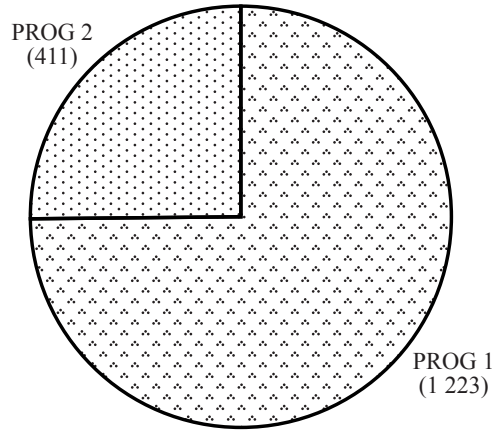
Programme (2)

Provision for 2008–09 is \$26.8 million (12.1%) higher than the revised estimate for 2007–08. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts’ operation, filling of vacancies, as well as a net increase of four non-judicial posts to meet operational needs.

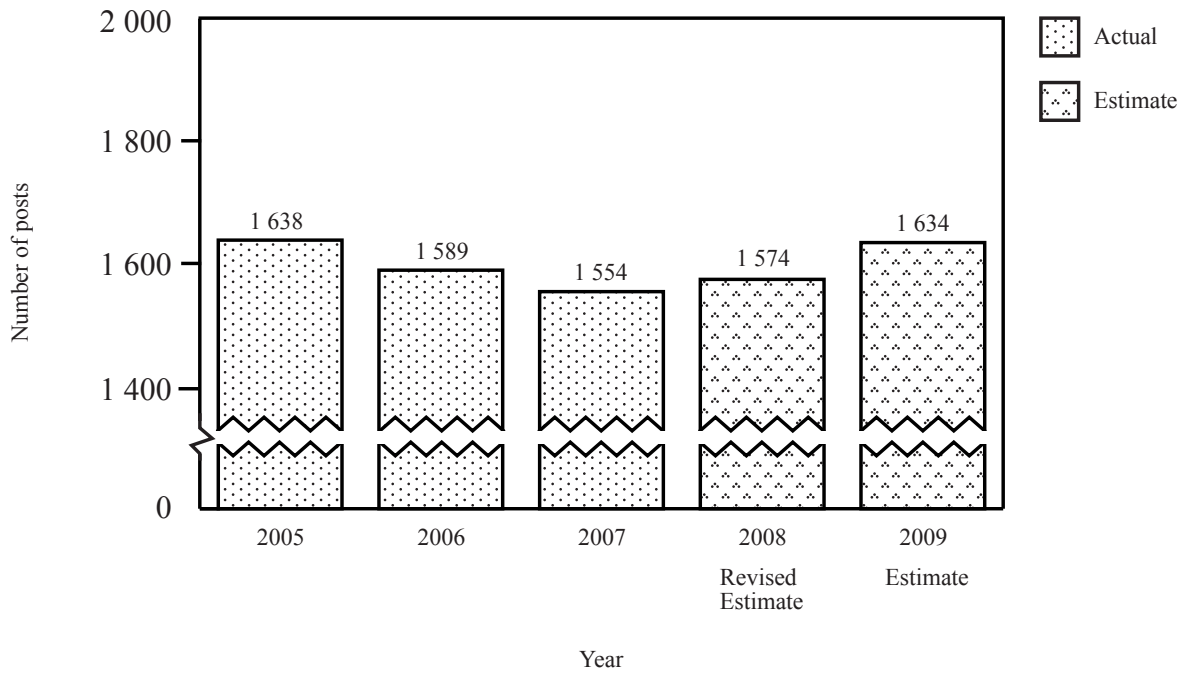
Allocation of provision to programmes (2008-09)



Staff by programme (as at 31 March 2009)



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



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Sub-head (Code)		Actual expenditure 2006-07	Approved estimate 2007-08	Revised estimate 2007-08	Estimate 2008-09
		\$'000	\$'000	\$'000	\$'000
Operating Account					
Recurrent					
000	Operational expenses	850,528	964,038	901,356	1,009,908
206	Expenses of witnesses and jurors	6,208	8,430	7,000	8,500
	Total, Recurrent	<u>856,736</u>	<u>972,468</u>	<u>908,356</u>	<u>1,018,408</u>
Non-Recurrent					
700	General non-recurrent	1,361	3,955	2,646	3,421
	Total, Non-Recurrent	<u>1,361</u>	<u>3,955</u>	<u>2,646</u>	<u>3,421</u>
	Total, Operating Account	<u>858,097</u>	<u>976,423</u>	<u>911,002</u>	<u>1,021,829</u>
Capital Account					
Plant, Equipment and Works					
603	Plant, vehicles and equipment	213	200	200	450
613	Law library acquisitions (block vote)	17,550	17,100	17,100	19,950
661	Minor plant, vehicles and equipment (block vote)	2,664	1,868	1,868	2,529
	Total, Plant, Equipment and Works	<u>20,427</u>	<u>19,168</u>	<u>19,168</u>	<u>22,929</u>
	Total, Capital Account	<u>20,427</u>	<u>19,168</u>	<u>19,168</u>	<u>22,929</u>
	Total Expenditure	<u><u>878,524</u></u>	<u><u>995,591</u></u>	<u><u>930,170</u></u>	<u><u>1,044,758</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2008–09 for the salaries and expenses of the Judiciary is \$1,044,758,000. This represents an increase of \$114,588,000 over the revised estimate for 2007–08 and of \$166,234,000 over actual expenditure in 2006–07.

Operating Account

Recurrent

2 Provision of \$1,009,908,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$320,000 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$108,552,000 (12.0%) over the revised estimate for 2007–08 is mainly due to the increased provision for operating expenses to support courts' operation, filling of vacancies, as well as a net increase of six judicial and 54 non-judicial posts to meet operational needs.

3 The establishment as at 31 March 2008 will be 1 574 permanent posts. It is expected that there will be a net increase of 60 permanent posts in 2008–09. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2008–09, but the notional annual mid-point salary value of all such posts must not exceed \$412,737,000.

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

	2006–07 (Actual) (\$'000)	2007–08 (Original) (\$'000)	2007–08 (Revised) (\$'000)	2008–09 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	627,069	682,575	662,472	719,796
- Allowances	19,901	18,460	18,120	19,601
- Job-related allowances	921	1,595	1,283	1,681
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	6,419	9,485	7,988	9,813
- Mandatory Provident Fund contribution	920	1,150	852	1,367
- Civil Service Provident Fund contribution	138	450	410	552
Departmental Expenses				
- Hire of services and professional fees	83,813	106,998	86,814	109,372
- General departmental expenses	111,347	143,317	123,413	147,718
Other Charges				
- Magistrates poor box	—	8	4	8
	850,528	964,038	901,356	1,009,908

5 Provision of \$8,500,000 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 \$1,500,000 (21.4%) over the revised estimate for 2007–08 is mainly due to the anticipated increase in requirement.

Capital Account

Plant, Equipment and Works

6 Provision of \$19,950,000 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. The increase of \$2,850,000 (16.7%) over the revised estimate for 2007–08 is mainly due to increased requirements for procurement of law books and materials to meet operational needs.

7 Provision of \$2,529,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$661,000 (35.4%) over the revised estimate for 2007–08. This is mainly due to 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 31.3.2007	Revised estimated expenditure for 2007–08	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	520	Production of videos	2,800	2,098	526	176
	521	Pilot scheme on family mediation	7,500	6,213	100	1,187
	522	Production of videos and brochures on litigants in person in civil litigations	2,500	1,429	20	1,051
	523	Implementation of the Civil Justice Reform	6,940	3,246	2,000	1,694
			<u>19,740</u>	<u>12,986</u>	<u>2,646</u>	<u>4,108</u>
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms	5,400	3,478	200	1,722
			<u>5,400</u>	<u>3,478</u>	<u>200</u>	<u>1,722</u>
		Total	<u>25,140</u>	<u>16,464</u>	<u>2,846</u>	<u>5,830</u>