

Head 80 — JUDICIARY

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

Estimate 2009–10	\$1,118.5m
Establishment ceiling 2009–10 (notional annual mid-point salary value) representing an estimated 1 448 non-directorate posts as at 31 March 2009 rising by 16 posts to 1 464 posts as at 31 March 2010.	\$442.8m
In addition, there will be an estimated 186 directorate posts as at 31 March 2009 and as at 31 March 2010, of which 180 are posts for judges and judicial officers.	
Commitment balance	\$3.3m

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

	2007–08 (Actual)	2008–09 (Original)	2008–09 (Revised)	2009–10 (Estimate)
Financial provision (\$m)	684.9	796.3	737.2 (-7.4%)	848.2 (+15.1%)
				(or +6.5% on 2008–09 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 2008, the overall performance of the programme area was satisfactory. The majority of the performance targets were achieved. Only a few targets 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	2007 (Actual)	2008 (Actual)	2009 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal				
application for leave to appeal				
criminal—from notice of				
hearing to hearing	45	40	40	45
civil—from notice of hearing				
to hearing	35	37	35	35
substantive appeal				
criminal—from notice of				
hearing to hearing	100	78	89	100
civil—from notice of hearing				
to hearing	120	110	95	120
Court of Appeal of the High Court				
criminal—from setting down of a				
case to hearing	50	50	42	50
civil—from application to fix date				
to hearing	90	87	85	90
Court of First Instance of the High Court				
Criminal Fixture List—from filing				
of indictment to hearing	120	109	112	120
Criminal Running List—from				
setting down of a case to hearing...	90	57	63	90
Civil Fixture List—from application				
to fix date to hearing	180	114	145	180
Civil Running List—from setting				
down of a case to hearing	90	61	59	90
Appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing	90	91	90	90
District Court§				
criminal—from first appearance of				
defendants in District Court to				
hearing	100	98	111	100
civil—from date of listing to				
hearing	120	58	85	120
Family Courtφ				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List	35	33	31	35
Defended List (one day				
hearing)	110	119	143	110
financial applications—from filing				
of summons to hearing	110-140	83	89	110-140
Lands Tribunal—from setting down of a				
case to hearing				
appeal cases	100	83	44	100
compensation cases	100	141	96	100
building management cases	100	54	40	100
tenancy cases	60	41	27	60
Magistrates' Courts—from plea to date of				
trialΔ				
Summons	50	95	78	50
charge cases—				
for defendants in custody	30-45	47	41	30-45
for defendants on bail	45-60	64	56	45-60
Coroner's Court—from date of listing to				
hearing	42	36	40	42
Labour Tribunal—				
from appointment to filing of a case ..	30	10	17	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	42	40	60
Obscene Articles Tribunal—				
from receipt of application to				
classification	5	2	2	5
from referral by a magistrate to				
determination	21	17	18	21

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- § The average waiting time for criminal cases exceeded the target due to more complicated cases. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- φ The average waiting time for defended cases exceeded the target due to more complicated cases. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- Δ The target waiting time for summons cannot be met due to an increase in caseload. Additional temporary judicial resources were deployed in January 2009 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

	2007 (Actual)	2008 (Actual)	2009 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal.....	139	158	160
appeals	44	42	40
miscellaneous proceedings	3	2	2
<i>Court of Appeal of the High Court</i>			
criminal appeals.....	488	439	440
civil appeals.....	421	385	390
<i>Court of First Instance of the High Court</i>			
<i>criminal jurisdiction</i>			
criminal cases	312	311	310
confidential miscellaneous proceedings	56	64	60
appeals from Magistrates' Courts.....	1 234	1 125	1 130
<i>civil jurisdiction</i>			
probate cases.....	20 657	21 514	26 020
	13 483	13 339	13 340
<i>District Court</i>			
criminal cases	1 240	1 250	1 250
civil cases.....	28 820	28 527	28 530
divorce jurisdiction.....	18 131	18 364	18 360
<i>Small Claims Tribunal.....</i>			
	68 797	59 246	59 250
<i>Labour Tribunal.....</i>			
	6 160	7 199	7 200
<i>Obscene Articles Tribunal</i>			
	70 212	44 464	44 460
<i>Coroner's Court.....</i>			
	175	151	150
<i>Lands Tribunal.....</i>			
	5 128	5 228	5 230
<i>Magistrates' Courts.....</i>			
	314 214	337 442	337 440

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 and appropriate deployment of judicial resources.

Matters Requiring Special Attention in 2009–10

8 In 2009–10, 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
- implement the Civil Justice Reform in the High Court and the District Court and monitor the working of the reformed civil justice system.

Programme (2): Support Services for Courts' Operation

	2007–08 (Actual)	2008–09 (Original)	2008–09 (Revised)	2009–10 (Estimate)
Financial provision (\$m)	225.6	248.5	235.6 (–5.2%)	270.3 (+14.7%)

(or +8.8% on
2008–09 Original)

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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 2008, 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

	2007 (Actual)	2008 (Actual)	2009 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	265 511	279 070	279 070
civil	77 477	72 217	72 220
cases with transcripts produced as required by judges			
criminal	6 016	6 048	6 050
civil	2 046	1 911	1 910
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	368 305	310 574	310 570
<i>Bailiff Service</i>			
executions attempted	23 280	22 276	22 280
summons services attempted	79 866	84 416	84 420
<i>Library</i>			
library materials acquired and processed.....	34 596	35 660	35 660
attendances at the Library	63 565	64 073	64 070

Matters Requiring Special Attention in 2009–10

13 In 2009–10, the Judiciary will continue to:

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

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ANALYSIS OF FINANCIAL PROVISION

Programme	2007–08 (Actual) (\$m)	2008–09 (Original) (\$m)	2008–09 (Revised) (\$m)	2009–10 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	684.9	796.3	737.2	848.2
(2) Support Services for Courts’ Operation.....	225.6	248.5	235.6	270.3
	910.5	1,044.8	972.8 (–6.9%)	1,118.5 (+15.0%)
				(or +7.1% on 2008–09 Original)

Analysis of Financial and Staffing Provision

Programme (1)

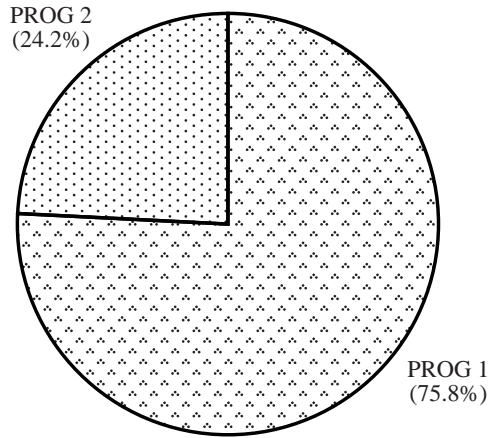
Provision for 2009–10 is \$111.0 million (15.1%) higher than the revised estimate for 2008–09. This is mainly due to the increased provision for judicial resources with a view to shortening the court waiting time, filling of vacancies, full-year effect of judicial posts created in 2008–09 and a net increase of 16 non-judicial posts to meet operational needs.

Programme (2)

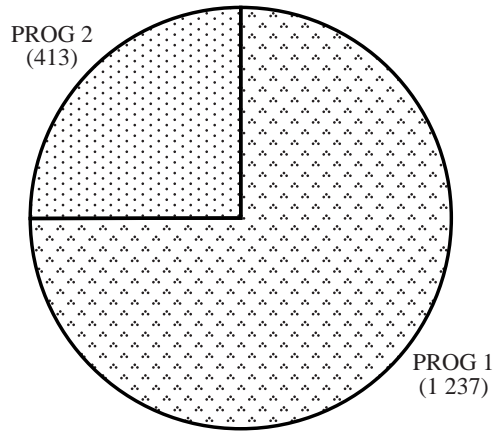
Provision for 2009–10 is \$34.7 million (14.7%) higher than the revised estimate for 2008–09. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts’ operation and filling of vacancies.

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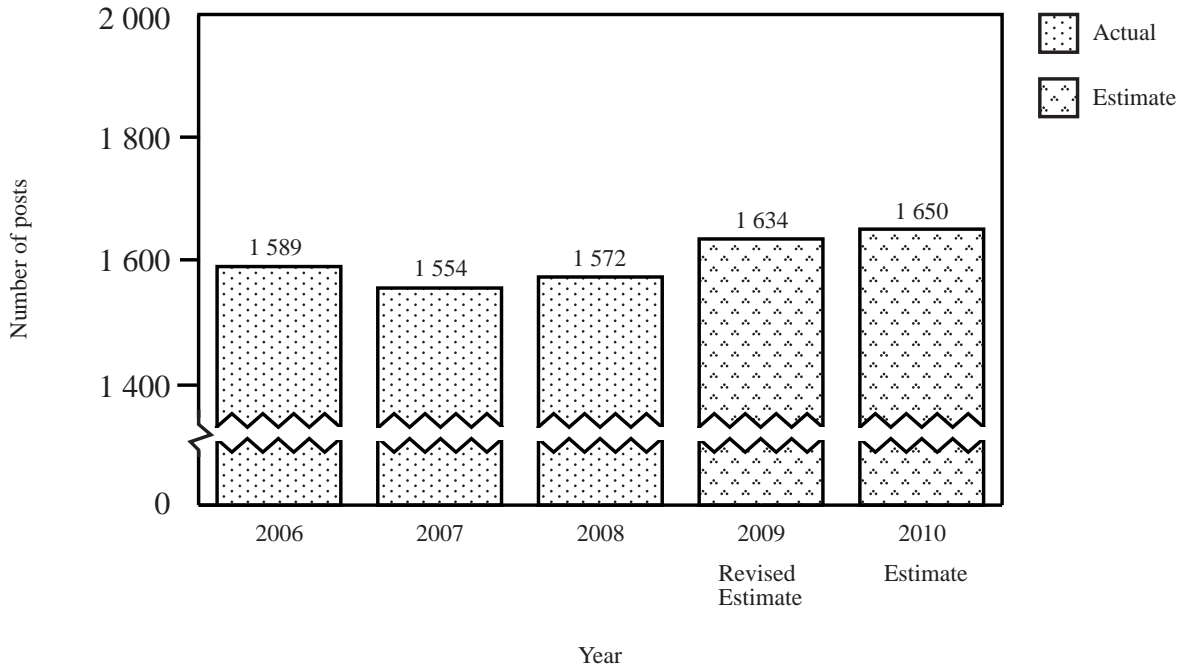
*Allocation of provision
to programmes
(2009-10)*



*Staff by programme
(as at 31 March 2010)*



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



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Sub-head (Code)	Actual expenditure 2007-08	Approved estimate 2008-09	Revised estimate 2008-09	Estimate 2009-10	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	880,653	1,009,908	940,002	1,082,390
206	Expenses of witnesses and jurors.....	5,969	8,500	7,000	8,500
	Total, Recurrent.....	886,622	1,018,408	947,002	1,090,890
Non-Recurrent					
700	General non-recurrent.....	2,266	3,421	2,594	1,000
	Total, Non-Recurrent.....	2,266	3,421	2,594	1,000
	Total, Operating Account	888,888	1,021,829	949,596	1,091,890
Capital Account					
Plant, Equipment and Works					
603	Plant, vehicles and equipment.....	177	450	380	430
613	Law library acquisitions (block vote)	19,546	19,950	19,950	22,350
661	Minor plant, vehicles and equipment (block vote).....	1,848	2,529	2,847	3,837
	Total, Plant, Equipment and Works.....	21,571	22,929	23,177	26,617
	Total, Capital Account.....	21,571	22,929	23,177	26,617
	Total Expenditure	910,459	1,044,758	972,773	1,118,507

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Details of Expenditure by Subhead

The estimate of the amount required in 2009–10 for the salaries and expenses of the Judiciary is \$1,118,507,000. This represents an increase of \$145,734,000 over the revised estimate for 2008–09 and of \$208,048,000 over actual expenditure in 2007–08.

Operating Account

Recurrent

2 Provision of \$1,082,390,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. The increase of \$142,388,000 (15.1%) over the revised estimate for 2008–09 is mainly due to the increased provision for operating expenses to support courts' operation, filling of vacancies, full-year effect of judicial posts created in 2008–09 with a view to shortening the court waiting time and a net increase of 16 non-judicial posts to meet operational needs.

3 The establishment as at 31 March 2009 will be 1 634 permanent posts. It is expected that there will be a net increase of 16 posts in 2009–10. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2009–10, but the notional annual mid-point salary value of all such posts must not exceed \$442,776,000.

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

	2007–08 (Actual) (\$'000)	2008–09 (Original) (\$'000)	2008–09 (Revised) (\$'000)	2009–10 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	662,029	719,796	700,250	778,940
- Allowances	16,762	19,601	19,560	21,331
- Job-related allowances	1,284	1,681	1,384	1,870
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	7,920	9,813	8,522	11,023
- Mandatory Provident Fund contribution	857	1,367	1,099	1,482
- Civil Service Provident Fund contribution	408	552	706	896
Departmental Expenses				
- Hire of services and professional fees	75,944	109,372	88,987	113,703
- General departmental expenses	115,447	147,718	119,491	153,137
Other Charges				
- Magistrates poor box	2	8	3	8
	880,653	1,009,908	940,002	1,082,390

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 2008–09 is mainly due to the increase in the rates of witnesses' and jurors' allowances.

Capital Account

Plant, Equipment and Works

6 Provision of \$22,350,000 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 \$2,400,000 (12.0%) over the revised estimate for 2008–09 is mainly due to increased requirements for procurement of law books and materials to meet operational needs.

7 Provision of \$3,837,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$990,000 (34.8%) over the revised estimate for 2008–09. 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 31.3.2008	Revised estimated expenditure for 2008–09	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	520	Production of videos.....	2,800	2,324	—	476
	521	Pilot scheme on family mediation	7,500	6,213	500	787
	522	Production of videos and brochures on litigants in person in civil litigations.....	2,500	1,469	400	631
			<u>12,800</u>	<u>10,006</u>	<u>900</u>	<u>1,894</u>
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms	5,400	3,656	380	1,364
			<u>5,400</u>	<u>3,656</u>	<u>380</u>	<u>1,364</u>
		Total	<u><u>18,200</u></u>	<u><u>13,662</u></u>	<u><u>1,280</u></u>	<u><u>3,258</u></u>