

Head 80 — JUDICIARY

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

Estimate 2013–14	\$1,272.1m
Establishment ceiling 2013–14 (notional annual mid-point salary value) representing an estimated 1 502 non-directorate posts as at 31 March 2013 rising by 46 posts to 1 548 posts as at 31 March 2014.	\$529.1m
In addition, there will be an estimated 188 directorate posts as at 31 March 2013 rising by two posts to 190 as at 31 March 2014, of which 184 are posts for judges and judicial officers.	
Commitment balance	\$1.7m

Controlling Officer's Report

Programmes

- Programme (1) Courts, Tribunals and Various Statutory Functions**
- Programme (2) Support Services for Courts' Operation**

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

Detail

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

	2011–12 (Actual)	2012–13 (Original)	2012–13 (Revised)	2013–14 (Estimate)
Financial provision (\$m)	797.0	914.9	854.6 (–6.6%)	962.0 (+12.6%)
				(or +5.1% on 2012–13 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 2012, the overall performance of the programme area was satisfactory, save for the High Court. The majority of the performance targets at various levels of courts were achieved. A few targets in the High Court were not met. One of the main reasons for this is due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of elevation of Judges to higher positions and retirement of Judges. The open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments were made in the latter part of 2012 and will be made in 2013. These new substantive appointments will help improve the waiting times. The Judiciary will continue to closely monitor the situation.

5 Under this programme, resources are also deployed to perform various statutory functions including those under the Electoral Affairs Commission Ordinance (Cap. 541), the Interception of Communications and Surveillance Ordinance (Cap. 589), the Securities and Futures Ordinance (Cap. 571) and the Legal Practitioners Ordinance (Cap. 159) in relation to the Higher Rights Assessment Board and related matters.

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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.

	Target	2011 (Actual)	2012 (Actual)	2013 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal				
application for leave to appeal				
criminal—from notice of				
hearing to hearing	45	38	40	45
civil—from notice of hearing				
to hearing	35	30	29	35
substantive appeal				
criminal—from notice of				
hearing to hearing	100	95	93	100
civil—from notice of hearing				
to hearing	120	102	105	120
Court of Appeal of the High Court ^β				
criminal—from setting down of a				
case to hearing	50	53	52	50
civil—from application to fix date to				
hearing	90	117	131	90
Court of First Instance of the High Court [§]				
Criminal Fixture List—from filing				
of indictment to hearing	120	169	180	120
Criminal Running List—from				
setting down of a case to hearing ...	90	79	72	90
Civil Fixture List—from application				
to fix date to hearing	180	231	244	180
Civil Running List—from setting				
down of a case to hearing	90	83	50	90
appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing	90	86	92	90
District Court				
criminal—from first appearance of				
defendants in District Court to				
hearing	100	86	62	100
civil—from date of listing to				
hearing	120	72	96	120
Family Court				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List	35	33	33	35
Defended List (one day				
hearing)	110	107	98	110
financial applications—from filing				
of summons to hearing	110-140	90	83	110-140
Lands Tribunal—from setting down of a				
case to hearing				
appeal cases	100	32	20	54
compensation cases	100	46	41	72
building management cases	100	35	25	41
tenancy cases	60	26	21	32
Magistrates' Courts—from plea to date of				
trial ^φ				
summons	50	54	54	50
charge cases—				
for defendants in custody	30-45	38	41	30-45
for defendants on bail	45-60	51	51	45-60
Coroner's Court—from date of listing to				
hearing	42	40	42	42

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	Target	2011 (Actual)	2012 (Actual)	2013 (Plan)
Labour Tribunal—				
from appointment to filing of a case ...	30	21	25	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	38	39	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	3	2	5
from referral by a magistrate to determination	21	21	21	21

β The average waiting times for criminal appeals exceeded the target very marginally. Great efforts and priority were given to timely disposal of criminal appeals. The average waiting times for civil appeals were lengthened. This was partly due to retirement of Judges and partly due to more complex, lengthy and re-fixed cases. By November 2012, all Justice of Appeal posts were filled substantively. Additional judicial resources will be deployed if needed with a view to improving the waiting times. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

§ The average waiting times for the Criminal Fixture List, Civil Fixture List and appeals from Magistrates' Courts exceeded the targets due to more complex, lengthy and re-fixed cases as well as increase of caseload in civil cases. It is also due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of elevation of Judges to higher positions and retirement of Judges. The open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments were made in the latter part of 2012 and will be made in 2013. In the interim, additional deputy judges have been and will be appointed to sit in 2012 and 2013 with a view to improving the waiting times. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

φ The average waiting times for summonses exceeded the target marginally due to increase of caseload. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting times.

Indicators

	2011 (Actual)	2012 (Actual)	2013 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal	122	113	110
appeals	33	41	40
miscellaneous proceedings	0	0	0
<i>Court of Appeal of the High Court</i>			
criminal appeals	556	526	530
civil appeals	291	283	280
<i>Court of First Instance of the High Court</i>			
criminal jurisdiction			
criminal cases	482	486	490
confidential miscellaneous proceedings	100	158	160
appeals from Magistrates' Courts	897	862	860
civil jurisdiction	15 966	17 212	17 210
probate cases	16 319	16 308	16 310
<i>District Court</i>			
criminal cases	1 396	1 207	1 210
civil cases	22 394	20 847	20 850
divorce jurisdiction	22 989	23 674	23 670
Small Claims Tribunal	50 962	48 201	48 200
Labour Tribunal	4 190	4 744	4 740
Obscene Articles Tribunal	27 896	60 619	60 620
Coroner's Court	177	178	180
Lands Tribunal	5 170	5 156	5 160
Magistrates' Courts	306 966	322 918	322 920

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 generally take 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.

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Matters Requiring Special Attention in 2013–14

8 In 2013–14, the Judiciary will:

- continue to monitor the waiting time at the various levels of courts, particularly those in the High Court, and redeploy judicial resources if necessary;
- continue to monitor the working of the reformed civil justice system after the implementation of the Civil Justice Reform; and
- prepare for the establishment of the Competition Tribunal as provided for under the new Competition Ordinance (Cap. 619).

Programme (2): Support Services for Courts' Operation

	2011–12 (Actual)	2012–13 (Original)	2012–13 (Revised)	2013–14 (Estimate)
Financial provision (\$m)	260.7	294.7	282.0 (–4.3%)	310.1 (+10.0%)
				(or +5.2% on 2012–13 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 the enforcement of court orders and service of summons;
- 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 2012, 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

	2011 (Actual)	2012 (Actual)	2013 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	268 428	261 817	261 820
civil	56 810	59 600	59 600
cases with transcripts produced as required by judges			
criminal	6 584	6 343	6 350
civil	1 932	1 867	1 870
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	294 234	258 564	258 560
<i>Bailiff Service</i>			
executions attempted.....	20 255	20 983	20 980
summons services attempted.....	88 143	87 606	87 610
<i>Library</i>			
library materials acquired and processed	36 299	35 894	37 000
attendances at the Library	64 223	61 362	61 500

Matters Requiring Special Attention in 2013–14

13 In 2013–14, the Judiciary will seek to:

- continue to provide support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants;
- sustain quality management in the Judiciary Administration; and
- implement an information technology strategy plan for the Judiciary.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2011–12 (Actual) (\$m)	2012–13 (Original) (\$m)	2012–13 (Revised) (\$m)	2013–14 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions.....	797.0	914.9	854.6	962.0
(2) Support Services for Courts’ Operation.....	260.7	294.7	282.0	310.1
	1,057.7	1,209.6	1,136.6 (–6.0%)	1,272.1 (+11.9%)
				(or +5.2% on 2012–13 Original)

Analysis of Financial and Staffing Provision

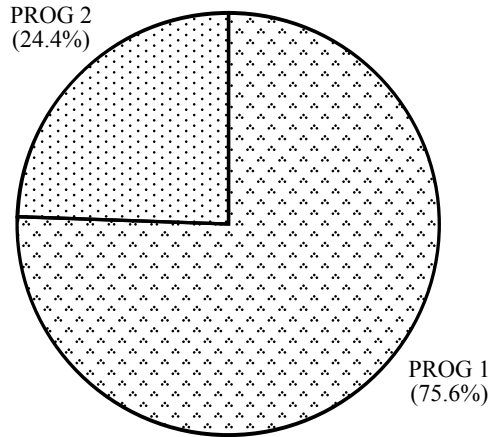
Programme (1)

Provision for 2013–14 is \$107.4 million (12.6%) higher than the revised estimate for 2012–13. This is mainly due to the increased provision for filling of vacancies and a net increase of two directorate judicial and 39 non-judicial posts in 2013–14.

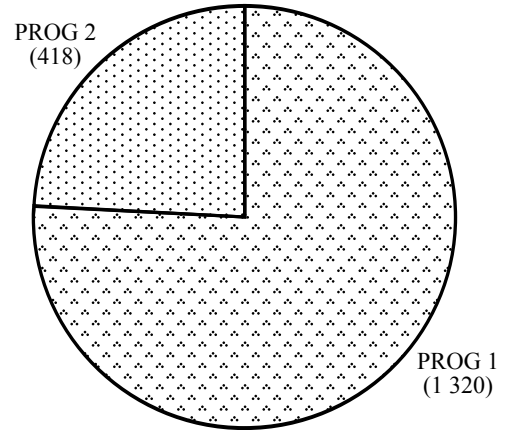
Programme (2)

Provision for 2013–14 is \$28.1 million (10.0%) higher than the revised estimate for 2012–13. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts’ operation, filling of vacancies and a net increase of seven non-judicial posts in 2013–14.

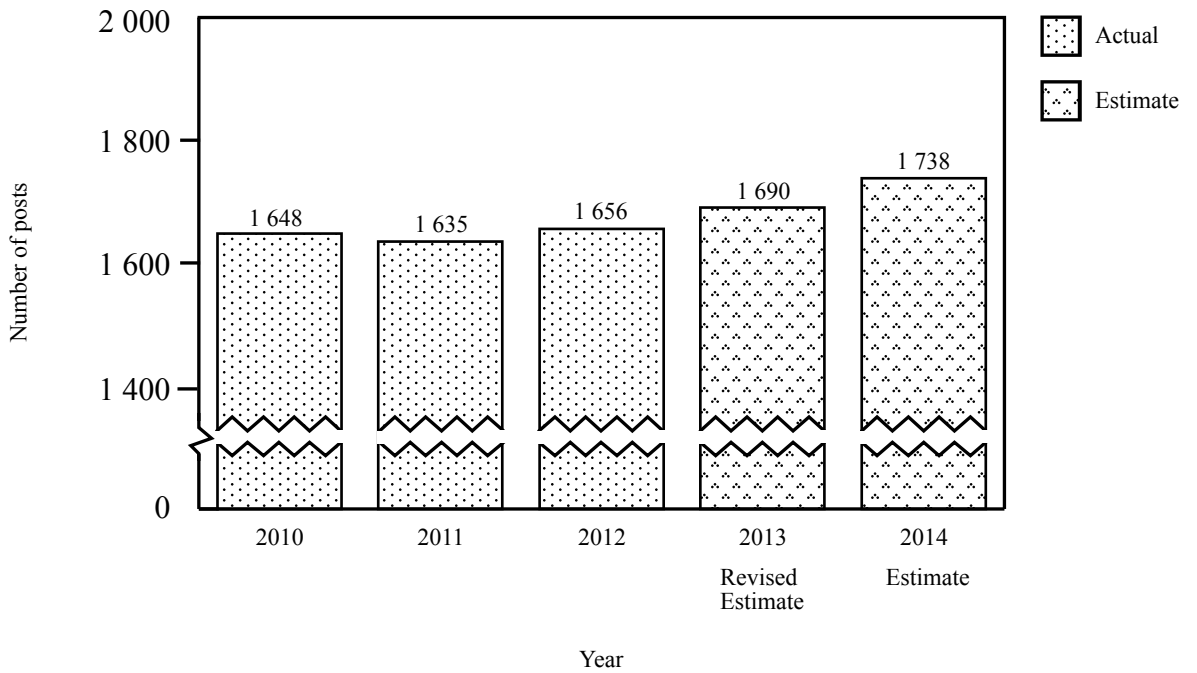
Allocation of provision to programmes (2013-14)



Staff by programme (as at 31 March 2014)



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



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Sub-head (Code)	Actual expenditure 2011-12	Approved estimate 2012-13	Revised estimate 2012-13	Estimate 2013-14	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	1,026,342	1,194,899	1,122,611	1,258,578
206	Expenses of witnesses and jurors	7,586	8,800	7,765	8,612
	Total, Recurrent	<u>1,033,928</u>	<u>1,203,699</u>	<u>1,130,376</u>	<u>1,267,190</u>
Non-Recurrent					
700	General non-recurrent	63	474	40	535
	Total, Non-Recurrent	<u>63</u>	<u>474</u>	<u>40</u>	<u>535</u>
	Total, Operating Account.....	<u>1,033,991</u>	<u>1,204,173</u>	<u>1,130,416</u>	<u>1,267,725</u>
Capital Account					
Plant, Equipment and Works					
603	Plant, vehicles and equipment.....	—	558	350	698
661	Minor plant, vehicles and equipment (block vote).....	1,300	4,831	5,831	3,702
	Law library acquisitions (block vote).....	22,400	—	—	—
	Total, Plant, Equipment and Works	<u>23,700</u>	<u>5,389</u>	<u>6,181</u>	<u>4,400</u>
	Total, Capital Account	<u>23,700</u>	<u>5,389</u>	<u>6,181</u>	<u>4,400</u>
	Total Expenditure	<u><u>1,057,691</u></u>	<u><u>1,209,562</u></u>	<u><u>1,136,597</u></u>	<u><u>1,272,125</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2013–14 for the salaries and expenses of the Judiciary is \$1,272,125,000. This represents an increase of \$135,528,000 over the revised estimate for 2012–13 and of \$214,434,000 over actual expenditure in 2011–12.

Operating Account

Recurrent

2 Provision of \$1,258,578,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$333,100 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$135,967,000 (12.1%) over the revised estimate for 2012–13 is mainly due to the full-year effect of posts created in 2012–13, the filling of vacancies, the increased provision for salary arising from a net increase of two judicial and 46 non-judicial posts in 2013–14 and operating expenses to support courts' operation.

3 The establishment as at 31 March 2013 will be 1 690 permanent posts. It is expected that there will be a net increase of 48 posts in 2013–14. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2013–14, but the notional annual mid-point salary value of all such posts must not exceed \$529,075,000.

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

	2011–12 (Actual) (\$'000)	2012–13 (Original) (\$'000)	2012–13 (Revised) (\$'000)	2013–14 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	755,835	847,938	802,561	915,436
- Allowances	18,406	21,087	18,445	21,615
- Job-related allowances.....	1,181	936	1,175	1,357
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	9,617	9,561	9,564	11,926
- Mandatory Provident Fund contribution	1,775	2,101	2,407	2,914
- Civil Service Provident Fund contribution	3,604	5,620	6,094	7,526
Departmental Expenses				
- Hire of services and professional fees	106,228	129,764	121,534	124,067
- General departmental expenses	129,696	177,884	160,823	173,729
Other Charges				
- Magistrates poor box	—	8	8	8
	1,026,342	1,194,899	1,122,611	1,258,578

5 Provision of \$8,612,000 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 \$847,000 (10.9%) over the revised estimate for 2012–13 is mainly due to anticipated increase in requirement and revised rates of allowances for witnesses and jurors.

Capital Account

Plant, Equipment and Works

6 Provision of \$3,702,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$2,129,000 (36.5%) against the revised estimate for 2012–13. This is mainly due to decreased 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 31.3.2012	Revised estimated expenditure for 2012–13	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	520	Production of videos.....	2,800	2,555	—	245
	521	Pilot scheme on family mediation.....	7,500	6,702	40	758
	522	Production of videos and brochures on litigants in person in civil litigations.....	2,500	2,468	—	32
			12,800	11,725	40	1,035
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms.....	5,400	4,352	350	698
			5,400	4,352	350	698
		Total	18,200	16,077	390	1,733