

Head 80 — JUDICIARY

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

Estimate 2000–01	\$984.0m
Establishment ceiling 2000–01 (notional annual mid-point salary value) representing an estimated 1 835 non-directorate posts at 31 March 2000 reducing by 21 posts to 1 814 posts at 31 March 2001 ..	\$513.5m
In addition there will be an estimated 182 directorate posts at 31 March 2000 reducing by four posts to 178 posts as at 31 March 2001.	
Capital Account commitment balance	\$20.8m

Controlling Officer's Report

Programmes

Programme (1) Courts and Tribunals
Programme (2) Support Services for Courts' Operation

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

Detail

Programme (1): Courts and Tribunals

	1998–99 (Actual)	1999–2000 (Approved)	1999–2000 (Revised)	2000–01 (Estimate)
Financial provision (\$m)	664.9	706.1 (+6.2%)	705.5 (–0.1%)	711.4 (+0.8%)

Aim

2 The aim is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedom of the individual and commands domestic and international confidence.

Brief Description

3 This programme comprises different levels of courts and tribunals. Through these courts and tribunals, criminal cases and civil disputes are heard and adjudicated. Its operational objectives are:

- to ensure the Judiciary and courts are kept abreast with changing times;
- to enhance professional standards;
- to ensure just and expeditious disposal of cases; and
- to develop a bilingual court system in Hong Kong.

4 The aim of the programme has been broadly achieved in 1999 and the overall performance of the programme as reflected by the key indicators is satisfactory.

5 The key performance measures in respect of courts and tribunals are:

Targets

	Target#	1998 (Actual)	1999 (Actual)	2000 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal				
Application for leave to appeal				
Criminal—from notice of hearing to hearing†	45	—	37	45
Civil—from notice of hearing to hearing†	35	—	44	35
Substantive appeal				
Criminal—from notice of hearing to hearing†	100	—	103	100
Civil—from notice of hearing to hearing†	120	—	97	120

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	Target#	1998 (Actual)	1999 (Actual)	2000 (Plan)
Court of Appeal of the High Court				
Criminal—from setting down of a case to hearing	50	38	27	50
Civil—from application to fix date to hearing	90	93	72	90
Court of First Instance of the High Court				
Criminal Fixture—from filing of indictment to hearing	120	199	171	120
Criminal Running List—from setting down to hearing	90	98	106	90
Civil Fixture—from application to fix date to hearing	180	201	224	180
Civil Running List—from setting down to hearing	90	51	82	90
Appeals from magistracies—from lodging of Notice of Appeal to hearing	90	113	124	90
District Court				
Criminal—from first appearance of defendants in District Court to hearing	100	51	42	100
Civil—from application to fix date to hearing	120	92	81	120
Family Court				
Dissolution of marriage—from setting down to hearing				
For undefended list	56	61	41	56
For special procedure list	35	31	29	30
For defended list (one day hearing)	110	67	91	100
Preliminary vetting of application for directions for trial	30	38	32	28
Issue of Decree Absolute	21	27	10	14
Approval of draft orders	7	8	8	7
Vetting of ex-parte applications	7	7	7	7
Vetting of petitions before filing	3	3	3	3
Financial Applications—from filing of summons to hearing	110–140	77–88	94–97	100–130
Lands Tribunal—from setting down of a case to hearing				
Appeal cases	100	32	33	80
Compensation cases	100	36	34	80
Building Management cases	100	44	33	80
Tenancy cases	60	46	28	60
Magistracies—from plea to date of trial				
For defendants in custody	30–45	26	33	30–45
For defendants on bail	45–60	33	45	45–60
Coroner's Court—from receipt by the Coroner of a completed death report or the expiry of the period prescribed for the receipt of any representation (whichever date is later) to hearing				
	42	39	65	42
Labour Tribunal—				
from appointment to filing of a case§	—	—	—	30
from filing of a case to first hearing...	30	23	25	30
Small Claims Tribunal—from filing of a case to first hearing				
	60	39	34	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	2	1	5
from referral by a magistrate to commencement of determination of the subject matter of a court case	21	15	18	21

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- # The targets have been set in accordance with the recommendations by the Court Users' Committees or are laid down in the respective ordinances or court rules.
 † These items were introduced in 1999. The waiting time of the Court of Final Appeal is affected by the availability of non-permanent judges and counsels' diary.
 § This is a new item planned to be introduced in 2000.

Indicators

	1998 (Actual)	1999 (Actual)	2000 (Estimate)#
<i>Number of Cases</i>			
Court of Final Appeal			
Application for leave to appeal.....	55	68	60
Appeal	33	29	30
Court of Appeal of the High Court			
Criminal Appeals.....	653	642	670
Civil Appeals.....	350	375	360
Court of First Instance of the High Court			
Criminal Jurisdiction			
Criminal Cases	446	415	440
Appeals from Magistracies.....	1 260	1 262	1 250
Civil Jurisdiction	35 159	35 302	36 430
Probate Cases	9 214	9 401	9 480
District Court			
Criminal Cases	1 428	1 224	1 300
Civil Cases.....	59 027	54 031	43 000
Small Claims Tribunal.....	54 613	57 442	71 000
Labour Tribunal.....	9 476	11 594	10 560
Obscene Articles Tribunal§	265 830	620 356	877 500
Coroner's Court.....	201	263	220
Lands Tribunal	5 955	5 633	5 090
Magistracies	523 994	427 060	512 490

The estimated figures for 2000 do not take into account the increase/decrease in the number of cases arising from changes in legislation to be enacted.

§ The figures are calculated by number of articles.

6 It should be noted that the number of cases alone is not a true reflection of the Court's workload. Specifically, in recent years cases before the courts have grown in complexity and have generally taken longer to conclude. The Judiciary will continue to explore ways of maximising the productivity of the court through such means as improving the listing system, the use of modern technology in the work of the Judiciary and pre-trial reviews.

Matters Requiring Special Attention in 2000-01

7 In 2000-01, we will:

- cope with increased workload of the Labour Tribunal arising from the economic situation by opening additional courts through redeployment of resources;
- further enhance professional standard of judges and judicial officers by providing a wide range of training programmes through the Judicial Studies Board;
- monitor the effectiveness of mediation provided under the pilot scheme in resolving disputes in matrimonial matters; and
- subject to passage of the relevant legislation, ensure the smooth implementation of the increase in the financial jurisdictional limits on District Court.

Programme (2): Support Services for Courts' Operation

	1998-99 (Actual)	1999-2000 (Approved)	1999-2000 (Revised)	2000-01 (Estimate)
Financial provision (\$m)	261.1	269.6 (+3.3%)	270.3 (+0.3%)	272.6 (+0.9%)

Aim

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

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Brief Description

9 The Judiciary support services are required to support hearing of cases in court and to carry out court orders. The operational objectives are:

- to provide effective court reporting services for court proceedings and produce transcripts for these proceedings;
- to ensure that both the Chinese and English languages can be used in the court system;
- to provide efficient and effective bailiff services to the public;
- to keep the best legal reference books and research materials for the use of judges, judicial officers and the legal profession; and
- to implement the Judiciary's Information Systems Strategy to enhance the efficiency of court support services.

10 The aim of the programme has been broadly achieved in 1999 and the overall performance of the programme as reflected by the key indicators is satisfactory.

11 The key performance measures in respect of Judiciary support services are:

Indicators

	1998 (Actual)	1999 (Actual)	2000 (Estimate)
<i>Reporting and Transcription</i>			
Number of cases covered			
Criminal	443 789	417 000	600 530
Civil	36 651	94 801	129 610
Number of cases with transcripts produced as required by trial judges and/or Court of Appeal			
Criminal	5 222	5 088	7 110
Civil	686	1 056	1 440
<i>Interpretation and Translation</i>			
Number of pages of certification/translation processed by Court Interpreters	438 446	462 803	504 200
<i>Bailiff Service</i>			
Number of executions attempted	35 916	41 791	47 770
Number of summons services attempted	127 827	120 197	122 000
<i>Library</i>			
Number of library materials acquired and processed in a year	31 936	24 372	25 000
Attendances at the Library	101 386	96 923	90 000
	Implementation date		
	1998	1999	2000
<i>Judiciary Information Systems Strategy</i>			
Phase II			
Office Automation System.....	January		
High Court Case Management System	March		
Bailiff Resource Management System.....	March		
Interpreter Resource Management System	March		
Legal Reference System.....	April		
Family Court Case Management System	June		
Resource and Operation Management Automation System (ROMA).....	July		
Phase III			
Court of Final Appeal Case Management System	December		
Coroner's Court Case Management System	February		
Enhancement to the Case and Summons Management System for Magistracies and ROMA.....	June		
Lands Tribunal Case Management System.....	September		
Labour Tribunal Case Management System	November		

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Matters Requiring Special Attention in 2000–01

12 In 2000–01, we will:

- continue to implement Phase III of the Judiciary’s Information Systems Strategy which includes the enhancement, extension and integration of the Judiciary’s existing systems and exploring interface with outside systems with a pilot on electronic filing of cases;
- extend the installation of audio-visual presentation systems into more courtrooms to meet the increased use of video recorded statements and evidence; and
- computerise the Judiciary’s libraries to enhance services to Judges and users.

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ANALYSIS OF FINANCIAL PROVISION

Programme	1998–99 (Actual) (\$m)	1999–2000 (Approved) (\$m)	1999–2000 (Revised) (\$m)	2000–01 (Estimate) (\$m)
(1) Courts and Tribunals.....	664.9	706.1	705.5	711.4
(2) Support Services for Courts' Operation.....	261.1	269.6	270.3	272.6
	<u>926.0</u>	<u>975.7</u> (+5.4%)	<u>975.8</u> (0.0%)	<u>984.0</u> (+0.8%)

Analysis of Financial and Staffing Provision

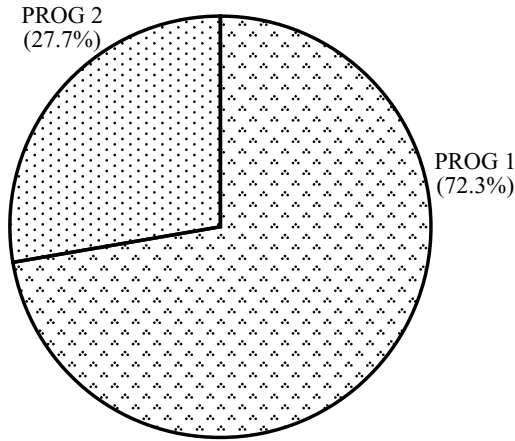
Programme (1)

Provision for 2000–01 is \$5.9 million (0.8%) higher than the revised estimate for 1999–2000. This is mainly due to salary increments for existing staff, full-year provision for posts created and vacancies filled in 1999–2000 and the additional provision for appointment of temporary judicial officers to cope with increased workload. The increase in expenditure is partly offset by reduced operating expenditure and the deletion of 21 posts in 2000–01 under the Enhanced Productivity Programme and the lapse of one supernumerary post.

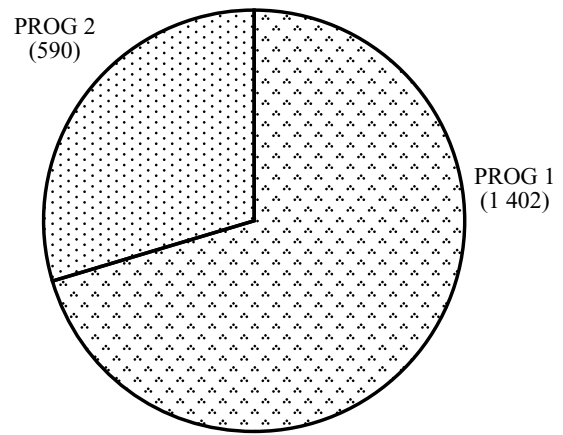
Programme (2)

Provision for 2000–01 is \$2.3 million (0.9%) higher than the revised estimate for 1999–2000. This is mainly due to salary increments for existing staff, full-year provision for posts created and vacancies filled in 1999–2000 and creation of four posts in 2000–01 for improved support services. The increase in expenditure is partly offset by reduced operating expenditure under the Enhanced Productivity Programme and the deletion of seven posts in 2000–01 upon implementation of the Judiciary Information Systems Strategy Phase III.

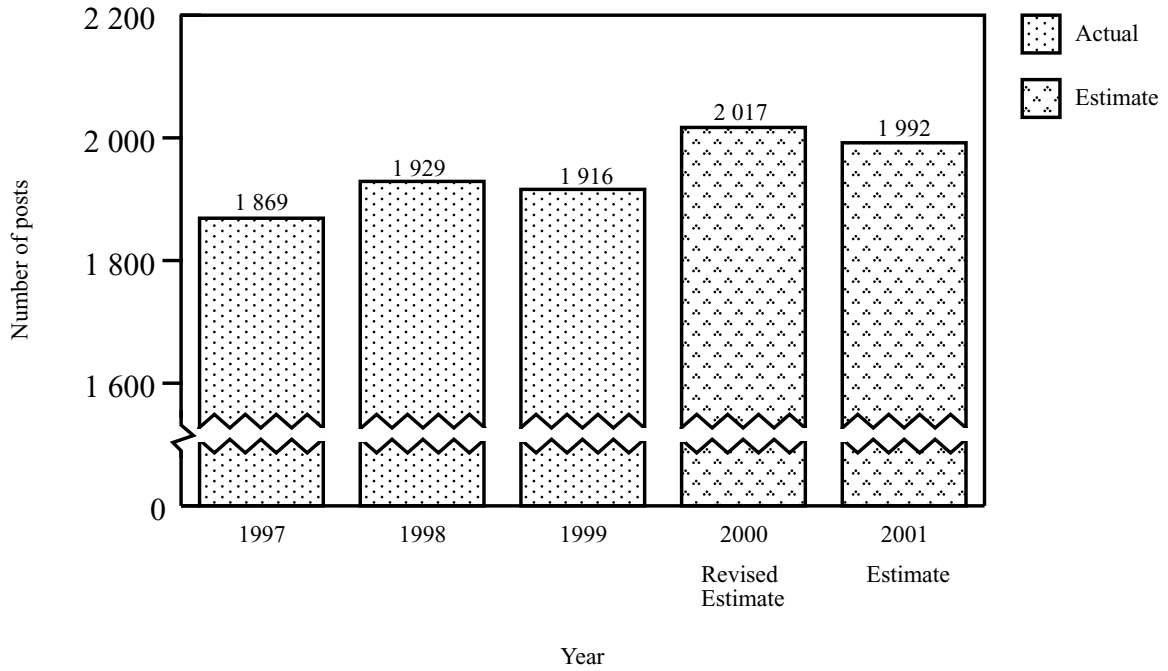
*Allocation of provision
to programmes
(2000-01)*



*Staff by programme
(as at 31 March 2001)*



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



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Sub-head (Code)		Actual expenditure 1998-99	Approved estimate 1999-2000	Revised estimate 1999-2000	Estimate 2000-01
		\$'000	\$'000	\$'000	\$'000
Recurrent Account					
I — Personal Emoluments					
001	Salaries	713,567	731,116	734,418	735,322
002	Allowances	23,166	23,879	21,685	22,270
007	Job-related allowances	3,758	3,685	3,973	4,090
	Total, Personal Emoluments	<u>740,491</u>	<u>758,680</u>	<u>760,076</u>	<u>761,682</u>
II — Personnel Related Expenses					
029	Cash allowance in lieu of housing benefits	6,506	7,095	6,886	7,058
	Total, Personnel Related Expenses	<u>6,506</u>	<u>7,095</u>	<u>6,886</u>	<u>7,058</u>
III — Departmental Expenses					
111	Hire of services and professional fees	72,411	72,764	72,764	76,971
149	General departmental expenses	85,442	100,904	100,914	102,880
	Total, Departmental Expenses	<u>157,853</u>	<u>173,668</u>	<u>173,678</u>	<u>179,851</u>
IV — Other Charges					
206	Expenses of witnesses and jurors	7,893	8,541	8,541	8,541*
	Total, Other Charges	<u>7,893</u>	<u>8,541</u>	<u>8,541</u>	<u>8,541</u>
V — Subventions					
447	Magistrates poor box	3	8	8	8
	Total, Subventions	<u>3</u>	<u>8</u>	<u>8</u>	<u>8</u>
	Total, Recurrent Account	<u>912,746</u>	<u>947,992</u>	<u>949,189</u>	<u>957,140</u>
Capital Account					
I — Plant, Equipment and Works					
600	Works	676	—	200	200
603	Plant, vehicles and equipment	214	6,550	6,550	6,562
613	Law library acquisitions (block vote)	8,783	10,900	10,900	11,000
661	Minor plant, vehicles and equipment (block vote)	2,422	5,287	4,297	3,707
	Total, Plant, Equipment and Works	<u>12,095</u>	<u>22,737</u>	<u>21,947</u>	<u>21,469</u>
II — Other Non-Recurrent					
700	General other non-recurrent	1,113	5,019	4,667	5,433
	Total, Other Non-Recurrent	<u>1,113</u>	<u>5,019</u>	<u>4,667</u>	<u>5,433</u>
	Total, Capital Account	<u>13,208</u>	<u>27,756</u>	<u>26,614</u>	<u>26,902</u>
	Total Expenditure	<u><u>925,954</u></u>	<u><u>975,748</u></u>	<u><u>975,803</u></u>	<u><u>984,042</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2000–01 for the salaries and expenses of the Judiciary is \$984,042,000. This represents an increase of \$8,239,000 over the revised estimate for 1999–2000 and of \$58,088,000 on actual expenditure in 1998–99.

Recurrent Account

Personal Emoluments

2 Provision of \$761,682,000 for personal emoluments represents an increase of \$1,606,000 over the revised estimate for 1999–2000 and takes into account the full-year provision for posts created and vacancies filled in 1999–2000, salary increments for existing staff and the reduced requirement as a result of posts likely to be deleted during 2000–01. This includes provision of \$344,000 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment at 31 March 2000 will be 2 016 permanent posts and one supernumerary post. Taking into account the deletion of 21 permanent posts under the Enhanced Productivity Programme, the net deletion of three posts upon implementation of the Judiciary Information Systems Strategy Phase III and the lapse of one supernumerary post, it is expected that a net 24 permanent posts and one supernumerary post will be deleted in 2000–01.

4 Subject to certain conditions, the controlling officer may under delegated powers create or delete non-directorate posts during 2000–01, but the notional annual mid-point salary value of all such posts must not exceed \$513,459,000 which will be reduced to \$512,426,000 upon the deletion of seven posts in the course of the year arising from the implementation of the Judiciary Information Systems Strategy Phase III.

5 Provision of \$22,270,000 under *Subhead 002 Allowances* is for standard allowances and the following non-standard allowances—

	<i>Rank</i>		<i>Rate per month \$</i>
consolidated overtime allowance for domestic staff at the residence of the Chief Justice of the Court of Final Appeal	Chief Steward		4,300
	Head Chef		4,300
	No.2 Chef		3,720
	Domestic Servant		2,805
	<i>Rank</i>	<i>Master Pay Scale point</i>	<i>Rate per month† \$</i>
consolidated overtime allowance for Chauffeur grade	Personal	11	7,590
	Chauffeur	12	8,060
	Chauffeur	6	5,570
		7	5,940
		8	6,330
		9	6,740
		10	7,145

† These rates are payable for the first 1–100 hours overtime per month. Overtime performed in excess of 100 hours will be compensated at 1% of the monthly rate per hour.

	<i>Rate</i>
judicial dress allowance	\$1,300 for Justices of Appeal and \$28,100 for Judges of the Court of First Instance of the High Court on promotion from the Court of First Instance of the High Court and the District Court respectively; and \$39,100 for Judges of the Court of First Instance of the High Court, \$13,600 for Masters and \$14,000 for District Judges on first appointment.
special allowance for District Judges and Magistrates appointed as Deputy Judges of the Court of First Instance of the High Court and Deputy District Judges	calculated on salary differentials.

6 Provision of \$4,090,000 under *Subhead 007 Job-related allowances* is for standard job-related allowances and the following non-standard job-related allowances—

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	<i>Rate</i>
extraneous duties allowance (responsibility) for Magistrates whose substantive salaries are below the first point of the Directorate Pay Scale during their posting as Presiding Officers in the Labour Tribunal or Adjudicators in the Small Claims Tribunal	calculated on salary differentials.
extraneous duties allowance (responsibility) for Justices of Appeal of the Court of Appeal of the High Court appointed as Vice-Presidents of the Court of Appeal of the High Court	at a monthly rate of \$6,000.
extraneous duties allowance (responsibility) for Justices of Appeal of the Court of Appeal of the High Court sitting as non-permanent Judges of the Court of Final Appeal	at a daily rate of \$1,000.

Personnel Related Expenses

7 Provision of \$7,058,000 under *Subhead 029 Cash allowance in lieu of housing benefits* is for the payment of a non-accountable cash allowance to judicial officers at the level of District Judge or above in lieu of housing benefits.

Departmental Expenses

8 Provision of \$76,971,000 under *Subhead 111 Hire of services and professional fees* includes provision for the engagement of Non-permanent Judges of Court of Final Appeal, Deputy Judges of the Court of First Instance of the High Court, Deputy District Judges, Deputy Magistrates, Deputy Special Magistrates, adjudicators of the Obscene Articles Tribunal, members of the Mental Health Review Tribunal, interpreters, translators and audio recording and transcript production service. The increase of \$4,207,000 (5.8%) over the revised estimate for 1999–2000 is mainly due to the increased requirement for appointment of temporary judicial officers to cope with the increased workload in courts and tribunals.

Other Charges

9 Provision of \$8,541,000 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.

Subventions

10 Provision of \$8,000 under *Subhead 447 Magistrates poor box* is to meet occasional payments authorised by magistrates for the relief of poor and needy persons who appear in court.

Capital Account

Plant, Equipment and Works

11 Provision of \$11,000,000 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.

12 Provision of \$3,707,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$590,000 (13.7%) against the revised estimate for 1999–2000. This is mainly due to the reduced requirement for minor equipment.

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Capital Account

Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.99	Revised estimated expenditure for 1999–2000	Balance
			\$'000	\$'000	\$'000	\$'000
600		<i>Works</i>				
	216	Modification and refurbishment works of the jury recess rooms	2,900	2,432	200	268
603		<i>Plant, vehicles and equipment</i>				
	217	Provision of basic office equipment to court buildings	2,600	1,778	200	622
	218	Installation of audio-visual presentation system in courtrooms.....	5,400	—	1,400	4,000
	220	Replacement of air-conditioning units for Kwun Tong Magistracy.....	4,862	—	—	4,862
			<u>12,862</u>	<u>1,778</u>	<u>1,600</u>	<u>9,484</u>
700		<i>General other non-recurrent</i>				
	517	Replacement of flags, emblems, etc of court buildings	6,600	1,274	2,000	3,326
	518	Compilation of an English-Chinese glossary of terms commonly used in courts.....	1,705	—	412	1,293
	520	Production of videos.....	1,600	510	350	740
	521	Pilot scheme on family mediation	7,500	—	1,800	5,700
			<u>17,405</u>	<u>1,784</u>	<u>4,562</u>	<u>11,059</u>
		Total	<u><u>33,167</u></u>	<u><u>5,994</u></u>	<u><u>6,362</u></u>	<u><u>20,811</u></u>