

Head 80 — JUDICIARY

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

Estimate 2001–02	\$1,027.8m
Establishment ceiling 2001–02 (notional annual mid-point salary value) representing an estimated 1 707 non-directorate posts at 31 March 2001 reducing by three posts to 1 704 posts at 31 March 2002.....	\$471.3m
In addition there will be an estimated 179 directorate posts at 31 March 2001 rising by one post to 180 posts at 31 March 2002.	
Capital Account commitment balance	\$17.5m

Controlling Officer's Report

Programmes

<p>Programme (1) Courts and Tribunals Programme (2) Support Services for Courts' Operation</p>	<p>These programmes contribute to Policy Area 12: Administration of Justice (Judiciary Administrator).</p>
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Detail

Programme (1): Courts and Tribunals

	1999–2000 (Actual)	2000–01 (Approved)	2000–01 (Revised)	2001–02 (Estimate)
Financial provision (\$m)	686.3	711.4 (+3.7%)	697.3 (–2.0%)	746.2 (+7.0%)

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 individuals 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;
- enhance professional standards;
- ensure just and expeditious disposal of cases; and
- develop a bilingual court system in Hong Kong.

4 In 2000, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators is satisfactory.

5 The key performance measures are:

Targets

	Target#	1999 (Actual)	2000 (Actual)	2001 (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	32	45
Civil—from notice of hearing to hearing†	35	44	40	35
Substantive appeal				
Criminal—from notice of hearing to hearing†	100	103	93	100
Civil—from notice of hearing to hearing†	120	97	99	120

Head 80 — JUDICIARY

	Target#	1999 (Actual)	2000 (Actual)	2001 (Plan)
Court of Appeal of the High Court				
Criminal—from setting down of a case to hearing	50	27	33	50
Civil—from application to fix date to hearing	90	72	82	90
Court of First Instance of the High Court				
Criminal Fixture—from filing of indictment to hearing	120	171	186	170
Criminal Running List—from setting down to hearing	90	106	85	90
Civil Fixture—from application to fix date to hearing	180	224	216	200
Civil Running List—from setting down to hearing	90	82	120	90
Appeals from magistracies—from lodging of Notice of Appeal to hearing	90	124	118	90
District Court				
Criminal—from first appearance of defendants in District Court to hearing	100	42	56	100
Civil—from application to fix date to hearing	120	81	82	120
Family Court				
Dissolution of marriage—from setting down to hearing				
For undefended list	56	41	39	56
For special procedure list	35	29	26	30
For defended list (one day hearing)	110	91	84	110
Preliminary vetting of application for directions for trial	30	32	30	30
Issue of Decree Absolute	21	10	10	21
Approval of draft orders	7	8	7	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	94–97	84–91	100–140
Lands Tribunal—from setting down of a case to hearing				
Appeal cases	100	33	26	80
Compensation cases	100	34	29	80
Building Management cases	100	33	26	80
Tenancy cases	60	28	28	60
Magistracies—from plea to date of trial				
Summons ‡	—	—	46	50
Charge Cases—				
For defendants in custody	30–45	33	39	30–45
For defendants on bail	45–60	45	51	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	65	41	42
Labour Tribunal—				
from appointment to filing of a case §	30	—	11	20
from filing of a case to first hearing ...	30	25	21	30
Small Claims Tribunal—from filing of a case to first hearing				
	60	34	42	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	1	2	5
from referral by a magistrate to commencement of determination of the subject matter of a court case	21	18	17	21

Head 80 — JUDICIARY

	Target#	1999 (Actual)	2000 (Actual)	2001 (Plan)
from receipt of application to review†	—	—	29	21
from receipt of application to reconsideration‡	—	—	20	21

The targets have been set in accordance with the recommendations made by the Court Users' Committees or are laid down in the respective ordinances or court rules.
† The waiting time of the Court of Final Appeal is affected by the availability of non-permanent judges and counsel's diary.
‡ New item to be introduced in 2001.
§ This item was introduced in 2000.

Indicators

	1999 (Actual)	2000 (Actual)	2001 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
Application for leave to appeal	68	59	70
Appeal	29	38	40
Court of Appeal of the High Court			
Criminal Appeals	642	533	500
Civil Appeals	375	1 125	660
Court of First Instance of the High Court			
Criminal Jurisdiction			
Criminal Cases	415	504	520
Appeals from Magistracies	1 262	1 359	1 360
Civil Jurisdiction.....	35 302	29 132	18 000
Probate Cases	9 401	11 037	11 200
District Court			
Criminal Cases.....	1 224	1 229	1 220
Civil Cases.....	40 131	32 515	51 000
Divorce Jurisdiction@	13 900	14 459	15 000
Small Claims Tribunal.....	57 442	64 348	70 000
Labour Tribunal.....	11 594	9 611	10 100
Obscene Articles Tribunal§	620 356	166 148	300 000
Coroner's Court	263	184	200
Lands Tribunal.....	5 633	5 594	6 000
Magistracies	427 060	381 956	380 000

@ The figures have been included in civil cases in the previous Controlling Officer's Reports.

§ 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.

7 The significant increase in civil appeals in the Court of Appeal of the High Court in 2000 is mainly due to the upsurge in the number of applications for judicial review on right of abode cases.

8 As a result of the increase in the civil jurisdictional limits of the District Court effected from 1 September 2000, it is expected that the caseload under the civil jurisdiction of the Court of First Instance of the High Court will decrease in 2001.

9 For the District Court, the decrease in civil caseload in 2000 is attributable to the reduction in the number of claims filed by the Inland Revenue Department. It is anticipated that the caseload will increase in 2001 as a result of the increase in its civil jurisdictional limits effected on 1 September 2000.

10 The significant decrease in caseload in the Obscene Articles Tribunal in 2000 is mainly due to the fact that in 1999, a case involving 370 000 articles was referred to the Tribunal for determination.

11 The estimated increase in caseload in the Lands Tribunal in 2001 is mainly due to the additional land resumption cases arising from the West Rail project and urban renewal projects.

Matters Requiring Special Attention in 2001-02

12 In 2001-02, we will:

Head 80 — JUDICIARY

- cope with the workload of the Labour Tribunal arising from the economic situation through redeployment of resources;
- make an interim assessment on the effectiveness of mediation provided under the pilot scheme in resolving disputes in matrimonial matters;
- ensure the smooth implementation of the increase in the financial jurisdictional limits on the District Court; and
- continue to make effort to improve the waiting times for fixture cases in the Court of First Instance of the High Court, which are affected by the increased number of cases filed in the past two years. It is also anticipated that pressure will be relieved as more civil cases will be dealt with in the District Court.

Programme (2): Support Services for Courts' Operation

	1999–2000 (Actual)	2000–01 (Approved)	2000–01 (Revised)	2001–02 (Estimate)
Financial provision (\$m)	262.9	272.6 (+3.7%)	263.1 (–3.5%)	281.6 (+7.0%)

Aim

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

Brief Description

14 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;
- ensure that both the Chinese and English languages can be used in the court system;
- provide efficient and effective bailiff services to the public;
- keep the best legal reference books and research materials for the use of judges, judicial officers and the legal profession; and
- implement the Judiciary Information Systems Strategy (JISS) to enhance the efficiency of court support services.

15 In 2000, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators is satisfactory.

16 The key performance measures are:

Indicators

	1999 (Actual)	2000 (Actual)	2001 (Estimate)
<i>Reporting and Transcription</i>			
Number of cases covered			
Criminal.....	417 000	405 890	396 500
Civil.....	94 801	86 475	86 400
Number of cases with transcripts produced as required by trial judges and/or Court of Appeal			
Criminal.....	5 088	5 199	5 245
Civil.....	1 056	1 170	1 239
<i>Interpretation and Translation</i>			
Number of pages of certification/translation processed by Court Interpreters	462 803	462 964	514 857
<i>Bailiff Service</i>			
Number of executions attempted.....	41 791	38 416	40 000
Number of summons services attempted	120 197	99 321	101 000
<i>Library</i>			
Number of library materials acquired and processed in a year.....	24 372	24 983	25 000
Attendances at the Library	96 923	77 885	68 000

Head 80 — JUDICIARY

	Implementation date		
	1999	2000	2001 (Estimate)
<i>JISS</i>			
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 Resources and Operations Management Automation.....		June	
Lands Tribunal Case Management System.....		September	
Labour Tribunal Case Management System.....		November	
Public Payment System.....			September
Public Information System.....			September
Pilot Electronic Filing of Inland Revenue Department Claims			November

Matters Requiring Special Attention in 2001–02

17 In 2001–02, we will:

- enhance the Legal Reference System and provide home access to the system for judges and judicial officers;
- computerise the Judiciary's libraries to enhance services to judges, judicial officers and users;
- conclude the Phase III of JISS with the focus on public access to court services and implement the Automated Leadership Resource Tools System which will provide the senior management with useful information for resource deployment and operations management;
- enhance services to the judges and judicial officers by establishing a bilingual database for legal terms, phrases and expressions;
- build the first Technology Court; and
- embark, in addition to the pilot electronic filing of cases in the District Court, on a feasibility study on full implementation of electronic filing.

Head 80 — JUDICIARY

ANALYSIS OF FINANCIAL PROVISION

Programme	1999–2000 (Actual) (\$m)	2000–01 (Approved) (\$m)	2000–01 (Revised) (\$m)	2001–02 (Estimate) (\$m)
(1) Courts and Tribunals	686.3	711.4	697.3	746.2
(2) Support Services for Courts' Operation	262.9	272.6	263.1	281.6
	<u>949.2</u>	<u>984.0</u> (+3.7%)	<u>960.4</u> (–2.4%)	<u>1,027.8</u> (+7.0%)

Analysis of Financial and Staffing Provision

Programme (1)

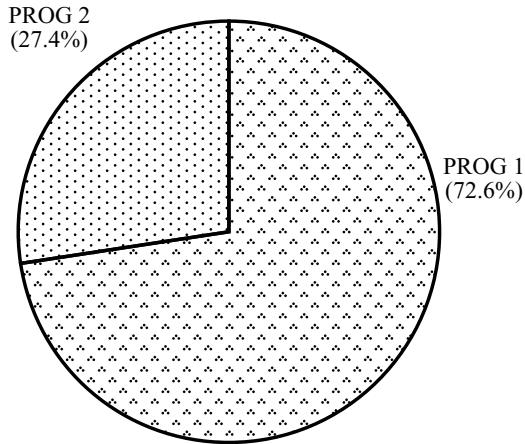
Provision for 2001–02 is \$48.9 million (7.0%) higher than the revised estimate for 2000–01. This is mainly due to salary increments for existing staff, full-year provision for posts created and vacancies filled in 2000–01, the creation of one post in 2001–02 for the proposed Market Misconduct Tribunal, the additional provision for appointment of temporary judicial officers as well as increased operating expenses for court buildings.

Programme (2)

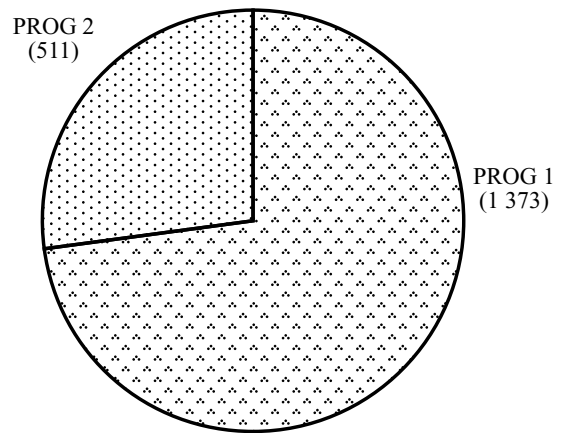
Provision for 2001–02 is \$18.5 million (7.0%) higher than the revised estimate for 2000–01. This is mainly due to salary increments for existing staff, full-year provision for posts created and vacancies filled in 2000–01, creation of four posts in 2001–02 for improved support services and increased requirement for contract services. The increase in expenditure is partly offset by reduced operating expenditure under the Enhanced Productivity Programme and deletion of seven posts upon implementation of the JISS Phase III.

Head 80 — JUDICIARY

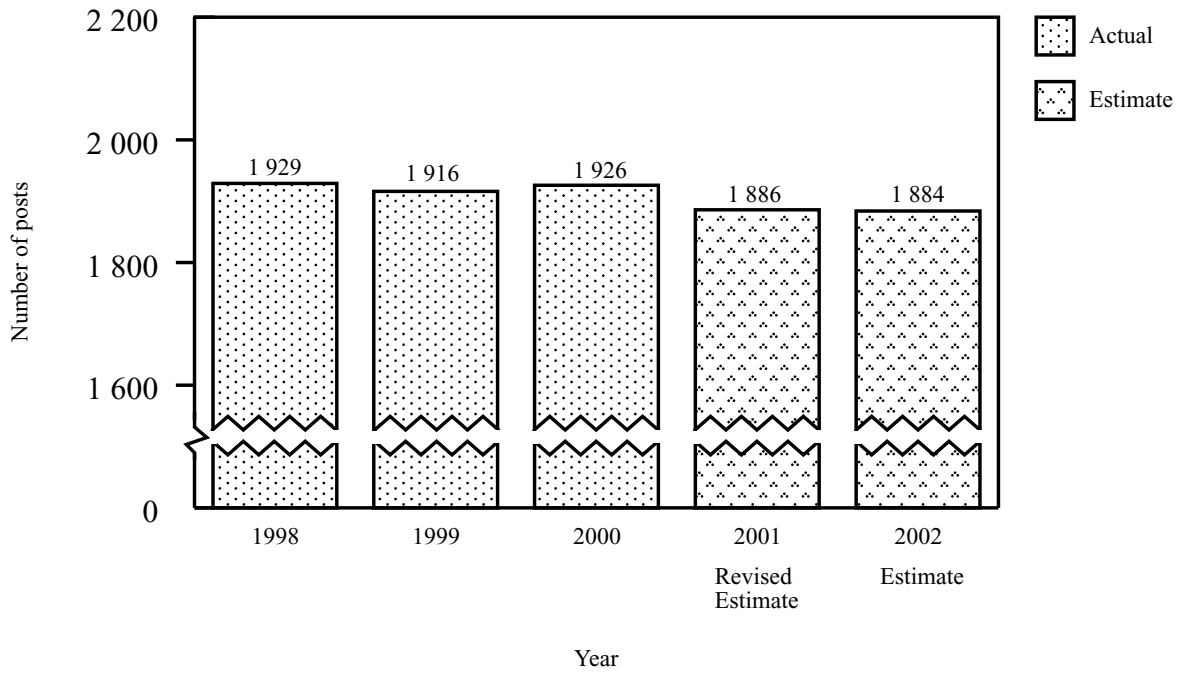
Allocation of provision to programmes (2001-02)



Staff by programme (as at 31 March 2002)



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



Head 80 — JUDICIARY

Sub-head (Code)		Actual expenditure 1999–2000	Approved estimate 2000–01	Revised estimate 2000–01	Estimate 2001–02
		\$ 000	\$ 000	\$ 000	\$ 000
Recurrent Account					
I — Personal Emoluments					
001	Salaries.....	722,624	735,322	734,490	749,970
002	Allowances.....	19,770	22,270	16,814	18,061
007	Job-related allowances.....	4,018	4,090	4,090	4,239
	Total, Personal Emoluments.....	<u>746,412</u>	<u>761,682</u>	<u>755,394</u>	<u>772,270</u>
II — Personnel Related Expenses					
029	Cash allowance in lieu of housing benefits.....	6,010	7,058	5,387	7,019
	Total, Personnel Related Expenses.....	<u>6,010</u>	<u>7,058</u>	<u>5,387</u>	<u>7,019</u>
III — Departmental Expenses					
111	Hire of services and professional fees.....	70,570	76,971	70,393	94,917
149	General departmental expenses.....	98,431	102,880	100,023	118,353
	Total, Departmental Expenses.....	<u>169,001</u>	<u>179,851</u>	<u>170,416</u>	<u>213,270</u>
IV — Other Charges					
206	Expenses of witnesses and jurors.....	7,406	8,541	8,000	8,541*
	Total, Other Charges.....	<u>7,406</u>	<u>8,541</u>	<u>8,000</u>	<u>8,541*</u>
V — Subventions					
447	Magistrates poor box.....	2	8	8	8
	Total, Subventions.....	<u>2</u>	<u>8</u>	<u>8</u>	<u>8</u>
	Total, Recurrent Account.....	<u>928,831</u>	<u>957,140</u>	<u>939,205</u>	<u>1,001,108</u>
Capital Account					
I — Plant, Equipment and Works					
600	Works.....	67	200	200	201
603	Plant, vehicles and equipment.....	5,554	6,562	2,537	7,355
613	Law library acquisitions (block vote).....	10,624	11,000	11,000	11,000
661	Minor plant, vehicles and equipment (block vote).....	2,932	3,707	2,707	3,170
	Total, Plant, Equipment and Works.....	<u>19,177</u>	<u>21,469</u>	<u>16,444</u>	<u>21,726</u>
II — Other Non-Recurrent					
700	General other non-recurrent.....	1,144	5,433	4,758	5,011
	Total, Other Non-Recurrent.....	<u>1,144</u>	<u>5,433</u>	<u>4,758</u>	<u>5,011</u>
	Total, Capital Account.....	<u>20,321</u>	<u>26,902</u>	<u>21,202</u>	<u>26,737</u>
	Total Expenditure.....	<u><u>949,152</u></u>	<u><u>984,042</u></u>	<u><u>960,407</u></u>	<u><u>1,027,845</u></u>

Head 80 — JUDICIARY

Details of Expenditure by Subhead

The estimate of the amount required in 2001–02 for the salaries and expenses of the Judiciary is \$1,027,845,000. This represents an increase of \$67,438,000 over the revised estimate for 2000–01 and of \$78,693,000 over actual expenditure in 1999–2000.

Recurrent Account

Personal Emoluments

2 Provision of \$772,270,000 for personal emoluments represents an increase of \$16,876,000 over the revised estimate for 2000–01. This includes provision of \$334,700 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment at 31 March 2001 will be 1 885 permanent posts and one supernumerary post. Taking into account the creation of five posts for the proposed Market Misconduct Tribunal and improved support services, and the deletion of seven posts upon implementation of the JISS Phase III, it is expected that a net two permanent posts will be deleted in 2001–02.

4 Subject to certain conditions, the controlling officer may under delegated powers create or delete non-directorate posts during 2001–02, but the notional annual mid-point salary value of all such posts must not exceed \$471,270,000 which will be reduced to \$467,985,000 upon the deletion of seven posts in the course of the year arising from the implementation of the JISS Phase III.

5 Provision of \$18,061,000 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	5	5,240
		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.

The increase of \$1,247,000 (7.4%) over the revised estimate for 2000–01 is mainly due to additional overtime allowances for commissioning of two magistracy buildings and increased requirement for acting allowances.

6 Provision of \$4,239,000 under *Subhead 007 Job-related allowances* is for standard job-related allowances and the following non-standard job-related allowances —

Head 80 — JUDICIARY

	<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 Deputy Registrar in the District Court, Coroners, 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.

The increase of \$149,000 (3.6%) over the revised estimates for 2000–01 is mainly due to the increased requirement for extraneous duties allowances (responsibility).

Personnel Related Expenses

7 Provision of \$7,019,000 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. The increase of \$1,632,000 (30.3%) over the revised estimate for 2000–01 is mainly due to the full-year provision for new entrants to the scheme in 2000–01.

Departmental Expenses

8 Provision of \$94,917,000 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 \$24,524,000 (34.8%) over the revised estimate for 2000–01 is mainly due to the additional provision for appointment of temporary judicial officers to cope with the increased workload in courts and tribunals, and the increased requirement for contract services during the transitional period of outsourcing the departmental information technology activities and upon implementation of the JISS Phase III.

9 Provision of \$118,353,000 under *Subhead 149 General departmental expenses* represents an increase of \$18,330,000 (18.3%) over the revised estimate for 2000–01. This is mainly due to the additional provision for the employment of non-civil service contract staff and increased operating expenses upon commissioning of two new magistracy buildings and upon implementation of the JISS Phase III, partly offset by savings in departmental expenses under the Enhanced Productivity Programme.

Other Charges

10 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. The increase of \$541,000 (6.8%) over the revised estimate for 2000–01 is mainly due to the additional provision to cope with an anticipated increase in the number of lengthy and complicated cases.

Subventions

11 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

12 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.

13 Provision of \$3,170,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$463,000 (17.1%) over the revised estimate for 2000–01. This is mainly due to the increased requirements for minor equipment in court buildings.

Head 80 — JUDICIARY

Capital Account

Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2000	Revised estimated expenditure for 2000-01	Balance
			\$ 000	\$ 000	\$ 000	\$ 000
600		<i>Works</i>				
	216	Modification and refurbishment works of the jury recess rooms	2,900	2,499	200	201
603		<i>Plant, vehicles and equipment</i>				
	217	Provision of basic office equipment to court buildings	2,600	1,849	300	451
	218	Installation of audio-visual presentation system in courtrooms	5,400	970	1,400	3,030
	220	Replacement of air-conditioning units for Kwun Tong Magistracy	4,862	—	837	4,025
			12,862	2,819	2,537	7,506
700		<i>General other non-recurrent</i>				
	517	Replacement of flags, emblems, etc of court buildings	6,600	1,398	1,500	3,702
	518	Compilation of an English-Chinese glossary of terms commonly used in courts	1,705	399	618	688
	520	Production of videos	1,600	728	370	502
	521	Pilot scheme on family mediation	7,500	349	2,270	4,881
			17,405	2,874	4,758	9,773
		Total	33,167	8,192	7,495	17,480