

Head 80 — JUDICIARY

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

Estimate 2003–04	\$1,031.3m
Establishment ceiling 2003–04 (notional annual mid-point salary value) representing an estimated 1 675 non-directorate posts as at 31 March 2003 reducing by two posts to 1 673 posts as at 31 March 2004.....	\$462.5m
In addition there will be an estimated 180 directorate posts as at 31 March 2003 and as at 31 March 2004.	
Capital Account commitment balance	\$10.5m

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

	2001–02 (Actual)	2002–03 (Approved)	2002–03 (Revised)	2003–04 (Estimate)
Financial provision (\$m)	736.2	764.9 (+3.9%)	761.5 (–0.4%)	765.3 (+0.5%)

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

4 In 2002, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators, other than those explained separately below, is satisfactory.

5 The key performance measures are:

Targets

The targets of waiting time have been set in accordance with the recommendations of the Court Users' Committees or are laid down in respective ordinances or court rules.

	Target	2001 (Actual)	2002 (Actual)	2003 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal†				
Application for leave to appeal				
Criminal—from notice of hearing to hearing	45	36	40	45
Civil—from notice of hearing to hearing.....	35	32	52	35

Head 80 — JUDICIARY

	Target	2001 (Actual)	2002 (Actual)	2003 (Plan)
Substantive appeal				
Criminal—from notice of hearing to hearing.....	100	75	83	100
Civil—from notice of hearing to hearing.....	120	76	63	120
Court of Appeal of the High Court				
Criminal—from setting down of a case to hearing.....	50	38	41	50
Civil—from application to fix date to hearing#.....	90	196	176	150
Court of First Instance of the High Court				
Criminal Fixture—from filing of indictment to hearing@	120	211	213	180
Criminal Running List—from setting down to hearing	90	117	83	90
Civil Fixture—from application to fix date to hearing.....	180	216	198	180
Civil Running List—from setting down to hearing^	90	154	148	90
Appeals from magistracies—from lodging of Notice of Appeal to hearing.....	90	95	86	90
District Court				
Criminal—from first appearance of defendants in District Court to hearing.....	100	92	68	100
Civil—from date of listing to hearing.....	120	78	102	120
Family Court				
Dissolution of marriage—from setting down to hearing				
Undefended list.....	56	53	38	56
Special procedure list.....	35	33	20	30
Defended list (one day hearing)	110	75	94	110
Financial Applications—from filing of summons to hearing	110-140	68	72	100-140
Lands Tribunal—from setting down of a case to hearing‡				
Appeal cases	100	22	34	80
Compensation cases	100	18	48	80
Building Management cases	100	19	36	80
Tenancy cases	60	26	24	60
Magistracies—from plea to date of trial				
Summons	50	42	46	50
Charge Cases—				
for defendants in custody	30-45	27	25	30-45
for defendants on bail	45-60	33	31	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	45	48	42
Labour Tribunal—				
from appointment to filing of a case ..	30	14	19	30
from filing of a case to first hearing...	30	24	25	30
Small Claims Tribunal—from filing of a case to first hearing	60	40	54	60
Obscene Articles Tribunal—				
from receipt of application to classification.....	5	2	2	5
from referral by a magistrate to determination.....	21	23	18	21
from receipt of application to review.	35	24	34	35
from receipt of application to reconsideration	35	20	20	35

Head 80 — JUDICIARY

- † The waiting time of the Court of Final Appeal is affected by the availability of non-permanent judges and counsel's diary.
- # There has been a slight improvement on waiting time for civil appeals in the Court of Appeal of the High Court in 2002. It is anticipated that the trend will continue with most of the right of abode cases completed.
- @ The long waiting time for criminal fixture cases in the Court of First Instance of the High Court in 2002 is due to increases in the number of lengthy criminal trials.
- ^ The waiting time for civil running list deteriorated because of redeployment of resources to deal with right of abode appeals. It is anticipated that the waiting time will be back to normal in 2003 with most of the right of abode cases completed.
- ‡ As from 2002, the waiting time for the Lands Tribunal cases has been measured from the date of setting down to trial instead of to call-over hearings.

Indicators

	2001 (Actual)	2002 (Actual)	2003 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
Application for leave to appeal	68	89	70
Appeal	23	22	25
<i>Court of Appeal of the High Court</i>			
Criminal Appeals.....	590	649	670
Civil AppealsΩ.....	4 154	465	480
<i>Court of First Instance of the High Court</i>			
<i>Criminal Jurisdiction</i>			
Criminal Cases	433	433	420
Confidential Miscellaneous Proceedings.....	68	67	50
Appeals from Magistracies.....	1 348	1 265	1 460
<i>Civil Jurisdiction</i>			
Civil Jurisdiction	32 609	42 133	44 400
Probate Cases	10 939	12 424	12 400
<i>District Court</i>			
Criminal Cases	1 192	1 334	1 440
Civil Cases.....	36 748	32 835	34 000
Divorce Jurisdiction	15 742	17 197	17 500
<i>Small Claims Tribunal</i>			
Small Claims Tribunal.....	60 312	90 815	90 000
<i>Labour Tribunal</i>			
Labour Tribunal	10 450	12 326	13 200
<i>Obscene Articles Tribunal§</i>			
Obscene Articles Tribunal.....	270 032	231 096	230 000
<i>Coroner's Court</i>			
Coroner's Court.....	160	134	100
<i>Lands Tribunal</i>			
Lands Tribunal	6 433	6 906	7 100
<i>Magistracies</i>			
Magistracies	341 644	298 005	312 000

Ω The number of civil appeals on right of abode cases has dropped sharply after the Court of Final Appeal judgment was handed down in January 2002.

§ 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 courts through such means as improving the listing system, the use of modern technology and pre-trial reviews.

7 The continued sharp increase in bankruptcy petitions since 2001 accounts for the huge increase in the civil caseload for the High Court.

8 The District Court is coping well with the new procedural framework upon the increase of jurisdictional limits from 1 September 2000. After the upsurge of caseload in 2001, the overall caseload remains steady in 2002.

9 The economic downturn leads to a sharp increase in caseload for the Small Claims Tribunal.

Matters Requiring Special Attention in 2003–04

10 In 2003–04, the Judiciary will:

- continue to bring down waiting time for criminal and civil cases in the Court of First Instance of the High Court;
- cope with the workload of the Labour Tribunal and Small Claims Tribunal through continuous improvement in work processes to enhance efficiency; and
- cope with bankruptcy cases in the Court of First Instance of the High Court through streamlining procedures and redeployment of resources.

Head 80 — JUDICIARY

Programme (2): Support Services for Courts' Operation

	2001-02 (Actual)	2002-03 (Approved)	2002-03 (Revised)	2003-04 (Estimate)
Financial provision (\$m)	262.8	272.9 (+3.8%)	263.8 (-3.3%)	266.0 (+0.8%)

Aim

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

Brief Description

12 The Judiciary's 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 recording 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.

13 In 2002, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators is satisfactory.

14 The key performance measures are:

Indicators

	2001 (Actual)	2002 (Actual)	2003 (Estimate)
<i>Reporting and Transcription</i>			
Number of cases covered			
Criminal.....	357 736	327 344	330 200
Civil	81 711	122 294	123 900
Number of cases with transcripts produced as required by trial judges and/or Court of Appeal			
Criminal.....	4 981	5 785	5 800
Civil	1 548	1 820	1 800
<i>Interpretation and Translation</i>			
Number of pages of certification/translation processed by Court Interpreters.....	473 933	498 385	500 000
<i>Bailiff Service</i>			
Number of executions attempted.....	33 492	36 120	36 500
Number of summons services attempted.....	89 965	88 514	90 000
<i>Library</i>			
Number of library materials acquired and processed in a year.....	23 969	25 665	25 000
Attendances at the Library.....	85 523	83 228	90 000

Implementation date

	2001	2002	2003 (Estimate)
<i>JISS</i>			
<i>Phase III</i>			
Public Payment System	April		
Public Information System	December		
Automated Leadership Resource System		February	
Pilot Electronic Filing System.....			July
<i>Other Computerisation Projects</i>			
Judiciary Library Information System.....		June	
Technology Court.....			April

Head 80 — JUDICIARY

15 The number of civil cases covered by reporting and transcription services increased from 81 711 cases in 2001 to 122 294 cases in 2002. This is mainly due to increases in bankruptcy cases, and group claims in the Small Claims Tribunal.

16 Attendances at the Library recorded a decrease in 2002 because the High Court Library was closed for two months to register reference materials into a computerised library system.

Matters Requiring Special Attention in 2003–04

17 In 2003–04, the Judiciary will:

- improve the services for the jurors, particularly in the summoning procedures;
- make continuous improvements in work processes in registries to enhance efficiency; and
- explore opportunities for using information technology to replace manual work.

Head 80 — JUDICIARY

ANALYSIS OF FINANCIAL PROVISION

Programme	2001-02 (Actual) (\$m)	2002-03 (Approved) (\$m)	2002-03 (Revised) (\$m)	2003-04 (Estimate) (\$m)
(1) Courts and Tribunals.....	736.2	764.9	761.5	765.3
(2) Support Services for Courts' Operation.....	262.8	272.9	263.8	266.0
	999.0	1,037.8 (+3.9%)	1,025.3 (-1.2%)	1,031.3 (+0.6%)

Analysis of Financial and Staffing Provision

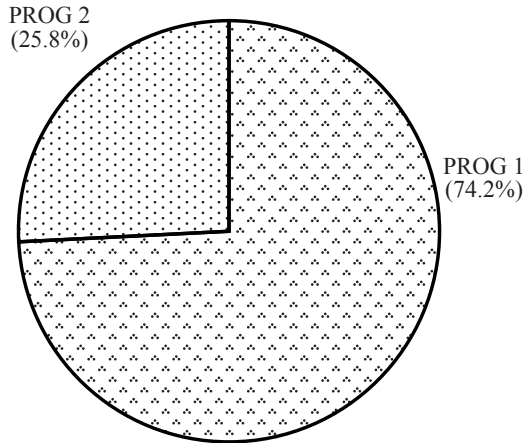
Programme (1)

Provision for 2003-04 is \$3.8 million (0.5%) higher than the revised estimate for 2002-03. This is mainly due to salary increments for staff and full-year provision for vacancies filled in 2002-03, partly offset by full-year effect of civil service pay cut in 2002.

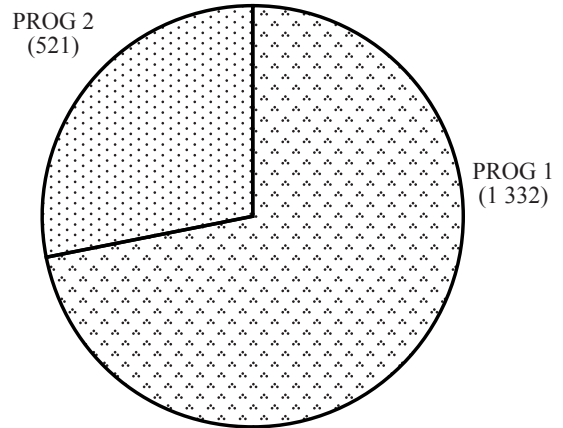
Programme (2)

Provision for 2003-04 is \$2.2 million (0.8%) higher than the revised estimate for 2002-03. This is mainly due to salary increments for staff and full-year provision for vacancies filled in 2002-03, partly offset by deletion of two time-limited posts and full-year effect of civil service pay cut in 2002.

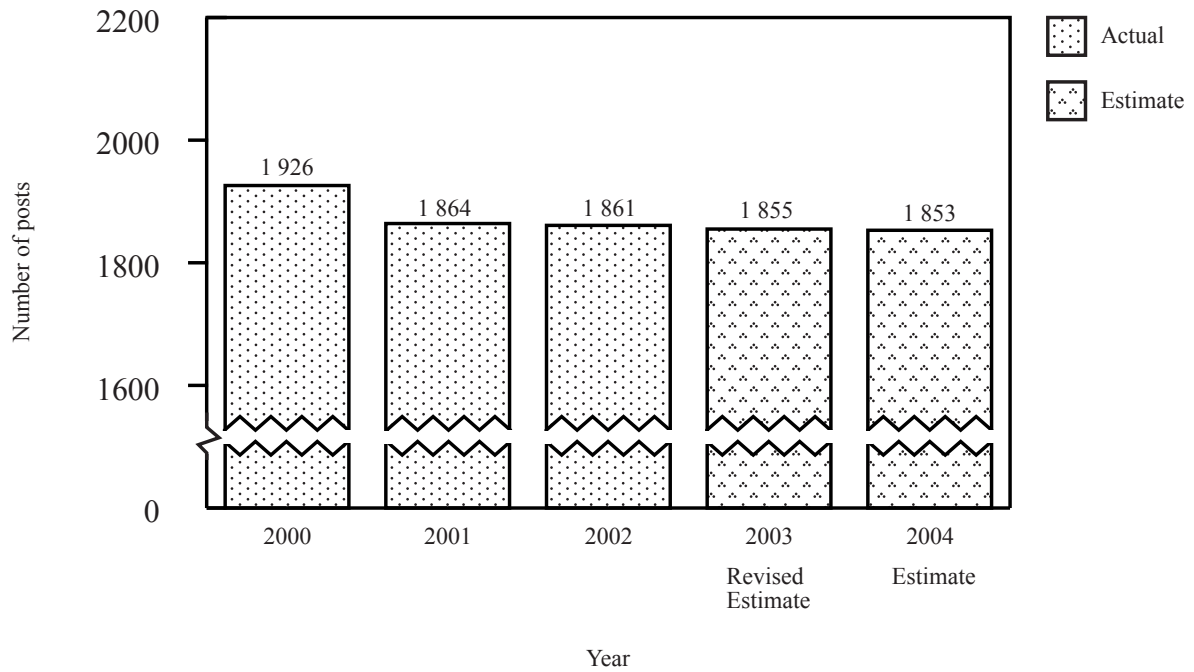
*Allocation of provision
to programmes
(2003-04)*



*Staff by programme
(as at 31 March 2004)*



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



Head 80 — JUDICIARY

Sub-head (Code)	Actual expenditure 2001-02	Approved estimate 2002-03	Revised estimate 2002-03	Estimate 2003-04
	\$'000	\$'000	\$'000	\$'000
Recurrent Account				
000	Operational expenses.....	—	—	1,001,190
206	Expenses of witnesses and jurors	7,286	8,541	8,541*
	Salaries	749,323	752,849	—
	Allowances	19,733	18,140	—
	Job-related allowances	3,546	4,230	—
	Cash allowance in lieu of housing benefits.....	4,624	6,990	—
	Hire of services and professional fees	88,938	104,837	—
	General departmental expenses	109,912	117,771	—
	Magistrates poor box.....	2	8	—
	Total, Recurrent Account	983,364	1,013,366	1,009,731
Capital Account				
I — Plant, Equipment and Works				
600	Works	—	193	201
603	Plant, vehicles and equipment	1,578	3,812	1,987
613	Law library acquisitions (block vote).....	9,799	11,000	10,780
661	Minor plant, vehicles and equipment (block vote).....	1,507	4,576	4,962
	Total, Plant, Equipment and Works	12,884	19,581	17,930
II — Other Non-Recurrent				
700	General other non-recurrent	2,773	4,835	3,620
	Total, Other Non-Recurrent	2,773	4,835	3,620
	Total, Capital Account	15,657	24,416	21,550
	Total Expenditure.....	999,021	1,037,782	1,031,281

Head 80 — JUDICIARY

Details of Expenditure by Subhead

The estimate of the amount required in 2003–04 for the salaries and expenses of the Judiciary is \$1,031,281,000. This represents an increase of \$5,976,000 over the revised estimate for 2002–03 and of \$32,260,000 over actual expenditure in 2001–02.

Recurrent Account

2 Provision of \$1,001,190,000 under *Subhead 000 Operational expenses* is for the salaries and allowances of staff of the Judiciary and its other operating expenses. This includes provision of \$320,100 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment as at 31 March 2003 will be 1 853 permanent posts and two supernumerary posts. It is expected that two posts will be deleted in 2003–04. Subject to certain conditions, the controlling officer may under delegated powers create or delete non-directorate posts during 2003–04, but the notional annual mid-point salary value of all such posts must not exceed \$462,535,000.

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

	2001–02 (Actual) (\$'000)	2002–03 (Original Estimate) (\$'000)	2002–03 (Revised Estimate) (\$'000)	2003–04 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	749,323	752,849	740,994	747,453
- Allowances.....	19,733	18,140	21,517	21,810
- Job-related allowances	3,546	4,230	2,388	2,258
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	4,624	6,990	4,055	5,033
- Mandatory Provident Fund contribution.....	—	—	—	1,359
Departmental Expenses				
- Hire of services and professional fees.....	88,938	104,837	109,248	107,669
- General departmental expenses.....	109,912	117,771	118,332	115,600
Subventions				
- Magistrates poor box	2	8	8	8
	976,078	1,004,825	996,542	1,001,190

5 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.

Capital Account

Plant, Equipment and Works

6 Provision of \$10,780,000 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.

7 Provision of \$4,962,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$3,306,000 (199.6%) over the revised estimate for 2002–03. This is mainly due to increased requirements for minor equipment in court buildings and slippage of projects originally planned to be completed in 2002–03.

Head 80 — JUDICIARY

Capital Account

Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2002	Revised estimated expenditure for 2002-03	Balance
			\$'000	\$'000	\$'000	\$'000
600		<i>Works</i>				
	216	Modification and refurbishment works of the jury recess rooms	2,900	2,506	193	201
603		<i>Plant, vehicles and equipment</i>				
	217	Provision of basic office equipment to court buildings	2,600	2,154	300	146
	218	Installation of audio-visual presentation system in courtrooms	5,400	2,262	240	2,898
	220	Replacement of air-conditioning units for Kwun Tong Magistracy.....	4,862	1,700	2,000	1,162
			<u>12,862</u>	<u>6,116</u>	<u>2,540</u>	<u>4,206</u>
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	1,499	151	55
	520	Production of videos	2,800	1,394	400	1,006
	521	Pilot scheme on family mediation	7,500	3,353	2,782	1,365
			<u>18,605</u>	<u>7,644</u>	<u>4,833</u>	<u>6,128</u>
		Total.....	<u>34,367</u>	<u>16,266</u>	<u>7,566</u>	<u>10,535</u>