

Head 80 — JUDICIARY

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

Estimate 2010–11	\$1,115.6m
Establishment ceiling 2010–11 (notional annual mid-point salary value) representing an estimated 1 464 non-directorate posts as at 31 March 2010 reducing by eight posts to 1 456 posts as at 31 March 2011	\$436.0m
In addition, there will be an estimated 186 directorate posts as at 31 March 2010 and as at 31 March 2011, of which 180 are posts for judges and judicial officers.	
Commitment balance	\$2.2m

Controlling Officer's Report

Programmes

<p>Programme (1) Courts, Tribunals and Various Statutory Functions</p> <p>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, Tribunals and Various Statutory Functions

	2008–09 (Actual)	2009–10 (Original)	2009–10 (Revised)	2010–11 (Estimate)
Financial provision (\$m)	731.3	848.2	759.8 (–10.4%)	844.1 (+11.1%)
				(or –0.5% on 2009–10 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 2009, 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 cases and increases in caseload.

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.

Head 80 — JUDICIARY

	Target	2008 (Actual)	2009 (Actual)	2010 (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	37	45
civil—from notice of hearing				
to hearing.....	35	35	32	35
substantive appeal				
criminal—from notice of				
hearing to hearing.....	100	89	78	100
civil—from notice of hearing				
to hearing.....	120	95	105	120
Court of Appeal of the High Court β				
criminal—from setting down of a				
case to hearing.....	50	42	50	50
civil—from application to fix date to				
hearing.....	90	85	94	90
Court of First Instance of the High Court \S				
Criminal Fixture List—from filing				
of indictment to hearing	120	112	137	120
Criminal Running List—from				
setting down of a case to hearing...	90	63	85	90
Civil Fixture List—from application				
to fix date to hearing.....	180	145	179	180
Civil Running List—from setting				
down of a case to hearing	90	59	55	90
appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing.....	90	90	95	90
District Court ϕ				
criminal—from first appearance of				
defendants in District Court to				
hearing.....	100	111	116	100
civil—from date of listing to				
hearing.....	120	85	104	120
Family Court Δ				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List	35	31	32	35
Defended List (one day				
hearing)	110	143	118	110
financial applications—from filing				
of summons to hearing	110-140	89	85	110-140
Lands Tribunal—from setting down of a				
case to hearing				
appeal cases	100	44	47	100
compensation cases.....	100	96	64	100
building management cases.....	100	40	33	100
tenancy cases	60	27	23	60
Magistrates' Courts—from plea to date of				
trial Ψ				
summons	50	78	63	50
charge cases—				
for defendants in custody	30-45	41	43	30-45
for defendants on bail	45-60	56	55	45-60
Coroner's Court—from date of listing to				
hearing.....	42	40	37	42
Labour Tribunal—				
from appointment to filing of a case ..	30	17	28	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	40	60
Obscene Articles Tribunal—				
from receipt of application to				
classification.....	5	2	2	5
from referral by a magistrate to				
determination.....	21	18	18	21

Head 80 — JUDICIARY

- β The average waiting time for civil appeals exceeded the target due to more complex appeals. Additional judicial resources were deployed in end September 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.
- § The average waiting times for the Criminal Fixture List and appeals from Magistrates' Courts exceeded the target due to an increase in caseload and more re-fixed cases respectively. Additional judicial resources were re-deployed in end September 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.
- φ The average waiting time for criminal cases exceeded the target due to an increase in caseload. Judicial resources were re-deployed in July 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.
- Δ Additional resources have been re-deployed in the Family Court so that the average waiting time in 2009 for defended cases has been improved substantially. The Judiciary will continue to monitor the waiting time closely to keep the waiting time within target.
- Ψ Additional judicial resources have been deployed in the Magistrates' Courts so that the average waiting time for summons has been improved in 2009. The Judiciary will continue to monitor the situation closely and will further strive to improve the situation.

Indicators

	2008 (Actual)	2009 (Actual)	2010 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal.....	158	136	140
appeals.....	42	33	30
miscellaneous proceedings	2	2	2
<i>Court of Appeal of the High Court</i>			
criminal appeals.....	439	486	490
civil appeals.....	385	285	290
<i>Court of First Instance of the High Court</i>			
<i>criminal jurisdiction</i>			
criminal cases	311	425	430
confidential miscellaneous proceedings	64	64	60
appeals from Magistrates' Courts.....	1 125	1 043	1 040
civil jurisdiction.....	21 514	26 564	26 560
probate cases	13 339	14 676	14 680
<i>District Court</i>			
criminal cases	1 250	1 449	1 450
civil cases	28 527	27 329	27 330
divorce jurisdiction.....	18 364	19 616	19 620
Small Claims Tribunal.....	59 246	59 797	59 800
Labour Tribunal	7 199	7 758	7 760
Obscene Articles Tribunal.....	44 464	13 507	13 510
Coroner's Court.....	151	182	180
Lands Tribunal	5 228	5 046	5 050
Magistrates' Courts	337 442	327 439	327 440

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 2010–11

8 In 2010–11, 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
- monitor the working of the reformed civil justice system after the implementation of the Civil Justice Reform.

Head 80 — JUDICIARY

Programme (2): Support Services for Courts' Operation

	2008–09 (Actual)	2009–10 (Original)	2009–10 (Revised)	2010–11 (Estimate)
Financial provision (\$m)	238.2	270.3	249.1 (–7.8%)	271.5 (+9.0%)

(or +0.4% on
2009–10 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 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 2009, 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

	2008 (Actual)	2009 (Actual)	2010 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	279 070	297 392	298 000
civil.....	72 217	79 488	80 000
cases with transcripts produced as required by judges			
criminal	6 048	6 633	6 700
civil.....	1 911	2 166	2 200
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters.....	310 574	276 784	276 780
<i>Bailiff Service</i>			
executions attempted	22 276	24 277	24 280
summons services attempted	84 416	88 335	88 340
<i>Library</i>			
library materials acquired and processed.....	35 660	36 536	37 000
attendances at the Library.....	64 073	64 309	64 500

Matters Requiring Special Attention in 2010–11

13 In 2010–11, 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; and
- sustain quality management in the Judiciary Administration.

Head 80 — JUDICIARY

ANALYSIS OF FINANCIAL PROVISION

Programme	2008–09 (Actual) (\$m)	2009–10 (Original) (\$m)	2009–10 (Revised) (\$m)	2010–11 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	731.3	848.2	759.8	844.1
(2) Support Services for Courts’ Operation	238.2	270.3	249.1	271.5
	969.5	1,118.5	1,008.9 (–9.8%)	1,115.6 (+10.6%)
				(or –0.3% on 2009–10 Original)

Analysis of Financial and Staffing Provision

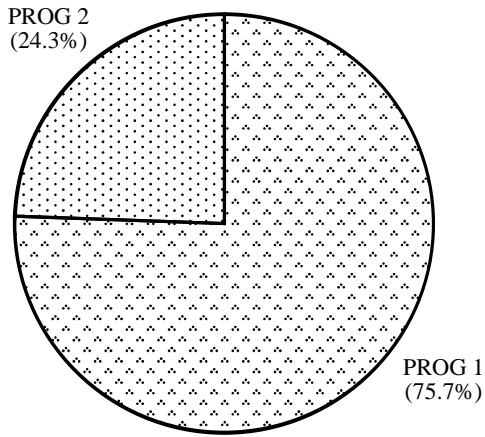
Programme (1)

Provision for 2010–11 is \$84.3 million (11.1%) higher than the revised estimate for 2009–10. This is mainly due to the increased provision for the full-year effect of judicial posts filled in late 2009–10, filling of vacancies and the full-year effect of 16 non-judicial posts created in 2009–10.

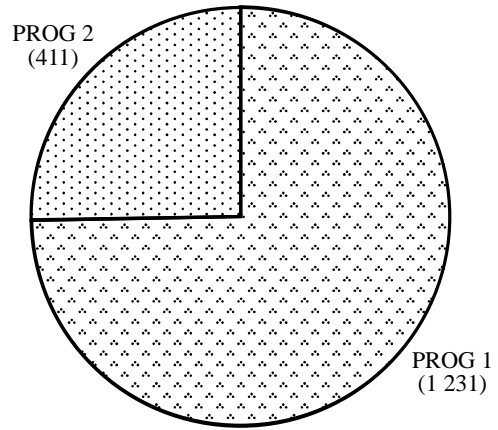
Programme (2)

Provision for 2010–11 is \$22.4 million (9.0%) higher than the revised estimate for 2009–10. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts’ operation and filling of vacancies.

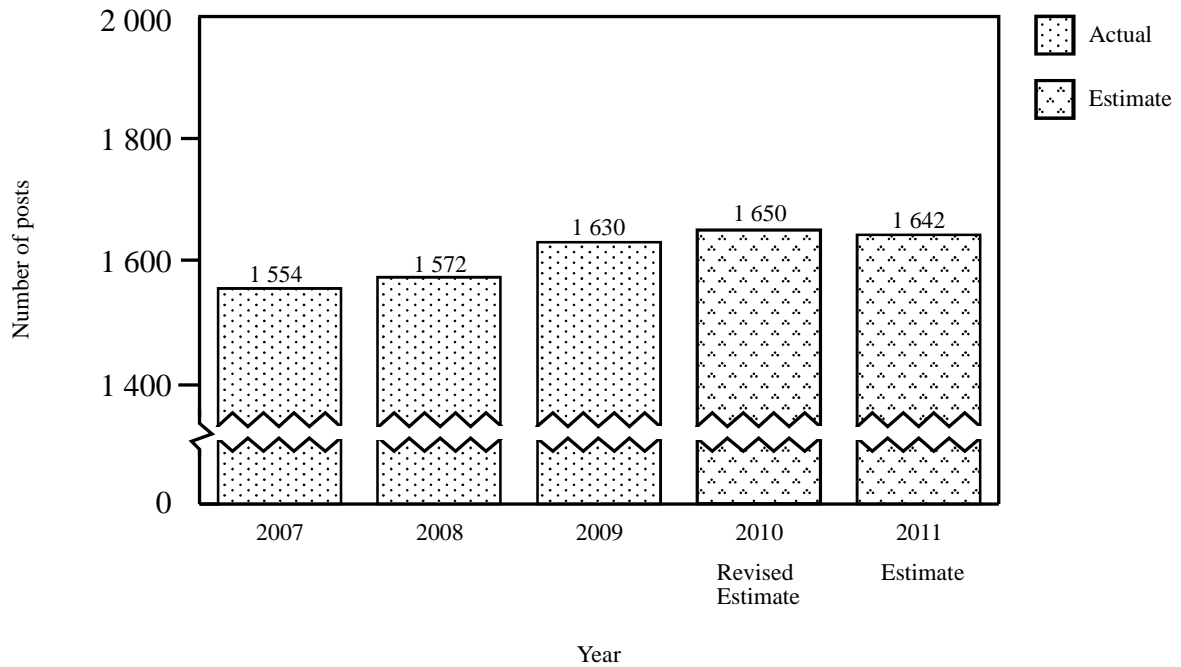
*Allocation of provision
to programmes
(2010-11)*



*Staff by programme
(as at 31 March 2011)*



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



Head 80 — JUDICIARY

Sub-head (Code)	Actual expenditure 2008-09	Approved estimate 2009-10	Revised estimate 2009-10	Estimate 2010-11	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses.....	938,123	1,082,390	974,064	1,079,396
206	Expenses of witnesses and jurors.....	5,740	8,500	7,700	8,500
	Total, Recurrent.....	<u>943,863</u>	<u>1,090,890</u>	<u>981,764</u>	<u>1,087,896</u>
Non-Recurrent					
700	General non-recurrent.....	2,630	1,000	720	839
	Total, Non-Recurrent.....	<u>2,630</u>	<u>1,000</u>	<u>720</u>	<u>839</u>
	Total, Operating Account.....	<u>946,493</u>	<u>1,091,890</u>	<u>982,484</u>	<u>1,088,735</u>
Capital Account					
Plant, Equipment and Works					
603	Plant, vehicles and equipment.....	371	430	330	370
613	Law library acquisitions (block vote).....	19,836	22,350	22,350	23,740
661	Minor plant, vehicles and equipment (block vote).....	2,847	3,837	3,719	2,794
	Total, Plant, Equipment and Works.....	<u>23,054</u>	<u>26,617</u>	<u>26,399</u>	<u>26,904</u>
	Total, Capital Account.....	<u>23,054</u>	<u>26,617</u>	<u>26,399</u>	<u>26,904</u>
	Total Expenditure.....	<u><u>969,547</u></u>	<u><u>1,118,507</u></u>	<u><u>1,008,883</u></u>	<u><u>1,115,639</u></u>

Head 80 — JUDICIARY

Details of Expenditure by Subhead

The estimate of the amount required in 2010–11 for the salaries and expenses of the Judiciary is \$1,115,639,000. This represents an increase of \$106,756,000 over the revised estimate for 2009–10 and of \$146,092,000 over actual expenditure in 2008–09.

Operating Account

Recurrent

2 Provision of \$1,079,396,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. The increase of \$105,332,000 (10.8%) over the revised estimate for 2009–10 is mainly due to the increased provision for operating expenses to support courts' operation, the full-year effect of judicial posts filled in late 2009–10, filling of vacancies and the full-year effect of 16 non-judicial posts created in 2009–10.

3 The establishment as at 31 March 2010 will be 1 650 permanent posts. It is expected that there will be a net decrease of eight posts in 2010–11. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2010–11, but the notional annual mid-point salary value of all such posts must not exceed \$436,045,000.

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

	2008–09 (Actual) (\$'000)	2009–10 (Original) (\$'000)	2009–10 (Revised) (\$'000)	2010–11 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	698,879	778,940	714,463	779,013
- Allowances.....	19,898	21,331	16,700	17,538
- Job-related allowances	1,238	1,870	693	891
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits.....	8,571	11,023	8,696	11,658
- Mandatory Provident Fund contribution.....	1,087	1,482	1,513	1,912
- Civil Service Provident Fund contribution.....	700	896	1,050	1,150
Departmental Expenses				
- Hire of services and professional fees.....	86,207	113,703	96,547	113,917
- General departmental expenses.....	121,540	153,137	134,399	153,309
Other Charges				
- Magistrates poor box.....	3	8	3	8
	938,123	1,082,390	974,064	1,079,396

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 \$800,000 (10.4%) over the revised estimate for 2009–10 is mainly due to anticipated increase in requirement.

Capital Account

Plant, Equipment and Works

6 Provision of \$23,740,000 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 \$1,390,000 (6.2%) over the revised estimate for 2009–10 is mainly due to increased requirements for procurement of law books and materials to meet operational needs.

7 Provision of \$2,794,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$925,000 (24.9%) against the revised estimate for 2009–10. This is mainly due to decreased requirements for minor plant and equipment in court buildings.

Head 80 — JUDICIARY

Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2009	Revised estimated expenditure for 2009–10	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	520	Production of videos	2,800	2,324	231	245
	521	Pilot scheme on family mediation	7,500	6,213	489	798
	522	Production of videos and brochures on litigants in person in civil litigations	2,500	2,406	—	94
			12,800	10,943	720	1,137
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms	5,400	4,027	330	1,043
			5,400	4,027	330	1,043
		Total.....	18,200	14,970	1,050	2,180