

Head 80 — JUDICIARY

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

Estimate 2011–12..... **\$1,137.9m**

Establishment ceiling 2011–12 (notional annual mid-point salary value) representing an estimated 1 450 non-directorate posts as at 31 March 2011 rising by 29 posts to 1 479 posts as at 31 March 2012 **\$450.5m**

In addition, there will be an estimated 186 directorate posts as at 31 March 2011 rising by two posts to 188 as at 31 March 2012, of which 182 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

	2009–10 (Actual)	2010–11 (Original)	2010–11 (Revised)	2011–12 (Estimate)
Financial provision (\$m)	750.7	844.1	781.8 (–7.4%)	861.9 (+10.2%)
				(or +2.1% on 2010–11 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 2010, 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.

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) and the Securities and Futures Ordinance (Cap. 571).

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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	2009 (Actual)	2010 (Actual)	2011 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal ^β				
application for leave to appeal				
criminal—from notice of				
hearing to hearing	45	37	42	45
civil—from notice of hearing				
to hearing	35	32	33	35
substantive appeal				
criminal—from notice of				
hearing to hearing	100	78	101	100
civil—from notice of hearing				
to hearing	120	105	97	120
Court of Appeal of the High Court				
criminal—from setting down of a				
case to hearing	50	50	50	50
civil—from application to fix date to				
hearing	90	94	89	90
Court of First Instance of the High Court [§]				
Criminal Fixture List—from filing				
of indictment to hearing	120	137	166	120
Criminal Running List—from				
setting down of a case to hearing ...	90	85	81	90
Civil Fixture List—from application				
to fix date to hearing	180	179	215	180
Civil Running List—from setting				
down of a case to hearing.....	90	55	60	90
appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing	90	95	95	90
District Court ^φ				
criminal—from first appearance of				
defendants in District Court to				
hearing	100	116	128	100
civil—from date of listing to				
hearing	120	104	80	120
Family Court ^Δ				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List.....	35	32	32	35
Defended List (one day				
hearing).....	110	118	128	110
financial applications—from filing				
of summons to hearing.....	110-140	85	88	110-140
Lands Tribunal—from setting down of a				
case to hearing				
appeal cases	100	47	37	100
compensation cases	100	64	42	100
building management cases	100	33	30	100
tenancy cases	60	23	27	60
Magistrates' Courts—from plea to date of				
trial				
summons.....	50	63	50	50
charge cases—				
for defendants in custody.....	30-45	43	37	30-45
for defendants on bail.....	45-60	55	51	45-60
Coroner's Court—from date of listing to				
hearing	42	37	39	42

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	Target	2009 (Actual)	2010 (Actual)	2011 (Plan)
Labour Tribunal—				
from appointment to filing of a case...	30	28	22	30
from filing of a case to first hearing ...	30	25	24	30
Small Claims Tribunal—from filing of a case to first hearing	60	40	35	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	2	3	5
from referral by a magistrate to determination	21	18	20	21

- β The average waiting time for substantive criminal appeals exceeded the target marginally due to more complex cases. 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, Civil Fixture List and appeals from Magistrates' Courts exceeded the targets due to more complex and lengthy cases as well as more re-fixed cases. With the installation of three more courtrooms at the High Court Building towards the end of 2011, additional judicial resources will be deployed with a view to improving the waiting times. 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 more complex cases. Judicial resources were re-deployed in June 2010 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 The average waiting time for defended cases exceeded the target due to an increase in caseload and more complex cases. Judicial resources will be re-deployed to the Family Court starting from April 2011 to help reduce the waiting time. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.

Indicators

	2009 (Actual)	2010 (Actual)	2011 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
application for leave to appeal	136	148	150
appeals	33	31	30
miscellaneous proceedings.....	2	2	2
Court of Appeal of the High Court			
criminal appeals	486	498	500
civil appeals	285	284	280
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	425	444	440
confidential miscellaneous proceedings.....	64	96	100
appeals from Magistrates' Courts	1 043	980	980
civil jurisdiction	26 564	16 581	16 580
probate cases	14 676	14 350	14 350
District Court			
criminal cases.....	1 449	1 404	1 400
civil cases.....	27 329	23 260	23 260
divorce jurisdiction	19 616	21 218	21 220
Small Claims Tribunal	59 797	57 837	57 840
Labour Tribunal	7 758	4 670	4 670
Obscene Articles Tribunal	13 507	38 348	38 350
Coroner's Court	182	190	190
Lands Tribunal.....	5 046	5 310	5 310
Magistrates' Courts.....	327 439	318 551	318 550

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 2011–12

8 In 2011–12, 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.

Programme (2): Support Services for Courts' Operation

	2009–10 (Actual)	2010–11 (Original)	2010–11 (Revised)	2011–12 (Estimate)
Financial provision (\$m)	249.5	271.5	256.1 (–5.7%)	276.0 (+7.8%)
				(or +1.7% on 2010–11 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 2010, 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

	2009 (Actual)	2010 (Actual)	2011 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	297 392	275 036	275 040
civil	79 488	62 351	62 360
cases with transcripts produced as required by judges			
criminal	6 633	6 423	6 430
civil	2 166	2 225	2 230
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	276 784	294 178	294 180
<i>Bailiff Service</i>			
executions attempted.....	24 277	18 620	18 620
summons services attempted.....	88 335	86 161	86 160
<i>Library</i>			
library materials acquired and processed	36 536	37 877	38 500
attendances at the Library	64 309	64 259	65 000

Matters Requiring Special Attention in 2011–12

13 In 2011–12, 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.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2009–10 (Actual) (\$m)	2010–11 (Original) (\$m)	2010–11 (Revised) (\$m)	2011–12 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions.....	750.7	844.1	781.8	861.9
(2) Support Services for Courts’ Operation.....	249.5	271.5	256.1	276.0
	1,000.2	1,115.6	1,037.9 (–7.0%)	1,137.9 (+9.6%)
				(or +2.0% on 2010–11 Original)

Analysis of Financial and Staffing Provision

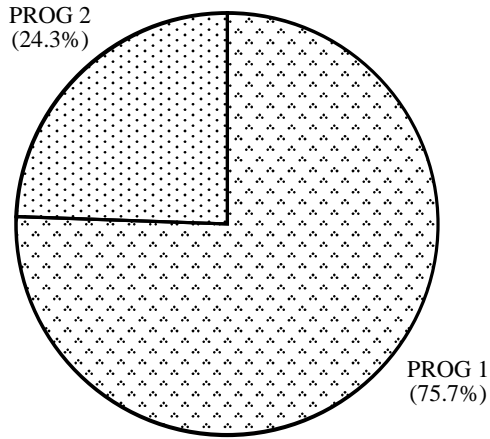
Programme (1)

Provision for 2011–12 is \$80.1 million (10.2%) higher than the revised estimate for 2010–11. This is mainly due to the increased provision for filling of vacancies and a net increase of three judicial and 25 non-judicial posts in 2011–12.

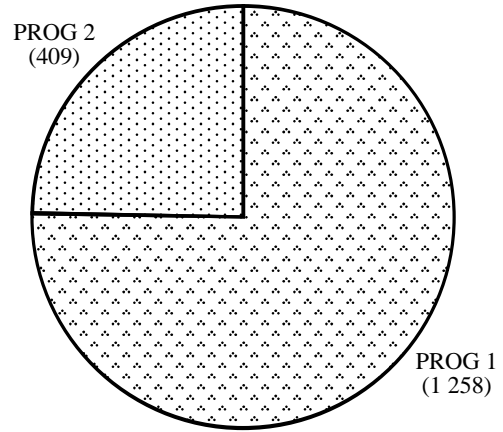
Programme (2)

Provision for 2011–12 is \$19.9 million (7.8%) higher than the revised estimate for 2010–11. 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 three non-judicial posts in 2011–12.

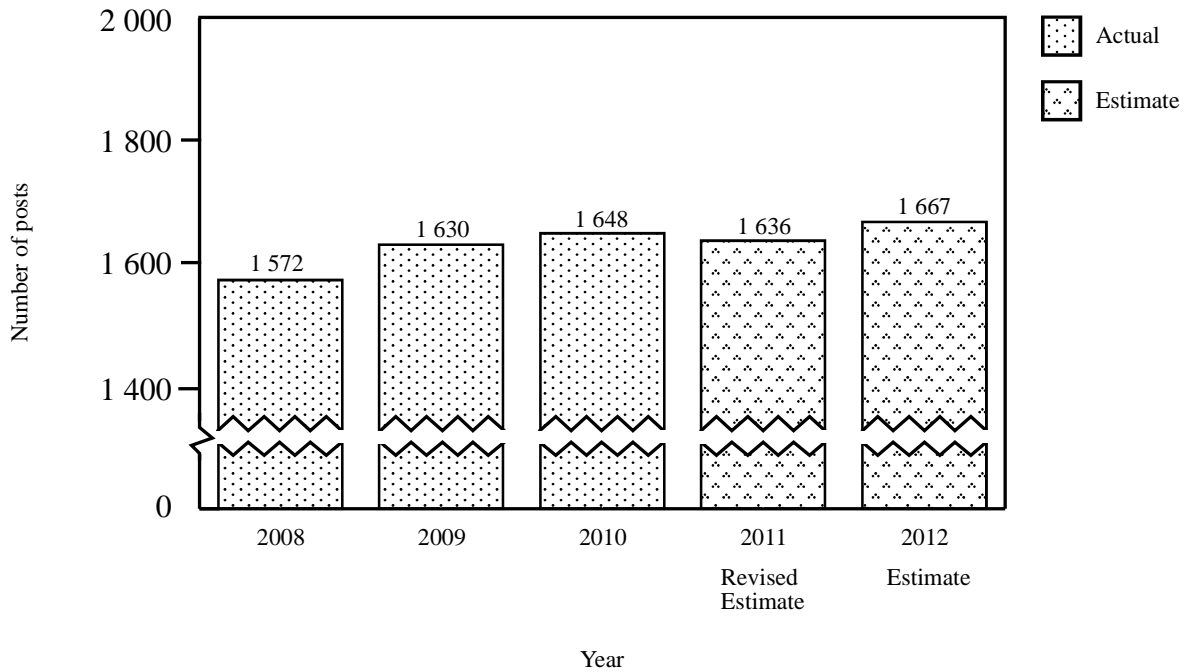
*Allocation of provision
to programmes
(2011-12)*



*Staff by programme
(as at 31 March 2012)*



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



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Sub-head (Code)	Actual expenditure 2009–10	Approved estimate 2010–11	Revised estimate 2010–11	Estimate 2011–12	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses.....	966,581	1,079,396	1,004,213	1,100,524
206	Expenses of witnesses and jurors	7,039	8,500	7,700	8,500
	Total, Recurrent	<u>973,620</u>	<u>1,087,896</u>	<u>1,011,913</u>	<u>1,109,024</u>
Non-Recurrent					
700	General non-recurrent	720	839	—	939
	Total, Non-Recurrent	<u>720</u>	<u>839</u>	<u>—</u>	<u>939</u>
	Total, Operating Account.....	<u>974,340</u>	<u>1,088,735</u>	<u>1,011,913</u>	<u>1,109,963</u>
Capital Account					
Plant, Equipment and Works					
603	Plant, vehicles and equipment	325	370	—	490
613	Law library acquisitions (block vote).....	21,843	23,740	23,740	26,540
661	Minor plant, vehicles and equipment (block vote).....	3,719	2,794	2,214	937
	Total, Plant, Equipment and Works	<u>25,887</u>	<u>26,904</u>	<u>25,954</u>	<u>27,967</u>
	Total, Capital Account	<u>25,887</u>	<u>26,904</u>	<u>25,954</u>	<u>27,967</u>
	Total Expenditure	<u><u>1,000,227</u></u>	<u><u>1,115,639</u></u>	<u><u>1,037,867</u></u>	<u><u>1,137,930</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2011–12 for the salaries and expenses of the Judiciary is \$1,137,930,000. This represents an increase of \$100,063,000 over the revised estimate for 2010–11 and of \$137,703,000 over actual expenditure in 2009–10.

Operating Account

Recurrent

2 Provision of \$1,100,524,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. The increase of \$96,311,000 (9.6%) over the revised estimate for 2010–11 is mainly due to the increased provision for salary arising from a net increase of three judicial and 28 non-judicial posts in 2011–12, including two judicial and nine non-judicial posts for establishment of the Competition Tribunal upon passage of the Competition Bill, filling of vacancies and operating expenses to support courts' operation.

3 The establishment as at 31 March 2011 will be 1 636 permanent posts. It is expected that there will be a net increase of 31 posts in 2011–12. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2011–12, but the notional annual mid-point salary value of all such posts must not exceed \$450,473,000.

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

	2009–10 (Actual) (\$'000)	2010–11 (Original) (\$'000)	2010–11 (Revised) (\$'000)	2011–12 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	713,632	779,013	728,055	795,466
- Allowances	16,408	17,538	17,293	18,889
- Job-related allowances.....	931	891	1,347	1,144
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	9,286	11,658	11,028	10,942
- Mandatory Provident Fund contribution	1,546	1,912	1,695	1,640
- Civil Service Provident Fund contribution	1,051	1,150	1,835	3,420
Departmental Expenses				
- Hire of services and professional fees	90,820	113,917	97,227	114,793
- General departmental expenses.....	132,907	153,309	145,725	154,222
Other Charges				
- Magistrates poor box	—	8	8	8
	966,581	1,079,396	1,004,213	1,100,524

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 2010–11 is mainly due to anticipated increase in requirement.

Capital Account

Plant, Equipment and Works

6 Provision of \$26,540,000 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 \$2,800,000 (11.8%) over the revised estimate for 2010–11 is mainly due to the anticipated increase in prices and requirements for procurement of law books and materials to meet operational needs.

7 Provision of \$937,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$1,277,000 (57.7%) against the revised estimate for 2010–11. 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 31.3.2010	Revised estimated expenditure for 2010–11	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	—	798
	522	Production of videos and brochures on litigants in person in civil litigations	2,500	2,406	—	94
			12,800	11,663	—	1,137
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms	5,400	4,352	—	1,048
			5,400	4,352	—	1,048
		Total	18,200	16,015	—	2,185