

Head 80 — JUDICIARY

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

Estimate 2012–13..... **\$1,209.6m**

Establishment ceiling 2012–13 (notional annual mid-point salary value) representing an estimated 1 470 non-directorate posts as at 31 March 2012 rising by 41 posts to 1 511 posts as at 31 March 2013 **\$488.4m**

In addition, there will be an estimated 186 directorate posts as at 31 March 2012 rising by four posts to 190 as at 31 March 2013, of which 184 are posts for judges and judicial officers.

Commitment balance **\$1.5m**

Controlling Officer's Report

Programmes

Programme (1) Courts, Tribunals and Various Statutory Functions

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

Programme (2) Support Services for Courts' Operation

Detail

Programme (1): Courts, Tribunals and Various Statutory Functions

	2010–11 (Actual)	2011–12 (Original)	2011–12 (Revised)	2012–13 (Estimate)
Financial provision (\$m)	772.7	861.9	803.4 (–6.8%)	914.9 (+13.9%)
				(or +6.1% on 2011–12 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 2011, the overall performance of the programme area was satisfactory. The majority of the performance targets were achieved. A few targets were not met. One of the main reasons for this is due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of elevation of Judges to higher positions and retirement of Judges. The Judiciary is launching open recruitment exercises for Special Magistrates, Permanent Magistrates, District Judges and Court of First Instance Judges. The Judiciary will continue to closely monitor the situation.

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), the Securities and Futures Ordinance (Cap. 571) and the Legal Practitioners Ordinance (Cap. 159) in relation to the Higher Rights Assessment Board and related matters.

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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	2010 (Actual)	2011 (Actual)	2012 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal				
application for leave to appeal				
criminal—from notice of				
hearing to hearing	45	42	38	45
civil—from notice of hearing				
to hearing	35	33	30	35
substantive appeal				
criminal—from notice of				
hearing to hearing	100	101	95	100
civil—from notice of hearing				
to hearing	120	97	102	120
Court of Appeal of the High Court ^β				
criminal—from setting down of a				
case to hearing	50	50	53	50
civil—from application to fix date to				
hearing	90	89	117	90
Court of First Instance of the High Court [§]				
Criminal Fixture List—from filing				
of indictment to hearing	120	166	169	120
Criminal Running List—from				
setting down of a case to hearing ...	90	81	79	90
Civil Fixture List—from application				
to fix date to hearing	180	215	231	180
Civil Running List—from setting				
down of a case to hearing	90	60	83	90
appeals from Magistrates' Courts—				
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	128	86	100
civil—from date of listing to				
hearing	120	80	72	120
Family Court				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List	35	32	33	35
Defended List (one day				
hearing)	110	128	107	110
financial applications—from filing				
of summons to hearing	110-140	88	90	110-140
Lands Tribunal—from setting down of a				
case to hearing				
appeal cases	100	37	32	54
compensation cases	100	42	46	72
building management cases	100	30	35	41
tenancy cases	60	27	26	32
Magistrates' Courts—from plea to date of				
trial ^φ				
summons	50	50	54	50
charge cases—				
for defendants in custody	30-45	37	38	30-45
for defendants on bail	45-60	51	51	45-60
Coroner's Court—from date of listing to				
hearing	42	39	40	42

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	Target	2010 (Actual)	2011 (Actual)	2012 (Plan)
Labour Tribunal—				
from appointment to filing of a case...	30	22	21	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	35	38	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	3	3	5
from referral by a magistrate to determination.....	21	20	21	21

- β The average waiting times for criminal appeals and civil appeals exceeded the target due to more complex, lengthy and refixed cases. It is also due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of the retirement of Judges. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting time. Since 13 December 2011, all vacancies at the Court of Appeal have been substantively filled.
- § The average waiting times for the Criminal Fixture List and Civil Fixture List exceeded the targets due to more complex and lengthy cases as well as more refixed cases. It is also due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of elevation of Judges to higher positions and retirement of Judges. The Judiciary will be launching an open recruitment exercise for Court of First Instance Judges. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting time, including engaging temporary judicial resources where appropriate.
- φ The average waiting time for summonses 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, including engaging temporary judicial resources where appropriate.

Indicators

	2010 (Actual)	2011 (Actual)	2012 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
application for leave to appeal.....	148	122	120
appeals	31	33	30
miscellaneous proceedings.....	2	0	0
Court of Appeal of the High Court			
criminal appeals	498	556	560
civil appeals	284	291	290
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	444	482	480
confidential miscellaneous proceedings.....	96	100	100
appeals from Magistrates' Courts	980	897	900
civil jurisdiction	16 581	15 966	15 970
probate cases.....	14 350	16 319	16 320
District Court			
criminal cases.....	1 404	1 396	1 400
civil cases.....	23 260	22 394	22 390
divorce jurisdiction	21 218	22 989	22 990
Small Claims Tribunal	57 837	50 962	50 960
Labour Tribunal.....	4 670	4 190	4 190
Obscene Articles Tribunal	38 348	27 896	27 900
Coroner's Court	190	177	180
Lands Tribunal.....	5 310	5 170	5 170
Magistrates' Courts.....	318 551	306 966	306 970

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.

Matters Requiring Special Attention in 2012–13

8 In 2012–13, the Judiciary will continue to:

- monitor the waiting time at the various levels of courts and redeploy judicial resources if necessary; and
- monitor the working of the reformed civil justice system after the implementation of the Civil Justice Reform.

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Programme (2): Support Services for Courts' Operation

	2010–11 (Actual)	2011–12 (Original)	2011–12 (Revised)	2012–13 (Estimate)
Financial provision (\$m)	250.2	276.0	270.4 (–2.0%)	294.7 (+9.0%)

(or +6.8% on
2011–12 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 the 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 2011, 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

	2010 (Actual)	2011 (Actual)	2012 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal.....	275 036	268 428	268 500
civil.....	62 351	56 810	56 810
cases with transcripts produced as required by judges			
criminal.....	6 423	6 584	6 600
civil.....	2 225	1 932	1 940
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	294 178	294 234	294 230
<i>Bailiff Service</i>			
executions attempted.....	18 620	20 255	20 260
summons services attempted.....	86 161	88 143	88 140
<i>Library</i>			
library materials acquired and processed.....	37 877	36 299	36 500
attendances at the Library	64 259	64 223	64 000

Matters Requiring Special Attention in 2012–13

- 13 In 2012–13, 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	2010–11 (Actual) (\$m)	2011–12 (Original) (\$m)	2011–12 (Revised) (\$m)	2012–13 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	772.7	861.9	803.4	914.9
(2) Support Services for Courts’ Operation.....	250.2	276.0	270.4	294.7
	1,022.9	1,137.9	1,073.8 (–5.6%)	1,209.6 (+12.6%)
				(or +6.3% on 2011–12 Original)

Analysis of Financial and Staffing Provision

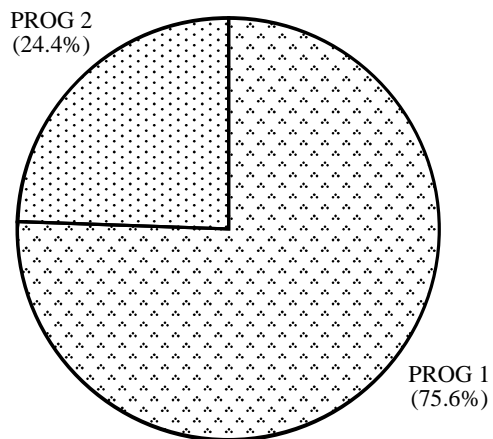
Programme (1)

Provision for 2012–13 is \$111.5 million (13.9%) higher than the revised estimate for 2011–12. This is mainly due to the increased provision for filling of vacancies and a net increase of four directorate judicial and 38 non-judicial posts in 2012–13.

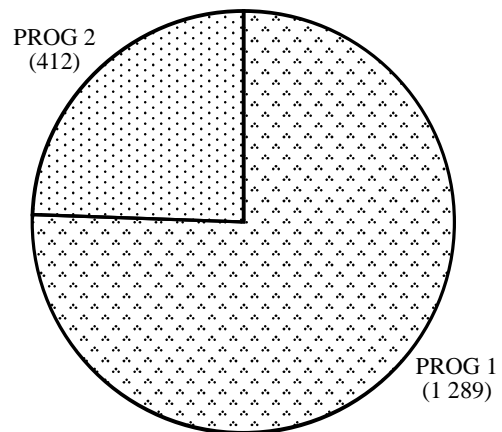
Programme (2)

Provision for 2012–13 is \$24.3 million (9.0%) higher than the revised estimate for 2011–12. 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 2012–13.

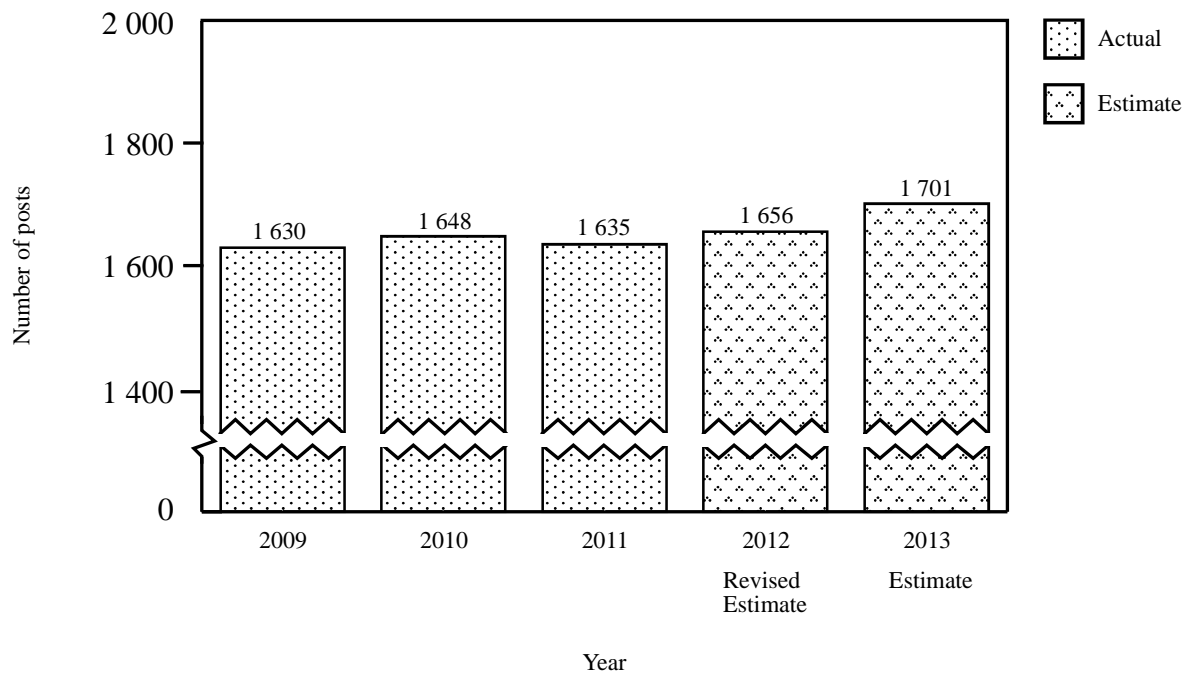
*Allocation of provision
to programmes
(2012-13)*



*Staff by programme
(as at 31 March 2013)*



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



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Sub-head (Code)		Actual expenditure 2010–11	Approved estimate 2011–12	Revised estimate 2011–12	Estimate 2012–13
		\$'000	\$'000	\$'000	\$'000
Operating Account					
	Recurrent				
000	Operational expenses	990,942	1,100,524	1,037,631	1,194,899
206	Expenses of witnesses and jurors	7,225	8,500	8,000	8,800
	Total, Recurrent	998,167	1,109,024	1,045,631	1,203,699
	Non-Recurrent				
700	General non-recurrent	—	939	163	474
	Total, Non-Recurrent	—	939	163	474
	Total, Operating Account	998,167	1,109,963	1,045,794	1,204,173
Capital Account					
	Plant, Equipment and Works				
603	Plant, vehicles and equipment	—	490	490	558
661	Minor plant, vehicles and equipment (block vote)	2,214	937	928	4,831
	Law library acquisitions (block vote)	22,545	26,540	26,540	—
	Total, Plant, Equipment and Works	24,759	27,967	27,958	5,389
	Total, Capital Account	24,759	27,967	27,958	5,389
	Total Expenditure	1,022,926	1,137,930	1,073,752	1,209,562

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Details of Expenditure by Subhead

The estimate of the amount required in 2012–13 for the salaries and expenses of the Judiciary is \$1,209,562,000. This represents an increase of \$135,810,000 over the revised estimate for 2011–12 and of \$186,636,000 over actual expenditure in 2010–11.

Operating Account

Recurrent

2 Provision of \$1,194,899,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. The increase of \$157,268,000 (15.2%) over the revised estimate for 2011–12 is mainly due to the full-year effect of posts created in 2011–12, the filling of vacancies, the increased provision for salary arising from a net increase of four judicial and 41 non-judicial posts in 2012–13, including two judicial and nine non-judicial posts for establishment of the Competition Tribunal upon passage of the Competition Bill, and operating expenses to support courts' operation, as well as the inclusion of provision for acquisition of law library materials previously under Subhead 613 of the Capital Account to reflect the recurrent need for replenishment of court and tribunal libraries and for subscriptions to legal periodicals and supplements.

3 The establishment as at 31 March 2012 will be 1 656 permanent posts. It is expected that there will be a net increase of 45 posts in 2012–13. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2012–13, but the notional annual mid-point salary value of all such posts must not exceed \$488,430,000.

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

	2010–11 (Actual) (\$'000)	2011–12 (Original) (\$'000)	2011–12 (Revised) (\$'000)	2012–13 (Estimate) (\$'000)
Personal Emoluments				
- Salaries	725,420	795,466	757,571	847,938
- Allowances	15,414	18,889	19,173	21,087
- Job-related allowances.....	1,215	1,144	1,122	936
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits	11,047	10,942	9,462	9,561
- Mandatory Provident Fund contribution	1,673	1,640	1,767	2,101
- Civil Service Provident Fund contribution	1,822	3,420	3,522	5,620
Departmental Expenses				
- Hire of services and professional fees	91,826	114,793	108,425	129,764
- General departmental expenses	142,525	154,222	136,581	177,884
Other Charges				
- Magistrates poor box	—	8	8	8
	<u>990,942</u>	<u>1,100,524</u>	<u>1,037,631</u>	<u>1,194,899</u>

5 Provision of \$8,800,000 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 (10.0%) over the revised estimate for 2011–12 is mainly due to anticipated increase in requirement.

Capital Account

Plant, Equipment and Works

6 Provision of \$4,831,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$3,903,000 (420.6%) over the revised estimate for 2011–12. This is mainly due to increased requirements for minor plant and equipment in court buildings.

7 There is no provision under *Subhead 613 Law library acquisitions (block vote)* as the provision for acquisition of law library materials will be subsumed under *Subhead 000 Operational expenses* of the Operating Account with effect from 2012–13 as explained in paragraph 2 above.

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Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2011	Revised estimated expenditure for 2011–12	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	100	698
	522	Production of videos and brochures on litigants in person in civil litigations	2,500	2,406	63	31
			12,800	11,663	163	974
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms	5,400	4,352	490	558
			5,400	4,352	490	558
		Total	18,200	16,015	653	1,532