

## Head 80 — JUDICIARY

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

**Estimate 2020–21** ..... **\$2,264.0m**

**Establishment ceiling 2020–21** (notional annual mid-point salary value) representing an estimated 1 820 non-directorate posts as at 31 March 2020 rising by 34 posts to 1 854 posts as at 31 March 2021 ..... **\$874.5m**

In addition, there will be an estimated 225 directorate posts as at 31 March 2020 rising by one post to 226 posts as at 31 March 2021, of which 213 are posts for judges and judicial officers.

### 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

	2018–19 (Actual)	2019–20 (Original)	2019–20 (Revised)	2020–21 (Estimate)
Financial provision (\$m)	1,365.1	1,623.1	1,517.7 (–6.5%)	1,736.7 (+14.4%)
				(or +7.0% on 2019–20 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 2019, the overall performance of most of the programme areas was satisfactory, but the Judiciary continued to encounter great work pressure at various levels of courts. Cases continue to be complex in nature and are voluminous. Further, the higher courts have had to deal with a proliferation in non-refoulement claim cases. Cases related to the recent social events also started to be brought to the various levels of courts. While many performance targets were achieved, a few targets at various levels of courts were not met. Shortage of substantive judicial manpower remained a challenge as many judicial vacancies were awaiting to be filled. To address this challenge, the Judiciary took on a few initiatives in recent years, including enhancing the terms and conditions of service for the Judges and Judicial Officers (JJOs) since 1 April 2017 and generally extending the statutory retirement ages of the JJOs by five years since 6 December 2019. At the same time, the Judiciary has launched another round of open recruitment exercises for all levels of courts starting from mid-2018. The recruitment for Judges of the Court of First Instance of the High Court and District Judges was completed. A total of 11 judicial appointments were made. The recruitment exercise for Permanent Magistrates launched in March 2019 is ongoing, and four judicial appointments have been made so far. Besides, to help handle the increasing non-refoulement claims, among others, at the High Court, the Judiciary is pursuing legislative amendments to facilitate more efficient handling of cases and seeking additional judicial resources. The Judiciary hopes that with all these initiatives and the latest round of recruitment exercises, the substantive judicial manpower at all levels of courts would be enhanced to cope with the operational needs of the courts. In the meantime, the Judiciary would closely monitor the position and continue to engage temporary judicial resources as far as practicable to cope with its operational needs.

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

6 The key performance measures in respect 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.

	2019 Target	2018 (Actual)	2019 (Actual)	<b>2020 Target</b>
<i>Average Waiting Time</i>	(days)			
<b>Court of Final Appeal</b>				
application for leave to appeal				
criminal—from notice of hearing to hearing.....	45	43	44	<b>45</b>
civil—from notice of hearing to hearing .....	35	35	34	<b>35</b>
substantive appeal				
criminal—from notice of hearing to hearing.....	100	98	98	<b>100</b>
civil—from notice of hearing to hearing .....	120	111	113	<b>120</b>
<b>Court of Appeal of the High Court</b>				
criminal—from setting down of a case to hearing .....	50	49	49	<b>50</b>
civil—from application to fix date to hearing .....	90	88	89	<b>90</b>
<b>Court of First Instance of the High Court</b>				
Criminal Fixture List—from filing of indictment to hearing.....	—	167	167	—
Civil Fixture List—from application to fix date to hearing.....	180	168	173	<b>180</b>
Civil Running List—from not-to-be-warned date to hearing.....	30	38	29	<b>30</b>
appeals from Magistrates' Courts—from lodging of Notice of Appeal to hearing.....	90	103	105	<b>90</b>
<b>District Court</b>				
criminal—from first appearance of defendants in District Court to hearing.....	100	187	191	<b>100</b>
Civil Fixture List—from date of listing to hearing.....	120	95	95	<b>120</b>
Civil Running List—from not-to-be-warned date to hearing.....	30	16	21	<b>30</b>
<b>Family Court</b>				
dissolution of marriage—from setting down of a case to hearing				
Special Procedure List .....	35	35	35	<b>35</b>
Defended List (all hearings).....	110	111	89	<b>110</b>
financial applications—from setting down of a case to hearing .....	110-140	90	81	<b>110-140</b>
<b>Lands Tribunal—from setting down of a case to hearing</b>				
appeal cases.....	90	20	35	<b>90</b>
compensation cases .....	90	38	38	<b>90</b>
building management cases .....	90	29	21	<b>90</b>
tenancy cases.....	50	19	17	<b>50</b>
<b>Magistrates' Courts—from plea to date of trial</b>				
summons.....	50	76	67	<b>50</b>
charge cases except for Juvenile Court—				
for defendants in custody .....	30-45	47	41	<b>30-45</b>
for defendants on bail.....	45-60	57	51	<b>45-60</b>

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	2019 Target	2018 (Actual)	2019 (Actual)	2020 Target
charge cases for Juvenile Court—				
for defendants in custody .....	30-45	—Δ	30	<b>30-45</b>
for defendants on bail.....	45-60	58	58	<b>45-60</b>
Coroner’s Court—from date of listing to hearingp .....	42	65	61	<b>42</b>
Labour Tribunal—				
from appointment to filing of a case ...	30	25	29	<b>30</b>
from filing of a case to first hearing....	30	25	25	<b>30</b>
Small Claims Tribunal—from filing of a case to first hearing.....	60	33	36	<b>60</b>
Obscene Articles Tribunal—				
from receipt of application to classification .....	5	3	2	<b>5</b>
from referral by a magistrate to determination .....	21	22	15	<b>21</b>

As there are only three cases being set down for trial/substantive hearing in the Competition Tribunal, the waiting time is inapplicable. The target average waiting time will be considered when more cases are set down for trial/substantive hearing at the Tribunal.

- ψ The Practice Direction on criminal proceedings in the Court of First Instance of the High Court was promulgated in June 2017 to enhance management of criminal proceedings. Since then, the average waiting time for the Criminal Fixture List had improved from 291 days in 2016 to under 170 days in 2017 to 2019. The way to measure the average waiting time for the Criminal Fixture List and Criminal Expedited List and the setting of these targets are being considered in the light of the operation of the new measures and other relevant considerations.
- η The average waiting time for appeals from the Magistrates’ Courts to the Court of First Instance of the High Court continued to exceed target in 2019. This was mainly due to the fact that more lengthy and complex magisterial appeals were listed and more time was required by appellants to prepare the cases. There was continuously competing demand for judicial resources at the High Court to hear different types of cases at that level.
- β The average waiting time for criminal cases in the District Court continued to exceed the target in 2019. This was due to a number of reasons. Additional District Judges continued to be deployed to sit as Deputy High Court Judges to hear criminal cases. Furthermore, it should be pointed out that the waiting time for criminal cases in the District Court is defined as the time from first appearance of defendants in the District Court to the hearing and such waiting time will be affected by certain factors outside the control of the District Court, for example, when the cases are adjourned for mention prior to setting down for trial when prosecution or defence requests further time for seeking further legal advice, obtaining witness statements, applying for legal aid, engaging or changing solicitors or counsel, and consolidation with other cases. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- Ω Owing to the design of the case management system in the Magistrates’ Courts, the average waiting time shown is calculated based on the duration from plea to the first date of trial and not the first free date which the court can offer to the parties.
- φ The average waiting time for summonses in the Magistrates’ Courts, although continued to exceed the target, had dropped from 76 days in 2018 to 67 days in 2019. The arrangement for summons cases to be heard by both Permanent Magistrates and Special Magistrates continued. In addition, temporary judicial resources would be engaged to help improve the waiting time as far as practicable.
- Δ As there was no charge case for the Juvenile Court where the defendant was remanded in custody, the waiting time was inapplicable in 2018.
- ρ The average waiting time in the Coroner’s Court, although continued to exceed the target, had substantially dropped from 79 days in 2017 to 61 days in 2019. The Judiciary will closely monitor the situation and will make every effort to improve the waiting time.

### Indicators

	2018 (Actual)	2019 (Actual)	2020 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal# .....	194	493	<b>490</b>
appeals.....	40	16	<b>20</b>
miscellaneous proceedings.....	0	0	<b>0</b>
<i>Court of Appeal of the High Court</i>			
criminal appeals .....	388	376	<b>380</b>
civil appealsλ.....	611	597	<b>600</b>
miscellaneous proceedings.....	204	321	<b>320</b>

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	2018 (Actual)	2019 (Actual)	2020 (Estimate)
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	421	424	420
confidential miscellaneous proceedings.....	402	340	340
miscellaneous proceedings (criminal) .....	789	684	680
appeals from Magistrates' Courts .....	620	603	600
civil jurisdiction .....	18 605	19 050	19 050
probate cases .....	20 797	21 005	21 010
Competition Tribunal.....	3	1	1
District Court			
criminal cases.....	1 188	961	960
civil cases <sup>λ</sup> .....	21 453	25 942	25 940
family cases.....	23 345	22 386	22 390
Lands Tribunal .....	4 299	5 721	5 720
Magistrates' Courts .....	340 612	332 746	332 750
Coroner's Court.....	167	117	120
Labour Tribunal .....	3 955	4 323	4 320
Small Claims Tribunal .....	55 007	55 879	55 880
Obscene Articles Tribunal <sup>ω</sup> .....	9 240	21 163	21 160

- # There was a sharp increase in the number of application for leave to appeal in 2019. This was mainly due to a rise of 323 leave applications (from 65 to 388) in relation to non-refoulement claim cases.
- λ The number of civil appeals in 2019 was comparable with that of the previous year at around 600 after a sharp increase from 298 in 2017. This was mainly due to a rise of 367 appeals (from 26 to 393) in relation to non-refoulement claim cases in 2017 and 2018. The figure of civil appeals regarding non-refoulement claim cases was 351 in 2019.
- ⊠ The substantive increase in the caseload of civil cases for the District Court in 2019 was mainly due to the increase of its civil jurisdictional limit from \$1 million to \$3 million from December 2018.
- ω The indicator is the number of articles referred to the Obscene Articles Tribunal for determination and classification. The sharp increase in 2019 was mainly due to a total of 21 081 articles for determination involved in three cases.

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 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 2020–21*

8 In 2020–21, the Judiciary will continue to:

- monitor the waiting time at the various levels of courts, and will seek the Legislative Council's approval for the creation of an additional judicial post to enhance the judicial establishment to cope with the increased workload;
- monitor the working of the reformed civil justice system after the implementation of the Civil Justice Reform;
- take forward the implementation of legislative amendments to streamline procedures of the High Court and facilitate the more efficient handling of cases, including those relating to non-refoulement claims; and
- work on the drafting of the proposed formulation of a unified set of court procedural rules for the family justice system.

### **Programme (2): Support Services for Courts' Operation**

	2018–19 (Actual)	2019–20 (Original)	2019–20 (Revised)	2020–21 (Estimate)
Financial provision (\$m)	436.8	486.4	484.2 (–0.5%)	527.3 (+8.9%)
				(or +8.4% on 2019–20 Original)

### *Aim*

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

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### *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 enforce court orders on the application of the plaintiffs. 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 and service of court documents;
- 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 2019, 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*

	2018 (Actual)	2019 (Actual)	2020 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal .....	266 899	253 447	<b>253 450</b>
civil.....	78 879	84 260	<b>84 260</b>
cases with transcripts produced			
criminal .....	5 683	5 753	<b>5 760</b>
civil.....	1 624	1 531	<b>1 540</b>
<i>Interpretation and Translation</i>			
pages of certification/translation processed .....	194 158	184 391	<b>184 400</b>
<i>Bailiff Service</i>			
executions attempted.....	23 362	22 359	<b>22 400</b>
summons services attempted.....	93 011	88 470	<b>88 500</b>
<i>Library</i>			
library materials acquired and processed .....	34 828	32 377	<b>33 000</b>
attendances at the Library .....	35 630	31 109	<b>31 000</b>

### *Matters Requiring Special Attention in 2020–21*

**13** In 2020–21, the Judiciary will seek to:

- continue to provide support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants;
- sustain quality management in the Judiciary Administration; and
- implement an information technology strategy plan for the Judiciary.

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### ANALYSIS OF FINANCIAL PROVISION

	2018–19 (Actual) (\$m)	2019–20 (Original) (\$m)	2019–20 (Revised) (\$m)	2020–21 (Estimate) (\$m)
<b>Programme</b>				
(1) Courts, Tribunals and Various Statutory Functions .....	1,365.1	1,623.1	1,517.7	1,736.7
(2) Support Services for Courts’ Operation.....	436.8	486.4	484.2	527.3
	1,801.9	2,109.5	2,001.9 (–5.1%)	2,264.0 (+13.1%)
				<b>(or +7.3% on 2019–20 Original)</b>

#### Analysis of Financial and Staffing Provision

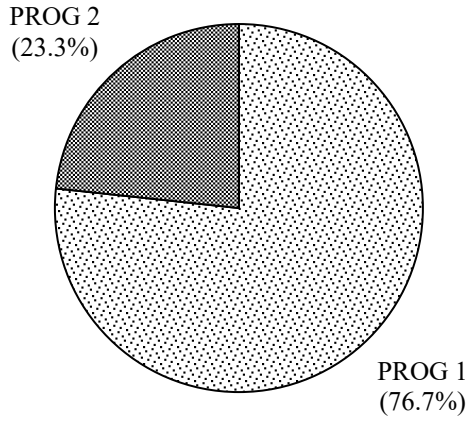
##### Programme (1)

Provision for 2020–21 is \$219.0 million (14.4%) higher than the revised estimate for 2019–20. This is mainly due to the increased provision for filling of vacancies and a net increase of one judicial and 29 non-judicial posts in 2020–21.

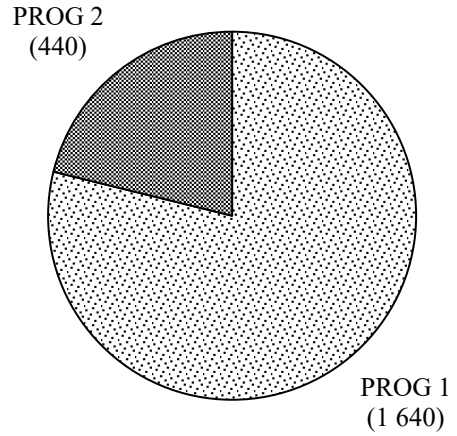
##### Programme (2)

Provision for 2020–21 is \$43.1 million (8.9%) higher than the revised estimate for 2019–20. 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 five non-judicial posts in 2020–21.

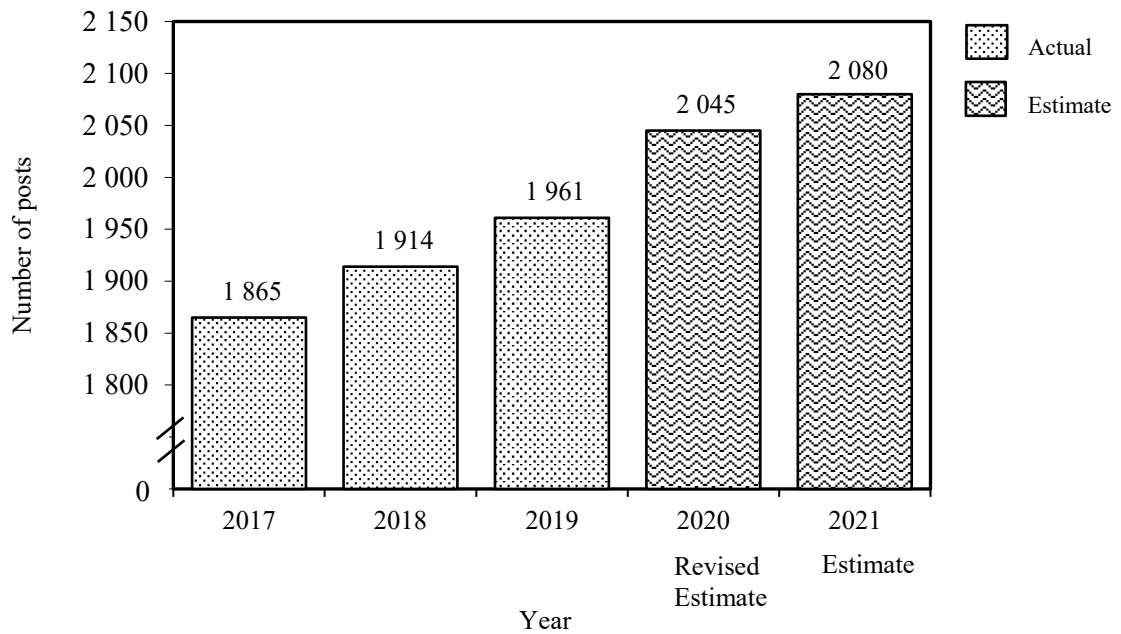
*Allocation of provision to programmes (2020-21)*



*Staff by programme (as at 31 March 2021)*



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



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Sub-head (Code)	Actual expenditure 2018-19	Approved estimate 2019-20	Revised estimate 2019-20	<b>Estimate 2020-21</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	1,783,784	2,094,266	1,984,583	<b>2,244,537</b>
206	Expenses of witnesses and jurors.....	12,594	13,535	13,535	<b>14,205</b>
	Total, Recurrent.....	<u>1,796,378</u>	<u>2,107,801</u>	<u>1,998,118</u>	<b><u>2,258,742</u></b>
	Total, Operating Account .....	<u>1,796,378</u>	<u>2,107,801</u>	<u>1,998,118</u>	<b><u>2,258,742</u></b>
<b>Capital Account</b>					
Plant, Equipment and Works					
661	Minor plant, vehicles and equipment (block vote).....	5,510	1,650	3,789	<b>5,286</b>
	Total, Plant, Equipment and Works.....	<u>5,510</u>	<u>1,650</u>	<u>3,789</u>	<b><u>5,286</u></b>
	Total, Capital Account.....	<u>5,510</u>	<u>1,650</u>	<u>3,789</u>	<b><u>5,286</u></b>
	Total Expenditure .....	<u><u>1,801,888</u></u>	<u><u>2,109,451</u></u>	<u><u>2,001,907</u></u>	<b><u><u>2,264,028</u></u></b>



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### Details of Expenditure by Subhead

The estimate of the amount required in 2020–21 for the salaries and expenses of the Judiciary is \$2,264,028,000. This represents an increase of \$262,121,000 over the revised estimate for 2019–20 and \$462,140,000 over the actual expenditure in 2018–19.

#### Operating Account

##### Recurrent

**2** Provision of \$2,244,537,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$409,100 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$259,954,000 (13.1%) over the revised estimate for *Subhead 000 Operational expenses* for 2019–20 is mainly due to the full-year effect of posts created in 2019–20, the filling of vacancies, the increased provision for salary arising from a net increase of one judicial and 34 non-judicial posts in 2020–21 and operating expenses to support courts' operation.

**3** The establishment as at 31 March 2020 will be 2 045 posts including two supernumerary posts. It is expected that there will be a net increase of 35 posts in 2020–21. The establishment as at 31 March 2021 will be 2 080 posts including one supernumerary post. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2020–21, but the notional annual mid-point salary value of all such posts must not exceed \$874,523,000.

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

	2018–19 (Actual) (\$'000)	2019–20 (Original) (\$'000)	2019–20 (Revised) (\$'000)	2020–21 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	1,159,856	1,381,766	1,245,022	<b>1,469,989</b>
- Allowances.....	27,190	28,139	31,970	<b>32,509</b>
- Job-related allowances.....	882	1,407	1,555	<b>2,333</b>
Personnel Related Expenses				
- Cash allowances.....	18,671	33,830	21,960	<b>34,230</b>
- Mandatory Provident Fund contribution.....	3,793	5,535	4,603	<b>5,517</b>
- Civil Service Provident Fund contribution.....	32,986	36,262	38,602	<b>46,646</b>
Departmental Expenses				
- Hire of services and professional fees .....	243,613	278,732	302,578	<b>307,021</b>
- General departmental expenses .....	296,793	328,587	338,285	<b>346,284</b>
Other Charges				
- Magistrates poor box .....	—	8	8	<b>8</b>
	1,783,784	2,094,266	1,984,583	<b>2,244,537</b>

**5** Provision of \$14,205,000 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 \$5,286,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$1,497,000 (39.5%) over the revised estimate for 2019–20. This is mainly due to increased requirement for minor plant and equipment in court buildings.