

Head 80 — JUDICIARY

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

Estimate 2022–23 **\$2,401.5m**

Establishment ceiling 2022–23 (notional annual mid-point salary value) representing an estimated 1 857 non-directorate posts as at 31 March 2022 reducing by two posts to 1 855 posts as at 31 March 2023 **\$879.3m**

In addition, there will be an estimated 226 directorate posts as at 31 March 2022 and as at 31 March 2023, 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

	2020–21 (Actual)	2021–22 (Original)	2021–22 (Revised)	2022–23 (Estimate)
Financial provision (\$m)	1,618.8	1,792.7	1,701.4 (–5.1%)	1,835.7 (+7.9%)
				(or +2.4% on 2021–22 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 court and tribunals hear and adjudicate criminal cases and civil disputes. The objectives are to:

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

4 In 2021, the operation of courts and tribunals was mainly affected by challenges from expediting the processing of cases affected by adjustments to court capacity in light of the evolving public health situation as from 2020; the upsurge of cases relating to social events (SE cases) and the National Security Law (NSL cases) particularly those involving a large number of defendants and long trials; as well as the phenomenal increase in applications for leave to apply for Judicial Review on non-refoulement claims and related appeals.

5 The Judiciary has been making proactive and dedicated efforts in tackling the above challenges through a variety of measures. These mainly include increasing judicial manpower, making the best possible use of all existing court premises, providing additional court facilities, enlarging the capacity of courtrooms, enhancing broadcasting facilities, making greater use of technology, using alternative means of disposal where appropriate, and strengthening case management.

6 To address the persistent shortage of judicial manpower, the Judiciary has extended the statutory retirement ages of the Judges and Judicial Officers since 6 December 2019, following the enhancement of their terms and conditions of service in 2017. The Judiciary has launched a new round of open recruitment exercise for different levels of Judges and Judicial Officers starting from November 2020. New judicial appointments are being made.

7 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.

Head 80 — JUDICIARY

8 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.

	2021 Target	2020 (Actual)	2021 (Actual)	2022 Target
<i>Average Waiting Time</i>	(days)			
Court of Final Appeal				
application for leave to appeal				
criminal—from notice of				
hearing to hearing	45	42	34	45
civil—from notice of hearing				
to hearing	35	31	34	35
substantive appeal				
criminal—from notice of				
hearing to hearing	100	98	82	100
civil—from notice of hearing				
to hearing	120	93	88	120
Court of Appeal of the High Court				
criminal—from setting down of a				
case to hearing	50	55	48	50
civil—from application to fix date to				
hearing	90	85	86	90
Court of First Instance of the High Court				
Criminal Fixture List—from filing of				
indictment to hearing@	—	349	383§	—
Civil Fixture List—from application				
to fix date to hearing	180	166	176	180
Civil Running List—from				
not-to-be-warned date to hearing....	30	28	16	30
appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing	90	128	168§	90
District Court				
criminal—from first appearance of				
defendants in District Court to				
hearingβ	100	210	287§	100
Civil Fixture List—from date of				
listing to hearing	120	105	108	120
Civil Running List—from				
not-to-be-warned date to hearing....	30	28	20	30
Family Court				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List	35	35	35	35
Defended List (all hearings).....	110	69	59	110
financial applications—from setting				
down of a case to hearing	110-140	85	74	110-140
Lands Tribunal—from setting down of a				
case to hearing				
appeal cases	90	39	—Δ	90
compensation cases	90	29	64	90
building management cases	90	31	25	90
tenancy cases	50	24	16	50
Magistrates' Courts—from plea to date of				
trialΩ				
summons	50	75	79§	50
charge cases except for Juvenile				
Court—				
for defendants in custody	30-45	45	48§	30-45
for defendants on bail.....	45-60	67	70§	45-60
charge cases for Juvenile Court—				
for defendants in custody	30-45	13	56§	30-45
for defendants on bail.....	45-60	60	74§	45-60
Coroner's Court—from date of listing to				
hearing	42	70ε	64ε	42

Head 80 — JUDICIARY

	2021 Target	2020 (Actual)	2021 (Actual)	2022 Target
Labour Tribunal—				
from appointment to filing of a case...	30	61	25	30
from filing of a case to first hearing....	30	23	22	30
Small Claims Tribunal—from filing of a case to first hearing.....	60	41	39	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	3	2	5
from referral by a magistrate to determination	21	10	—#	21

As there have only been a total of five cases being set down for trial/substantive hearing in the Competition Tribunal since its establishment, 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.

- @ The average waiting time for the Criminal Fixture List in the Court of First Instance of the High Court remained under 170 days in the three years from 2017 to 2019 after implementation of the amended Practice Direction (PD) on Criminal Proceedings. In 2020 and 2021, the average waiting time was lengthened to over 300 days mainly because a substantial number of jury trials had to be re-fixed consequent to the reduction in court capacity in light of the evolving public health situation. The average waiting time for criminal hearings was thus distorted by these unprecedented adjustments to court capacity in these two years. In view of this, the target average waiting time for the Criminal Fixture List and Criminal Expedited List under the amended PD will be reviewed later at an appropriate juncture.
- § The average waiting time for different types of criminal cases at the various levels of court in 2021 was prolonged mainly by the need to re-fix hearings affected by the reduction in court capacity since 2020 in light of the evolving public health situation, as well as the upsurge of SE and NSL cases which were generally more complex, involving a large number of defendants, and requiring longer preparation and trial periods. The court waiting time is also contingent upon factors some of which are not fully under the control of the court such as the time required by parties for investigation and preparation for trial.
- β 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 trial date and such waiting time is invariably affected by certain factors outside the control of the District Court. For instance, 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 average waiting time for criminal cases at the District Court exceeded the target primarily due to the impact of SE and NSL cases.
- Δ As there was no appeal case filed, the waiting time was inapplicable.
- Ω Owing to the design of the case management system in the Magistrates' Courts, the average waiting time shown is calculated on the basis of the duration from plea to the first date of trial and not the first free date which the court can offer to the parties.
- ε For the Coroner's Court, the average waiting time, though shortened, continued to exceed the target mainly because of the need to re-schedule proceedings involving jurors which were affected by the reduction in court capacity in light of the evolving public health situation since 2020 as well as the increasing number of complex cases involving more expert witnesses and interested parties. Additional judicial resources would be engaged to expedite the processing of cases.
- # As there was no application for determination filed, the waiting time was inapplicable.

Indicators

	2020 (Actual)	2021 (Actual)	2022 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
application for leave to appeal	342	599	600
appeals.....	13	16	20
miscellaneous proceedings.....	1	0	0
Court of Appeal of the High Court			
criminal appeals	241	316	320
civil appeals.....	653	599	600
miscellaneous proceedings.....	263	602	600
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	366	256	260
confidential miscellaneous proceedings.....	440	545	550
miscellaneous proceedings (criminal)	772	724	720
appeals from Magistrates' Courts	428	608	610
civil jurisdiction	17 984	15 080	15 080
probate cases	16 521	21 978	21 980
Competition Tribunal.....	3	2	2

Head 80 — JUDICIARY

	2020 (Actual)	2021 (Actual)	2022 (Estimate)
District Court			
criminal cases	1 119	1 171	1 170
civil cases	24 153	22 827	22 830
family cases	17 585	18 132	18 130
Lands Tribunal	4 432	4 358	4 360
Magistrates' Courts	317 104	372 456	372 460
Coroner's Court	98	154	150
Labour Tribunal	3 533	4 278	4 280
Small Claims Tribunal	39 821	45 649	45 650
Obscene Articles Tribunal	14 131 ^ω	38	40

α The total caseload in 2021 is comparable to that in 2019 before the COVID-19 epidemic.

ω The indicator is the number of articles referred to the Obscene Articles Tribunal for determination and classification. The actual number of articles referred to the Tribunal for determination and classification in 2020 included 14 024 articles for determination involved in two cases.

9 The workload of a court depends not only on the number of cases but also on their nature and complexity. In recent years, there has been an increasing number of complex cases that generally take a longer time to conclude. This has been augmented by the upsurge of SE and NSL cases requiring longer processing time as mentioned above. Without compromising the quality of justice, the Judiciary will continue to endeavour to enhance the efficiency of court operations through measures such as making the best possible use of existing courtrooms, enhancement of court facilities, greater use of technology, using alternative means of disposal where appropriate, more proactive case management, as well as deployment of additional judicial resources.

Matters Requiring Special Attention in 2022–23

10 In 2022–23, the Judiciary will continue to:

- monitor the court waiting times and workload at various levels of court, with a view to putting in place timely and effective measures to expedite the processing of cases; and
- introduce legislative amendments promulgating a unified set of court procedural rules for the family justice system, taking into account feedback from a public engagement exercise.

Programme (2): Support Services for Courts' Operation

	2020–21 (Actual)	2021–22 (Original)	2021–22 (Revised)	2022–23 (Estimate)
Financial provision (\$m)	499.4	533.0	550.0 (+3.2%)	565.8 (+2.9%)
				(or +6.2% on 2021–22 Original)

Aim

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

Brief Description

12 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 Chinese and English languages can be used in the court system, and providing effective court interpretation services;
- 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 technology and other modern management tools to enhance the efficiency of court support services.

13 In 2021, despite the impact of adjustments to court capacity in light of the evolving public health situation on the administrative services supporting the court business, the overall performance of the programme was generally maintained.

Head 80 — JUDICIARY

14 The key performance measures in respect of support services for the courts and tribunals are:

Indicators

	2020 (Actual)	2021 (Actual)	2022 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	222 651	249 325	249 330
civil	64 233	87 704	87 700
cases with transcripts produced			
criminal	4 460	5 421	5 420
civil	1 186	1 494	1 490
<i>Interpretation and Translation</i>			
pages of certification/translation processed	145 423	189 153	189 200
<i>Bailiff Service</i>			
executions attempted	22 439	25 425	25 500
summons services attempted	68 913	95 638	95 700
<i>Library</i>			
library materials acquired and processed	31 924	34 918	34 000
attendance at the Library	19 257	23 762	24 000

Matters Requiring Special Attention in 2022–23

15 In 2022–23, the Judiciary will continue to:

- facilitate the greater use of remote means of hearings for civil and criminal proceedings at all levels of court where appropriate, and to develop all necessary technologies for such purposes;
- introduce the necessary legislative amendments to enable the use of remote means of hearings as stated above;
- provide support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants;
- sustain quality management of administrative services to support court operations; and
- implement the information technology strategy plan for the Judiciary and make greater use of technology to enhance efficiency of court operations.

Head 80 — JUDICIARY

ANALYSIS OF FINANCIAL PROVISION

Programme	2020–21 (Actual) (\$m)	2021–22 (Original) (\$m)	2021–22 (Revised) (\$m)	2022–23 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	1,618.8	1,792.7	1,701.4	1,835.7
(2) Support Services for Courts' Operation.	499.4	533.0	550.0	565.8
	2,118.2	2,325.7	2,251.4 (–3.2%)	2,401.5 (+6.7%)
				(or +3.3% on 2021–22 Original)

Analysis of Financial and Staffing Provision

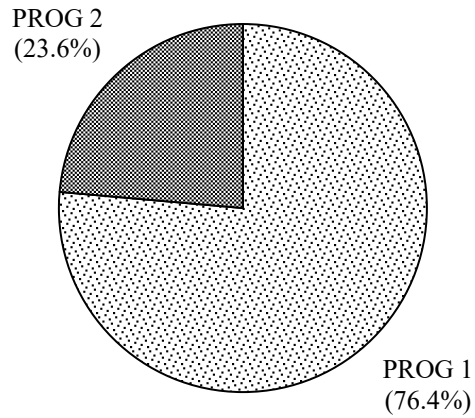
Programme (1)

Provision for 2022–23 is \$134.3 million (7.9%) higher than the revised estimate for 2021–22. This is mainly due to the increased provision for filling of vacancies. There will be a net decrease of six civil service posts in 2022–23.

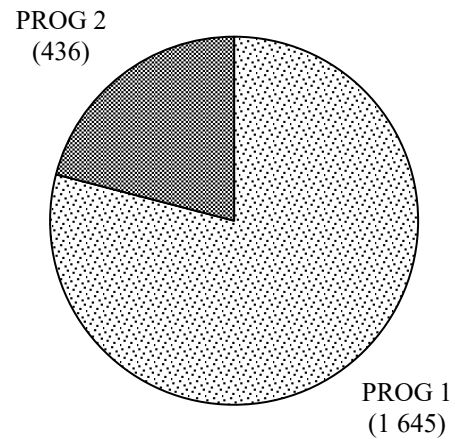
Programme (2)

Provision for 2022–23 is \$15.8 million (2.9%) higher than the revised estimate for 2021–22. This is mainly due to the increased provision for filling of vacancies and increasing operating expenses to enhance support services for courts' operation. There will be a net increase of four civil service posts in 2022–23.

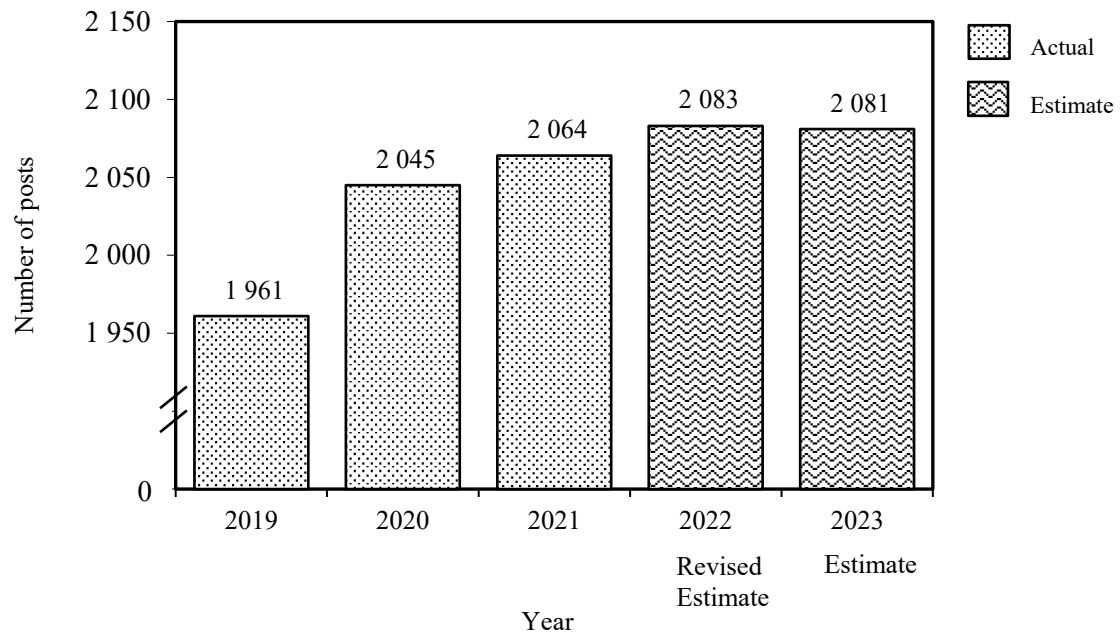
*Allocation of provision
to programmes
(2022-23)*



*Staff by programme
(as at 31 March 2023)*



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



Head 80 — JUDICIARY

Sub-head (Code)		Actual expenditure 2020–21	Approved estimate 2021–22	Revised estimate 2021–22	Estimate 2022–23
		\$'000	\$'000	\$'000	\$'000
Operating Account					
	Recurrent				
000	Operational expenses	2,098,860	2,282,054	2,209,124	2,367,320
206	Expenses of witnesses and jurors.....	9,232	14,884	14,370	15,165
	Total, Recurrent	2,108,092	2,296,938	2,223,494	2,382,485
	Total, Operating Account	2,108,092	2,296,938	2,223,494	2,382,485
<hr/>					
Capital Account					
	Plant, Equipment and Works				
661	Minor plant, vehicles and equipment (block vote).....	10,061	28,741	27,880	19,064
	Total, Plant, Equipment and Works.....	10,061	28,741	27,880	19,064
	Total, Capital Account.....	10,061	28,741	27,880	19,064
<hr/>					
	Total Expenditure	2,118,153	2,325,679	2,251,374	2,401,549
		<u>2,118,153</u>	<u>2,325,679</u>	<u>2,251,374</u>	<u>2,401,549</u>

Head 80 — JUDICIARY

Details of Expenditure by Subhead

The estimate of the amount required in 2022–23 for the salaries and expenses of the Judiciary is \$2,401,549,000. This represents an increase of \$150,175,000 over the revised estimate for 2021–22 and \$283,396,000 over the actual expenditure in 2020–21.

Operating Account

Recurrent

2 Provision of \$2,367,320,000 under *Subhead 000 Operational expenses* is for salaries, allowances and other operating expenses of the Judiciary.

3 The establishment as at 31 March 2022 will be 2 083 posts (comprising 1 858 civil service posts and 225 posts for Judges and Judicial Officers) including two supernumerary posts. It is expected that there will be a net decrease of two civil service posts in 2022–23. The establishment as at 31 March 2023 will be 2 081 posts including two supernumerary posts. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2022–23, but the notional annual mid-point salary value of all such posts must not exceed \$879,251,000.

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

	2020–21 (Actual) (\$'000)	2021–22 (Original) (\$'000)	2021–22 (Revised) (\$'000)	2022–23 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	1,291,228	1,473,963	1,364,654	1,475,067
- Allowances.....	28,693	31,465	29,225	31,423
- Job-related allowances.....	2,271	2,401	2,403	2,491
Personnel Related Expenses				
- Cash allowances.....	24,399	33,160	23,744	32,346
- Mandatory Provident Fund contribution.....	4,680	4,804	4,897	4,888
- Civil Service Provident Fund contribution.....	46,334	48,716	51,374	58,582
Departmental Expenses				
- Hire of services and professional fees	347,566	338,983	358,046	382,712
- General departmental expenses	353,689	348,554	374,773	379,803
Other Charges				
- Magistrates poor box	—	8	8	8
	<u>2,098,860</u>	<u>2,282,054</u>	<u>2,209,124</u>	<u>2,367,320</u>

5 Provision of \$15,165,000 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 \$19,064,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$8,816,000 (31.6%) against the revised estimate for 2021–22. This is mainly due to decreased requirement for replacement of minor plant and equipment in court buildings.