

## Head 80 — JUDICIARY

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

**Estimate 2023–24** ..... **\$2,481.0m**

**Establishment ceiling 2023–24** (notional annual mid-point salary value) representing an estimated 1 855 non-directorate posts as at 31 March 2023 reducing by three posts to 1 852 posts as at 31 March 2024..... **\$895.6m**

In addition, there will be an estimated 226 directorate posts as at 31 March 2023 and as at 31 March 2024, 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

	2021–22 (Actual)	2022–23 (Original)	2022–23 (Revised)	2023–24 (Estimate)
Financial provision (\$m)	1,687.8	1,835.7	1,761.1 (–4.1%)	1,891.8 (+7.4%)
				(or +3.1% on 2022–23 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 2022, the operation of courts and tribunals continued to be subject to challenges from the impact of fluctuating public health situation on court capacity; the need to expedite the processing of considerable number of complicated cases requiring long trials, especially those relating to the 2019 social events (SE cases) and national security (NS cases) at various levels of court; as well as the continued influx of applications for leave to apply for Judicial Review on non-refoulement claims and related appeals at the High Court and the Court of Final Appeal.

5 The Judiciary has been making pro-active 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, arranging longer sitting hours and Saturday sittings, 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 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 launched the latest round of open recruitment exercises for different levels of Judges and Judicial Officers starting from November 2020. A total of 17 judicial appointments have been made so far.

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.

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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.

	2022 Target	2021 (Actual)	2022 (Actual)	2023 Target
<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	34	37	<b>45</b>
civil—from notice of hearing to hearing .....	35	34	30	<b>35</b>
substantive appeal				
criminal—from notice of hearing to hearing .....	100	82	99	<b>100</b>
civil—from notice of hearing to hearing .....	120	88	95	<b>120</b>
<b>Court of Appeal of the High Court</b>				
criminal—from setting down of a case to hearing .....	50	48	48	<b>50</b>
civil—from application to fix date to hearing .....	90	86	81	<b>90</b>
<b>Court of First Instance of the High Court</b>				
Criminal Fixture List—from filing of indictment to hearing@ .....	—	383	323§	—
Civil Fixture List—from application to fix date to hearing .....	180	176	178	<b>180</b>
Civil Running List—from not-to-be-warned date to hearing....	30	16	15	<b>30</b>
appeals from Magistrates' Courts— from lodging of Notice of Appeal to hearing .....	90	168	160§	<b>90</b>
<b>District Court</b>				
criminal—from first appearance of defendants in District Court to hearingβ .....	100	287	350§	<b>100</b>
Civil Fixture List—from date of listing to hearing .....	120	108	116	<b>120</b>
Civil Running List—from not-to-be-warned date to hearing....	30	20	18	<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	59	58	<b>110</b>
financial applications—from setting down of a case to hearing .....	110-140	74	49	<b>110-140</b>
<b>Lands Tribunal—from setting down of a case to hearing</b>				
appeal cases .....	90	—	—Δ	<b>90</b>
compensation cases .....	90	64	45	<b>90</b>
building management cases .....	90	25	20	<b>90</b>
tenancy cases .....	50	16	16	<b>50</b>
<b>Magistrates' Courts—from plea to date of trialΩ</b>				
summons .....	50	79	101§	<b>50</b>
charge cases except for Juvenile Court—				
for defendants in custody .....	30-45	48	62§	<b>30-45</b>
for defendants on bail.....	45-60	70	82§	<b>45-60</b>
charge cases for Juvenile Court—				
for defendants in custody .....	30-45	56	94§	<b>30-45</b>
for defendants on bail.....	45-60	74	89§	<b>45-60</b>
<b>Coroner's Court—from date of listing to hearing .....</b>	42	64	42	<b>42</b>

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	2022 Target	2021 (Actual)	2022 (Actual)	2023 Target
Labour Tribunal—				
from appointment to filing of a case ...	30	25	28	<b>30</b>
from filing of a case to first hearing....	30	22	24	<b>30</b>
Small Claims Tribunal—from filing of a case to first hearing.....	60	39	37	<b>60</b>
Obscene Articles Tribunal—				
from receipt of application to classification .....	5	2	2	<b>5</b>
from referral by a magistrate to determination.....	21	—	—#	<b>21</b>

As only six cases have been 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. Since 2020, the average waiting time remained long at 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. Since the average waiting time for criminal hearings was distorted by these unprecedented adjustments to court capacity in these three years, 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 various levels of court in 2022 exceeded the targets mainly because of the impact of re-fixing hearings consequent to the reduction in court capacity in light of the evolving public health situation, as well as the continued upsurge of SE and NS 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 some factors which are not fully under the control of the court such as the time required by parties for investigation, seeking legal advice 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.
- 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.
- # As there was no application for determination filed, the waiting time was inapplicable.

### Indicators

	2021 (Actual)	2022 (Actual)	2023 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
application for leave to appeal .....	599	728	<b>730</b>
appeals.....	16	18	<b>20</b>
miscellaneous proceedings.....	0	0	<b>0</b>
Court of Appeal of the High Court			
criminal appeals .....	316	249	<b>250</b>
civil appeals.....	599	501	<b>500</b>
miscellaneous proceedings.....	602	556	<b>560</b>
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	256	223	<b>220</b>
confidential miscellaneous proceedings.....	545	883	<b>880</b>
miscellaneous proceedings (criminal) .....	724	637	<b>640</b>
appeals from Magistrates' Courts .....	608	460	<b>460</b>
civil jurisdiction .....	15 080	14 412	<b>14 410</b>
probate cases .....	21 978	23 006	<b>23 010</b>
Competition Tribunal.....	2	3	<b>3</b>
District Court			
criminal cases.....	1 171	1 193	<b>1 190</b>
civil cases .....	22 827	21 377	<b>21 380</b>
family cases.....	18 132	16 802	<b>16 800</b>
Lands Tribunal .....	4 358	3 998	<b>4 000</b>
Magistrates' Courts .....	372 456	383 512	<b>383 510</b>

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	2021 (Actual)	2022 (Actual)	2023 (Estimate)
Coroner's Court.....	154	131	<b>130</b>
Labour Tribunal .....	4 278	3 378	<b>3 380</b>
Small Claims Tribunal .....	45 649	41 514	<b>41 510</b>
Obscene Articles Tribunal.....	38	34	<b>30</b>

α The total caseload in 2022 is comparable to that in 2019 before the COVID-19 epidemic and 2021.

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 continued upsurge of complicated SE and NS cases requiring longer processing time as mentioned above. Without compromising the quality of justice, the Judiciary will continue endeavouring to enhance the efficiency of court operations through different measures which include making the best possible use of existing courtrooms, enhancement of court facilities, arranging longer sitting hours and Saturday sittings, making 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 2023–24*

10 In 2023–24, 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 without compromising the need to ensure due administration of justice; and
- introduce the Family Procedure Bill into the Legislative Council, and upon enactment of the Family Procedure Ordinance, establish the Family Procedure Rules Committee for making a new set of consolidated and streamlined court procedural rules for the family justice system.

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

	2021–22 (Actual)	2022–23 (Original)	2022–23 (Revised)	2023–24 (Estimate)
Financial provision (\$m)	535.8	565.8	586.0 (+3.6%)	<b>589.2</b> (+0.5%)
				(or +4.1% on 2022–23 Original)

### *Aim*

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

### *Brief Description*

12 Under this programme, various 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 2022, despite the impact of adjustments to court capacity in light of the evolving public health situation on support services for court business, the overall performance of the programme was generally maintained.

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

*Indicators*

	2021 (Actual)	2022 (Actual)	2023 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal .....	249 325	222 323	<b>249 330</b>
civil.....	87 704	69 066	<b>87 700</b>
cases with transcripts produced			
criminal .....	5 421	5 105	<b>5 420</b>
civil.....	1 494	1 177	<b>1 490</b>
<i>Interpretation and Translation</i>			
pages of certification/translation processed .....	189 153	227 136	<b>227 140</b>
<i>Bailiff Service</i>			
executions attempted.....	25 425	22 041	<b>25 430</b>
summons services attempted.....	95 638	82 458	<b>95 640</b>
<i>Library</i>			
library materials acquired and processed .....	34 918	30 050	<b>30 000</b>
attendance at the Library.....	23 762	18 438	<b>20 600</b>

*Matters Requiring Special Attention in 2023–24*

15 In 2023–24, the Judiciary will continue to:

- implement the Information Technology Strategy Plan to provide electronic filing and related services by phases at different levels of court, and make greater use of technology to enhance efficiency of court operations;
- facilitate the greater use of remote 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 hearings as stated above;
- provide support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants; and
- sustain quality management of services to support court operations.

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### ANALYSIS OF FINANCIAL PROVISION

	2021–22 (Actual) (\$m)	2022–23 (Original) (\$m)	2022–23 (Revised) (\$m)	2023–24 (Estimate) (\$m)
<b>Programme</b>				
(1) Courts, Tribunals and Various Statutory Functions .....	1,687.8	1,835.7	1,761.1	<b>1,891.8</b>
(2) Support Services for Courts' Operation.	535.8	565.8	586.0	<b>589.2</b>
	2,223.6	2,401.5	2,347.1 (–2.3%)	<b>2,481.0</b> <b>(+5.7%)</b>
				<b>(or +3.3% on 2022–23 Original)</b>

#### Analysis of Financial and Staffing Provision

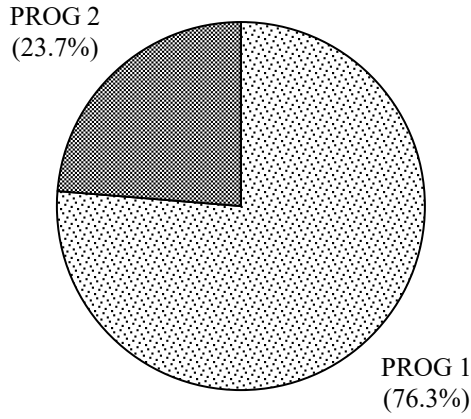
##### Programme (1)

Provision for 2023–24 is \$130.7 million (7.4%) higher than the revised estimate for 2022–23. This is mainly due to the increased provision for filling vacancies. There will be a net decrease of three civil service posts in 2023–24.

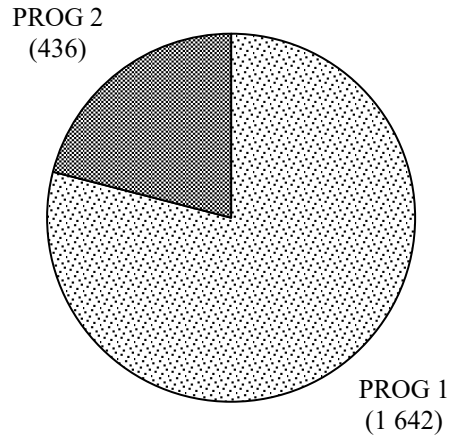
##### Programme (2)

Provision for 2023–24 is \$3.2 million (0.5%) higher than the revised estimate for 2022–23. This is mainly due to the increased provision for filling vacancies and increasing operating expenses to enhance support services for courts' operation.

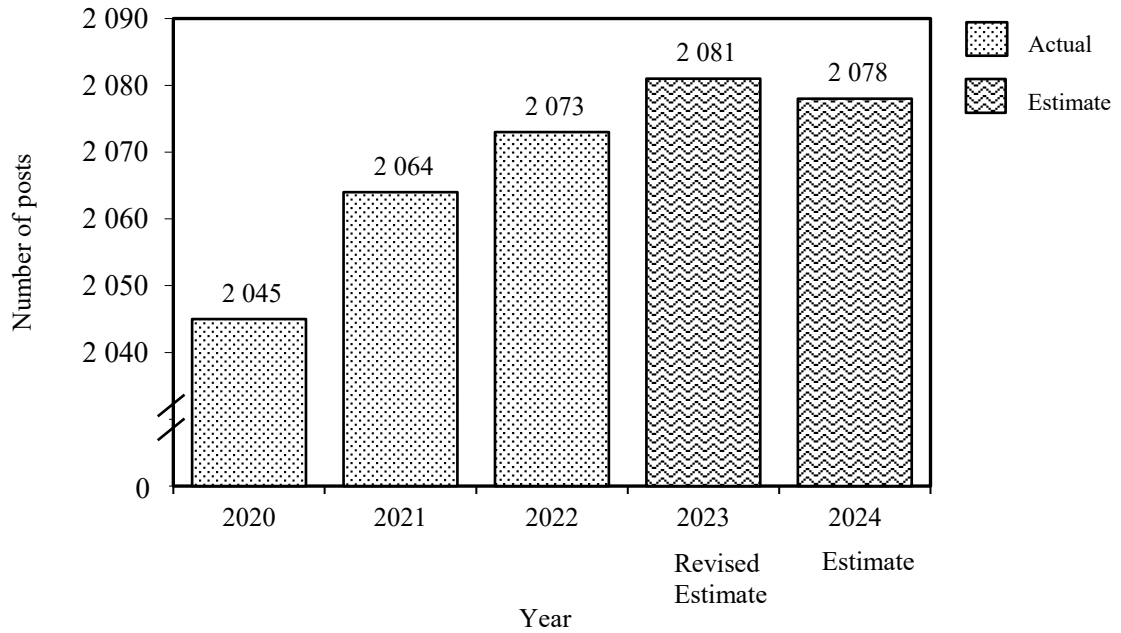
*Allocation of provision to programmes (2023-24)*



*Staff by programme (as at 31 March 2024)*



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



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Sub-head (Code)	Actual expenditure 2021-22	Approved estimate 2022-23	Revised estimate 2022-23	<b>Estimate 2023-24</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	2,184,460	2,367,320	2,317,303	<b>2,443,669</b>
206	Expenses of witnesses and jurors.....	11,613	15,165	11,460	<b>12,640</b>
	Total, Recurrent.....	<u>2,196,073</u>	<u>2,382,485</u>	<u>2,328,763</u>	<b><u>2,456,309</u></b>
	Total, Operating Account .....	2,196,073	2,382,485	2,328,763	<b>2,456,309</b>
<b>Capital Account</b>					
Plant, Equipment and Works					
661	Minor plant, vehicles and equipment (block vote).....	27,553	19,064	18,297	<b>24,689</b>
	Total, Plant, Equipment and Works.....	<u>27,553</u>	<u>19,064</u>	<u>18,297</u>	<b><u>24,689</u></b>
	Total, Capital Account.....	27,553	19,064	18,297	<b>24,689</b>
	Total Expenditure .....	<u><u>2,223,626</u></u>	<u><u>2,401,549</u></u>	<u><u>2,347,060</u></u>	<b><u><u>2,480,998</u></u></b>



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### Details of Expenditure by Subhead

The estimate of the amount required in 2023–24 for the salaries and expenses of the Judiciary is \$2,480,998,000. This represents an increase of \$133,938,000 over the revised estimate for 2022–23 and \$257,372,000 over the actual expenditure in 2021–22.

#### *Operating Account*

##### Recurrent

2 Provision of \$2,443,669,000 under *Subhead 000 Operational expenses* is for salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$416,900 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment as at 31 March 2023 will be 2 081 posts (comprising 1 856 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 three civil service posts in 2023–24. The establishment as at 31 March 2024 will be 2 078 posts including two supernumerary posts. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2023–24, but the notional annual mid-point salary value of all such posts must not exceed \$895,593,000.

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

	2021–22 (Actual) (\$'000)	2022–23 (Original) (\$'000)	2022–23 (Revised) (\$'000)	2023–24 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	1,282,535	1,475,067	1,389,716	1,491,233
- Allowances.....	28,844	31,423	31,013	31,467
- Job-related allowances.....	1,742	2,491	2,141	2,175
Personnel Related Expenses				
- Cash allowances.....	23,686	32,346	22,826	33,213
- Mandatory Provident Fund contribution.....	4,732	4,888	4,113	5,144
- Civil Service Provident Fund contribution.....	52,644	58,582	59,582	66,951
Departmental Expenses				
- Hire of services and professional fees .....	392,037	382,712	422,868	424,477
- General departmental expenses .....	398,239	379,803	385,036	389,001
Other Charges				
- Magistrates poor box .....	1	8	8	8
	2,184,460	2,367,320	2,317,303	2,443,669

5 Provision of \$12,640,000 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 \$1,180,000 (10.3%) over the revised estimate for 2022–23 is mainly due to increased requirements arising from the revised rates of allowances for jurors and witnesses.

#### *Capital Account*

##### Plant, Equipment and Works

6 Provision of \$24,689,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$6,392,000 (34.9%) over the revised estimate for 2022–23. This is mainly due to increased requirement for replacement of minor plant and equipment in court buildings.