

Head 80 — JUDICIARY

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

Estimate 2002–03	\$1,037.8m
Establishment ceiling 2002–03 (notional annual mid-point salary value) representing an estimated 1 704 non-directorate posts at 31 March 2002 reducing by 24 posts to 1 680 posts at 31 March 2003.....	\$474.0m
In addition there will be an estimated 177 directorate posts at 31 March 2002 rising by three posts to 180 posts at 31 March 2003.	
Capital Account commitment balance	\$13.6m

Controlling Officer's Report

Programmes

Programme (1) Courts and Tribunals
Programme (2) Support Services for Courts' Operation

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

Detail

Programme (1): Courts and Tribunals

	2000–01 (Actual)	2001–02 (Approved)	2001–02 (Revised)	2002–03 (Estimate)
Financial provision (\$m)	685.0	746.2 (+8.9%)	748.8 (+0.3%)	764.9 (+2.2%)

Aim

2 The aim is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedom of individuals and commands domestic and international confidence.

Brief Description

3 This programme comprises different levels of courts and tribunals. Through these courts and tribunals, criminal cases and civil disputes are heard and adjudicated. Its operational objectives are to:

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

4 In 2001, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators, other than those explained separately below, is satisfactory.

5 The key performance measures are:

Targets

	Target#	2000 (Actual)	2001 (Actual)	2002 (Plan)
<i>Average Waiting Time (days)</i>				
Court of Final Appeal				
Application for leave to appeal				
Criminal—from notice of hearing†	45	32	36	45
Civil—from notice of hearing to hearing†	35	40	32	35
Substantive appeal				
Criminal—from notice of hearing to hearing†	100	93	75	100
Civil—from notice of hearing to hearing†	120	99	76	120

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	Target#	2000 (Actual)	2001 (Actual)	2002 (Plan)
Court of Appeal of the High Court				
Criminal—from setting down of a case to hearing	50	33	38	50
Civil—from application to fix date to hearing@	90	82	196	150
Court of First Instance of the High Court				
Criminal Fixture—from filing of indictment to hearing^	120	186	211	180
Criminal Running List—from setting down to hearing	90	85	117	90
Civil Fixture—from application to fix date to hearing§	180	216	216	200
Civil Running List—from setting down to hearing	90	120	154	90
Appeals from magistracies—from lodging of Notice of Appeal to hearing	90	118	95	90
District Court				
Criminal—from first appearance of defendants in District Court to hearing	100	56	92	100
Civil—from date of listing to hearing	120	82	78	120
Family Court				
Dissolution of marriage—from setting down to hearing				
For undefended list	56	39	53	56
For special procedure list	35	26	33	30
For defended list (one day hearing)	110	84	75	110
Preliminary vetting of application for directions for trial‡	30	30	25	—
Issue of Decree Absolute‡	21	10	12	—
Approval of draft orders‡	7	7	7	—
Vetting of ex-parte applications‡	7	7	7	—
Vetting of petitions before filing‡	3	3	3	—
Financial Applications—from filing of summons to hearing	110–140	84–91	68	100–140
Lands Tribunal—from setting down of a case to hearing				
Appeal cases	100	26	22	80
Compensation cases	100	29	18	80
Building Management cases	100	26	19	80
Tenancy cases	60	28	26	60
Magistracies—from plea to date of trial				
Summons	50	46	42	50
Charge Cases—				
For defendants in custody	30–45	39	27	30–45
For defendants on bail	45–60	51	33	45–60
Coroner's Court—from receipt by the Coroner of a completed death report or the expiry of the period prescribed for the receipt of any representation (whichever date is later) to hearing				
	42	41	45	42
Labour Tribunal—				
from appointment to filing of a case ..	30	11	14	20
from filing of a case to first hearing...	30	21	24	30
Small Claims Tribunal—from filing of a case to first hearing				
	60	42	40	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	2	2	5
from referral by a magistrate to commencement of determination of the subject matter of a court case	21	17	23	21
from receipt of application to review .	35	29	24	35

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	Target#	2000 (Actual)	2001 (Actual)	2002 (Plan)
from receipt of application to reconsideration.....	35	20	20	35
# The targets have been set in accordance with the recommendations made by the Court Users' Committees or are laid down in the respective ordinances or court rules.				
† The waiting time of the Court of Final Appeal is affected by the availability of non-permanent judges and counsel's diary.				
@ The waiting time for civil appeals in the Court of Appeal of the High Court in 2001 was seriously affected by the increased number of applications for leave to appeal out of time and appeals on refusal for leave for judicial review in connection with right of abode cases.				
^ The waiting time of criminal fixture cases in the Court of First Instance of the High Court in 2001 deteriorated because the number of lengthy trials had increased.				
§ The waiting time of the civil fixture cases in the Court of First Instance of the High Court in 2001 had shown no improvements despite the increase in the jurisdiction of the District Court because there was a large increase in bankruptcy cases in the year, for which the High Court had exclusive jurisdiction.				
‡ These items will be deleted in 2002 as they are not related to the waiting time for court hearing.				

Indicators

	2000 (Actual)	2001 (Actual)	2002 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
Application for leave to appeal.....	59	68	70
Appeal	38	23	20
Court of Appeal of the High Court			
Criminal Appeals.....	533	590	520
Civil Appeals.....	1 125	4 154	4 100
Court of First Instance of the High Court			
Criminal Jurisdiction			
Criminal Cases	416	433	430
Confidential Miscellaneous Proceedings‡.....	88	68	70
Appeals from Magistracies.....	1 359	1 348	1 380
Civil Jurisdiction			
Probate Cases	29 132	32 609	33 300
Magistracies	11 037	10 939	11 060
District Court			
Criminal Cases	1 229	1 192	1 150
Civil Cases.....	32 515	36 748	42 000
Divorce Jurisdiction	14 459	15 742	14 410
Small Claims Tribunal.....	64 348	60 312	63 000
Labour Tribunal.....	9 611	10 450	10 500
Obscene Articles Tribunal§	166 148	270 032	270 000
Coroner's Court.....	184	160	180
Lands Tribunal	5 594	6 433	6 520
Magistracies	381 956	341 644	327 500

‡ The figures have been included in criminal cases in previous Controlling Officer's Reports.

§ The figures are calculated by number of articles.

6 It should be noted that the number of cases alone is not a true reflection of the court's workload. Specifically, in recent years cases before the courts have grown in complexity and have generally taken longer to conclude. The Judiciary will continue to explore ways of maximising the productivity of the court through such means as improving the listing system, the use of modern technology and pre-trial reviews.

7 The significant increase in civil appeals in the Court of Appeal of the High Court in 2001 is mainly due to the upsurge in the number of appeals on the refusal of leave for judicial review on right of abode cases.

8 Despite the increase in financial jurisdictional limits on District Court, the civil jurisdiction caseload of the Court of First Instance of the High Court remains steady in 2001. It is mainly due to a 140% increase in bankruptcy petitions and a 40% increase in applications for leave for judicial review on right of abode cases.

9 There was a substantial reduction during the second quarter of 2001 in the number of cases filed by the Inland Revenue Department (IRD) at the District Court for recovery of tax payments due to some computer enhancement work being carried out in IRD. The number of non-IRD civil cases recorded a 38% increase during September 2000 to July 2001 compared with the same period in the previous year.

10 The significant increase in caseload in the Obscene Articles Tribunal in 2001 is mainly due to the increased number of articles referred to the Tribunal for determination.

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Matters Requiring Special Attention in 2002–03

11 In 2002–03, the Judiciary will:

- cope with the civil appeals of the Court of Appeal of the High Court arising from the right of abode issue through redeployment of resources;
- continue to make effort to improve the waiting times for criminal and civil fixture cases in the Court of First Instance of the High Court, which have been affected by the high caseload and the increased complexity of cases that require longer trial periods;
- cope with the workload of the Labour Tribunal arising from the economic situation through redeployment of resources; and
- monitor the implementation of the increase in the civil jurisdictional limit of the District Court with a view to assessing the need for a further increase.

Programme (2): Support Services for Courts' Operation

	2000–01 (Actual)	2001–02 (Approved)	2001–02 (Revised)	2002–03 (Estimate)
Financial provision (\$m)	254.6	281.6 (+10.6%)	267.2 (–5.1%)	272.9 (+2.1%)

Aim

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

Brief Description

13 The Judiciary support services are required to support hearing of cases in court and to carry out court orders. The operational objectives are to:

- provide effective court reporting services for court proceedings and produce transcripts for these proceedings;
- ensure that both the Chinese and English languages can be used in the court system;
- provide efficient and effective bailiff services to the public;
- keep the best legal reference books and research materials for the use of judges, judicial officers and the legal profession; and
- implement the Judiciary Information Systems Strategy (JISS) to enhance the efficiency of court support services.

14 In 2001, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators is satisfactory.

15 The key performance measures are:

Indicators

	2000 (Actual)	2001 (Actual)	2002 (Estimate)
<i>Reporting and Transcription</i>			
Number of cases covered			
Criminal	405 890	357 736	360 000
Civil	86 475	81 711	80 000
Number of cases with transcripts produced as required by trial judges and/or Court of Appeal			
Criminal	5 199	4 981	4 800
Civil	1 170	1 548	1 500
<i>Interpretation and Translation</i>			
Number of pages of certification/translation processed by Court Interpreters			
	462 964	473 933	500 000
<i>Bailiff Service</i>			
Number of executions attempted			
	38 416	33 492	33 500
Number of summons services attempted			
	99 321	89 965	80 000
<i>Library</i>			
Number of library materials acquired and processed in a year			
	24 983	23 969	25 000
Attendances at the Library			
	77 885	85 523	100 000

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	Implementation date		
	2000	2001	2002 (Estimate)
<i>JISS</i>			
Phase III			
Coroner's Court Case Management System.....	February		
Enhancement to the Case and Summons Management System for Magistracies and Resources and Operations Management Automation		June	
Lands Tribunal Case Management System	September		
Labour Tribunal Case Management System.....	November		
Public Payment System		April	
Public Information System		December	

Matters Requiring Special Attention in 2002–03

16 In 2002–03, the Judiciary will:

- enhance the Legal Reference System and provide remote access to the system for judges and judicial officers;
- improve facilities for the jury, particularly in circumstances where they have to retire for overnight deliberations;
and
- make continuous improvements in work processes in registries to enhance efficiency.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2000-01 (Actual) (\$m)	2001-02 (Approved) (\$m)	2001-02 (Revised) (\$m)	2002-03 (Estimate) (\$m)
(1) Courts and Tribunals.....	685.0	746.2	748.8	764.9
(2) Support Services for Courts' Operation.....	254.6	281.6	267.2	272.9
	939.6	1,027.8 (+9.4%)	1,016.0 (-1.1%)	1,037.8 (+2.1%)

Analysis of Financial and Staffing Provision

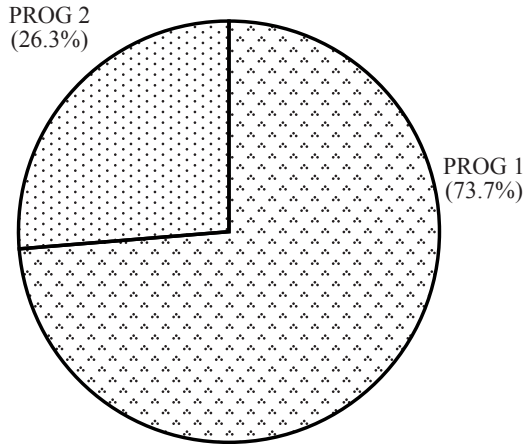
Programme (1)

Provision for 2002-03 is \$16.1 million (2.2%) higher than the revised estimate for 2001-02. This is mainly due to salary increments for staff, full-year provision for posts created and vacancies filled in 2001-02, the creation of four permanent and one supernumerary posts in 2002-03 for the Labour Tribunal and the Master's Office of the High Court, as well as increased operating expenses for court buildings and for outsourcing of departmental information technology activities. The increase in expenditure is partly offset by the deletion of 12 posts and reduced operating expenditure under the Enhanced Productivity Programme.

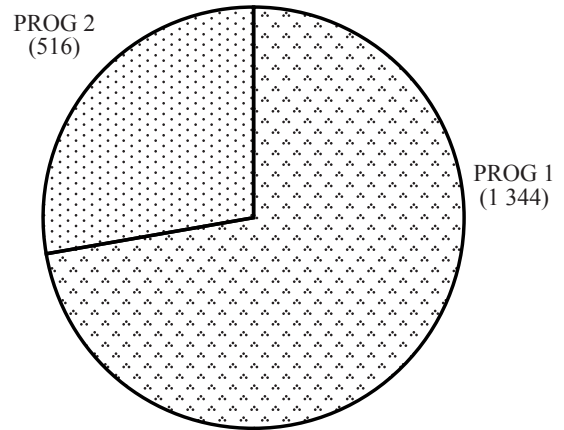
Programme (2)

Provision for 2002-03 is \$5.7 million (2.1%) higher than the revised estimate for 2001-02. This is mainly due to salary increments for staff, full-year provision for posts created and vacancies filled in 2001-02, a net creation of two posts in 2002-03 for improved support services, as well as increased requirement for contract services. The increase in expenditure is partly offset by the deletion of 16 posts and reduced operating expenditure under the Enhanced Productivity Programme.

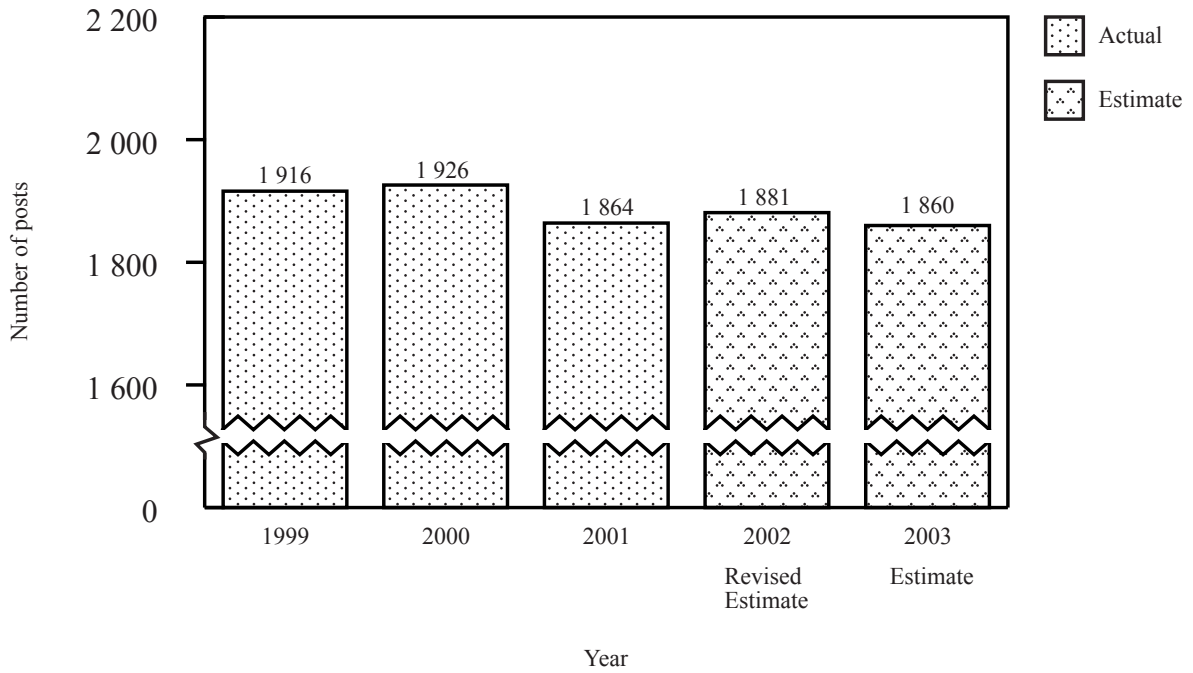
Allocation of provision to programmes (2002-03)



Staff by programme (as at 31 March 2003)



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



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Sub-head (Code)	Actual expenditure 2000-01	Approved estimate 2001-02	Revised estimate 2001-02	Estimate 2002-03	
	\$'000	\$'000	\$'000	\$'000	
Recurrent Account					
I — Personal Emoluments					
001	Salaries	729,398	749,970	750,618	752,849
002	Allowances	16,979	18,061	19,870	18,140
007	Job-related allowances	4,164	4,239	4,075	4,230
	Total, Personal Emoluments	<u>750,541</u>	<u>772,270</u>	<u>774,563</u>	<u>775,219</u>
II — Personnel Related Expenses					
029	Cash allowance in lieu of housing benefits	5,169	7,019	6,009	6,990
	Total, Personnel Related Expenses	<u>5,169</u>	<u>7,019</u>	<u>6,009</u>	<u>6,990</u>
III — Departmental Expenses					
111	Hire of services and professional fees	68,992	94,917	89,747	104,837
149	General departmental expenses	93,799	118,353	115,003	117,771
	Total, Departmental Expenses	<u>162,791</u>	<u>213,270</u>	<u>204,750</u>	<u>222,608</u>
IV — Other Charges					
206	Expenses of witnesses and jurors	7,651	8,541	8,290	8,541*
	Total, Other Charges	<u>7,651</u>	<u>8,541</u>	<u>8,290</u>	<u>8,541</u>
V — Subventions					
447	Magistrates poor box	3	8	8	8
	Total, Subventions	<u>3</u>	<u>8</u>	<u>8</u>	<u>8</u>
	Total, Recurrent Account	<u>926,155</u>	<u>1,001,108</u>	<u>993,620</u>	<u>1,013,366</u>
Capital Account					
I — Plant, Equipment and Works					
600	Works	33	201	201	193
603	Plant, vehicles and equipment	1,856	7,355	3,400	3,812
613	Law library acquisitions (block vote)	9,444	11,000	11,000	11,000
661	Minor plant, vehicles and equipment (block vote)	134	3,170	2,534	4,576
	Total, Plant, Equipment and Works	<u>11,467</u>	<u>21,726</u>	<u>17,135</u>	<u>19,581</u>
II — Other Non-Recurrent					
700	General other non-recurrent	1,998	5,011	5,267	4,835
	Total, Other Non-Recurrent	<u>1,998</u>	<u>5,011</u>	<u>5,267</u>	<u>4,835</u>
	Total, Capital Account	<u>13,465</u>	<u>26,737</u>	<u>22,402</u>	<u>24,416</u>
	Total Expenditure	<u><u>939,620</u></u>	<u><u>1,027,845</u></u>	<u><u>1,016,022</u></u>	<u><u>1,037,782</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2002–03 for the salaries and expenses of the Judiciary is \$1,037,782,000. This represents an increase of \$21,760,000 over the revised estimate for 2001–02 and of \$98,162,000 over actual expenditure in 2000–01.

Recurrent Account

Personal Emoluments

2 Provision of \$775,219,000 for personal emoluments represents an increase of \$656,000 over the revised estimate for 2001–02. This includes provision of \$331,000 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal.

3 The establishment at 31 March 2002 will be 1 880 permanent posts and one supernumerary post. It is expected that a net 22 permanent posts will be deleted and one supernumerary post created in 2002–03.

4 Subject to certain conditions, the controlling officer may under delegated powers create or delete non-directorate posts during 2002–03, but the notional annual mid-point salary value of all such posts must not exceed \$474,019,000.

5 Provision of \$18,140,000 under *Subhead 002 Allowances* is for standard allowances, the consolidated overtime allowance for Chauffeur grade, and the following non-standard allowances—

	<i>Rank</i>	<i>Rate per month \$</i>
consolidated overtime allowance for domestic staff at the residence of the Chief Justice of the Court of Final Appeal	Chief Steward	4,400
	Head Chef	4,400
	No. 2 Chef	3,810
	Domestic Servant	2,870

Rate

judicial dress allowance	\$1,300 for Justices of Appeal and \$28,100 for Judges of the Court of First Instance of the High Court on promotion from the Court of First Instance of the High Court and the District Court respectively; and \$39,100 for Judges of the Court of First Instance of the High Court, \$13,600 for Masters and \$14,000 for District Judges on first appointment.
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special allowance for District Judges and Magistrates appointed as Deputy Judges of the Court of First Instance of the High Court and Deputy District Judges	calculated on salary differentials.
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The decrease of \$1,730,000 (8.7%) against the revised estimate for 2001–02 is mainly due to the increased spending on acting allowance in 2001–02, which will not be required in 2002–03 upon the filling of the vacancies involved.

6 Provision of \$4,230,000 under *Subhead 007 Job-related allowances* is for standard job-related allowances and the following non-standard job-related allowances—

	<i>Rate</i>
extraneous duties allowance (responsibility) for Magistrates whose substantive salaries are below the first point of the Directorate Pay Scale during their posting as Deputy Registrar in the District Court, Coroners, Presiding Officers in the Labour Tribunal or Adjudicators in the Small Claims Tribunal	calculated on salary differentials.
extraneous duties allowance (responsibility) for Justices of Appeal of the Court of Appeal of the High Court appointed as Vice-Presidents of the Court of Appeal of the High Court	at a monthly rate of \$6,300.
extraneous duties allowance (responsibility) for Justices of Appeal of the Court of Appeal of the High Court sitting as non-permanent Judges of the Court of Final Appeal	at a daily rate of \$1,050.

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Personnel Related Expenses

7 Provision of \$6,990,000 under *Subhead 029 Cash allowance in lieu of housing benefits* is for the payment of a non-accountable cash allowance to judicial officers at the level of District Judge or above in lieu of housing benefits. The increase of \$981,000 (16.3%) over the revised estimate for 2001–02 is mainly due to the full-year provision for new entrants to the scheme in 2001–02.

Departmental Expenses

8 Provision of \$104,837,000 under *Subhead 111 Hire of services and professional fees* includes provision for the engagement of Non-permanent Judges of Court of Final Appeal, Deputy Judges of the Court of First Instance of the High Court, Deputy District Judges, Deputy Magistrates, Deputy Special Magistrates, adjudicators of the Obscene Articles Tribunal, members of the Mental Health Review Tribunal, interpreters, translators and audio recording and transcript production service. The increase of \$15,090,000 (16.8%) over the revised estimate for 2001–02 is mainly due to the full-year provision for outsourcing of departmental information technology activities and increased requirement for contract services upon commissioning of two new magistracy buildings and arising from the devolution of responsibility from the Government Property Agency for management of cleansing contracts, partly offset by savings in information technology contract staff expenses under the Enhanced Productivity Programme.

Other Charges

9 Provision of \$8,541,000 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.

Subventions

10 Provision of \$8,000 under *Subhead 447 Magistrates poor box* is to meet occasional payments authorised by magistrates for the relief of poor and needy persons who appear in court.

Capital Account

Plant, Equipment and Works

11 Provision of \$11,000,000 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.

12 Provision of \$4,576,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$2,042,000 (80.6%) over the revised estimate for 2001–02. This is mainly due to the increased requirements for minor equipment in court buildings.

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Capital Account

Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2001	Revised estimated expenditure for 2001-02	Balance
			\$'000	\$'000	\$'000	\$'000
600		<i>Works</i>				
	216	Modification and refurbishment works of the jury recess rooms	2,900	2,506	201	193
603		<i>Plant, vehicles and equipment</i>				
	217	Provision of basic office equipment to court buildings	2,600	1,871	300	429
	218	Installation of audio-visual presentation system in courtrooms.....	5,400	1,967	2,100	1,333
	220	Replacement of air-conditioning units for Kwun Tong Magistracy.....	4,862	700	1,000	3,162
			<u>12,862</u>	<u>4,538</u>	<u>3,400</u>	<u>4,924</u>
700		<i>General other non-recurrent</i>				
	517	Replacement of flags, emblems, etc of court buildings	6,600	1,398	1,500	3,702
	518	Compilation of an English-Chinese glossary of terms commonly used in courts.....	1,705	934	618	153
	520	Production of videos.....	2,800	1,092	508	1,200
	521	Pilot scheme on family mediation	7,500	1,448	2,641	3,411
			<u>18,605</u>	<u>4,872</u>	<u>5,267</u>	<u>8,466</u>
		Total	<u>34,367</u>	<u>11,916</u>	<u>8,868</u>	<u>13,583</u>