

For information

**Legislative Council Panel on
Administration of Justice and Legal Services**

Court Waiting Times

Purpose

The purpose of this paper is to update Members on the present position of waiting times at all levels of court.

Court Waiting Times in 2007

2. The Judiciary has been monitoring the waiting times at all levels of court, and deploying necessary resources to keep their waiting times within targets as far as practicable. The average waiting time for all levels of court in 2006 and 2007 are set out in the Annex.

3. Overall, the Judiciary has been able to keep the court waiting times within targets for 2007. There are a number of pressure areas and their waiting times have exceeded the targets. In this connection, the Judiciary has been taking necessary measures to improve the waiting times. Details are set out in the following paragraphs.

Family Court

4. Over the past few years, there has been a substantial increase in the caseload of the Family Court. The caseload was 18,544 in 2006 and 18,131 in 2007, which represented an increase of 9% and 7% over the caseload of 16,974 in 2005 respectively. The majority of cases are cases on the special procedure list of dissolution of marriage and financial applications. Despite the increase in caseload, their respective average waiting times were within targets in 2007. The waiting time for the defended list (one day hearing) of dissolution of marriage was 119 days in 2007 which exceeded the target of 110 days. Though the number of such cases was small, we have been taking actions to deal with the overall increased workload at the Family Court. Additional resources, in terms of

an additional District Judge for the Family Court, have been provided for in the 2008-09 Draft Estimates for this purpose.

Lands Tribunal

5. Regarding the Lands Tribunal, the majority of cases are appeals, tenancy cases and building management cases. Their respective average waiting times were within targets in 2007. The waiting time for compensation cases was 141 days in 2007 which exceeded the target of 100 days. Though the number of the compensation cases was very small, we have been taking actions to address the overall workload at the Lands Tribunal. Additional temporary judicial resources, in terms of an additional Deputy District Judge, were deployed to the Tribunal in late 2007 to help to shorten the waiting time of compensation and other cases. Improvements have since been observed, with the average waiting time of the compensation cases reduced from 141 days in 2007 to 117 days for the period between September 2007 and February 2008. Resources are also made available in the 2008-09 Draft Estimates to enable the continual deployment of additional temporary judicial resources to improve the waiting times of compensation and other cases in the Lands Tribunal.

Magistrates' Courts

6. In 2007, the caseload at the Magistrates' Courts reached a record of 314,214 in 2007, which represented an increase of 15,957 cases (5%) over the caseload of 298,257 in 2006. Due to the upsurge in caseload and the increasing complexity of some of the cases heard by the Magistrates Courts, the average waiting times for the Magistrates' Courts could not meet the targets in 2007.

7. We have put in place measures to improve the situation. Six newly recruited Special Magistrates took office in mid 2007 and additional temporary judicial resources, in terms of two additional Deputy Magistrates and two additional Deputy Special Magistrates, were also deployed between late 2007 and early 2008 to improve the situation. As a result, all the waiting times of the Magistrates' Courts have been reduced over the past six months. The waiting times for charge cases for the period between September 2007 and February 2008 are within targets, i.e. 40 days for defendants in custody and 58 days for defendants on bail, while the waiting time for summons is reduced from 95 days in 2007 to 74 days for the same period. The Judiciary

has included in the 2008-09 Draft Estimates financial provisions for the engagement and deployment of temporary judicial and support staff resources at the Magistrates' Courts with a view to improving the waiting times.

Looking Ahead

8. We would continue to monitor the waiting times at all levels of court closely, deploy necessary resources and take necessary measures to keep them within targets as far as practicable.

Judiciary Administration
March 2008

Court Waiting Times

<u>Average Waiting Time (days)</u>	<u>Target</u>	<u>2006</u>	<u>Actual</u>	<u>2007</u>
<u>Court of Final Appeal</u>				
Application for leave to appeal				
Criminal-from notice of hearing to hearing	45	46		40
Civil-from notice of hearing to hearing	35	38		37
Substantive appeal				
Criminal-from notice of hearing to hearing	100	69		78
Civil-from notice of hearing to hearing	120	91		110
<u>Court of Appeal of the High Court</u>				
Criminal-from setting down of a case to hearing	50	46		50
Civil-from application to fix date to hearing	90	100		87
<u>Court of First Instance of the High Court</u>				
Criminal Fixture-from filing of indictment to hearing.....	120	119		109
Criminal Running List-from setting down of a case to hearing	90	66		57
Civil Fixture-from application to fix date to hearing.....	180	124		114
Civil Running List-from setting down of a case to hearing.....	90	64		61
Appeals from Magistrates' Courts-from lodging of Notice of Appeal to hearing	90	87		91
<u>District Court</u>				
Criminal-from first appearance of defendants in District Court to hearing.	100	117		98
Civil-from date of listing to hearing.....	120	125		58
<u>Family Court</u>				
Dissolution of marriage-from setting down of a case to hearing				
Special procedure list	35	45		33
Defended list (one day hearing)	110	115		119
Financial Applications-from filing of summons to hearing	110-140	101		83

<u>Average Waiting Time (days)</u>	<u>Target</u>	<u>Actual</u>	
		<u>2006</u>	<u>2007</u>
<u>Lands Tribunal</u> -from setting down of a case to hearing			
Appeal cases.....	100	57	83
Compensation cases	100	85	141
Building Management cases	100	48	54
Tenancy cases.....	60	40	41
<u>Magistrates' Courts</u> -from plea to date of trial			
Summons	50	95	95
Charge Cases—			
for defendants in custody.....	30-45	42	47
for defendants on bail.....	45-60	66	64
<u>Coroner's Court</u> -from date of listing to hearing			
	42	43	36
<u>Labour Tribunal</u> —			
from appointment to filing of a case	30	12	10
from filing of a case to first hearing.....	30	25	25
<u>Small Claims Tribunal</u> -from filing of a case to first hearing			
	60	43	42
<u>Obscene Articles Tribunal</u> —			
from receipt of application to classification	5	2	2
from referral by a magistrate to determination	21	19	17