

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

**Judicial Manpower Situation at Various Levels of Court  
and  
Various Matters Relating to Judges and Judicial Officers**

**PURPOSE**

This paper seeks to provide the relevant information and the Judiciary's view on the following issues:

- (I) The judicial manpower situation at various levels of court;
- (II) The mechanism for judicial remuneration review;
- (III) Judicial education for Judges and Judicial Officers ("JJOs"); and
- (IV) Application of information technology ("IT") in conducting court proceedings to help enhance support to JJOs.

**BACKGROUND**

2. The issues above were last discussed by Members of the Legislative Council ("LegCo") Panel on Administration of Justice and Legal Services ("the Panel") in June 2011 (for item I) and October 2011 (for item II), and during the Panel's visit to the Judiciary in February 2012 (for items III and IV). The Panel requested to be further briefed on the above issues.

**I. JUDICIAL MANPOWER SITUATION AT VARIOUS LEVELS OF COURT**

3. The Panel has requested to be briefed on the judicial manpower situation at various levels of court, including a review of its establishment

having regard to operational requirements, court waiting times and population size. Statistical information on court waiting times and the number of occasions where deputy judges were engaged in the interim before substantive appointments were made is also requested. The relevant information is set out in paragraphs 4 – 27 below.

## **Judicial Manpower Planning**

4. The Chief Justice of the Court of Final Appeal (“Chief Justice”) is the head of the Judiciary, the institution responsible for the administration of justice in Hong Kong. JJOs are key persons in the administration of justice. It is imperative that the appropriate level of provision for judicial positions and sufficient JJOs of the highest standards of ability and integrity are available to enable the discharge of this vital constitutional function.

5. Since the current Chief Justice assumed office on 1 September 2010, the planning of judicial manpower intake and succession at various levels of court has been one of his top priorities. The Chief Justice has been taking a series of actions in this regard, and such actions are described below.

6. First, the Chief Justice took the view that of paramount importance was the substantive appointment of the most suitable person as the Chief Judge of the High Court (“CJHC”)<sup>1</sup>. During the period from September 2010 to December 2010, the Judicial Officers Recommendation Commission (“JORC”), chaired by the Chief Justice, held three meetings to consider and make the recommendation on the person to be appointed as the CJHC. After the Chief Executive accepted the JORC’s recommendation, the necessary constitutional process was completed in the first half of 2011. The appointee, Mr. Justice Andrew CHEUNG, assumed the position of CJHC on 20 June 2011.

7. In parallel, the Chief Justice has started to plan for filling the vacancies at various levels of courts, including the elevating of suitable judges to the appellate court<sup>2</sup> and the conducting of a series of open

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<sup>1</sup> The CJHC is the Court Leader of the High Court. The office of CJHC became vacant on 1 September 2010 when Chief Justice Geoffrey MA, who was the CJHC immediately prior to that date, assumed the position of Chief Justice and vacated the office of CJHC on the same date.

<sup>2</sup> The policy of the Judiciary is to appoint only internal candidates to the appellate courts. Since September 2010, three judges have been appointed as Justices of Appeal of the High Court by the Chief Executive on the recommendation of JORC; and the three proposed senior appointments to the Court of Final Appeal are now being processed in accordance with the constitutional framework and procedures.

recruitment exercises for judicial vacancies at the Court of First Instance of the High Court (“CFI”) and below<sup>3</sup>.

8. The Chief Justice is of the view that the timing and frequency of recruitment exercises need to be carefully planned so as to achieve optimum results. In deciding to start the current round of recruitment exercises in June 2011, the following considerations have been taken into account:

- (a) The Chief Justice has given due regard to the number of vacancies that the Judiciary had and would have (arising from elevation of JJOs to higher levels of court and retirements) at various levels of courts. It is impracticable to conduct an open recruitment exercise each time that one or a few vacancies arise(s);
- (b) This round of recruitment exercises would follow closely the completion of the last round of open recruitment exercises which started in 2008-2009 (with appointees taking up judicial positions during the period from September 2009 to February 2011);
- (c) The timing of the series of recruitment exercise should enable the optimal deployment of judicial input and support services in conducting the various exercises.

9. Accordingly, the Chief Justice decided that the current round of recruitment exercises should start in 2011-2012 for completion in 2012-2013 as follows:

- (a) The recruitment of Special Magistrates to start in June 2011;
- (b) The recruitment of Permanent Magistrates to start in September 2011;
- (c) The recruitment of District Judges (“DJs”) to start in December 2011; and
- (d) The recruitment of CFI Judges to start in March 2012.

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<sup>3</sup> In January 2011 at the ceremonial opening of the Legal Year 2011, the Chief Justice already stated that “[t]here will be, in the next few years, a number of judges reaching retirement age at all levels of court. Quality, and the highest standards of ability and integrity, will be maintained. We are in the course of finalizing plans for the recruitment exercises.”

## Judicial Manpower Situation

### *Establishment and Strength of the JJOs*

10. As at 15 May 2012, 148 of the 189 judicial posts are filled substantively and there are 41 vacancies. The breakdown of these figures by levels of court is at Enclosure I.

11. It is however noteworthy that out of these 41 vacancies, 13 Permanent Magistrates vacancies would not or could not be filled for the time being for the following reasons –

- (a) There is operational requirement for seven Principal Magistrates only (one each for the seven Magistrates' Courts) and the remaining two Principal Magistrate vacancies would not be filled for the time being; and
- (b) The number of vacancies at the Magistrate level that could be filled is constrained by the number of available courtrooms in the Magistrates' Courts<sup>4</sup>. Due to this constraint, 11 Permanent Magistrate vacancies could not be filled for the time being pending the completion of the West Kowloon Law Courts Building.

Accordingly, as at 15 May 2012, the total number of fillable vacancies for all levels of courts is 28 and the number of fillable Permanent Magistrate vacancies is 8.

### *Filling of Judicial Vacancies by Substantive Appointments*

12. Of the various recruitment exercises set out at paragraph 9 above, the Special Magistrate recruitment exercise has been completed recently and all the five selected candidates have assumed judicial office. As a result, all the 11 Special Magistrate posts are substantively filled.

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<sup>4</sup> With a view to providing adequate courtroom facilities to meet the Judiciary's operational needs, the Judiciary is actively pursuing the West Kowloon Law Courts Building ("WKLCB") project. In February 2012, approval was obtained from the LegCo Finance Committee for this project. Construction works has already started and is targeted to be completed by the end of 2015. The new WKLCB will co-locate the existing Tsuen Wan Magistrates' Courts, Small Claims Tribunal, Coroner's Court and Obscene Articles Tribunal, which are all under the Chief Magistrate's purview. The new WKLCB will increase the number of courtrooms by 12 (from 20 to 32). In addition, additional courtrooms (tentatively three) could be provided at the Eastern Magistrates' Courts after the Coroner's Court and Obscene Articles Tribunal, currently located there, are re-provisioned to the new WKLCB.

13. The remaining recruitment exercises for CFI Judges, DJs and Permanent Magistrates are in good progress. The Chief Justice is cautiously optimistic about the outcomes of these on-going recruitment exercises and hopes that, upon their completion, most of the vacancies would be substantively filled by suitable candidates.

#### *Deployment of Temporary Judicial Manpower*

14. The engagement and deployment of temporary judicial manpower has been a long standing practice adopted by the Judiciary for the following purposes:

- (a) To help maintain the level of necessary judicial resources pending the intake of substantive judicial manpower from the recruitment exercises;
- (b) To help reduce waiting times arising from additional demands due to fluctuations in workload which are beyond the control of the Judiciary; and
- (c) To provide opportunities for the deputy JJOs to gain judicial experiences at the relevant levels of court.

However, in making any temporary judicial appointments, the Chief Justice takes the view that it is of the utmost importance that the Judiciary will continue to maintain the highest standards that the public expects of the Judiciary.

15. In line with the established practice, the Judiciary has been engaging and will continue to engage temporary judicial resources as far as practicable to help maintain the level of judicial manpower required, and thereby help maintain court waiting times at reasonable levels and help reduce the court waiting times in some cases. The number of deputy JJOs appointed fluctuates according to operational needs. The duration of their sittings also varies.

16. As at 15 May 2012, a total of 69 deputy JJOs, comprising 36 deputies who were appointed from within the Judiciary to act in higher positions and 33 deputies appointed from outside the Judiciary, were engaged to cope with the court's workload.

## **Establishment Reviews**

17. The Judiciary is keenly aware of the importance of having adequate resources for the continued delivery of its mission to maintain an independent and effective judicial system which upholds the rule of law, safeguards the right and freedoms of the individual and commands confidence within and outside Hong Kong. To this end, the Judiciary has kept under constant review its judicial establishment and manpower situation having regard to operational needs, including the need to keep court waiting times within targets.

### ***2008 Review***

18. In July 2008, after a comprehensive review of the judicial manpower situation, the establishment of JJOs at various levels of court was substantially enhanced upon obtaining the approval of the LegCo Finance Committee to create a net addition of seven JJO posts – creation of one Justice of Appeal post, five CFI Judge posts, one Principal Family Court Judge post upgraded from a DJ post, one DJ post and one Deputy Registrar, District Court post; offset by the deletion of one Principal Magistrate post.

19. Since then, the establishment of JJOs has stood at 189<sup>5</sup> (Enclosure I).

### ***2011-2012 Review***

20. In 2011, the Judiciary conducted another comprehensive review of the judicial establishment and found that the judicial establishment at 189 posts was generally sufficient for its operational needs, having regard to its prevailing workload<sup>6</sup>.

21. In 2012, to cater for the increasing workload in the Lands Tribunal arising from more compulsory sale cases since 2009, the Judiciary has proposed to create two additional judicial posts of one DJ and one Member, Lands Tribunal for the Lands Tribunal in the current legislative session. The proposal is scheduled for discussion by the LegCo Establishment Subcommittee in June 2012. Subject to the approval of the LegCo Finance Committee of these two judicial posts, the establishment of JJOs will be increased to 191 by July 2012.

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<sup>5</sup> Excluding the Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.

<sup>6</sup> The matter of judicial establishment was discussed at the Panel meeting in June 2011.

22. Further, subject to the passage of the Competition Bill and the establishment of the Competition Tribunal within the Judiciary, two more additional judicial posts, namely, one CFI Judge post and one Deputy Registrar, High Court post will also be proposed for creation to enable the Judiciary to discharge its functions under the new setup.

### *The Next Establishment Review*

23. The Chief Justice takes the view that upon the completion of the current round of recruitment exercises in 2012-2013, it would be opportune time to conduct another comprehensive review of the judicial establishment. In assessing whether the judicial establishment is adequate, factors that would be taken into account include the trends of and the prevalent workload, the increasing complexity of the cases and the effects of the Civil Justice Reform. Consideration would also be given to any constraints posed by the number of courtrooms available to hear cases at various levels of courts. The Judiciary however takes the view that the size of the population is not a consideration in setting and reviewing establishment and manpower levels for the courts.

24. If the next review finds that the judicial establishment should be further enhanced, the Judiciary would put forward judicial manpower proposals to the Administration and the LegCo in accordance with the established mechanism and procedures.

### **Court Waiting Times**

25. The court waiting times for the various levels of court in 2011 is set out at Enclosure II. It should be noted that in the past year:

- (a) The court waiting time targets for the Court of the Final Appeal, the District Court (including those for the Family Court) and the Magistrates' Courts (except for summonses which marginally exceeded the target) and specialized court and tribunals have been met; but
- (b) The waiting times for cases in the High Court, both for the Court of Appeal and the CFI, have exceeded their targets in most of the cases. This was due to more complex, lengthy and re-fixed cases. It was also due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of the retirement of Judges and elevation of Judges to higher positions.

26. As far as the Court of Appeal is concerned, all judicial posts have been substantively filled since 13 December 2011. However, there remains some backlog of cases which accumulated over the past year or so, and the CJHC is giving top priority to deploying judicial resources for hearing criminal appeals.

27. As regards the CFI, the lengthening of waiting times for cases in 2011 was not due to the insufficient number of judicial posts but to the temporary shortfall of substantive judicial manpower. As mentioned in paragraph 13 above, the recruitment exercise for CFI Judges is well underway. To address the situation in the interim, the Judiciary has been making every effort to engage deputy judges who are considered suitable for appointment as Deputy High Court Judges from both within and outside the Judiciary to help reduce the waiting times.

## **II. THE MECHANISM FOR JUDICIAL REMUNERATION REVIEW**

### **The Issue**

28. In October 2011, the Panel was briefed on the Administration's proposal for the 2011-12 judicial service pay adjustment. The Panel noticed that the proposed judicial pay increase recommended by the Standing Committee on Judicial Salaries and Conditions of Service ("Judicial Committee") did not meet with the increase sought by the Judiciary, the difference being 0.01%. The Panel was of the view that there should be a consensual mechanism for judicial remuneration review.

29. The mechanism for judicial remuneration review and the Judiciary's views are set out in paragraphs 30 – 40 below.

### **The Review Mechanism**

30. In May 2008, the Chief Executive-in-Council decided to accept all the major recommendations of the Judicial Committee in respect of the institutional framework and mechanism for the determination of judicial remuneration. Under this new system for the determination of judicial remuneration (separate from that of the civil service), judicial remuneration is fixed by the Executive after considering recommendations by the Judicial Committee.



31. The Judiciary welcomes the Administration's decision on the new system, which represents an important recognition of the Judiciary's independent status and is consistent with that adopted in many jurisdictions in recognition of the independent status of the Judiciary.

32. The review of judicial pay is an annual exercise. The procedure for the annual judicial remuneration review exercise is as follows –

- (a) The Administration, Judicial Committee and Judiciary discuss and agree on the action timetable;
- (b) The Judiciary provides relevant information relating to JJOs for consideration by the Judicial Committee. (The information includes establishment and strength; responsibility, working conditions and workload; recruitment and retention; retirement and retirement benefits; benefits and allowances; and cost of increments.);
- (c) The Judiciary also informs the Judicial Committee of its position in respect of any judicial pay increase for the year; and
- (d) After the Judicial Committee has submitted its report (containing the recommendation on whether and how judicial pay for the year should be adjusted) to the Chief Executive, the Judiciary will provide its response to the recommendation for consideration by the Administration.

### **2011-12 Judicial Remuneration Review**

33. The pay increase for JJOs in 2011-12 was the first time that judicial pay was increased under the new mechanism for determining judicial remuneration since it was approved by the Chief Executive-in-Council in May 2008.

34. Judicial salary was frozen in 2009-10 and 2010-11. Both the Judiciary and the Judicial Committee agree that the cumulative effect of the private sector pay trends in 2009-10 and 2010-11 should be taken into account in determining the judicial pay adjustment for 2011-12, and have based their respective calculations on the same principles and the same set of data.

35. In the absence of any established calculation method, the Judicial Committee and the Judiciary have each adopted its own method of calculation.

36. The Judiciary has worked out the cumulative percentage of pay increase on a year-by-year basis, i.e. the percentage of adjustment for a year is rounded up to two places after the decimal point, and the rounded up figure forms the basis for calculating the percentage for the following year. Hence, the proposed judicial pay increase of 4.23%.

37. The rationale for the Judiciary's method of calculation is as follows:

- (a) There is need to work out the judicial pay adjustment calculation each year for the purpose of the annual judicial remuneration review;
- (b) To facilitate consideration of whether to seek pay increase for the year, the product of the multiplication is rounded up to two places after the decimal point (as other relevant figures, i.e. the pay trend indicators and the consolidated cost of increments, are all shown to two places after the decimal point); and
- (c) Where judicial pay increase is not sought in a year, the rounded up figure (having been used as the basis for not seeking judicial pay increase for that year) would be reserved; and would form the basis for judicial pay adjustment calculation in the following year.

38. According to the Report on Judicial Remuneration Review 2011 by the Judicial Committee, as judicial salary remain unchanged in 2009 and 2010, the Judicial Committee considered it appropriate to take into account the cumulative effect of the private sector pay trends in 2009, 2010 and 2011 in succession. Therefore, the calculation for the relevant years was carried out in succession and without any rounding-up for each of the interim years. As a result, the percentage of pay increase recommended by the Judicial Committee was 4.22%.

39. In response to the Judicial Committee's recommendation, the Judiciary has informed the Administration of the reasons for the calculation method adopted by the Judiciary as set out in paragraphs 36 – 37 above. The Judiciary has also conveyed to the Administration the Chief Justice's view that the Judiciary would leave it to the Administration to decide on

seeking judicial pay increase of 4.23% or 4.22% in 2011-12.

40. The Judiciary is of the view that the situation described above has arisen in the absence of an established method for calculating the cumulative effect of private sector pay trends for the years in which judicial salary remain unchanged. The different percentages of judicial pay increase proposed by the Judiciary and recommended by the Judicial Committee are the result of the different arithmetical approaches adopted, and do not represent any fundamental differences regarding matters of principle. With the experience of the 2011-12 judicial remuneration review, the Judiciary has no difficulty with adopting the “calculation in succession” method as adopted by the Judicial Committee in the event of a similar situation in future.

### **III. JUDICIAL EDUCATION FOR JUDGES AND JUDICIAL OFFICERS**

41. During the Panel’s visit to the Judiciary in February 2012, some Members enquired about the sufficiency of judicial training and education for JJOs to help bring their legal knowledge up-to-date.

42. Judicial education for JJOs is planned and implemented by the Judicial Studies Board (“JSB”) appointed by the Chief Justice. Over the years, the JSB has organized a wide variety of judicial training for JJOs at all levels of courts including talks by prominent speakers from both overseas and the local community on a wide range of legal subjects, attendance at overseas and local conferences and courses on many different areas and topics, internal conferences and seminars (such as sentencing conferences for DJs and Magistrates), English and Chinese judgment writing courses and various language training and skilled based courses (such as computer courses), etc. Indeed, a comprehensive list of JSB training activities for the year is annexed to the annual report of the Judiciary for that year.

43. The Chief Justice accords top priority to judicial education and seeks its continual enhancement to keep abreast of the changing needs of the JJOs and in the light of developments in other common law jurisdictions.

44. The following additional steps were/are being taken to further the development of judicial education in Hong Kong:

- (a) The Chairman of the JSB (Mr. Justice Stock, Vice-President of the Court of Appeal of the High Court) visited Australia and the United Kingdom in 2011 for the purposes of studying their judicial education systems and exchanging views with the officials concerned;
- (b) Since January 2012, the Chief Justice has personally led a small panel comprising a few senior judges and the Judiciary Administrator to discuss possible means to enhance judicial education. Various new initiatives are being explored at the moment, including:
  - (i) A well-structured mentorship scheme for newly appointed JJOs and deputy JJOs to assist them in assuming the responsibilities required of their offices and positions;
  - (ii) A well-structured induction programme for newly appointed District Judges and Magistrates; and
  - (iii) A new series of judgment writing seminars which meets the needs of both monolingual and bilingual JJOs.

45. Under the leadership of the Chief Justice, the panel as well as the JSB is engaged on a proactive exercise specifically directed at enhancement of judicial education and will continue to explore what new initiatives to that end may be required.

#### **IV. APPLICATION OF INFORMATION TECHNOLOGY IN CONDUCTING COURT PROCEEDINGS TO HELP ENHANCE LOGISTICAL SUPPORT TO JJOs**

46. During the Panel's visit to the Judiciary in February 2012, the issue of wider application of IT in conducting court proceedings to help enhance logistics support to JJOs was raised.

47. Most of the Judiciary IT systems have been developed in the 1990s and in use for more than 10 years. It is opportune time to take an overall and strategic review of the application of IT in the Judiciary. Starting in 2011, the Judiciary has commenced an Information Systems Strategy Study ("ISSS") with a view to formulating a long-term

Information Technology Strategy Plan (“IT Strategy Plan”) for the Judiciary in the years ahead.

48. The ISSS is conducted under the steer of a committee set up within the Judiciary headed by a Permanent Judge of the Court of Final Appeal. An external consultant has been engaged to assist in the conduct of the ISSS and formulation of the IT Strategy Plan. Apart from conducting extensive internal reviews and consultations with internal users including the JJOs on the future use of IT, the Judiciary has also been in liaison with the major court users, including the two legal professional bodies, on the possible use of IT in the court proceedings.

49. The primary objective of implementing the IT Strategy Plan is to provide more effective and efficient services to all stakeholders in support of the administration of justice through the application of up-to-date technology to enhance logistical support to JJOs, court staff and court users and through process reengineering brought about by the wider use of IT. It is envisaged that many of the court and related ancillary processes could be performed in a more effective and efficient manner with appropriate support in IT.

50. JJOs are one of the key internal stakeholders in this regard. It can be expected that through suitable application of IT and automated workflow, their work will be better supported. In particular, case management capability would be enhanced through the use of electronic means and other modern technologies to be made available inside the courtrooms, such as the use of electronic bundles. Their work outside the courtrooms will also be better supported, e.g. judgment writing and legal research will be better facilitated by the adoption of appropriate IT equipment and applications.

51. To engage stakeholders in the formulation of the IT Strategy Plan, the Judiciary is currently in the process of consulting institutional stakeholders, including both branches of the legal profession and relevant government departments and organizations on the consultants’ preliminary proposals in the IT Strategy Plan. The Judiciary intends to consult the Panel after consolidating the comments gathered in the consultation exercises.

**ADVICE SOUGHT**

52. Members are invited to note the contents of this paper.

Judiciary Administration  
May 2012

**Establishment, Strength and Vacancy of JJOs  
(Position as at 15 May 2012)**

<b>Level of Court</b>	<b>Establishment</b>	<b>Strength</b>	<b>Vacancy</b>
<b>Court of Final Appeal</b>	<b>4*</b>	<b>4</b>	<b>0</b>
<b>Court of Appeal</b>	<b>11</b>	<b>11</b>	<b>0</b>
<b>Court of First Instance</b>	<b>32</b>	<b>22</b>	<b>10</b>
<b>High Court Masters' Office</b>	<b>10</b>	<b>3</b>	<b>7#</b>
<b>District Court (including Family Court &amp; Member, Lands Tribunal)</b>	<b>36</b>	<b>33</b>	<b>3</b>
<b>District Court Masters' Office</b>	<b>4</b>	<b>0</b>	<b>4^</b>
<b>Magistrates' Courts/ Specialized Court/ Other Tribunals</b>	<b>92</b>	<b>75</b>	<b>17</b>
<i>Permanent Magistrate</i>	<i>81</i>	<i>64</i>	<i>17</i>
<i>Special Magistrate</i>	<i>11</i>	<i>11</i>	<i>0</i>
<b>Total</b>	<b>189*</b>	<b>148</b>	<b>41</b>

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**Note:** \* Excluding one Permanent Judge post created for a Non-Permanent Judge of the Court of Final Appeal.

# Duties of the High Court Masters' Office are mostly taken up by District Judges deployed under the cross-posting policy.

^ Duties of the District Court Masters' Office are all taken up by Magistrates deployed under the cross-posting policy.

Δ 13 Permanent Magistrate vacancies cannot be filled for the time being mainly due to constraints arising from insufficient courtrooms.

**Court Waiting Times for Various Levels of Court in 2011**

	<b>Target</b>	<b>2011 (Actual)</b>
<i>Average Waiting Time (days)</i>		
Court of Final Appeal		
application for leave to appeal		
criminal—from notice of		
hearing to hearing .....	45	38
civil—from notice of hearing		
to hearing.....	35	30
substantive appeal		
criminal—from notice of		
hearing to hearing .....	100	95
civil—from notice of hearing		
to hearing.....	120	102
Court of Appeal of the High Court <sup>β</sup>		
criminal—from setting down of a		
case to hearing .....	50	53
civil—from application to fix date to		
hearing .....	90	117
Court of First Instance of the High Court <sup>§</sup>		
Criminal Fixture List—from filing		
of indictment to hearing.....	120	169
Criminal Running List—from		
setting down of a case to hearing....	90	79
Civil Fixture List—from application		
to fix date to hearing.....	180	231
Civil Running List—from setting		
down of a case to hearing .....	90	83
appeals from Magistrates' Courts—		
from lodging of Notice of Appeal		
to hearing.....	90	86
District Court		
criminal—from first appearance of		
defendants in District Court to		
hearing .....	100	86
civil—from date of listing to		
hearing .....	120	72



	Target	2011 (Actual)
Family Court		
dissolution of marriage—from setting down of a case to hearing		
Special Procedure List .....	35	33
Defended List (one day hearing).....	110	107
financial applications—from filing of summons to hearing.....	110-140	90
Lands Tribunal—from setting down of a case to hearing		
appeal cases.....	100	32
compensation cases .....	100	46
building management cases.....	100	35
tenancy cases.....	60	26
Magistrates' Courts—from plea to date of trial $\phi$		
summons .....	50	54
charge cases—		
for defendants in custody .....	30-45	38
for defendants on bail.....	45-60	51
Coroner's Court—from date of listing to hearing .....	42	40
Labour Tribunal—		
from appointment to filing of a case...	30	21
from filing of a case to first hearing ....	30	25
Small Claims Tribunal—from filing of a case to first hearing.....	60	38
Obscene Articles Tribunal—		
from receipt of application to classification .....	5	3
from referral by a magistrate to determination .....	21	21

$\beta$  The average waiting times for criminal appeals and civil appeals exceeded the target due to more complex, lengthy and refiled cases. It is also due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of the retirement of Judges. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting time. Since 13 December 2011, all vacancies at the Court of Appeal have been substantively filled.

- § The average waiting times for the Criminal Fixture List and Civil Fixture List exceeded the targets due to more complex and lengthy cases as well as more refixed cases. It is also due to the temporary constraints in the deployment of judicial manpower in the High Court as a result of elevation of Judges to higher positions and retirement of Judges. The Judiciary will be launching an open recruitment exercise for Court of First Instance Judges. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting time, including engaging temporary judicial resources where appropriate.
- φ The average waiting time for summonses exceeded the target marginally due to more complex cases. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time, including engaging temporary judicial resources where appropriate.