



司法機構政務處

Judiciary Administration

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本函檔號 Our Ref.: JUD SS 5-30/2/8

來函檔號 Your Ref.:

18 July 2017

Clerk to Establishment Subcommittee  
Legislative Council Complex  
1 Legislative Council Road  
Central  
Hong Kong  
(Attn: Ms Connie SZETO)

Dear Ms SZETO,

**Legislative Council Establishment Subcommittee**  
**Follow-up to meeting on 3 July 2017**

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At the meeting of the Establishment Subcommittee on 3 July 2017, Members requested the Judiciary Administration to provide supplementary information on the proposed creation of judicial posts and a supernumerary directorate post in the Judiciary. The relevant information is enclosed for Members' reference.

Yours sincerely,

(Mrs Connie Ngan)  
for Judiciary Administrator

Encls.

**Legislative Council Establishment Subcommittee  
Proposed Creation of 14 Permanent Judicial Posts and  
a Supernumerary Directorate Post in the Judiciary**

**Follow-up Issues of the Meeting held on 3 July 2017**

The Legislative Council Establishment Subcommittee discussed the proposed creation of 14 permanent judicial posts and a supernumerary directorate post in the Judiciary at the meeting on 3 July 2017. The Judiciary was requested to provide the following information:

- (a) the court waiting time targets and actual waiting times of all levels of courts and tribunals in the past three years;
- (b) backgrounds of the Judges and Judicial Officers (“JJOs”) recruited by the Judiciary, including the numbers of JJOs recruited from private legal practice and the Department of Justice, in the past three years; and
- (c) details of de-freezing a Principal Magistrate (“PM”) post in order to create a supernumerary Principal Executive Officer (“PEO”) post in February 2016 on a temporary basis, and arrangements relating to the de-frozen PM post after the creation of the supernumerary PEO post has been approved.

Our response to the request is set out below:

- (a) One of the operational objectives of the courts and tribunals is to ensure justice and expeditious adjudication of cases. To indicate the extent to which this operational objective has been achieved, waiting time targets as one of the performance indicators have been set in accordance with the recommendations of the Courts Users’ Committees or are laid down in the respective ordinances or court rules. They have been compared with the average waiting times to show how far they are met.

The targets and the average waiting times at various levels of courts for the past three years (i.e. from 2014 to 2016) are provided below: -

**Court Waiting Time\***

		<b>Average Waiting Time (days)</b>		
	<b>Target</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Court of Final Appeal</b>				
application for leave to appeal				
Criminal - from notice of hearing to hearing	<b>45</b>	41	42	42
Civil - from notice of hearing to hearing	<b>35</b>	32	31	33
substantive appeal				
Criminal - from notice of hearing to hearing	<b>100</b>	92	96	98
Civil - from notice of hearing to hearing	<b>120</b>	107	112	117
<b>Court of Appeal of the High Court</b>				
Criminal - from setting down of a case to hearing	<b>50</b>	51 <sup>^</sup>	53 <sup>^</sup>	46
Civil - from application to fix date to hearing	<b>90</b>	117 <sup>^</sup>	112 <sup>^</sup>	86
<b>Court of First Instance of the High Court</b>				
Criminal Fixture List - from filing of indictment to hearing	<b>120</b>	227 <sup>^</sup>	272 <sup>^</sup>	291 <sup>^</sup>
Criminal Running List - from setting down of a case to hearing	<b>90</b>	86	81	96 <sup>^</sup>
Civil Fixture List - from application to fix date to hearing	<b>180</b>	193 <sup>^</sup>	140	155
Civil Running List - from not-to-be-warned date to hearing	<b>30</b>	19	7	13
appeals from Magistrates' Courts - from lodging of Notice of Appeal to hearing	<b>90</b>	104 <sup>^</sup>	100 <sup>^</sup>	105 <sup>^</sup>

		Average Waiting Time (days)		
	Target	2014	2015	2016
<b>District Court</b>				
Criminal - from first appearance of defendants in District Court to hearing	<b>100</b>	63	79	118 <sup>^</sup>
Civil Fixture List - from date of listing to hearing	<b>120</b>	99	101	99
Civil Running List - from not-to-be-warned date to hearing	<b>30</b>	10	12	15
<b>Family Court</b>				
dissolution of marriage - from setting down of a case to hearing - Special Procedure List	<b>35</b>	32	34	34
Defended List (all hearings)	<b>110</b>	97	93	65
financial applications - from setting down of a case to hearing	<b>110-140</b>	84	91	86
<b>Lands Tribunal</b>				
- from setting down of a case to hearing				
appeal cases	<b>90</b>	25	36	30
compensation cases	<b>90</b>	37	63	41
building management cases	<b>90</b>	30	36	35
tenancy cases	<b>50</b>	22	28	26
<b>Magistrates' Courts</b>				
- from plea to date of trial				
summons	<b>50</b>	67 <sup>^</sup>	67 <sup>^</sup>	67 <sup>^</sup>
charge cases except for Juvenile Court -				
for defendants in custody	<b>30-45</b>	36	39	36
for defendants on bail	<b>45-60</b>	44	49	41
charge cases for Juvenile Court -				
for defendants in custody	<b>30-45</b>	45	72 <sup>^</sup>	49 <sup>^</sup>
for defendants on bail	<b>45-60</b>	45	60	39

		Average Waiting Time (days)		
	Target	2014	2015	2016
<b>Coroner's Court</b>				
- from date of listing to hearing	<b>42</b>	40	35	39
<b>Labour Tribunal</b>				
- from appointment to filing of a case	<b>30</b>	27	30	27
- from filing of a case to first hearing	<b>30</b>	25	25	26
<b>Small Claims Tribunal</b>				
- from filing of a case to first hearing	<b>60</b>	36	35	34
<b>Obscene Articles Tribunal</b>				
- from receipt of application to classification	<b>5</b>	3	4	3
- from referral by a magistrate to determination	<b>21</b>	12	18	-#

\* The Competition Tribunal commenced operation on 14 December 2015. Since there was no application/claim filed in the Competition Tribunal up to end 2016, the average waiting time is inapplicable. The endorsement by the Competition Tribunal Court Users' Committee regarding the target waiting time will be obtained later.

^ Detailed explanations on the reasons for exceeding the targets are provided in the Controlling Officer's Reports. The Judiciary has been closely monitoring the situations and taking measures to improve the waiting time, e.g. creation of additional JJO posts and deployment of additional judicial resources, conducted reviews on the retirement age(s) of JJOs and the terms and conditions of services for JJOs, introduction of a new Practice Direction to enhance management of criminal proceedings at the Court of First Instance of the High Court, etc.

# As there was no application for determination filed in 2016, the waiting time is inapplicable.

- (b) In the past three years in 2014, 2015 and 2016 and the first half of 2017 (up to 30 June), a total of 42 JJOs are appointed through open recruitments, of which 23 are from private legal practice, 3 from the Department of Justice and 16 from within the Judiciary. Breakdown of these JJOs is as follows –

<b>Judicial Rank</b>	<b>Private Legal Practice</b>	<b>Department of Justice</b>	<b>From within the Judiciary</b>	<b>Total</b>
<b>Judge of the Court of First Instance of the High Court</b>	3	0	6	<b>9</b>
<b>District Judge</b>	2	2	7	<b>11</b>
<b>Magisterial Grades</b>	18	1	3	<b>22</b>
<b>Total</b>	<b>23</b>	<b>3</b>	<b>16</b>	<b>42</b>

- (c) A supernumerary PEO post was created on 1 February 2016 under delegated authority by holding against a vacant post at the PM rank on a temporary basis to urgently provide directorate and strategic support to the long term accommodation strategy of the Judiciary.

There is an establishment of nine PM posts. At present, only seven PM posts are filled to meet the operational requirements of the seven existing Magistrates' Courts. Two PM posts have been frozen after the closure of the North Kowloon Magistrates' Courts and Western Magistrates' Courts. One of the two frozen PM posts is reserved for the West Kowloon Magistrates' Courts ("WKMC") to meet the additional operational requirements that may arise from the increase in workload upon the commissioning of the WKMC. There is no immediate plan to fill the remaining one PM vacancy for the time being. The Chief Justice agreed

that this frozen vacancy could be temporarily used to be held against for the purpose of creating a supernumerary PEO post to meet the urgent operational needs of the Judiciary in the interim and without affecting the judicial manpower at the PM rank.

Once the supernumerary PEO post has been approved for creation, the PM vacancy in question will be frozen again and may be used for meeting other operational requirements in the future as and when necessary.

**The Judiciary**  
**July 2017**