

Head 80 — JUDICIARY

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

Estimate 2014–15	\$1,356.6m
Establishment ceiling 2014–15 (notional annual mid-point salary value) representing an estimated 1 539 non-directorate posts as at 31 March 2014 rising by 57 posts to 1 596 posts as at 31 March 2015	\$566.2m
In addition, there will be an estimated 190 directorate posts as at 31 March 2014 rising by nine posts to 199 posts as at 31 March 2015, of which 191 are posts for judges and judicial officers.	
Commitment balance	\$1.4m

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

	2012–13 (Actual)	2013–14 (Original)	2013–14 (Revised)	2014–15 (Estimate)
Financial provision (\$m)	864.6	962.0	926.3 (–3.7%)	1,032.0 (+11.4%)
				(or +7.3% on 2013–14 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 courts and tribunals hear and adjudicate criminal cases and civil disputes. The operational objectives of these courts and tribunals are to:

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

4 In 2013, the overall performance of the programme area was satisfactory, save for the High Court. The majority of the performance targets at various levels of courts were achieved. A few targets in the High Court were not met. One of the main reasons for this is 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 2012 open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments were made in the latter part of 2012 and in 2013. In July 2013, the Judiciary launched another recruitment exercise for the Court of First Instance Judges, which has also been completed. Appointments from this recruitment exercise will be announced when they are made. Separately, the Judiciary has completed an establishment review in 2013 and concluded that additional judicial posts should be created for the High Court, in particular for the Court of Appeal of the High Court, to enable it to cope with the increased workload. With the establishment of the Court of Appeal Judges enhanced from 10 to 13, the judicial manpower temporarily re-deployed from the Court of First Instance (i.e. for the Court of First Instance Judges to sit as additional judges of the Court of Appeal) could be released back to that level of court to hear cases. It is also proposed that a further Court of First Instance Judge post be created. The Judiciary will continue to closely monitor the situation.

5 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), the Securities and Futures Ordinance (Cap. 571) and the Legal Practitioners Ordinance (Cap. 159) in relation to the Higher Rights Assessment Board and related matters.

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6 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.

	2013 Target	2012 (Actual)	2013 (Actual)	2014 Target
<i>Average Waiting Time (days)</i>				
Court of Final Appeal				
application for leave to appeal				
criminal—from notice of hearing to hearing	45	40	40	45
civil—from notice of hearing to hearing	35	29	33	35
substantive appeal				
criminal—from notice of hearing to hearing	100	93	97	100
civil—from notice of hearing to hearing	120	105	111	120
Court of Appeal of the High Court				
criminal—from setting down of a case to hearing	50	52	50	50
civil—from application to fix date to hearing β	90	131	138	90
Court of First Instance of the High Court \S				
Criminal Fixture List—from filing of indictment to hearing	120	180	211	120
Criminal Running List—from setting down of a case to hearing	90	72	83	90
Civil Fixture List—from application to fix date to hearing	180	244	261	180
Civil Running List—from setting down of a case to hearing Δ	90	50	85	—
Civil Running List—from not-to-be-warned date to hearing Δ	—	—	—	30
appeals from Magistrates' Courts—from lodging of Notice of Appeal to hearing	90	92	105	90
District Court				
criminal—from first appearance of defendants in District Court to hearing	100	62	60	100
civil—from date of listing to hearing \square	120	96	91	—
Civil Fixture List—from date of listing to hearing \square	—	—	—	120
Civil Running List—from not-to-be-warned date to hearing \square	—	—	—	30
Family Court				
dissolution of marriage—from setting down of a case to hearing Special Procedure List	35	33	33	35
Defended List (one day hearing) Ω	110	98	108	—
Defended List(all hearings) Ω	—	—	—	110
financial applications—from filing of summons to hearing Ψ	110-140	83	86	—
financial applications—from setting down of a case to hearing Ψ	—	—	—	110-140
Lands Tribunal—from setting down of a case to hearing α				
appeal cases	100	20	27	90
compensation cases	100	41	53	90
building management cases	100	25	39	90
tenancy cases	60	21	29	50

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	2013 Target	2012 (Actual)	2013 (Actual)	2014 Target
Magistrates' Courts—from plea to date of trial ^φ				
summons	50	54	66	50
charge cases [‡] —				
for defendants in custody	30-45	41	41	—
for defendants on bail.....	45-60	51	49	—
charge cases except for Juvenile Court [‡] —				
for defendants in custody	—	—	—	30-45
for defendants on bail.....	—	—	—	45-60
charge cases for Juvenile Court [‡] —				
for defendants in custody	—	—	—	30-45
for defendants on bail.....	—	—	—	45-60
Coroner's Court—from date of listing to hearing.....	42	42	41	42
Labour Tribunal—				
from appointment to filing of a case ...	30	25	21	30
from filing of a case to first hearing....	30	25	25	30
Small Claims Tribunal—from filing of a case to first hearing.....	60	39	37	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	2	2	5
from referral by a magistrate to determination.....	21	21	16	21

- β The average waiting times for civil appeals in the Court of Appeal of the High Court exceeded the target since great efforts and priority had been given to timely disposal of criminal appeals. This was also due to more complex, lengthy and refiled cases. Additional judicial resources will be needed to improve the waiting times. In 2014-15, creation of three Justice of Appeal posts will be sought. The Judiciary will continue to closely monitor the situation upon the creation and filling of these additional posts and will make every effort to improve the waiting times.
- § The average waiting times for the Criminal Fixture List, Civil Fixture List and appeals from Magistrates' Courts in the Court of First Instance of the High Court exceeded the targets due to more complex, lengthy and refiled cases as well as increase of caseload in criminal and civil cases. It was 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. In addition, substantial judicial resources at the Court of First Instance were deployed to assist in the Court of Appeal by appointing Court of First Instance Judges as additional judges to hear cases in the Court of Appeal. The 2012 open recruitment exercise for the Court of First Instance Judges of the High Court was completed in mid-2012 and new appointments were made in the latter part of 2012 and in 2013. In July 2013, the Judiciary launched another recruitment exercise for the Court of First Instance Judges, which has also been completed. Appointments from this recruitment exercise will be announced when they are made. Separately, the Judiciary has completed an establishment review in 2013 and concluded that additional judicial posts should be created for the High Court, in particular for the Court of Appeal of the High Court, to enable it to cope with the increased workload. With the establishment of the Court of Appeal Judges enhanced from 10 to 13, the judicial manpower temporarily re-deployed from the Court of First Instance (i.e. for the Court of First Instance Judges to sit as additional judges of the Court of Appeal) could be released back to that level of court to hear cases. It is also proposed that a further Court of First Instance Judge post be created. In the interim, additional deputy judges have been and will be appointed to sit in 2013 and 2014 with a view to improving the waiting times. The Judiciary will continue to closely monitor the situation upon the creation and filling of these additional posts and will make every effort to improve the waiting times.
- Δ Upon endorsement by the Court Users' Committees, the target for Civil Running List of the Court of First Instance of the High Court will be revised from the previous description, i.e. "from setting down of a case to hearing" to that of "from not-to-be-warned date to hearing", which is considered as a more appropriate way in measuring the waiting time for Civil Running List. The target is set at 30 days effective from 1 January 2014.
- ⊠ Upon endorsement by the Court Users' Committees, separate targets are set for Civil Fixture List and Civil Running List for the District Court with effect from 1 January 2014. The target for Civil Fixture List remains to be measuring "from date of listing to hearing". It is set at 120 days effective from 1 January 2014. The target for Civil Running List will measure "from not-to-be-warned date to hearing". It is set at 30 days effective from 1 January 2014.
- Ω Upon endorsement by the Court Users' Committees, all Defended List hearings (instead of just one-day hearing) in the Family Court will be covered under the target effective from 1 January 2014. The target remains unchanged.
- Ψ Upon endorsement by the Court Users' Committees, the target for financial applications in the Family Court will be re-worded as "from setting down of a case to hearing" effective from 1 January 2014. The target remains unchanged.

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- α Upon endorsement by the Court Users' Committees, the targets for the Lands Tribunal will be revised downward effective from 1 January 2014.
- φ The average waiting times for summonses in the Magistrates' Courts exceeded the target mainly due to the more complex nature of disputed summonses. The Judiciary is planning to launch an open recruitment exercise for Special Magistrates in early 2014 with a view to filling the existing vacancies. The Judiciary will continue to monitor closely the situation and deploy additional judicial resources to improve the waiting times.
- ‡ Upon endorsement by the Court Users' Committees, separate targets are set for charge cases for the Juvenile Court in the Magistrates' Courts with effect from 1 January 2014. The targets currently adopted for charge cases for the Magistrates' Courts will be applied to the charge cases for the Juvenile Court effective from 1 January 2014.

Indicators

	2012 (Actual)	2013 (Actual)	2014 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal	113	113	110
appeals.....	41	31	30
miscellaneous proceedings.....	0	3	5
<i>Court of Appeal of the High Court</i>			
criminal appeals	526	453	450
civil appeals.....	283	281	280
<i>Court of First Instance of the High Court</i>			
<i>criminal jurisdiction</i>			
criminal cases.....	486	571	570
confidential miscellaneous proceedings.....	158	326	330
appeals from Magistrates' Courts	862	809	810
civil jurisdiction	17 212	18 573	18 570
probate cases	16 308	16 967	16 970
<i>District Court</i>			
criminal cases	1 207	1 190	1 190
civil cases	20 847	20 636	20 640
divorce jurisdiction	23 674	23 392	23 390
Small Claims Tribunal	48 201	48 982	48 980
Labour Tribunal	4 744	4 154	4 150
Obscene Articles Tribunal.....	60 619	42 129	42 130
Coroner's Court.....	178	156	160
Lands Tribunal	5 156	5 035	5 040
Magistrates' Courts	322 918	319 702	319 700

7 It should be noted that the number of cases alone is not a true reflection of a court's workload. In recent years, there has been an increasing number of complex cases that generally take longer time to conclude. Without compromising the quality of justice, the Judiciary will continue to try to enhance the productivity of the courts through measures such as improving the listing system and appropriate deployment of judicial resources.

Matters Requiring Special Attention in 2014–15

8 In 2014–15, the Judiciary will:

- continue to monitor the waiting time at the various levels of courts, particularly those in the High Court, and will create additional judicial posts to enhance the judicial establishment at all levels of courts, in particular the High Court, to cope with the increased workload;
- continue to monitor the working of the reformed civil justice system after the implementation of the Civil Justice Reform;
- prepare for the full operation of the Competition Tribunal as provided for under the Competition Ordinance (Cap. 619); and
- consult the relevant stakeholders on the proposed formulation of a unified set of court procedural rules for the family justice system.

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Programme (2): Support Services for Courts' Operation

	2012–13 (Actual)	2013–14 (Original)	2013–14 (Revised)	2014–15 (Estimate)
Financial provision (\$m)	282.8	310.1	296.6 (–4.4%)	324.6 (+9.4%)
				(or +4.7% on 2013–14 Original)

Aim

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

Brief Description

10 Under this programme, administrative services are provided to support the hearing of cases in courts and tribunals at different levels, and to carry out court orders. The work involves:

- providing effective recording services for court proceedings and producing transcripts for these proceedings;
- ensuring that both the Chinese and English languages can be used in the court system;
- providing efficient bailiff services for the enforcement of court orders and service of summons;
- keeping comprehensive legal reference books and research materials for the use of judges, judicial officers and the legal profession; and
- adopting information technology and other modern management tools to enhance the efficiency of court support services.

11 In 2013, the aim of the programme was generally met and the overall performance of the programme as reflected by the key indicators was satisfactory.

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

Indicators

	2012 (Actual)	2013 (Actual)	2014 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	261 817	282 227	282 230
civil	59 600	57 923	57 930
cases with transcripts produced			
criminal	6 343	6 579	6 580
civil	1 867	1 889	1 890
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	258 564	251 341	251 340
<i>Bailiff Service</i>			
executions attempted	20 983	19 214	19 210
summons services attempted	87 606	91 413	91 410
<i>Library</i>			
library materials acquired and processed	35 894	37 448	37 450
attendances at the Library	61 362	61 205	61 200

Matters Requiring Special Attention in 2014–15

13 In 2014–15, the Judiciary will seek to:

- continue to provide support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants,
- sustain quality management in the Judiciary Administration, and
- implement an information technology strategy plan for the Judiciary.

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ANALYSIS OF FINANCIAL PROVISION

Programme	2012-13 (Actual) (\$m)	2013-14 (Original) (\$m)	2013-14 (Revised) (\$m)	2014-15 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	864.6	962.0	926.3	1,032.0
(2) Support Services for Courts' Operation.....	282.8	310.1	296.6	324.6
	1,147.4	1,272.1	1,222.9 (-3.9%)	1,356.6 (+10.9%)
				(or +6.6% on 2013-14 Original)

Analysis of Financial and Staffing Provision

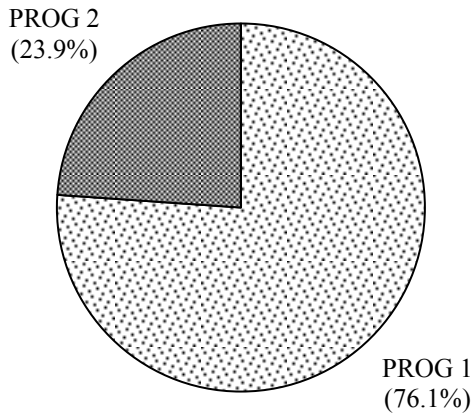
Programme (1)

Provision for 2014-15 is \$105.7 million (11.4%) higher than the revised estimate for 2013-14. This is mainly due to the increased provision for filling of vacancies and a net increase of seven judicial and 55 non-judicial posts in 2014-15.

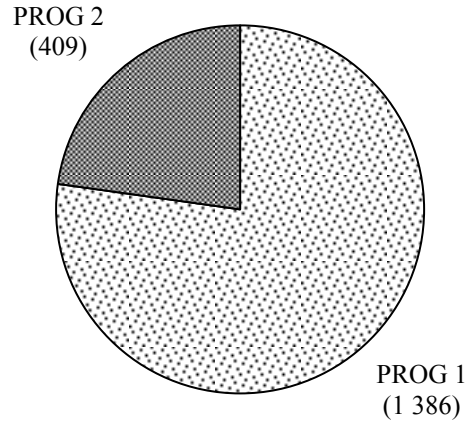
Programme (2)

Provision for 2014-15 is \$28.0 million (9.4%) higher than the revised estimate for 2013-14. This is mainly due to the additional provision for operating expenses to provide enhanced support services for courts' operation, filling of vacancies and a net increase of four non-judicial posts in 2014-15.

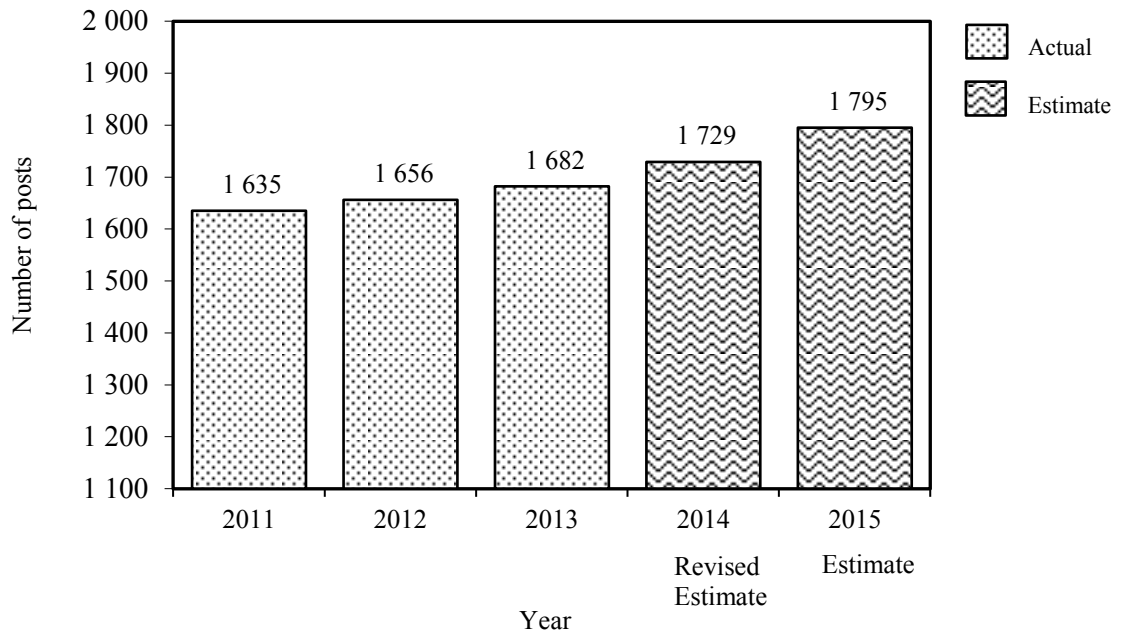
Allocation of provision to programmes (2014-15)



Staff by programme (as at 31 March 2015)



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



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Sub-head (Code)	Actual expenditure 2012-13	Approved estimate 2013-14	Revised estimate 2013-14	Estimate 2014-15	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	1,136,060	1,258,578	1,210,009	1,345,470
206	Expenses of witnesses and jurors.....	6,080	8,612	8,612	8,612
	Total, Recurrent.....	<u>1,142,140</u>	<u>1,267,190</u>	<u>1,218,621</u>	<u>1,354,082</u>
Non-Recurrent					
700	General non-recurrent	39	535	42	494
	Total, Non-Recurrent.....	<u>39</u>	<u>535</u>	<u>42</u>	<u>494</u>
	Total, Operating Account	<u>1,142,179</u>	<u>1,267,725</u>	<u>1,218,663</u>	<u>1,354,576</u>
Capital Account					
Plant, Equipment and Works					
603	Plant, vehicles and equipment.....	154	698	493	300
661	Minor plant, vehicles and equipment (block vote).....	5,081	3,702	3,702	1,766
	Total, Plant, Equipment and Works.....	<u>5,235</u>	<u>4,400</u>	<u>4,195</u>	<u>2,066</u>
	Total, Capital Account.....	<u>5,235</u>	<u>4,400</u>	<u>4,195</u>	<u>2,066</u>
	Total Expenditure	<u><u>1,147,414</u></u>	<u><u>1,272,125</u></u>	<u><u>1,222,858</u></u>	<u><u>1,356,642</u></u>

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Details of Expenditure by Subhead

The estimate of the amount required in 2014–15 for the salaries and expenses of the Judiciary is \$1,356,642,000. This represents an increase of \$133,784,000 over the revised estimate for 2013–14 and of \$209,228,000 over actual expenditure in 2012–13.

Operating Account

Recurrent

2 Provision of \$1,345,470,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$347,400 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$135,461,000 (11.2%) over the revised estimate for 2013–14 is mainly due to the full-year effect of posts created in 2013–14, the filling of vacancies, the increased provision for salary arising from a net increase of seven judicial and 59 non-judicial posts in 2014–15 and operating expenses to support courts' operation.

3 The establishment as at 31 March 2014 will be 1 729 posts. It is expected that there will be a net increase of 66 posts in 2014–15. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2014–15, but the notional annual mid-point salary value of all such posts must not exceed \$566,159,000.

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

	2012–13 (Actual) (\$'000)	2013–14 (Original) (\$'000)	2013–14 (Revised) (\$'000)	2014–15 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	804,666	915,436	871,920	965,471
- Allowances.....	17,832	21,615	18,590	16,056
- Job-related allowances.....	1,184	1,357	1,353	1,216
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits.....	9,441	11,926	11,234	9,985
- Mandatory Provident Fund contribution.....	2,357	2,914	2,750	3,049
- Civil Service Provident Fund contribution.....	6,209	7,526	8,739	10,873
Departmental Expenses				
- Hire of services and professional fees	118,848	124,067	127,437	136,426
- General departmental expenses	175,520	173,729	167,978	202,386
Other Charges				
- Magistrates poor box	3	8	8	8
	1,136,060	1,258,578	1,210,009	1,345,470

5 Provision of \$8,612,000 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.

Capital Account

Plant, Equipment and Works

6 Provision of \$1,766,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$1,936,000 (52.3%) against the revised estimate for 2013–14. This is mainly due to decreased requirements for minor plant and equipment in court buildings.

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Commitments

Sub-head (Code)	Item (Code)	Ambit	Approved commitment	Accumulated expenditure to 31.3.2013	Revised estimated expenditure for 2013–14	Balance
			\$'000	\$'000	\$'000	\$'000
<i>Operating Account</i>						
700		<i>General non-recurrent</i>				
	520	Production of videos.....	2,800	2,555	—	245
	521	Pilot scheme on family mediation.....	7,500	6,741	42	717
	522	Production of videos and brochures on litigants in person in civil litigations	2,500	2,468	—	32
			12,800	11,764	42	994
<i>Capital Account</i>						
603		<i>Plant, vehicles and equipment</i>				
	218	Installation of audio-visual presentation system in courtrooms.....	5,400	4,506	493	401
			5,400	4,506	493	401
		Total	18,200	16,270	535	1,395