

Head 80 — JUDICIARY

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

Estimate 2015–16 **\$1,437.2m**

Establishment ceiling 2015–16 (notional annual mid-point salary value) representing an estimated 1 596 non-directorate posts as at 31 March 2015 rising by 51 posts to 1 647 posts as at 31 March 2016..... **\$613.9m**

In addition, there will be an estimated 199 directorate posts as at 31 March 2015 rising by one post to 200 posts as at 31 March 2016, of which 191 are posts for judges and judicial officers.

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

	2013–14 (Actual)	2014–15 (Original)	2014–15 (Revised)	2015–16 (Estimate)
Financial provision (\$m)	907.7	1,032.0	967.7 (–6.2%)	1,085.6 (+12.2%)
				(or +5.2% on 2014–15 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 2014, 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 however not met. There are a number of reasons for this. First, there are insufficient judicial posts in the High Court, in particular the Court of Appeal of the High Court, to cater for the operational needs of the High Court. To address this issue, financial provisions were included in the 2014–15 Draft Estimates for the creation of three Justices of Appeal of the Court of Appeal of the High Court posts and one Judge of the Court of First Instance of the High Court post. With the endorsement by the Establishment Subcommittee on the staffing proposal at its meeting on 10 December 2014, the Judiciary is in the process of seeking the approval of the Finance Committee of the Legislative Council for the creation of these, among other, posts. Upon the creation and the filling of these additional judicial posts, it is expected that the substantive judicial establishment will be enhanced with a view to making improvements to the waiting times at the High Court. Secondly, the High Court has been experiencing some constraints in the deployment of judicial manpower as a result of elevation of Judges to higher positions and retirement of Judges over the past few years. In 2012 and 2013, the Judiciary conducted two open recruitment exercises for the Judges of the Court of First Instance of the High Court. As a result, a total of 12 appointments were made between the latter part of 2012 and mid-2014, but not all available vacancies could be filled. In October 2014, the Judiciary conducted another recruitment exercise for the Judges of the Court of First Instance of the High Court and the exercise is still in progress. From the experiences of the past few open recruitment exercises for the Judges of the Court of First Instance of the High Court, the Judiciary has detected that there might be some recruitment difficulties at this level of court. The Judiciary has decided to embark on a number of reviews with a view to addressing these issues, such as the review of the retirement age(s) of Judges and Judicial Officers and the review of the terms of conditions of services for Judges and Judicial Officers.

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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.

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.

	2014 Target	2013 (Actual)	2014 (Actual)	2015 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	41	45
civil—from notice of hearing to hearing.....	35	33	32	35
substantive appeal				
criminal—from notice of hearing to hearing.....	100	97	92	100
civil—from notice of hearing to hearing.....	120	111	107	120
Court of Appeal of the High Court β				
criminal—from setting down of a case to hearing.....	50	50	51	50
civil—from application to fix date to hearing.....	90	138	117	90
Court of First Instance of the High Court δ				
Criminal Fixture List—from filing of indictment to hearing.....	120	211	227	120
Criminal Running List—from setting down of a case to hearing.....	90	83	86	90
Civil Fixture List—from application to fix date to hearing.....	180	261	193	180
Civil Running List—from setting down of a case to hearing Δ	—	85	—	—
Civil Running List—from not-to-be-warned date to hearing Δ	30	—	19	30
appeals from Magistrates' Courts—from lodging of Notice of Appeal to hearing.....	90	105	104	90
District Court				
criminal—from first appearance of defendants in District Court to hearing.....	100	60	63	100
civil—from date of listing to hearing \square	—	91	—	—
Civil Fixture List—from date of listing to hearing \square	120	—	99	120
Civil Running List—from not-to-be-warned date to hearing \square	30	—	10	30
Family Court				
dissolution of marriage—from setting down of a case to hearing Special Procedure List.....	35	33	32	35
Defended List (one day hearing) Ω	—	108	—	—
Defended List (all hearings) Ω	110	—	97	110
financial applications—from filing of summons to hearing Ψ	—	86	—	—
financial applications—from setting down of a case to hearing Ψ	110-140	—	84	110-140

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	2014 Target	2013 (Actual)	2014 (Actual)	2015 Target
Lands Tribunal—from setting down of a case to hearing ^α				
appeal cases.....	90	27	25	90
compensation cases.....	90	53	37	90
building management cases.....	90	39	30	90
tenancy cases.....	50	29	22	50
Magistrates' Courts—from plea to date of trial ^β				
summons.....	50	66	67	50
charge cases [‡] —				
for defendants in custody.....	—	41	—	—
for defendants on bail.....	—	49	—	—
charge cases except for Juvenile Court [‡] —				
for defendants in custody.....	30-45	—	36	30-45
for defendants on bail.....	45-60	—	44	45-60
charge cases for Juvenile Court [‡] —				
for defendants in custody.....	30-45	—	45	30-45
for defendants on bail.....	45-60	—	45	45-60
Coroner's Court—from date of listing to hearing.....	42	41	40	42
Labour Tribunal—				
from appointment to filing of a case ...	30	21	27	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	37	36	60
Obscene Articles Tribunal—				
from receipt of application to classification.....	5	2	3	5
from referral by a magistrate to determination.....	21	16	12	21

- β The general position regarding the judicial manpower at the High Court has been detailed at paragraph 4. In addition, the average waiting time for civil appeals in the Court of Appeal of the High Court exceeded the target since, pursuant to a direction by the Chief Judge of the High Court, great efforts and priority had been given to timely disposal of criminal appeals, and with such efforts, the average waiting time for criminal appeals in the Court of Appeal of the High Court just exceeded the target marginally. Notwithstanding the manpower constraints, additional judicial resources have been deployed in the Court of Appeal of the High Court as a whole and as a result, the gap between the average waiting time for civil appeals and the target has much narrowed in 2014. The Judiciary will continue to closely monitor the situation upon the creation and filling of the additional three Justices of Appeal of the Court of Appeal of the High Court and will make every effort to improve the waiting times.
- § The general position regarding the judicial manpower at the High Court has been detailed at paragraph 4. In particular, on top of the constraints in the deployment of judicial manpower, 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 and re-fixed cases as well as the heavy caseload in criminal and civil cases. Pending the creation of the additional Judge of the Court of First Instance of the High Court post and the filling of the available vacancies, deputy judges have been and will be appointed to sit in 2014 and 2015 with a view to improving the waiting times. The Judiciary will continue to closely monitor the situation, continue to press on with the reviews as mentioned at paragraph 4 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 is 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 measures "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 are 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 is 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 are revised downward effective from 1 January 2014.
- φ The average waiting time for summonses in the Magistrates' Courts exceeded the target mainly due to an increase of the caseload in summons cases and the more complex nature of disputed summonses. The Judiciary conducted an open recruitment exercise for Special Magistrates in 2014, and all Special Magistrate posts were filled by the end of 2014. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- ‡ 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 adopted for charge cases for the Magistrates' Courts are applied to the charge cases for the Juvenile Court effective from 1 January 2014.

Indicators

	2013 (Actual)	2014 (Actual)	2015 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
application for leave to appeal	113	141	140
appeals.....	31	23	20
miscellaneous proceedings.....	3	1	1
Court of Appeal of the High Court			
criminal appeals	453	452	450
civil appeals.....	281	262	260
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	571	545	550
confidential miscellaneous proceedings.....	326	346	350
appeals from Magistrates' Courts	809	771	770
civil jurisdiction	18 573	19 367	19 370
probate cases	16 967	17 931	17 930
District Court			
criminal cases.....	1 190	1 079	1 080
civil cases	20 636	20 639	20 640
divorce jurisdiction	23 392	22 416	22 420
Lands Tribunal	5 035	4 733	4 730
Magistrate's Courts	319 702	322 964	322 960
Coroner's Court.....	156	146	150
Labour Tribunal	4 154	4 039	4 040
Small Claims Tribunal	48 982	50 083	50 080
Obscene Articles Tribunal.....	42 129	12 143	12 140

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 2015–16

8 In 2015–16, 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), including the preparation of subsidiary legislation relating to court procedural rules; and
- start making preparations for 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

	2013–14 (Actual)	2014–15 (Original)	2014–15 (Revised)	2015–16 (Estimate)
Financial provision (\$m)	290.9	324.6	318.9 (–1.8%)	351.6 (+10.3%)
				(or +8.3% on 2014–15 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 enforce court orders on the application of the plaintiffs. 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 court documents;
- 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 2014, 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

	2013 (Actual)	2014 (Actual)	2015 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	282 227	279 858	279 860
civil	57 923	59 852	59 860
cases with transcripts produced			
criminal	6 579	6 212	6 220
civil	1 889	1 811	1 820
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	251 341	219 741	219 740
<i>Bailiff Service</i>			
executions attempted	19 214	19 067	19 070
summons services attempted	91 413	91 749	91 750
<i>Library</i>			
library materials acquired and processed	37 448	37 823	38 000
attendances at the Library	61 205	47 765	48 000

Matters Requiring Special Attention in 2015–16

13 In 2015–16, 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	2013-14 (Actual) (\$m)	2014-15 (Original) (\$m)	2014-15 (Revised) (\$m)	2015-16 (Estimate) (\$m)
(1) Courts, Tribunals and Various Statutory Functions	907.7	1,032.0	967.7	1,085.6
(2) Support Services for Courts' Operation.....	290.9	324.6	318.9	351.6
	1,198.6	1,356.6	1,286.6 (-5.2%)	1,437.2 (+11.7%)
				(or +5.9% on 2014-15 Original)

Analysis of Financial and Staffing Provision

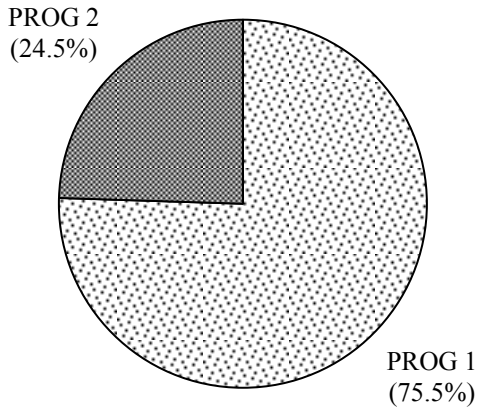
Programme (1)

Provision for 2015-16 is \$117.9 million (12.2%) higher than the revised estimate for 2014-15. This is mainly due to the increased provision for filling of vacancies and a net increase of 34 non-judicial posts in 2015-16.

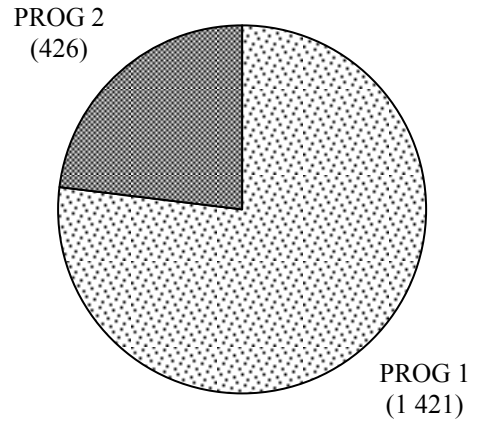
Programme (2)

Provision for 2015-16 is \$32.7 million (10.3%) higher than the revised estimate for 2014-15. 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 18 non-judicial posts in 2015-16.

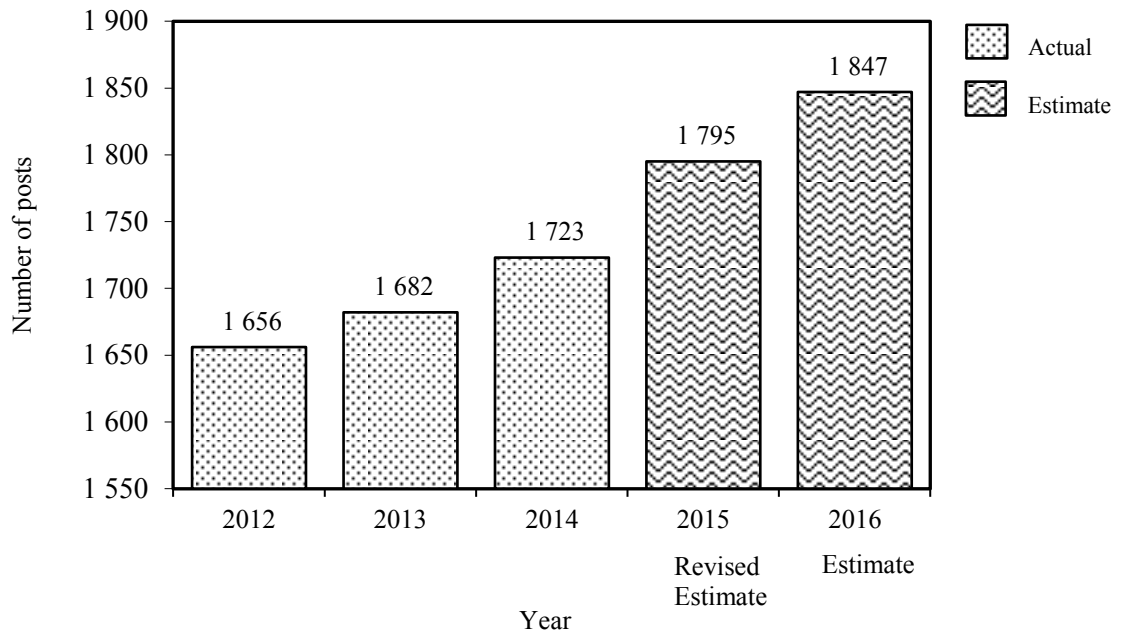
Allocation of provision to programmes (2015-16)



Staff by programme (as at 31 March 2016)



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



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Sub-head (Code)	Actual expenditure 2013-14	Approved estimate 2014-15	Revised estimate 2014-15	Estimate 2015-16
	\$'000	\$'000	\$'000	\$'000
Operating Account				
Recurrent				
000	Operational expenses	1,187,770	1,345,470	1,274,973
206	Expenses of witnesses and jurors.....	7,068	8,612	8,612
	Total, Recurrent.....	<u>1,194,838</u>	<u>1,354,082</u>	<u>1,283,585</u>
				1,434,430
Non-Recurrent				
	General non-recurrent	—	494	49
	Total, Non-Recurrent.....	<u>—</u>	<u>494</u>	<u>49</u>
	Total, Operating Account	<u>1,194,838</u>	<u>1,354,576</u>	<u>1,283,634</u>
				1,434,430
Capital Account				
Plant, Equipment and Works				
661	Minor plant, vehicles and equipment (block vote).....	3,573	1,766	2,636
	Plant, vehicles and equipment.....	213	300	300
	Total, Plant, Equipment and Works.....	<u>3,786</u>	<u>2,066</u>	<u>2,936</u>
	Total, Capital Account.....	<u>3,786</u>	<u>2,066</u>	<u>2,936</u>
	Total Expenditure	<u><u>1,198,624</u></u>	<u><u>1,356,642</u></u>	<u><u>1,286,570</u></u>
				1,437,185

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Details of Expenditure by Subhead

The estimate of the amount required in 2015–16 for the salaries and expenses of the Judiciary is \$1,437,185,000. This represents an increase of \$150,615,000 over the revised estimate for 2014–15 and of \$238,561,000 over the actual expenditure in 2013–14.

Operating Account

Recurrent

2 Provision of \$1,423,409,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$362,700 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$148,436,000 (11.6%) over the revised estimate for *Subhead 000 Operational expenses* for 2014–15 is mainly due to the full-year effect of posts created in 2014–15, the filling of vacancies, the increased provision for salary arising from a net increase of 52 non-judicial posts in 2015–16 and operating expenses to support courts' operation.

3 The establishment as at 31 March 2015 will be 1 795 posts. It is expected that there will be a net increase of 52 posts in 2015–16. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2015–16, but the notional annual mid-point salary value of all such posts must not exceed \$613,933,000.

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

	2013–14 (Actual) (\$'000)	2014–15 (Original) (\$'000)	2014–15 (Revised) (\$'000)	2015–16 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	865,551	965,471	907,686	1,027,948
- Allowances.....	18,671	16,056	21,075	22,545
- Job-related allowances.....	1,446	1,216	1,358	1,415
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits.....	10,913	9,985	9,002	10,412
- Mandatory Provident Fund contribution.....	2,743	3,049	3,098	3,584
- Civil Service Provident Fund contribution.....	8,812	10,873	11,907	15,074
Departmental Expenses				
- Hire of services and professional fees	121,050	136,426	142,094	142,487
- General departmental expenses	158,584	202,386	178,745	199,936
Other Charges				
- Magistrates poor box	—	8	8	8
	1,187,770	1,345,470	1,274,973	1,423,409

5 Provision of \$11,021,000 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. The increase of \$2,409,000 (28%) over the revised estimate for 2014–15 is mainly due to anticipated requirements arising from the revised rates of allowances for jurors and witnesses.