

## Head 80 — JUDICIARY

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

**Estimate 2018–19** ..... **\$1,901.8m**

**Establishment ceiling 2018–19** (notional annual mid-point salary value) representing an estimated 1 728 non-directorate posts as at 31 March 2018 rising by 32 posts to 1 760 posts as at 31 March 2019..... **\$740.6m**

In addition, there will be an estimated 215 directorate posts as at 31 March 2018 rising by five posts to 220 posts as at 31 March 2019, of which 209 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

	2016–17 (Actual)	2017–18 (Original)	2017–18 (Revised)	<b>2018–19 (Estimate)</b>
Financial provision (\$m)	1,150.5	1,350.8	1,288.4 (–4.6%)	<b>1,468.7</b> (+14.0%)
				(or +8.7% on 2017–18 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 2017, the overall performance of most of the programme area was satisfactory. The majority of the performance targets at various levels of courts were achieved. A few targets, in particular those regarding criminal cases in the Court of First Instance of the High Court and the District Court, were however not met. As far as the High Court is concerned, a number of High Court Judges have retired over the past few years and the Judiciary has been facing persistent recruitment difficulties at the Court of First Instance of the High Court level in filling the judicial vacancies. Between 2012 and 2016, the Judiciary conducted four open recruitment exercises for the Judges of the Court of First Instance of the High Court. As a result, a total of 20 appointments have been made. However, the number of eligible candidates found suitable for appointment was much smaller than the available vacancies and not all vacancies could be filled. In 2016, the Judiciary completed a review on the conditions of service for Judges and Judicial Officers (JJOs). Enhancements to the conditions of service for JJOs as proposed by the Judiciary have been approved by the Chief Executive-in-Council for implementation with effect from 1 April 2017. The Judiciary also engaged a consultant to carry out a consultancy study to review the statutory retiring ages of JJOs at all levels of courts. The Judiciary submitted its recommendations to the Government in end 2017. As for the District Court, the target for criminal cases continued to be exceeded in the year due to the deployment of judicial resources to the High Court to help hear magisterial appeals at the High Court since June 2015, and to hear criminal cases and torture claims since December 2016 and July 2017 respectively. The Judiciary enhanced temporary judicial resources at the District Court in 2017 to help address 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.

	2017 Target	2016 (Actual)	2017 (Actual)	<b>2018 Target</b>
<i>Average Waiting Time</i>	(days)			
Court of Final Appeal				
application for leave to appeal				
criminal—from notice of				
hearing to hearing .....	45	42	44	<b>45</b>
civil—from notice of hearing				
to hearing .....	35	33	33	<b>35</b>
substantive appeal				
criminal—from notice of				
hearing to hearing .....	100	98	90	<b>100</b>
civil—from notice of hearing				
to hearing .....	120	117	118	<b>120</b>
Court of Appeal of the High Court				
criminal—from setting down of a				
case to hearing .....	50	46	47	<b>50</b>
civil—from application to fix date to				
hearing .....	90	86	89	<b>90</b>
Court of First Instance of the High Court§				
Criminal Fixture List—from filing of				
indictment to hearingψ .....	120	291	164	—
Criminal Running List—from setting				
down of a case to hearingψ .....	90	96	111	—
Civil Fixture List—from application				
to fix date to hearing.....	180	155	163	<b>180</b>
Civil Running List—from not-to-be-				
warned date to hearing.....	30	13	16	<b>30</b>
appeals from Magistrates' Courts—				
from lodging of Notice of Appeal				
to hearing .....	90	105	91	<b>90</b>
District Court				
criminal—from first appearance of				
defendants in District Court to				
hearingβ .....	100	118	152	<b>100</b>
Civil Fixture List—from date of				
listing to hearing .....	120	99	102	<b>120</b>
Civil Running List—from not-to-be-				
warned date to hearing.....	30	15	25	<b>30</b>
Family Court				
dissolution of marriage—from				
setting down of a case to hearing				
Special Procedure List .....	35	34	34	<b>35</b>
Defended List (all hearings).....	110	65	85	<b>110</b>
financial applications—from setting				
down of a case to hearing .....	110-140	86	95	<b>110-140</b>
Lands Tribunal—from setting down of a				
case to hearing				
appeal cases .....	90	30	—α	<b>90</b>
compensation cases .....	90	41	60	<b>90</b>
building management cases .....	90	35	44	<b>90</b>
tenancy cases .....	50	26	23	<b>50</b>
Magistrates' Courts—from plea to date of				
trialΩ				
summonsφ .....	50	67	65	<b>50</b>
charge cases except for Juvenile				
Court—				
for defendants in custody .....	30-45	36	31	<b>30-45</b>
for defendants on bail.....	45-60	41	40	<b>45-60</b>
charge cases for Juvenile Court—				
for defendants in custody .....	30-45	49	—Δ	<b>30-45</b>
for defendants on bail.....	45-60	39	48	<b>45-60</b>

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	2017 Target	2016 (Actual)	2017 (Actual)	2018 Target
Coroner's Court—from date of listing to hearing .....	42	39	79p	42
Labour Tribunal—				
from appointment to filing of a case ...	30	27	26	30
from filing of a case to first hearing....	30	26	24	30
Small Claims Tribunal—from filing of a case to first hearing .....	60	34	32	60
Obscene Articles Tribunal—				
from receipt of application to classification .....	5	3	3	5
from referral by a magistrate to determination .....	21	—#	—#	21

As there is only one case being set down for trial/substantive hearing in the Competition Tribunal, the waiting time is inapplicable. The target average waiting time will be considered when more cases are set down for trial/substantive hearing at the Tribunal.

- § The general position regarding the judicial manpower at the High Court has been detailed at paragraph 4. In particular, it is noted that the average waiting time for the Criminal Fixture List, although continued to exceed the target in 2017, had shortened substantially in the year due to a number of factors, including the deployment of additional judicial manpower to handle criminal trials at the Court of First Instance of the High Court. In 2015, the Chief Judge of the High Court formed some task groups to look into different aspects of criminal listing and hearing matters. As a result of the review, a new Practice Direction with measures to enhance management of criminal proceedings at the Court of First Instance of the High Court was promulgated in June 2017, thereby enabling more efficient disposal of cases. Furthermore, an additional Deputy Judge of the Court of First Instance of the High Court has been deployed to hear criminal cases since December 2016 to alleviate the judicial manpower constraint. An additional Deputy Judge of the Court of First Instance of the High Court has been deployed to hear magisterial appeals since June 2015. Although it continued to exceed the target, the average waiting time for appeals from the Magistrates' Courts to the Court of First Instance of the High Court had moderated. In addition, a draft Practice Direction aiming at speeding up the processing of certain magisterial appeal cases was prepared for stakeholder consultation in 2017. The plan is to promulgate the new Practice Direction in 2018. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting time.
- ψ A new Practice Direction on criminal proceedings in the Court of First Instance of the High Court was promulgated in June 2017 to enhance management of criminal proceedings. Since then, the Criminal Expedited List has replaced the Criminal Running List. The way to measure the average waiting times of the Criminal Expedited List and the setting of its target are being considered in the light of the operation of the new measures.
- β The average waiting time for criminal cases in the District Court continued to exceed the target due to the deployment of one District Court Judge to sit as Deputy Judge of the Court of First Instance of the High Court to hear magisterial appeals in the High Court since June 2015 and another two District Court Judges to sit as Deputy Judge of the Court of First Instance of the High Court to hear criminal cases and torture claims respectively since December 2016 and July 2017. The Judiciary will continue to monitor closely the situation and will make every effort to improve the waiting time.
- α As there is no appeal case filed, the waiting time is inapplicable.
- Ω Owing to the design of the case management system in the Magistrates' Courts, the average waiting time shown is the actual waiting time and not the first free date which the court can offer to the parties.
- φ The average waiting time for summonses in the Magistrates' Courts continued to exceed the target mainly due to the more complex nature of disputed summonses and involvement of more self represented parties, but it moderated in 2017 when compared to 2016.
- Δ As there is no charge case for the Juvenile Court where the defendant is remanded in custody, the waiting time is inapplicable.
- ρ The average waiting time in the Coroner's Court in 2017 exceeded the target mainly due to a huge increase in death inquests, particularly those more complex in nature.
- # As there is no application for determination filed, the waiting time is inapplicable.

### Indicators

	2016 (Actual)	2017 (Actual)	2018 (Estimate)
<i>Number of Cases</i>			
<i>Court of Final Appeal</i>			
application for leave to appeal .....	129	112	110
appeals.....	32	26	30
miscellaneous proceedings.....	0	0	0

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	2016 (Actual)	2017 (Actual)	2018 (Estimate)
Court of Appeal of the High Court			
criminal appeals .....	400	420	420
civil appeals.....	246	298	300
miscellaneous proceedings‡.....	—	83	80
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	497	449	450
confidential miscellaneous proceedings.....	405	382	380
miscellaneous proceedings (criminal)⊠.....	—	374	370
appeals from Magistrates' Courts .....	702	659	660
civil jurisdiction@.....	19 467	17 719	17 720
probate cases .....	18 368	20 477	20 480
Competition Tribunal.....	0	2	2
District Court			
criminal cases.....	1 215	1 156	1 160
civil cases .....	21 902	20 550	20 550
family cases.....	22 297	23 634	23 630
Lands Tribunal.....	4 629	4 653	4 650
Magistrates' Courts .....	334 048	338 977	338 980
Coroner's Court.....	83	131	130
Labour Tribunal .....	4 326	4 015	4 020
Small Claims Tribunal .....	49 169	51 012	51 010
Obscene Articles Tribunal.....	226	174	170

‡ A new case type has since 1 July 2017 been created for criminal and civil miscellaneous matters before the Court of Appeal of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorised under civil jurisdiction of the Court of First Instance of the High Court.

⊠ A new case type has since 1 July 2017 been created for criminal miscellaneous matters before the Court of First Instance of the High Court. Such caseload was formerly subsumed under High Court Miscellaneous Proceedings which was categorised under civil jurisdiction of the Court of First Instance of the High Court.

@ The case type of High Court Miscellaneous Proceedings has excluded miscellaneous matters before the Court of Appeal of the High Court and criminal miscellaneous matters before the Court of First Instance of the High Court since 1 July 2017.

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 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 2018–19*

8 In 2018–19, the Judiciary will continue to:

- monitor the waiting time at the various levels of courts, particularly that in the High Court, and will seek the Legislative Council's approval for the creation of additional judicial posts to enhance the judicial establishment to cope with the increased workload;
- monitor the working of the reformed civil justice system after the implementation of the Civil Justice Reform;
- monitor the work of the Competition Tribunal which came into full operation in December 2015; and
- carry out the legislative work for the proposed formulation of a unified set of court procedural rules for the family justice system.

### **Programme (2): Support Services for Courts' Operation**

	2016–17 (Actual)	2017–18 (Original)	2017–18 (Revised)	2018–19 (Estimate)
Financial provision (\$m)	370.9	411.9	411.8 (—)	433.1 (+5.2%)
				(or +5.1% on 2017–18 Original)

### *Aim*

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

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### *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 2017, 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*

	2016 (Actual)	2017 (Actual)	2018 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal .....	310 591	278 784	<b>278 790</b>
civil .....	72 210	80 992	<b>81 000</b>
cases with transcripts produced			
criminal .....	6 355	6 174	<b>6 180</b>
civil .....	1 532	1 600	<b>1 600</b>
<i>Interpretation and Translation</i>			
pages of certification/translation processed .....	219 186	231 025	<b>231 050</b>
<i>Bailiff Service</i>			
executions attempted .....	21 688	23 438	<b>23 500</b>
summons services attempted .....	95 458	97 474	<b>97 500</b>
<i>Library</i>			
library materials acquired and processed .....	33 488	31 155	<b>31 000</b>
attendances at the Library .....	39 419	38 154	<b>38 000</b>

### *Matters Requiring Special Attention in 2018–19*

**13** In 2018–19, 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

<b>Programme</b>	2016–17 (Actual) (\$m)	2017–18 (Original) (\$m)	2017–18 (Revised) (\$m)	<b>2018–19 (Estimate) (\$m)</b>
(1) Courts, Tribunals and Various Statutory Functions .....	1,150.5	1,350.8	1,288.4	<b>1,468.7</b>
(2) Support Services for Courts’ Operation.....	370.9	411.9	411.8	<b>433.1</b>
	1,521.4	1,762.7	1,700.2 (–3.5%)	<b>1,901.8 (+11.9%)</b>
				<b>(or +7.9% on 2017–18 Original)</b>

#### Analysis of Financial and Staffing Provision

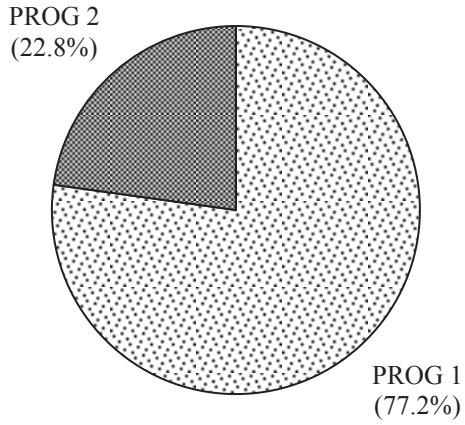
##### Programme (1)

Provision for 2018–19 is \$180.3 million (14.0%) higher than the revised estimate for 2017–18. This is mainly due to the increased provision for filling of vacancies and a net increase of four judicial and 31 non-judicial posts in 2018–19.

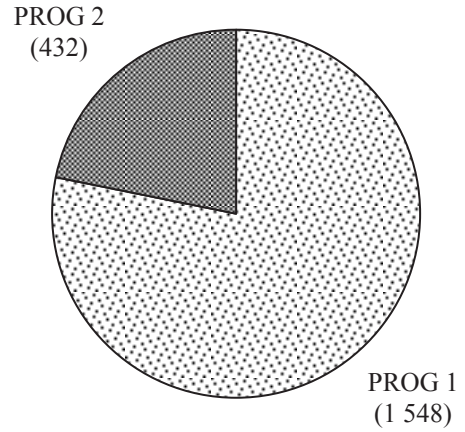
##### Programme (2)

Provision for 2018–19 is \$21.3 million (5.2%) higher than the revised estimate for 2017–18. 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 two non-judicial posts in 2018–19.

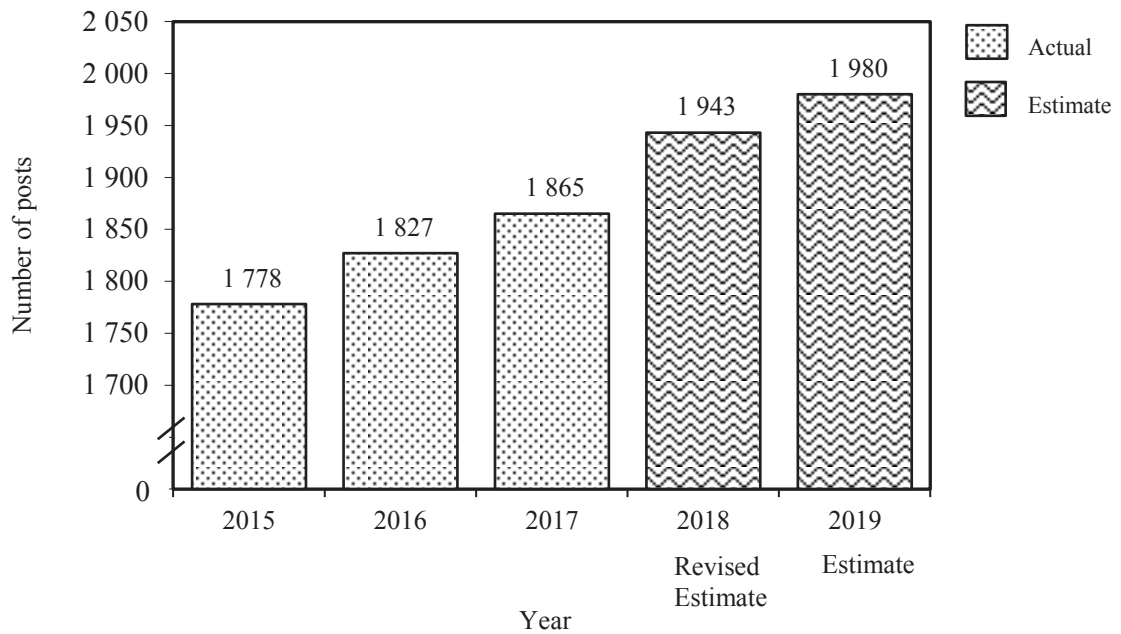
*Allocation of provision to programmes (2018-19)*



*Staff by programme (as at 31 March 2019)*



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



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Sub-head (Code)	Actual expenditure 2016-17	Approved estimate 2017-18	Revised estimate 2017-18	<b>Estimate 2018-19</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	1,504,513	1,733,635	1,671,100	<b>1,882,302</b>
206	Expenses of witnesses and jurors.....	9,046	11,783	11,783	<b>12,897</b>
	Total, Recurrent.....	1,513,559	1,745,418	1,682,883	<b>1,895,199</b>
	Total, Operating Account .....	1,513,559	1,745,418	1,682,883	<b>1,895,199</b>
<b>Capital Account</b>					
Plant, Equipment and Works					
661	Minor plant, vehicles and equipment (block vote).....	7,796	17,307	17,307	<b>6,560</b>
	Total, Plant, Equipment and Works.....	7,796	17,307	17,307	<b>6,560</b>
	Total, Capital Account.....	7,796	17,307	17,307	<b>6,560</b>
	Total Expenditure .....	1,521,355	1,762,725	1,700,190	<b>1,901,759</b>



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### Details of Expenditure by Subhead

The estimate of the amount required in 2018–19 for the salaries and expenses of the Judiciary is \$1,901,759,000. This represents an increase of \$201,569,000 over the revised estimate for 2017–18 and \$380,404,000 over the actual expenditure in 2016–17.

#### *Operating Account*

##### Recurrent

**2** Provision of \$1,882,302,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$388,300 for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$211,202,000 (12.6%) over the revised estimate for *Subhead 000 Operational expenses* for 2017–18 is mainly due to the full-year effect of posts created in 2017–18, the filling of vacancies, the increased provision for salary arising from a net increase of four judicial and 33 non-judicial posts in 2018–19 and operating expenses to support courts' operation.

**3** The establishment as at 31 March 2018 will be 1 943 posts including two supernumerary posts. It is expected that there will be a net increase of 37 posts in 2018–19. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2018–19, but the notional annual mid-point salary value of all such posts must not exceed \$740,605,000.

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

	2016–17 (Actual) (\$'000)	2017–18 (Original) (\$'000)	2017–18 (Revised) (\$'000)	<b>2018–19 (Estimate) (\$'000)</b>
Personal Emoluments				
- Salaries.....	1,048,393	1,179,892	1,114,283	<b>1,260,716</b>
- Allowances.....	26,374	23,634	27,159	<b>27,478</b>
- Job-related allowances.....	1,546	1,573	1,350	<b>1,358</b>
Personnel Related Expenses				
- Cash allowances^ .....	7,905	46,354	20,483	<b>25,116</b>
- Mandatory Provident Fund contribution.....	3,070	4,387	3,728	<b>3,969</b>
- Civil Service Provident Fund contribution.....	21,393	23,053	25,811	<b>29,775</b>
Departmental Expenses				
- Hire of services and professional fees .....	180,751	192,459	213,387	<b>247,876</b>
- General departmental expenses .....	215,081	262,275	264,891	<b>286,006</b>
Other Charges				
- Magistrates poor box .....	—	8	8	<b>8</b>
	1,504,513	1,733,635	1,671,100	<b>1,882,302</b>

^ The description “Cash allowances” has been used since 2017–18 in place of the former description “Cash allowance in lieu of housing benefits” to reflect the expansion of ambit to include provision for enhancement of housing, medical and dental benefits to Judges and Judicial Officers starting from 2017–18.

#### *Capital Account*

##### Plant, Equipment and Works

**5** Provision of \$6,560,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents a decrease of \$10,747,000 (62.1%) against the revised estimate for 2017–18. This is mainly due to decreased requirement for minor plant and equipment in court buildings.