

Head 80 — JUDICIARY

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

Estimate 2016–17 **\$1,587.5m**

Establishment ceiling 2016–17 (notional annual mid-point salary value) representing an estimated 1 647 non-directorate posts as at 31 March 2016 rising by 49 posts to 1 696 posts as at 31 March 2017 **\$662.2m**

In addition, there will be an estimated 200 directorate posts as at 31 March 2016 rising by four posts to 204 posts as at 31 March 2017, of which 194 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

	2014–15 (Actual)	2015–16 (Original)	2015–16 (Revised)	2016–17 (Estimate)
Financial provision (\$m)	968.4	1,085.6	1,060.9 (–2.3%)	1,204.5 (+13.5%)
				(or +11.0% on 2015–16 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 2015, 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 were 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. On 20 March 2015, approval was obtained from the Finance Committee of the Legislative Council for the creation of additional judicial posts which included 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. Upon the filling of all these additional and other existing 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, 2013 and 2014, the Judiciary conducted three open recruitment exercises for the Judges of the Court of First Instance of the High Court. As a result, a total of 16 appointments have been made as at 6 January 2016, but not all available vacancies could be filled. 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 are some recruitment difficulties at this level of court. The Judiciary has embarked on a number of reviews with a view to addressing these issues, such as the review of the retirement ages of Judges and Judicial Officers and the review of the terms and conditions of service for Judges and Judicial Officers.

Head 80 — JUDICIARY

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.

	2015 Target	2014 (Actual)	2015 (Actual)	2016 Target
<i>Average Waiting Time (days)</i>				
Court of Final Appeal				
application for leave to appeal				
criminal—from notice of hearing to hearing	45	41	42	45
civil—from notice of hearing to hearing	35	32	31	35
substantive appeal				
criminal—from notice of hearing to hearing	100	92	96	100
civil—from notice of hearing to hearing	120	107	112	120
Court of Appeal of the High Court ^β				
criminal—from setting down of a case to hearing	50	51	53	50
civil—from application to fix date to hearing	90	117	112	90
Court of First Instance of the High Court [§]				
Criminal Fixture List—from filing of indictment to hearing	120	227	272	120
Criminal Running List—from setting down of a case to hearing	90	86	81	90
Civil Fixture List—from application to fix date to hearing	180	193	140	180
Civil Running List—from not-to-be-warned date to hearing	30	19	7	30
appeals from Magistrates' Courts— from lodging of Notice of Appeal to hearing	90	104	100	90
District Court				
criminal—from first appearance of defendants in District Court to hearing	100	63	79	100
Civil Fixture List—from date of listing to hearing	120	99	101	120
Civil Running List—from not-to-be-warned date to hearing	30	10	12	30
Family Court				
dissolution of marriage—from setting down of a case to hearing				
Special Procedure List	35	32	34	35
Defended List (all hearings)	110	97	93	110
financial applications—from setting down of a case to hearing	110-140	84	91	110-140
Lands Tribunal—from setting down of a case to hearing				
appeal cases	90	25	36	90
compensation cases	90	37	63	90
building management cases	90	30	36	90
tenancy cases	50	22	28	50

Head 80 — JUDICIARY

	2015 Target	2014 (Actual)	2015 (Actual)	2016 Target
Magistrates' Courts—from plea to date of trial Ω				
summons ϕ	50	67	67	50
charge cases except for Juvenile Court—				
for defendants in custody	30-45	36	39	30-45
for defendants on bail.....	45-60	44	49	45-60
charge cases for Juvenile Court—				
for defendants in custody Δ	30-45	45	72	30-45
for defendants on bail.....	45-60	45	60	45-60
Coroner's Court—from date of listing to hearing	42	40	35	42
Labour Tribunal—				
from appointment to filing of a case ...	30	27	30	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	36	35	60
Obscene Articles Tribunal—				
from receipt of application to classification	5	3	4	5
from referral by a magistrate to determination	21	12	18	21

β The general position regarding the judicial manpower at the High Court has been detailed at paragraph 4. 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, greater 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. 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 further narrowed in 2015. The Judiciary will continue to closely monitor the situation and will make every effort to improve the waiting times.

\S The general position regarding the judicial manpower at the High Court has been detailed at paragraph 4. In particular, it is noted with concern that the average waiting time for the Criminal Fixture List continued to lengthen and exceeded the target by a great margin in 2015 despite additional temporary judicial manpower had been deployed to handle criminal trials at the Court of First Instance of the High Court. To look deeper into the situation with a view to identifying whether there are other causes to the problem, the Chief Judge of the High Court has formed some task groups in late 2015 to look into different aspects of criminal listing and hearing matters. It is expected that the task groups would come up with more concrete findings and recommendations in 2016. The average waiting time for appeals from the Magistrates' Courts to the Court of First Instance of the High Court continued to exceed the target. To address this situation, an additional Deputy High Court Judge had been deployed to hear magisterial appeals since June 2015, and as a result, there was a slight improvement in the waiting time in 2015. As regards the average waiting time for civil fixture cases, it is noted that there were marked improvements in the waiting time, and that in 2015 was well within target as a result of continuous deployment of additional judicial resources. The Judiciary will continue to closely monitor the situation and press on with the reviews as mentioned at paragraph 4 and will make every effort to improve the waiting times.

Ω Due 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 more self represented parties are involved.

Δ The actual waiting time for the charge cases for Juvenile Court for defendants in custody did not reflect the availability or sufficiency of judicial resources in hearing such cases. There were only two such cases in 2015 and in practice, there are five Magistrates' Courts hearing juvenile cases and about 40 days are reserved each month for priority listing in hearing juvenile cases. The average waiting time exceeded the target in 2015 because of the exceptionally long actual waiting time of one case due to the specific circumstances of the case.

Head 80 — JUDICIARY

Indicators

	2014 (Actual)	2015 (Actual)	2016 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
application for leave to appeal	141	127	130
appeals.....	23	31	30
miscellaneous proceedings.....	1	0	0
Court of Appeal of the High Court			
criminal appeals	452	442	440
civil appeals.....	262	279	280
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	545	503	500
confidential miscellaneous proceedings.....	346	402	400
appeals from Magistrates' Courts	771	777	780
civil jurisdiction	19 367	19 885	19 890
probate cases	17 931	19 127	19 130
District Court			
criminal cases.....	1 079	1 118	1 120
civil cases	20 639	20 346	20 350
family cases [□]	22 416	21 834	21 830
Lands Tribunal	4 733	4 740	4 740
Magistrates' Courts	322 964	317 006	317 010
Coroner's Court.....	146	93	90
Labour Tribunal	4 039	4 006	4 010
Small Claims Tribunal	50 083	49 775	49 780
Obscene Articles Tribunal.....	12 143	4 278	4 280

□ It is previously named as divorce jurisdiction. The amendment aims to refine the description and there is no change to the type of cases included in this group.

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 2016–17

8 In 2016–17, 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;
- monitor the work of the Competition Tribunal since its 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

	2014–15 (Actual)	2015–16 (Original)	2015–16 (Revised)	2016–17 (Estimate)
Financial provision (\$m)	309.1	351.6	347.9 (–1.1%)	383.0 (+10.1%)
				(or +8.9% on 2015–16 Original)

Aim

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

Head 80 — JUDICIARY

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 2015, 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

	2014 (Actual)	2015 (Actual)	2016 (Estimate)
<i>Reporting and Transcription</i>			
cases covered			
criminal	279 858	295 164	295 170
civil	59 852	64 441	64 450
cases with transcripts produced			
criminal	6 212	6 047	6 050
civil	1 811	1 744	1 750
<i>Interpretation and Translation</i>			
pages of certification/translation processed by Court			
Interpreters	219 741	211 473	211 480
<i>Bailiff Service</i>			
executions attempted	19 067	19 676	19 700
summons services attempted	91 749	85 338	85 400
<i>Library</i>			
library materials acquired and processed	37 823	36 757	36 500
attendances at the Library	47 765	43 153	43 000

Matters Requiring Special Attention in 2016–17

13 In 2016–17, 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.

Head 80 — JUDICIARY

ANALYSIS OF FINANCIAL PROVISION

	2014-15 (Actual) (\$m)	2015-16 (Original) (\$m)	2015-16 (Revised) (\$m)	2016-17 (Estimate) (\$m)
Programme				
(1) Courts, Tribunals and Various Statutory Functions	968.4	1,085.6	1,060.9	1,204.5
(2) Support Services for Courts' Operation.....	309.1	351.6	347.9	383.0
	1,277.5	1,437.2	1,408.8 (-2.0%)	1,587.5 (+12.7%)
				(or +10.5% on 2015-16 Original)

Analysis of Financial and Staffing Provision

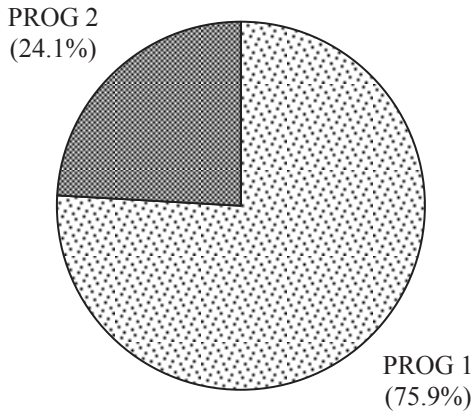
Programme (1)

Provision for 2016-17 is \$143.6 million (13.5%) higher than the revised estimate for 2015-16. This is mainly due to the increased provision for filling of vacancies and a net increase of three judicial and 45 non-judicial posts in 2016-17.

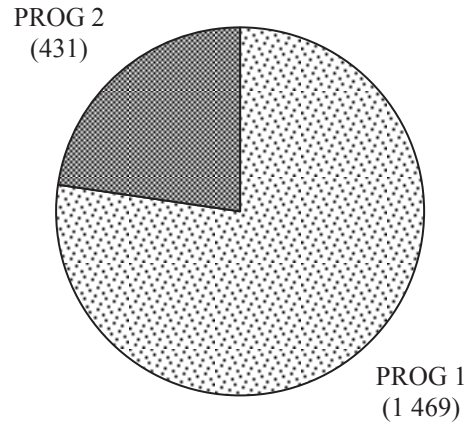
Programme (2)

Provision for 2016-17 is \$35.1 million (10.1%) higher than the revised estimate for 2015-16. 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 five non-judicial posts in 2016-17.

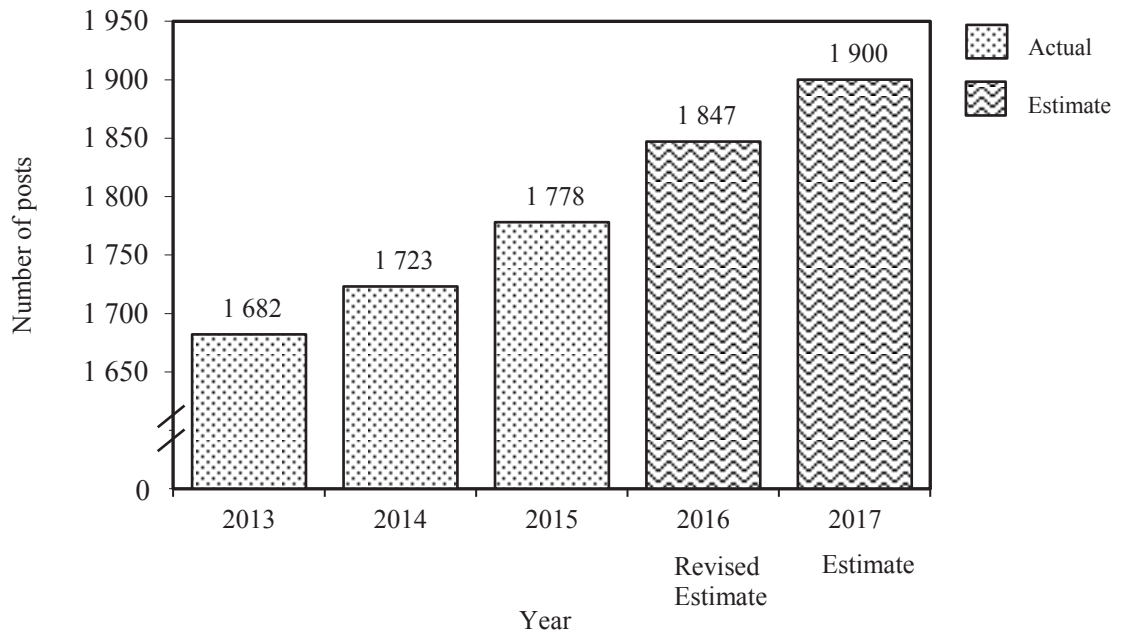
Allocation of provision to programmes (2016-17)



Staff by programme (as at 31 March 2017)



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



Head 80 — JUDICIARY

Sub-head (Code)	Actual expenditure 2014–15	Approved estimate 2015–16	Revised estimate 2015–16	Estimate 2016–17	
	\$'000	\$'000	\$'000	\$'000	
Operating Account					
Recurrent					
000	Operational expenses	1,267,937	1,423,409	1,395,203	1,566,866
206	Expenses of witnesses and jurors.....	7,561	11,021	11,021	11,021
	Total, Recurrent.....	<u>1,275,498</u>	<u>1,434,430</u>	<u>1,406,224</u>	<u>1,577,887</u>
Non-Recurrent					
	General non-recurrent	49	—	—	—
	Total, Non-Recurrent.....	<u>49</u>	<u>—</u>	<u>—</u>	<u>—</u>
	Total, Operating Account	<u>1,275,547</u>	<u>1,434,430</u>	<u>1,406,224</u>	<u>1,577,887</u>
Capital Account					
Plant, Equipment and Works					
661	Minor plant, vehicles and equipment (block vote).....	1,712	2,755	2,603	9,573#
	Plant, vehicles and equipment.....	226	—	—	—
	Total, Plant, Equipment and Works.....	<u>1,938</u>	<u>2,755</u>	<u>2,603</u>	<u>9,573</u>
	Total, Capital Account.....	<u>1,938</u>	<u>2,755</u>	<u>2,603</u>	<u>9,573</u>
	Total Expenditure	<u><u>1,277,485</u></u>	<u><u>1,437,185</u></u>	<u><u>1,408,827</u></u>	<u><u>1,587,460</u></u>

Provision of \$9,573,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$6,970,000 (267.8%) over the revised estimate for 2015–16. This reflects the updating of the ambit of this block vote subhead as set out in the Introduction to the Estimates and the increased requirement for minor plant and equipment in court buildings.

Head 80 — JUDICIARY

Details of Expenditure by Subhead

The estimate of the amount required in 2016–17 for the salaries and expenses of the Judiciary is \$1,587,460,000. This represents an increase of \$178,633,000 over the revised estimate for 2015–16 and \$309,975,000 over the actual expenditure in 2014–15.

Operating Account

Recurrent

2 Provision of \$1,566,866,000 under *Subhead 000 Operational expenses* is for the salaries, allowances and other operating expenses of the Judiciary. This includes provision of \$373,600, for a non-accountable entertainment allowance for the Chief Justice of the Court of Final Appeal. The increase of \$171,663,000 (12.3%) over the revised estimate for *Subhead 000 Operational expenses* for 2015–16 is mainly due to the full-year effect of posts created in 2015–16, the filling of vacancies, the increased provision for salary arising from a net increase of three judicial and 50 non-judicial posts in 2016–17 and operating expenses to support courts' operation.

3 The establishment as at 31 March 2016 will be 1 847 posts including one supernumerary post. It is expected that there will be a net increase of 53 posts including one supernumerary post in 2016–17. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2016–17, but the notional annual mid-point salary value of all such posts must not exceed \$662,246,000.

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

	2014–15 (Actual) (\$'000)	2015–16 (Original) (\$'000)	2015–16 (Revised) (\$'000)	2016–17 (Estimate) (\$'000)
Personal Emoluments				
- Salaries.....	925,269	1,027,948	976,273	1,094,168
- Allowances.....	22,584	22,545	21,360	23,522
- Job-related allowances.....	1,750	1,415	1,928	1,925
Personnel Related Expenses				
- Cash allowance in lieu of housing benefits.....	9,044	10,412	7,698	9,577
- Mandatory Provident Fund contribution.....	2,965	3,584	3,146	4,213
- Civil Service Provident Fund contribution.....	12,038	15,074	16,423	18,994
Departmental Expenses				
- Hire of services and professional fees	129,068	142,487	169,074	182,890
- General departmental expenses	165,219	199,936	199,293	231,569
Other Charges				
- Magistrates poor box	—	8	8	8
	1,267,937	1,423,409	1,395,203	1,566,866

Capital Account

Plant, Equipment and Works

5 Provision of \$9,573,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$6,970,000 (267.8%) over the revised estimate for 2015–16. This reflects the updating of the ambit of this block vote subhead as set out in the Introduction to the Estimates and the increased requirement for minor plant and equipment in court buildings.