

## Head 80 — JUDICIARY

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

**Estimate 2021–22** ..... **\$2,325.7m**

**Establishment ceiling 2021–22** (notional annual mid-point salary value) representing an estimated 1 853 non-directorate posts as at 31 March 2021 rising by four posts to 1 857 posts as at 31 March 2022..... **\$877.8m**

In addition, there will be an estimated 226 directorate posts as at 31 March 2021 and as at 31 March 2022, of which 213 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

	2019–20 (Actual)	2020–21 (Original)	2020–21 (Revised)	<b>2021–22 (Estimate)</b>
Financial provision (\$m)	1,462.3	1,736.7	1,639.7 (–5.6%)	<b>1,792.7</b> (+9.3%)
				(or +3.2% on 2020–21 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 are to:

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

**4** In 2020, the operation of courts and tribunals was considerably affected by the unprecedented challenges from the COVID-19 epidemic. In light of the evolving public health situation throughout the year, the Judiciary had been adjusting its conduct of court business in various ways, through striking a balance between public health risks and administration of justice. Following the cessation of the General Adjourned Period (GAP), which lasted from late January to early May 2020, where court proceedings were generally adjourned except for urgent and essential business, the Judiciary has been adopting appropriate social distancing measures (mainly for crowd control and compressing people flow) to ensure that courts can continue to carry on business as safely as circumstances permit. Where necessary, court proceedings and hearings have been scheduled with wider intervals while opening hours of registries and accounts offices have been adjusted. The Judiciary has also been endeavouring to handle the maximum possible number of cases through using alternative modes of disposal for civil cases (such as remote hearings and paper disposal), more flexible use of court premises and engagement of temporary judicial manpower. For civil cases in the High Court and the District Court, the Judiciary has managed to maintain the average court waiting times generally at normal levels mainly through the use of alternative modes of disposal. As regards the other court proceedings (particularly criminal proceedings), as the capacity of the courts has inevitably been reduced, the average court waiting times have been lengthened as compared with the previous year.

**5** Court cases continue to be voluminous and complex. The rapid and unprecedented increase in cases related to social events at different levels of courts has been posing significant challenges in terms of manpower resources and court facilities. These have added to the continued challenge from the substantial and increasing volume of applications for leave to apply for Judicial Review on non-refoulement claims and related appeals at the High Court and the Court of Final Appeal.

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6 To address the persistent shortage of judicial manpower, the Judiciary has extended the statutory retirement ages of the Judges and Judicial Officers since 6 December 2019, following the enhancement of their terms and conditions of service in 2017. The Judiciary has been launching regular rounds of open recruitment for all levels of courts. The recent round commenced in November 2020.

7 To cope with the increasing cases relating to non-refoulement claims at the High Court, the Judiciary has been seeking and deploying additional resources taking into account the legislative amendments which would facilitate more efficient handling of cases as from January 2021.

8 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) and the Legal Practitioners Ordinance (Cap. 159) in relation to the Higher Rights Assessment Board and related matters.

9 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.

	2020 Target	2019 (Actual)	2020 (Actual)	2021 Target
<i>Average Waiting Time</i>	(days)			
<b>Court of Final Appeal</b>				
application for leave to appeal				
criminal—from notice of hearing to hearing .....	45	44	42	45
civil—from notice of hearing to hearing .....	35	34	31	35
substantive appeal				
criminal—from notice of hearing to hearing .....	100	98	98	100
civil—from notice of hearing to hearing .....	120	113	93	120
<b>Court of Appeal of the High Court</b>				
criminal—from setting down of a case to hearing .....	50	49	55§	50
civil—from application to fix date to hearing .....	90	89	85	90
<b>Court of First Instance of the High Court</b>				
Criminal Fixture List—from filing of indictment to hearing .....	—	167	349§	—
Civil Fixture List—from application to fix date to hearing .....	180	173	166	180
Civil Running List—from not-to-be-warned date to hearing....	30	29	28	30
appeals from Magistrates' Courts— from lodging of Notice of Appeal to hearing .....	90	105	128§	90
<b>District Court</b>				
criminal—from first appearance of defendants in District Court to hearing <sup>β</sup> .....	100	191	210 <sup>α</sup>	100
Civil Fixture List—from date of listing to hearing .....	120	95	105	120
Civil Running List—from not-to-be-warned date to hearing....	30	21	28	30
<b>Family Court</b>				
dissolution of marriage—from setting down of a case to hearing				
Special Procedure List .....	35	35	35	35
Defended List (all hearings).....	110	89	69	110
financial applications—from setting down of a case to hearing .....	110-140	81	85	110-140
<b>Lands Tribunal—from setting down of a case to hearing</b>				
appeal cases .....	90	35	39	90
compensation cases .....	90	38	29	90
building management cases .....	90	21	31	90
tenancy cases .....	50	17	24	50

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	2020 Target	2019 (Actual)	2020 (Actual)	<b>2021 Target</b>
Magistrates' Courts—from plea to date of trial <sup>Ω</sup>				
summons <sup>φ</sup> .....	50	67	75	<b>50</b>
charge cases except for Juvenile Court—				
for defendants in custody .....	30-45	41	45	<b>30-45</b>
for defendants on bail.....	45-60	51	67§	<b>45-60</b>
charge cases for Juvenile Court—				
for defendants in custody .....	30-45	30	13	<b>30-45</b>
for defendants on bail.....	45-60	58	60	<b>45-60</b>
Coroner's Court—from date of listing to hearing .....	42	61	70§	<b>42</b>
Labour Tribunal—				
from appointment to filing of a case ...	30	29	61§	<b>30</b>
from filing of a case to first hearing....	30	25	23	<b>30</b>
Small Claims Tribunal—from filing of a case to first hearing.....	60	36	41	<b>60</b>
Obscene Articles Tribunal—				
from receipt of application to classification .....	5	2	3	<b>5</b>
from referral by a magistrate to determination .....	21	15	10	<b>21</b>

As there have only been a total of three cases being set down for trial/substantive hearing in the Competition Tribunal since its establishment, 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.

- § Generally speaking, the average waiting time for different types of cases at the various levels of courts in 2020 have been lengthened to varying degrees primarily due to the need for re-fixing hearings in light of the evolving public health situation under the COVID-19 epidemic. The impact falls mainly on criminal cases, as briefly analysed below:
- Both criminal appeals in the Court of Appeal of the High Court and appeals from Magistrates' Court in the Court of First Instance of the High Court slightly exceeded targets.
  - For criminal cases, the average waiting time for the Criminal Fixture List in the Court of First Instance of the High Court was maintained to be under 170 days in the past three years after implementation of the amended Practice Direction (PD) on Criminal Proceedings. In 2020, the average waiting time was lengthened to 349 days mainly because a substantial number of jury trials had to be re-fixed for a number of months due to the COVID-19 epidemic. In view of the unprecedented impact of COVID-19 epidemic in 2020, the measurement and targets of the average waiting time for the Criminal Fixture List and Criminal Expedited List under the amended PD will be reviewed later at an appropriate juncture.
  - For the Magistrates' Courts, the waiting time for charge cases except for Juvenile Court where the defendant was on bail exceeded target. Temporary judicial resources would continue to be engaged to expedite processing of cases.
  - For the Coroner's Court, the average waiting time exceeded the target mainly due to the re-scheduling of proceedings involving jurors. Temporary judicial resources would continue to be engaged to expedite processing of cases.
  - For the Labour Tribunal, the average waiting time exceeded the target mainly because litigants were not able to do filing of cases when the relevant registry was closed during GAP. Temporary judicial resources would be engaged to help speed up processing of cases.
- β The waiting time for criminal cases in the District Court is defined as the time from first appearance of defendants in the District Court to the hearing and such waiting time will be affected by certain factors outside the control of the District Court. For instance, when the cases are adjourned for mention prior to setting down for trial when prosecution or defence requests further time for seeking further legal advice, obtaining witness statements, applying for legal aid, engaging or changing solicitors or counsel, and consolidation with other cases. The Judiciary will continue to monitor closely the situation and will make every effort to reduce the waiting time.
- α The average waiting time for criminal cases in the District Court continued to exceed the target in 2020. Apart from the impact of COVID-19 epidemic and the increasing number of cases related to social events, it was also due to the deployment of District Judges to sit as Deputy High Court Judges to hear criminal cases.
- Ω Owing to the design of the case management system in the Magistrates' Courts, the average waiting time shown is calculated on the basis of the duration from plea to the first date of trial 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 in 2020. Temporary judicial resources would continue to be engaged to help speed up the processing of cases as far as practicable.

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### *Indicators*

<i>Indicators</i>	2019 (Actual)	2020 (Actual)	2021 (Estimate)
<i>Number of Cases</i>			
Court of Final Appeal			
application for leave to appeal .....	493	342	490
appeals.....	16	13	20
miscellaneous proceedings.....	0	1	1
Court of Appeal of the High Court			
criminal appeals .....	376#	241#	380
civil appeals.....	597 $\lambda$	653 $\lambda$	650
miscellaneous proceedings.....	321	263	320
Court of First Instance of the High Court			
criminal jurisdiction			
criminal cases.....	424	366	420
confidential miscellaneous proceedings.....	340	440	440
miscellaneous proceedings (criminal) .....	684	772	770
appeals from Magistrates' Courts .....	603#	428#	600
civil jurisdiction .....	19 050	17 984	19 050
probate cases .....	21 005#	16 521#	21 010
Competition Tribunal.....	1	3	3
District Court			
criminal cases.....	961	1 119	1 120
civil cases .....	25 942	24 153	25 940
family cases.....	22 386#	17 585#	22 390
Lands Tribunal .....	5 721#	4 432#	5 720
Magistrates' Courts .....	332 746	317 104	332 750
Coroner's Court.....	117	98	120
Labour Tribunal .....	4 323	3 533	4 320
Small Claims Tribunal .....	55 879#	39 821#	55 880
Obscene Articles Tribunal $\omega$ .....	21 163#	14 131#	21 160

# Owing to the Judiciary's adjustments to court business and social distancing measures during the COVID-19 epidemic, the number of cases filed in 2020 at various levels of courts has fallen by varying magnitude, mostly by less than 20 per cent with a few types of proceedings by about 25 per cent, when compared with 2019.

$\lambda$  The number of civil appeals in 2020 exceeded that of the previous year (from 597 in 2019 to 653 in 2020). This is mainly due to the increase of 63 appeals in relation to non-refoulement claim cases (from 351 in 2019 to 414 in 2020).

$\omega$  The indicator is the number of articles referred to the Obscene Articles Tribunal for determination and classification. The actual number of articles referred to the Tribunal for determination and classification in 2020 included 14 024 articles for determination involved in two cases.

**10** It should be noted that a court's workload depends not only on the number of cases but also on the nature and complexity of the cases. 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 endeavour to enhance the efficiency of the courts through measures such as improving the listing system as well as appropriate deployment and addition of judicial resources.

### *Matters Requiring Special Attention in 2021–22*

**11** In 2021–22, the Judiciary will continue to:

- monitor the waiting time and workload at various levels of courts, with a view to considering whether to increase the judicial manpower to cope with the increased workload;
- implement the legislative amendments which have taken effect since January 2021 to streamline procedures of the High Court and facilitate the more efficient handling of cases, including those relating to non-refoulement claims; and
- work on the drafting of the proposed formulation of a unified set of court procedural rules for the family justice system and preparation for stakeholders' engagement on the proposals.

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

	2019–20 (Actual)	2020–21 (Original)	2020–21 (Revised)	<b>2021–22 (Estimate)</b>
Financial provision (\$m)	473.9	527.3	503.0 (–4.6%)	<b>533.0</b> (+6.0%)
				(or +1.1% on 2020–21 Original)

#### *Aim*

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

#### *Brief Description*

13 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 technology and other modern management tools to enhance the efficiency of court support services.

14 In 2020, despite the impact of the COVID-19 epidemic on the administrative services supporting the court business, the overall performance of the programme was generally maintained.

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

#### *Indicators*

	2019 (Actual)	2020 (Actual)	<b>2021 (Estimate)</b>
<i>Reporting and Transcription</i>			
cases covered			
criminal .....	253 447	222 651	<b>253 450</b>
civil .....	84 260	64 233	<b>84 260</b>
cases with transcripts produced			
criminal .....	5 753	4 460	<b>5 750</b>
civil .....	1 531	1 186	<b>1 530</b>
<i>Interpretation and Translation</i>			
pages of certification/translation processed .....	184 391	145 423	<b>184 390</b>
<i>Bailiff Service</i>			
executions attempted .....	22 359	22 439	<b>22 440</b>
summons services attempted .....	88 470	68 913	<b>88 470</b>
<i>Library</i>			
library materials acquired and processed .....	32 377	31 924	<b>31 000</b>
attendance at the Library .....	31 109	19 257	<b>25 000</b>

#### *Matters Requiring Special Attention in 2021–22*

16 In 2021–22, the Judiciary will continue to:

- promote and develop the greater use of remote means of hearings for civil and criminal proceedings at all levels of courts, and to develop all necessary technologies for such purposes;
- introduce all necessary legislative amendments to enable the greater use of remote means as stated above;
- provide support to unrepresented litigants in the High Court and the District Court through the Resource Centre for Unrepresented Litigants;
- sustain quality management of administrative services to support court operations; and
- implement the information technology strategy plan for the Judiciary and make greater use of technology to enhance efficiency of court operations.

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### ANALYSIS OF FINANCIAL PROVISION

	2019–20 (Actual) (\$m)	2020–21 (Original) (\$m)	2020–21 (Revised) (\$m)	2021–22 (Estimate) (\$m)
<b>Programme</b>				
(1) Courts, Tribunals and Various Statutory Functions .....	1,462.3	1,736.7	1,639.7	<b>1,792.7</b>
(2) Support Services for Courts' Operation.	473.9	527.3	503.0	<b>533.0</b>
	1,936.2	2,264.0	2,142.7 (–5.4%)	<b>2,325.7</b> <b>(+8.5%)</b>
				<b>(or +2.7% on 2020–21 Original)</b>

#### Analysis of Financial and Staffing Provision

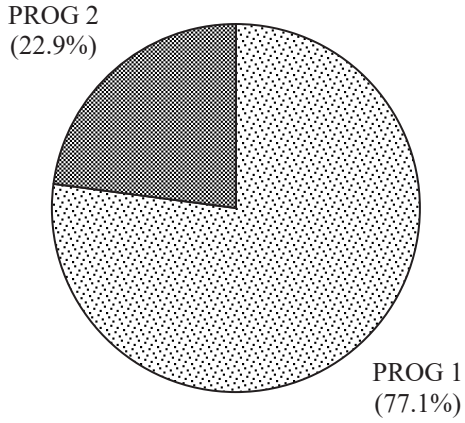
##### Programme (1)

Provision for 2021–22 is \$153.0 million (9.3%) higher than the revised estimate for 2020–21. This is mainly due to the increased provision for filling of vacancies, a net increase of four non-judicial posts and replacement of minor plant and equipment in 2021–22.

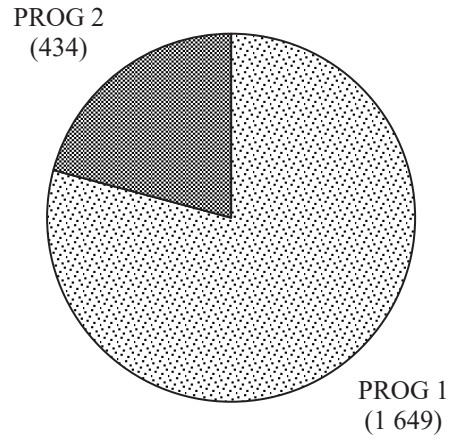
##### Programme (2)

Provision for 2021–22 is \$30.0 million (6.0%) higher than the revised estimate for 2020–21. This is mainly due to the increased provision for filling of vacancies and operating expenses to enhance support services for courts' operation.

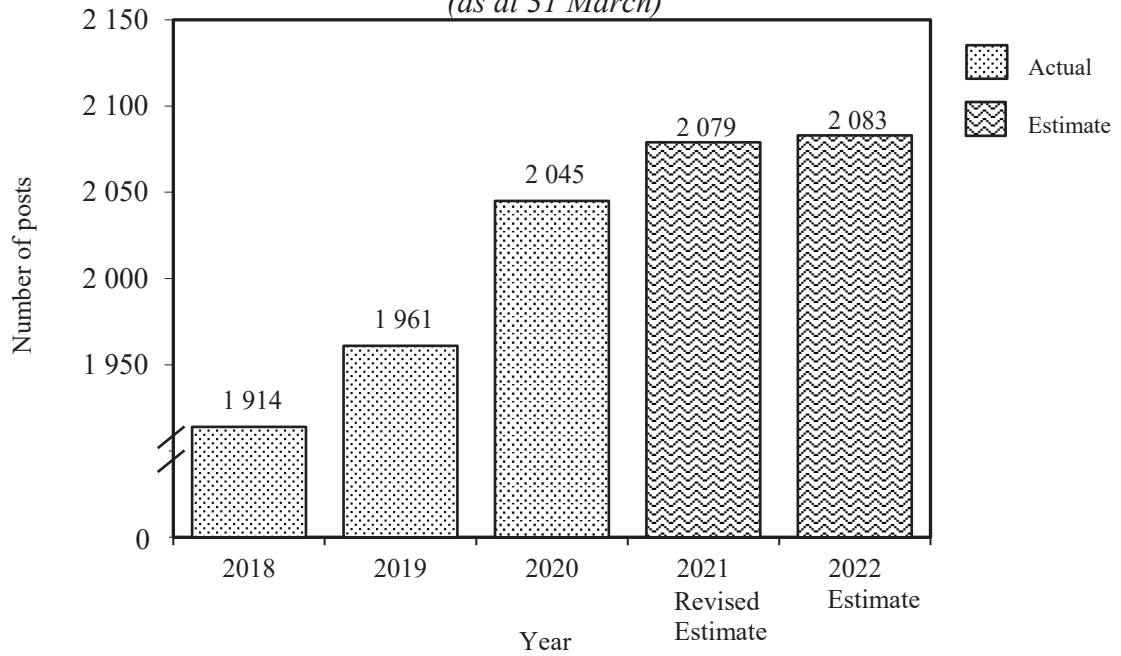
*Allocation of provision to programmes (2021-22)*



*Staff by programme (as at 31 March 2022)*



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



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Sub-head (Code)	Actual expenditure 2019–20	Approved estimate 2020–21	Revised estimate 2020–21	<b>Estimate 2021–22</b>	
	\$'000	\$'000	\$'000	<b>\$'000</b>	
<b>Operating Account</b>					
Recurrent					
000	Operational expenses .....	1,923,798	2,244,537	2,121,452	<b>2,282,054</b>
206	Expenses of witnesses and jurors.....	8,772	14,205	10,070	<b>14,884</b>
	Total, Recurrent.....	1,932,570	2,258,742	2,131,522	<b>2,296,938</b>
	Total, Operating Account .....	1,932,570	2,258,742	2,131,522	<b>2,296,938</b>
<hr/>					
<b>Capital Account</b>					
Plant, Equipment and Works					
661	Minor plant, vehicles and equipment (block vote).....	3,591	5,286	11,164	<b>28,741</b>
	Total, Plant, Equipment and Works.....	3,591	5,286	11,164	<b>28,741</b>
	Total, Capital Account.....	3,591	5,286	11,164	<b>28,741</b>
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	Total Expenditure .....	1,936,161	2,264,028	2,142,686	<b>2,325,679</b>



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### Details of Expenditure by Subhead

The estimate of the amount required in 2021–22 for the salaries and expenses of the Judiciary is \$2,325,679,000. This represents an increase of \$182,993,000 over the revised estimate for 2020–21 and \$389,518,000 over the actual expenditure in 2019–20.

#### *Operating Account*

##### Recurrent

**2** Provision of \$2,282,054,000 under *Subhead 000 Operational expenses* is for salaries, allowances and other operating expenses of the Judiciary.

**3** The establishment as at 31 March 2021 will be 2 079 posts (comprising 1 854 civil service posts and 225 posts for Judges and Judicial Officers) including two supernumerary posts. It is expected that there will be a net increase of four civil service posts in 2021–22. The establishment as at 31 March 2022 will be 2 083 posts including two supernumerary posts. Subject to certain conditions, the controlling officer may under delegated power create or delete non-directorate posts during 2021–22, but the notional annual mid-point salary value of all such posts must not exceed \$877,813,000.

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

	2019–20 (Actual) (\$'000)	2020–21 (Original) (\$'000)	2020–21 (Revised) (\$'000)	<b>2021–22 (Estimate) (\$'000)</b>
Personal Emoluments				
- Salaries.....	1,209,341	1,469,989	1,332,564	<b>1,473,963</b>
- Allowances.....	32,923	32,509	27,842	<b>31,465</b>
- Job-related allowances.....	921	2,333	2,313	<b>2,401</b>
Personnel Related Expenses				
- Cash allowances.....	22,671	34,230	23,509	<b>33,160</b>
- Mandatory Provident Fund contribution.....	4,441	5,517	4,608	<b>4,804</b>
- Civil Service Provident Fund contribution.....	39,646	46,646	44,808	<b>48,716</b>
Departmental Expenses				
- Hire of services and professional fees .....	299,322	307,021	336,613	<b>338,983</b>
- General departmental expenses .....	314,527	346,284	349,187	<b>348,554</b>
Other Charges				
- Magistrates poor box .....	6	8	8	<b>8</b>
	1,923,798	2,244,537	2,121,452	<b>2,282,054</b>

**5** Provision of \$14,884,000 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 \$4,814,000 (47.8%) over the revised estimate for 2020–21 is mainly due to anticipated increase in requirement arising from re-fixing a considerable number of cases and inquiries from 2020–21 to 2021–22 due to the COVID-19 epidemic.

#### *Capital Account*

##### Plant, Equipment and Works

**6** Provision of \$28,741,000 under *Subhead 661 Minor plant, vehicles and equipment (block vote)* represents an increase of \$17,577,000 (157.4%) over the revised estimate for 2020–21. This is mainly due to increased requirement for replacement of minor plant and equipment in court buildings.