

# 裁判法院

## Magistrates' Courts

### 法庭服務簡介

Guide to Court Services



# 裁判法院

## 裁判法院負責審理什麼控罪？

在裁判法院進行聆訊的控罪範圍廣泛，包括簡易程序罪行和可公訴罪行，較嚴重的可公訴罪行會移交區域法院或高等法院原訟法庭審理。所有刑事案件的程序都是在裁判法院開始的，其中大部分在裁判法院完成處理。

裁判法院的最高刑罰一般為監禁2年和罰款10萬元。但是，當法庭同時處理兩項或以上的可公訴罪行時，裁判官可判處最高3年的刑期。就某些條例而言，單一罪行可判處監禁3年和罰款500萬元。

裁判法院裡的少年法庭負責審理被控人為兒童或16歲以下的少年人的案件，但不包括殺人罪。此外，少年法庭也可為兒童或少年發出照顧或保護令。

有關違例小販、交通違例事項和拋棄垃圾等輕微罪行，均由特委裁判官在裁判法院審理。特委裁判官不能判處監禁刑罰，而一般罰款的上限為5萬元，除非在任何其他條例中明確訂定一個較高的金額。

## 法律程序如何進行？

所有刑事案件的法律程序都是在裁判法院展開的。如果被控人認罪，法庭通常會在同一天判刑。但如果裁判官想參閱有關報告，以考慮被控人是否適合接受感化或社會服務令，進入勞教中心、更生中心、教導所、戒毒所，或接受入院令，便會把案件押後以取得有關報告參考。

如果被控人不認罪，法庭便會編排審訊日期。

被控人可親自進行訴訟，延聘律師代表自己，或申請當值律師服務。如果被控人選擇親自進行訴訟，他 / 她必須在各方面小心做好準備，包括傳召證人等。案件書記會應要求就傳召證人的程序給予指導。

在下列情況下，在裁判法院開展的可公訴罪行會移交較高級別的法院審理：

- 律政司司長申請把案件移交區域法院審理。
- 律政司司長申請把案件交付高等法院原訟法庭審理。若被控人要求進行初級偵訊，裁判官會應被控人要求而進行有關程序。若裁判官認為有足夠證據把被控人交予陪審團進行審訊，便會把被控人交付原訟法庭審理。若被控人沒有要求進行初級偵訊，裁判官便會立即把被控人交付原訟法庭審理。若被控人認罪，裁判官則會把被控人交付原訟法庭判刑。

- 律政司司長根據《複雜商業罪行條例》申請把有關案件移交高等法院原訟法庭審理。

裁判法院審理案件時，可用中文或英文進行。

易受傷害證人包括兒童、精神上無行為能力的人和恐懼中的證人可通過電視直播聯繫作證。

## 什麼是當值律師服務？

當值律師服務提供律師代表被控人，服務範圍幾乎涵蓋所有在裁判法院和少年法庭會遇到的控罪。當值律師服務由香港律師會和香港大律師公會聯合主理。

任何需要當值律師服務的被控人，應前往有關裁判法院的法庭聯絡處。不過當值律師服務的職員也會主動直接接觸被關押的被控人。

申請當值律師服務的人士必須通過案情審批和入息審查。申請人需先繳付540元<sup>1</sup>的定額手續費，案件才會獲得受理。不論案件延續多久，申請人毋需繳付其他費用。但是，對有真實困難之被控人，定額手續費可獲豁免。而在公平及公義的前題下，當值律師服務總幹事亦可酌情豁免被控人之入息審查。

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<sup>1</sup>定額手續費款額是由「當值律師服務」釐訂，或會不時調整。

## 如何提出覆核或上訴申請？

如果被控人對裁判官的裁定感到不滿，可在裁定作出後14天內向裁判官申請覆核其裁定。如果有關覆核被駁回，被控人可向高等法院原訟法庭提出上訴。上訴通知書應在裁判官駁回覆核後14天內提交。

被控人也可直接向原訟法庭提出上訴而毋需先尋求覆核。上訴通知書須在裁判官作出裁定後14天內向書記長提交。

## 服務承諾

- 案件由被控人在庭上回答是否認罪後60天內便會獲得處理。若案件涉及被關押的被控人，裁判官會加快有關法律程序，通常由被控人在庭上回答是否認罪後45天內便會處理有關案件。
- 對於市民的來信，司法機構會盡可能即時回覆。無論如何，我們會在接獲來信後10天內先予簡覆，並在30天內給予詳盡答覆。
- 我們歡迎市民提出任何建議和意見，讓我們可提供更完善的服務。市民可致函香港金鐘道38號高等法院司法機構政務長收。

## 如何聯絡我們<sup>2</sup>？

裁判法院一般查詢電話：2677 8373

### 九龍城裁判法院

地址：九龍亞皆老街147M號

傳真：2351 4708

### 屯門裁判法院

地址：新界屯門屯喜路一號

傳真：2459 1292

### 西九龍裁判法院

地址：九龍深水埗通州街501號西九龍法院大樓A座三樓至七樓

傳真：2413 8737

### 沙田裁判法院

地址：新界沙田宜正里一號

傳真：2602 2872

### 東區裁判法院

地址：香港西灣河太安街29號東區法院大樓四樓至七樓

傳真：2886 5034

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<sup>2</sup>按照繁體中文筆劃次序

## **粉嶺裁判法院**

地址：新界粉嶺璧峰路一號

傳真：2675 5245

## **觀塘裁判法院**

地址：九龍鯉魚門道10號

傳真：2347 4595

## **不提供法律意見**

司法機構必須保持公正中立，因此本機構職員不會提供任何法律意見，或就個別案件的進行或勝訴機會作出評論。然而，司法機構職員非常樂意解答有關法院程序的查詢。如需要法律意見，請聯絡閣下的律師或尋求適當的法律諮詢服務。

## **辦公時間**

### **法庭總務室及會計部**

星期一至星期五      上午八時四十五分至下午一時  
下午二時至下午五時三十分

(星期六、日及公眾假日休息)

## 如果天氣惡劣，裁判法院有甚麼安排？

請參閱司法機構網頁：颱風及暴雨警告的安排

([http://www.judiciary.hk/tc/crt\\_services/business\\_hours\\_typhoon.htm](http://www.judiciary.hk/tc/crt_services/business_hours_typhoon.htm)) 或留意電台/電視台的相關報導。

司法機構

二〇一七年一月

(第十二版)



# THE MAGISTRATES' COURTS

## What charges do the Magistrates' Courts hear?

Magistrates' Courts hear a wide range of offences, both summary and indictable. The more serious indictable offences are referred to either the District Court or the Court of First Instance. All matters appear initially in the Magistrates' Courts. Most are disposed of at that level.

The normal maximum sentence is 2 years' imprisonment and a fine of \$100,000. However the court may impose sentences of up to 3 years' imprisonment where there are two or more indictable offences being dealt with at the same time. Indeed under some Ordinances a single offence may carry 3 years' imprisonment and a fine of \$5 million.

The Juvenile Court in the Magistrates' Courts hears charges against children or young persons under the age of 16, except where the charge is one of homicide. It may also make care or protection orders in respect of children or juveniles.

Minor offences such as hawking, traffic contraventions and littering are heard in the Magistrates' Courts by Special Magistrates. Special Magistrates cannot impose a prison sentence and the normal maximum fine is \$50,000 except where a greater sum is specifically provided for in any ordinance relating to the offence.

## How are proceedings conducted?

All criminal proceedings commence in the Magistrates' Courts. If the accused pleads guilty, he / she will normally be sentenced on the same day. However if the court wishes to consider reports as to suitability for Probation, Community Service, Detention Centre, Rehabilitation Centre, Training Centre or Drugs Addiction Treatment Centre or a Hospital Order, the case will be adjourned for reports.

If the accused pleads "not guilty", a date will be fixed for trial.

An accused may act in person, instruct a lawyer to represent him or her, or apply to the Duty Lawyer Service. If he / she chooses to act in person, it is important to prepare the case carefully in all particulars, including the summoning of witnesses. On request, the Case Clerk will advise on the procedures for summoning witnesses.

Indictable offences commenced in the Magistrates' Courts will be transferred to the higher level courts where:

- The Secretary for Justice applies to have a case transferred to the District Court.
- The Secretary for Justice applies to have a case committed to the Court of First Instance of the High Court. When the accused requests it, the Magistrate will conduct a preliminary inquiry. If the Magistrate considers that there is sufficient evidence to put the accused on trial before a jury,

the accused will be committed to the Court of First Instance for trial. If the accused does not request a preliminary inquiry, he / she will be committed to the Court of First Instance for trial immediately or for sentence if he / she pleads “guilty”.

- The Secretary for Justice applies to have a case transferred to the Court of First Instance under the Complex Commercial Crimes Ordinance.

Trials in the Magistrates’ Courts may be conducted in either Chinese or English.

Vulnerable witnesses, including children, mentally incapacitated persons and witnesses in fear may give evidence through live television link.

## **What is the Duty Lawyer Service?**

The Duty Lawyer Service provides legal representation to those charged with nearly all offences in the Magistrates’ Courts, including the Juvenile Courts. It is jointly run by the Law Society of Hong Kong and the Hong Kong Bar Association.

Any accused who needs the service should go to the Court Liaison Office of the Magistrates’ Courts concerned. However, the service will contact directly those accused in custody.

Applicants for the service must pass the merit and the means tests. A handling charge of \$540<sup>3</sup> must be paid before the service takes up a case. No further payments are required. However, this fee can be waived if the accused has genuine hardship. The Administrator of the Duty Lawyer Service also has the discretion to waive the means test of an accused if she is of the view that it is in the interest of justice to do so.

## How to apply for Review or Appeal?

If an accused is not satisfied with the determination of a Magistrate, he / she may apply to the Magistrate within 14 days after the determination to review the decision. If the Magistrate dismisses the review, the accused may appeal to the Court of First Instance. The notice of appeal should be lodged within 14 days after the dismissal of the review by the Magistrate.

The accused may also appeal to the Court of First Instance without first seeking a review. The notice of appeal must be lodged with the First Clerk within 14 days after determination.

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<sup>3</sup>handling charge is set by the Duty Lawyer Service and is subject to change

## Performance Pledge

- Cases will be dealt with within 60 days after the accused is asked how he / she pleads. For cases involving an accused in custody, the Magistrate will expedite the proceedings, normally dealing with the case within 45 days after taking the plea.
- Wherever possible, the Judiciary will reply at once to correspondence from members of the public. In any case, we will give an interim reply within 10 days and a full response within 30 days of receiving a letter.
- We welcome all comments and suggestions for improving our services. Please send them to the Judiciary Administrator at the High Court, 38 Queensway, Hong Kong.

## How to contact us<sup>4</sup>?

Magistrates' Courts general enquiry telephone number: 2677 8373

### **Eastern Magistrates' Courts**

Address: 4/F – 7/F, Eastern Law Courts Building,  
29, Tai On Street, Sai Wan Ho, Hong Kong

Facsimile: 2886 5034

### **Fanling Magistrates' Courts**

Address: 1 Pik Fung Road, Fanling, New Territories

Facsimile: 2675 5245

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<sup>4</sup>in alphabetical order

**Kowloon City Magistrates' Courts**

Address: 147M, Argyle Street, Kowloon

Facsimile: 2351 4708

**Kwun Tong Magistrates' Courts**

Address: 10 Lei Yue Mun Road, Kowloon

Facsimile: 2347 4595

**Shatin Magistrates' Courts**

Address: 1 Yi Ching Lane, Shatin, New Territories

Facsimile: 2602 2872

**Tuen Mun Magistrates' Courts**

Address: 1 Tuen Hi Road, Tuen Mun, New Territories

Facsimile: 2459 1292

**West Kowloon Magistrates' Courts**

Address: 3/F – 7/F, Tower A, West Kowloon Law Courts Building,  
501 Tung Chau Street, Sham Shui Po, Kowloon

Facsimile: 2413 8737

**No Legal Advice**

In order to maintain the impartial role of the Judiciary, our staff will not provide any legal advice or offer any comment on the conduct or merits of specific court cases and proceedings. However, they are happy to assist you with enquiries on court procedures. If you are in need of legal advice, please approach your solicitors or seek suitable legal advisory service.

## **Business Hours**

### **General Offices and Accounts Offices**

Monday to Friday 8:45 a.m. to 1:00 p.m.

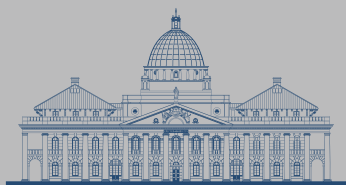
2:00 p.m. to 5:30 p.m.

(Closed on Saturdays, Sundays and Public Holidays)

## **What are the arrangements of the Magistrates' Courts in case of bad weather?**

Please refer to Typhoon and Rainstorm Warning Arrangements in the Judiciary website ([http://www.judiciary.hk/en/crt\\_services/business\\_hours\\_typhoon.htm](http://www.judiciary.hk/en/crt_services/business_hours_typhoon.htm)) or radio/ television announcements of the same.

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# 司 法 機 構 JUDICIARY

此小冊子只作一般參考用途，  
並不可視為法律或法庭常規的  
詳盡及具有權威性的說明。

This publication is for general  
reference only and should not be  
treated as a complete and  
authoritative statement of law  
or court practice.

香港特別行政區政府新聞處設計封面  
政府物流服務署印

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