



高等法院首席法官

撰文

Message from the Chief Judge of the High Court

2000年對高等法院來講，是充滿挑戰的一年。

1998及1999年兩年間，入稟高等法院的民事案件，每年約達35 000宗，是歷年之最。大概一年之前，這樣異常飆升的情況不再出現，數量開始穩定，繼而下降。我們預期，2000年高等法院的案件量將回落至1997年25 000宗的水平，但這並不表示壓力已經立即消除。按正常進程，很多在1998年和1999年入稟的案件，現已進入審訊階段，因此，我們正力求更有效率地處理排期審訊的問題。現在，各類案件都比以前更加複雜，法庭往往需要更長的時間審理。法官無論在審前準備

The year 2000 was a challenging year for the High Court.

The number of civil cases filed with the High Court witnessed a record high at about 35 000 per year during 1998 and 1999. This exceptional upsurge started to level off and then drop about a year ago, and we expect that the caseload for the High Court in 2000 would be back to the 1997 level at about 25 000. But this has not given us any sign of immediate relief. In the normal course of events, many of the cases filed in 1998 and 1999 have now advanced to the stage of trial, and we are doing our best to deal with the listing of cases efficiently. Nowadays, cases have become more complicated and trials tend to take much longer to dispose of. Judges have to spend much more time in preparation and judgment writing both before

或在審後擬制判決書上所花的時間，都遠比以前多。儘管如此，面對這項挑戰，他們還是欣然接收，默默耕耘，認真工作，努力克服。

為了應付高等法院特別大量的案件，我們針對正承受著最大壓力的地方，重新分配現有的資源，並且增派額外的人手，以助縮減候審時間。區域法院自2000年9月開始，民事管轄權已經擴大，隨之，更多高等法院的案件將轉由區域法院審理，這應該有助於舒緩情況。我們會繼續努力，盡量把候審時間縮短，以達至承諾的指標。

忙於應付沉重工作量之餘，我們從來沒有忽略，法庭的實務指引是有需要不斷進行檢討的。原訟法庭和登記處已經簡化了聆訊排期程序。上訴法庭方面，對刑事上訴許可申請進行甄別，從而及早清理毫無理據的申請，並將更多的非正審上訴交由兩位上訴法庭的法官審理，使上訴法院各庭有更充分的時間處理其他各類上訴。

and after the trial. They have however quietly but quite readily and conscientiously accepted and overcome such challenge.

To cope with the exceptionally heavy caseload in the High Court, we have been redeploying existing resources and deploying additional manpower to the identified pressure areas to help reduce the long waiting time. The fact that more cases are being diverted to the District Court upon the implementation of its new jurisdictional limits in September 2000 should also help. We would continue to try our utmost to bring the waiting time of the Court to our pledged targets.

In the midst of heavy workload, we have not lost sight of the need for continued review of existing practices. In the Court of First Instance and the Registry, the procedure for listing cases for hearing has been streamlined. In the Court of Appeal, arrangements have been made to screen out unmeritorious applications for leave to appeal in criminal cases and more interlocutory appeals are disposed of by two Justices of Appeal to enable the full divisions to have more time to handle other types of appeals.

從更長遠的角度來看，我們意識到有需要對民事訴訟的規則和程序進行全面檢討。我們在 2000 年 2 月成立了高等法院民事規則及程序改革工作小組。該小組的成員包括司法機構的人員、律師和大律師、政府有關部門的代表、學者和消費者委員會的人員。過去十個月內，工作小組舉行了多次會議；其中包括與英國民事司法制度改革先驅 Lord Woolf 舉行的一次討論。工作小組一些成員更在 5 月出席了在澳洲悉尼舉行的一個有關民事司法的國際會議，並且和來自其他國家的與會者交換了意見，獲益良多。

我們的任何改革要取得成功，都必須得到法律界和社會各方普遍的支持。我認為我們應該邀請所有有關人士來參與這個過程，以便收集各界的意見。工作小組計劃在明年發出一份關於改革的諮詢文件。

In the longer run, we see the need for a comprehensive and overall review of the rules and procedures in civil proceedings. The Working Party on the Reform of Civil Rules and Procedures in the High Court was set up in February 2000. The Working Party comprises members of the Judiciary and both branches of the legal profession, representatives of relevant government departments, the academic field and the Consumer Council. During the past ten months, the Working Party held various meetings, one of which was a discussion session with Lord Woolf who is the pioneer of reform of the civil justice system in England. Some members of the Working Party also attended an international conference on civil justice in Sydney, Australia in May, and benefited a lot from exchanges of views with our counterparts in other jurisdictions.

For any reform to be successful, we must have the support of the profession and the community at large. We believe that we should involve all interested parties in the process and gauge the views of all relevant sectors. The Working Party

這個年代，一切瞬息萬變，而且改變步伐不斷加快，公眾又對我們抱有越來越大的期望，處身其中，我們非常清楚，我們必須與時並進，配合未來的挑戰。我滿有信心，高等法院在新任的首席法官梁紹中法官英明領導下，必會繼續竭盡所能，為社會服務。

陳兆愷

高等法院首席法官

陳兆愷

(至 31.8.2000)

plans to issue a consultative document on the subject sometime next year.

In this era of rapid and accelerating changes and greater expectations of the community, we are well aware that we must rise to the challenges ahead. I am fully confident that under the able leadership of Mr. Justice Leong, the new Chief Judge of the High Court, the Court will continue to do its utmost to serve the community.



Patrick Chan

Chief Judge of the High Court

(up to 31.8.2000)





第二章

高等法院

CHAPTER 2

High Court





高等法院

高等法院由上訴法庭和原訟法庭組成。香港法例第4章《高等法院條例》第12和13條規定了高等法院的管轄權，第4A章《高等法院規則》規定了在高等法院展開訴訟和進行訴訟的程序。高等法院的首席法官是高等法院的院長，也是上訴法庭的庭長。

上訴法庭

上訴法庭審理不服原訟法庭或區域法院所作出的民事或刑事判決而提起的上訴，並審理不服土地審裁處判決而提起的上訴。上訴法庭亦就各下級法院提交的法律問題作出裁決。不服上

HIGH COURT

The High Court comprises the Court of Appeal and the Court of First Instance. Their jurisdictions are prescribed in sections 13 and 12 of the High Court Ordinance (Cap. 4) respectively. The procedures to commence any proceedings or in the course of any proceedings are set out in the Rules of the High Court (Cap. 4A). The Chief Judge of the High Court is the court leader and the President of the Court of Appeal.

COURT OF APPEAL

The Court of Appeal hears appeals in civil and criminal matters from the Court of First Instance and the District Court, as well as appeals from the Lands Tribunal. It also makes rulings on questions of law referred to it by lower courts. Appeals from the Court of Appeal lie to the Court of Final Appeal. In



郭美超法官宣誓出任上訴法庭法官，儀式由行政長官董建華主持
Before the Chief Executive, Mr Tung Chee-hwa, The Hon Mrs Justice Le Pichon swearing-in as Justice of Appeal



司徒敬法官宣誓出任上訴法庭法官
The Hon Mr Justice Stock swearing-in as Justice of Appeal



湯寶臣先生宣誓出任原訟法庭法官
Mr Louis Tong swearing-in as Judge of the Court of First Instance



朱芬齡女士宣誓出任原訟法庭法官
Ms Carlye Chu swearing-in as Judge of the Court of First Instance



區議會主席參觀高等法院
District Council Chairmen visiting the High Court

高等法院首席法官陳兆愷(右二)與司法機構政務長徐志強(左)會見廣東省高級人民法院院長呂伯濤(左二)
The Hon Mr Justice Chan, Chief Judge of the High Court (second right) and Mr Wilfred Tsui, Judiciary Administrator (left), with Mr Lu Baotao, President of Guangdong Provincial Higher People's Court (second left)

訴法庭判決而提起的上訴，由終審法院審理。上訴法庭除了高等法院首席法官以外，還有九位上訴法庭法官。

原訟法庭

原訟法庭的民事和刑事管轄權，均沒有限制。最嚴重的刑事罪行，如謀殺、誤殺、強姦、持械行劫、販運大量危險藥物和複雜的商業欺詐等，由一位原訟法庭法官連同陪審員七人共同審理，如果法官頒令，則連同陪審員九人共同審理。

原訟法庭亦審理不服各下級法院判決而提起的上訴，即所有不服裁判法院、勞資審裁處、小額錢債審裁處、淫褻物品審裁處和勞工處轄下的小額薪酬索償仲裁處委員會的裁定而提起的上訴。

原訟法庭的編制有 25 名法官。

in addition to the Chief Judge of the High Court, the Court of Appeal has an establishment of nine Justices of Appeal.

COURT OF FIRST INSTANCE

The Court of First Instance has unlimited jurisdiction in both civil and criminal matters. The most serious criminal offences such as murder, manslaughter, rape, armed robbery, trafficking in large quantities of dangerous drugs and complex commercial fraud, are tried by a judge of the Court of First Instance, sitting with a jury of seven, or, when a judge orders, a jury of nine.

The Court of First Instance also operates as an appeal court for cases from lower courts. It hears appeals from the Magistrates' Courts, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Minor Employment Claims Adjudication Board of the Labour Department.

The Court of First Instance has an establishment of 25 judges.



高等法院的司法常務官、高級副司法常務官和副司法常務官

高等法院部分民事管轄權由獨任法官行使，亦可由高等法院的司法常務官、高級副司法常務官和副司法常務官（統稱為聆案官）行使。香港聆案官執行的司法職務多種多樣，例如在內庭聆訊非正審或簡易程序的申請、在法庭公開進行損害賠償的評估和審理互爭權利的訴訟。他們亦以訟費評估聆案官和海事訴訟司法常務官的身份行使審理權。此外，他們還承擔一些準司法職務，包括在受委託時取證，審理不服法律援助處處長拒絕法律援助的決定而提起的上訴，以及監督域外司法文書的送達。聆案官亦負責管理遺產承辦的事宜和陪審員名單。



高等法院首席法官(右)與司法機構政務長在高等法院向區議會主席作簡介
The Chief Judge of the High Court (right) and the Judiciary Administrator (left) briefing District Council Chairmen in the High Court

REGISTRAR, SENIOR DEPUTY REGISTRARS AND DEPUTY REGISTRARS OF THE HIGH COURT

Part of the civil jurisdiction exercised by a single judge of the Court of First Instance is exercised by the Registrar, Senior Deputy Registrars and Deputy Registrars of the High Court (who are collectively referred to as Masters). They carry out judicial duties such as hearing interlocutory and summary applications in chambers and conducting assessment of damages and interpleader trials in court. They also exercise the jurisdiction of taxing masters and Admiralty Registrar. Furthermore, they have quasi-judicial duties including taking evidence on commission, determining appeals against the decisions of the Director of Legal Aid on applications for legal aid, and supervising the service of foreign process. They are also responsible for probate administration and the jury list.

In addition, the Registrar of the High Court administers the High Court Suitors' Funds, the District Court Suitors' Funds, the Small Claims Tribunal Suitors' Funds, the Labour Tribunal Suitors' Funds as well as the Master-in-Lunacy Account and the Official Administrator's Account in his



上訴法庭法官梁紹中(右二)迎接中華人民共和國國務院辦公廳秘書局局長袁隱
The Hon Mr Justice Leong, Justice of Appeal (second right) receiving Mr Yuan Yin, Chief Director of the Secretariat of the General Office of the State Council of PRC



高等法院的司法常務官亦負責管理高等法院訴訟人儲存金、區域法院訴訟人儲存金、小額錢債審裁處訴訟人儲存金和勞資審裁處訴訟人儲存金，又以當然遺產管理官和精神病患者財產賬目聆案官的身分，管理遺產管理官賬目和精神病患者財產賬目。上述各項賬目的結算表，每年在獨立的報告上刊登。

高等法院的司法常務官亦負責備存大律師、律師和公證人的專業名冊。

高等法院有一名司法常務官、三名高級副司法常務官和五名副司法常務官。他們的共同努力，使很多案件無需法官開庭審訊已得到解決。例如，2000年首九個月內9300宗訴訟中，有接近三分之一由聆案官以程序通知書未能確認送達，或以缺乏抗辯為理由，作出判決以結案。

陪審團

香港法制一個重要的特色是陪審員參與審判，採用陪審團制度體現了被告應該由其所屬社會的成員審判的原則。

最嚴重的刑事案件，由一位原訟法庭的法官連同陪審團共同審理。就嚴重罪行而言，陪審團只就事實而不就刑罰作裁定。有些民事案件，當事人可以選擇由陪審員對事實的爭議作出裁定。死因裁判法庭進行某些死因聆訊時，亦會抽選陪審團參與。

ex-officio capacity as Official Administrator and Master-in-Lunacy. Statements of these accounts are published annually in a separate report.

The Registrar of the High Court also keeps the professional Rolls of Barristers, Solicitors and Notaries Public.

There are one Registrar, three Senior Deputy Registrars and five Deputy Registrars in the High Court. With their concerted efforts, many cases are disposed of without going to trial before a judge. For example, during the first nine months of 2000, nearly one third of the 9 300 actions filed are disposed of having judgments entered on grounds of either failure to acknowledge service of proceedings or default of defence.

JURY

One of the major features of the Hong Kong legal system is trial by jury. Trial by jury reflects the principle that an accused should be tried by fellow members of his/her community.



上訴法庭法官梁紹中(右四)向海南省海口市中级人民法院代表团作簡介
The Hon Mr Justice Leong, Justice of Appeal (fourth right) briefing delegation members from Hainan Intermediate Court of Haikou City

The most serious criminal offences are tried by a judge of the Court of First Instance, sitting with a jury. Juries decide on the verdict, and not the sentence, for serious crimes. In some civil cases, a party may elect to have the issues of fact tried by a jury. Juries are also empanelled in some death inquests conducted by the Coroner's Court.



陪審員在香港司法制度裏扮演著非常重要的角色。擔當陪審員既是每個有資格成為陪審員的香港市民所享有的權利，也是其應盡的義務。《陪審員條例》詳列了擔任陪審員須具備的資格。一般來講，任何香港居民，年齡介乎 21 至 65 歲，對審訊程序所使用的語言有充分認識的，都有可能被抽選為陪審員。2000 年 1 月 1 日至 9 月 30 日期間，共 6 266 名市民曾出席挑選陪審員的程序，有陪審員參與的審訊則共有 101 宗。

高等法院登記處

高等法院登記處接受所有向該法院提起的民事申索，申索金額不設限制，唯某些法院條例規定只可以在該些法院展開的申索則除外。登記處為遞交原訴文件和其他法庭文件的使用者提供服務。此外，還負責保存民事案件的紀錄和檔案，又為須由聆案官處理的案件排期。訴訟人執行法庭判決和命令，須申請法庭令狀，此類申請亦由登記處處理。



上訴法庭副庭長司徒冕(左)與原訟法庭法官夏正民會見美國大律師公會成員
The Hon Mr Justice Stuart-Moore, Vice-President of the Court of Appeal (left) and The Hon Mr Justice Hartmann, Judge of the Court of First Instance (right), receiving members of the American Bar Association

Jury service is very important in our system of justice. It is a privilege as well as an obligation of every citizen in Hong Kong who is qualified to serve. The eligibility of serving as jurors is set out in the Jury Ordinance. Generally speaking, Hong Kong residents aged between 21 and 65 who have sufficient knowledge of the language in which the proceedings are to be conducted may be selected on a random basis. From 1.1.2000 up to 30.9.2000, 6 266 persons attended the empanelling of jury and there were 101 jury trials during the period.

THE HIGH COURT REGISTRY

The High Court Registry accepts lodging of civil claims of unlimited amount except where certain types of claims must be exclusively initiated in other courts under those ordinances. It provides registry services for filing of originating and other court documents. It maintains records of civil cases, fixes hearing dates for matters before the Masters, and processes applications for issuance of writs for enforcement of judgments and orders.

To provide better services to the court users, the High Court Registry has recently introduced the system of multi-purpose counters to provide a one-stop service to frequent court users in filing different types of documents. They include civil case applications for bankruptcy (statutory demand), winding-up, personal injury claims, admiralty jurisdiction and judicial review.



上訴法庭法官梅賢玉(右)與原訟法庭法官楊振權(左)會見歐洲委員會反欺詐局 (European Anti-Fraud Office European Commission) 總監 Mr Franz-Hermann Bruener (中)
The Hon Mr Justice Mayo, Justice of Appeal (right) and The Hon Mr Justice Yeung, Judge of the Court of First Instance (left) meeting with Mr Franz-Hermann Bruener, Director-General of European Anti-Fraud Office (centre)

為了提升服務水平，高等法院登記處最近設置了一個多用途櫃檯，提供一站式服務，讓經常使用法庭的人士可以在同一櫃位同時遞交不同種類的文件，包括破產（法定要求）和清盤申請、人身傷害賠償申索、海事案件和司法覆核等有關的各種文件。

遞交簡單的文件需時不多，但入稟原訟程序則相當費時。為了避免不必要地拖慢流程，我們專門安排了一個「特快」櫃位，每天下午3時開放，為只打算呈交五份或以下的文件的與訟人服務。我們也增設了訟費評估專務櫃位和查詢櫃位，為有需要的與訟人即時安排訟費評定提訊日期，免他們多走一趟。

In order that the time-consuming filing of originating processes would not unduly delay the speedy filing of simple documents, an Express Counter is opened at 3:00 p.m. daily to serve litigants wishing to file five or less documents only. A Taxation and Enquiry Counter is now in place to serve litigants in need and to enable instant giving of taxation call-over dates. Second visits to obtain the dates are no longer necessary.

The listing office has also brought in the concept of one-stop-shop service. Litigants having obtained hearing dates may now leave the summonses and affidavits in support with the listing officers. Queuing up before a counter for filing of the same may be dispensed with. Listing hours have also been adjusted and extended from the morning to 3:00 p.m. daily for the convenience of the public as well as the legal profession.



原訟法庭法官彭鍵基(前)會見海南省海口市中级人民法院代表團
The Hon Mr Justice Pang, Judge of the Court of First Instance (front) meeting with delegation members from Hainan Intermediate Court of Haikou city

排期辦事處亦引進了一站式的服務概念。已經獲安排聆訊日期的訴訟人可以把傳票和有關誓章留下給排期人員處理，毋需往櫃位排隊遞交。排期處的工作時間亦經過調整，為了方便公眾和律師，每天已由本來只在早上開放延長至下午三時。

高等法院最近已經安裝互動聲訊系統，將於2001年初啟用。公眾可以通過該系統的預先錄音片段知悉一般資訊或颱風暴雨時法庭會作出的安排，亦可查詢案件聆訊的詳情（例如：日期、時間和法庭庭號）。

高等法院書記主任辦事處

該處由刑事登記處、上訴登記處和排期登記處組成，為高等法院法官提供司法支援服務。該處為所有高等法院上訴法庭和原訟法庭的民事和刑事案件安排聆訊日期，並且負責有效地管理刑事程序的流程。該處的職責範圍還包括保存陪審員名單和向公眾發出陪審員傳票。

An Interactive Voice Response System for the High Court has recently been installed and will be launched in early 2001. The system will provide pre-recorded messages on general information and arrangements of court business upon gale or rainstorm warnings. Members of the public can also check the hearing details of cases (e.g. date, time and court number) through the system.

THE CLERK OF COURT'S OFFICE

The Clerk of Court's Office, consisting of the Criminal Registry, the Appeals Registry and the Listing Office, provides judicial support service to the judges in the High Court. It is responsible for fixing dates for the hearing of all civil and criminal cases in the Court of Appeal and the Court of First Instance of the High Court. It is also responsible for the efficient management of case flow in criminal proceedings. Maintenance of the jurors' list and issuance of summonses for members of the public to serve as jurors are also under the purview of the Clerk of Court's Office.



遺產承辦處

遺產承辦處接受和處理遺產承辦的申請。涉及遺產總值超過港幣 15 萬元的或涉及複雜法律問題的申請，一般由律師代辦。至於遺產總值不超過港幣 15 萬元而又比較簡易的申請，該處會協助申請遺產承辦書，或要求由遺產管理官以簡易方式管理遺產的申請人，整理必須的文件（或誓章）。

案件量和輪候時間

• 上訴法庭

上訴法庭 2000 年整體案件量繼續上升。我們估計 2000 年民事上訴案件量比 1999 年可能會多一倍。主要原因是過去兩年各下級法院的案件量大幅上升。刑事上訴案件量則恰恰相反，2000 年估計會下降百份之十五。儘管民事案件量有所增加，輪候時間仍然在指標之內。

THE PROBATE REGISTRY

The Probate Registry receives and processes applications for grants of representation to estate of deceased persons. Where the estate value exceeds HK \$150,000 or the application involves complication in law, the application is usually filed by legal practitioner on behalf of the applicant. Where the estate value does not exceed HK \$150,000 and is simple and straightforward, the Probate Registry will assist the applicant in formulating the necessary documents (or affidavits) for a grant of representation or for summary administration by the Official Administrator.

CASELOAD AND WAITING TIME

• Court of Appeal

The overall caseload of the Court of Appeal continues to increase in 2000. We estimate that the number of civil appeals in 2000 might double that of 1999. This is mainly the result of the upsurge in caseload in the lower courts during the past two years. On the contrary, the number of criminal appeals is projected to reduce by 15% in 2000. Despite the increase in caseload on the civil side, the target waiting time could still be met.



高等法院司法常務官陳爵(中)與司法機構副政務長鄭陸山會見挪威司法部 (Ministry of Justice) 助理秘書長 Mr Hans Olav Ostgaard

Mr Christopher Chan, the Registrar of High Court (middle) and Mr Augustine Cheng, Deputy Judiciary Administrator, meeting with Mr Hans Olav Ostgaard, Assistant Secretary General, Ministry of Justice of Norway



表 3
Table 3

高等法院上訴法庭的案件量
CASELOAD OF THE COURT OF APPEAL OF THE HIGH COURT

			1999 案件數目 No. of Cases					
			承接往年 [△] Brought forward from previous years	送交 Filed	結案* Disposed of	訴訟中止# Inactive	訴訟進行中 In progress	
上訴 Appellate	刑事 Criminal	1 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	135	203	106	0	232	
		2 不服區域法院判決而提起的上訴 Appeals from the District Court	285	439	291	0	433	
		小計 Sub-total	420	642	397	0	665	
	民事 Civil	1 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	282	314	119	167	310	
		2 不服區域法院判決而提起的上訴 Appeals from the District Court	76	24	6	16	78	
		3 雜項上訴 Miscellaneous Appeals	6	37	10	31	2	
		小計 Sub-total	364	375	135	214	390	
		合計 TOTAL	784	1 017	532	214	1 055	
	刑期覆核 Review of Sentences	刑事 Criminal	1 不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	1	7	1	0	7
			2 不服區域法院判刑而提起的覆核 Reviews from the District Court	4	4	4	0	4
3 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts			0	1	0	0	1	
合計 TOTAL			5	12	5	0	12	

[△] 承接往年的案件指訴訟中止及訴訟進行中的案件。這些案件在1999年首次如此分類
The figures brought forward from previous years refer to cases inactive and in progress. It is the first year to categorise the cases brought forward into inactive and in progress in 1999

^{*} 承接往年的案件指訴訟進行中的案件，並不包括訴訟中止的案件
Cases brought forward from previous years to 2000 refer to cases in progress and do not include cases inactive

^{*} 結案指上訴得直、駁回、撤回、放棄或終止
Disposed of refers to appeals allowed, dismissed, withdrawn, abandoned or discontinued

[#] 訴訟中止指一年內沒有文件送交或聆訊
Inactive refers to those having no action (including filing of document or hearing) for one year from the date of last filing of document



表 3 高等法院上訴法庭的案件量
Table 3 CASELOAD OF THE COURT OF APPEAL OF THE HIGH COURT

			2000 (截至9月30日 up to 30.9.2000) 案件數目 No. of Cases					
			承接往年 [☆] Brought forward from previous years	送交 Filed	結案* Disposed of	訴訟中止# Inactive	訴訟進行中 In progress	
上訴 Appellate	刑事 Criminal	1 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	232	127	71	0	288	
		2 不服區域法院判決而提起的上訴 Appeals from the District Court	433	288	181	0	540	
		小計 Sub-total	665	415	252	0	828	
	民事 Civil	1 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	310	528	129	290	586	
		2 不服區域法院判決而提起的上訴 Appeals from the District Court	78	14	6	33	69	
		3 雜項上訴 Miscellaneous appeals	2	38	11	46	14	
		小計 Sub-total	390	580	146	369	669	
	合計 TOTAL			1 055	995	398	369	1 497
	刑期覆核 Review of Sentences	刑事 Criminal	1 不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	7	3	5	1	4
			2 不服區域法院判刑而提起的覆核 Reviews from the District Court	4	4	3	0	5
3 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts			1	0	0	1	0	
合計 TOTAL			12	7	8	2	9	

表 4 高等法院上訴法庭案件的輪候時間
Table 4 WAITING TIME FOR CASES IN THE COURT OF APPEAL OF THE HIGH COURT

	輪候時間 (日) Waiting Time (days)			
	目標 Target	1999	2000 (截至9月30日 as at 30.9.2000)	2001 (預計 Plan)
刑事案件 - 由聆訊期訂定日到聆訊日 Criminal cases – from setting down of a case to hearing	50	27	28	50
民事案件 - 由排期申請日到聆訊日 Civil cases – from application to fix date to hearing	90	72	75	90



• **原訟法庭**

原訟法庭 2000 年上訴案件量一直保持穩定。

1997 年由於經濟危機，原訟法庭的民事案件量一度從 1997 年的 24 639 宗上升至 1998 年的 35 509 宗和 1999 年的 35 677 宗。估計民事案件量 1999 年到達最高峰後，2000 年會回落至 1997 年的水平。

過去幾年，司法機構調配了額外的資源，包括增加聆案官的數目和派遣臨時支援人員以應付增加的工作量。

由於刑事和民事的案件數量相當多，加上案件因為越趨複雜而需要花更長的時間審訊，所以輪候時間未能達到指標。2000 年 9 月 1 日開始，區域法院民事管轄的申索金額由 12 萬提升至 60 萬，更多的民事訴訟將轉由區域法院審理，這將有助減輕高等法院的負擔。現時，司法機構繼續增調資源，盡可能清理積壓的案件。

• **Court of First Instance**

For appellate cases, the caseload remained steady in 2000.

As a result of the financial crisis in 1997, the civil caseload had increased from 24 639 cases in 1997, to 35 509 in 1998 and 35 677 cases in 1999. After reaching the climax in 1999, it is anticipated that the civil caseload in 2000 would return to the 1997 level.

During these years, the Judiciary deployed additional resources, including creating additional master posts and employing temporary supporting staff, to handle the increased workload.

In view of the high caseload for both the criminal and civil cases and the increased complexity of cases which required longer trial periods, the target court waiting times could not be met. This situation should improve as the civil jurisdictional limit of the District Court has been increased from \$120,000 to \$600,000 with effect from 1 September 2000. More civil cases will be diverted from the Court of First Instance to the District Court as a result. In the meantime, the Judiciary is continuing to deploy additional resources to clear the backlog as far as possible.



表 5 高等法院原訟法庭的案件量
Table 5 CASELOAD OF THE COURT OF FIRST INSTANCE OF THE HIGH COURT

			1999 案件數目 No. of Cases				
			承接往年 [△] Brought forward from previous years	送交 Filed	結案* Disposed of	訴訟中止# Inactive	訴訟進行中 In progress
			上訴審判 Appellate	刑事 Criminal	不服裁判法院判決而提起的上訴 Appeals from Magistrates' Courts	554	1 262
	民事 Civil	1 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	68	115	41	55	87
		2 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	13	29	9	13	20
		3 不服小額薪酬索償仲裁處判決而 提起的上訴 Appeals from Minor Employment Claims Adjudication Board	0	9	1	0	8
		4 雜項上訴 Miscellaneous appeals	2	1	0	2	1
		小計 Sub-total	83	154	51	70	116
		合計 TOTAL	637	1 416	1 218	70	765
原訟審判 First Instance	刑事 Criminal	刑事案件 Criminal	4	415	380	0	39
	民事 Civil	1 高等法院訴訟 High Court Actions	14 176	19 733	10 919	13 611	9 379
		2 雜項程序 Miscellaneous Proceedings	5 931	7 998	4 416	3 931	5 582
		3 破產及公司清盤訴訟 Bankruptcy and Company Winding-up	1 232	5 089	4 095	784	1 442
		4 人身傷害訴訟 Personal Injuries Actions	1 279	1 460	1 034	134	1 571
		5 其他案件** Other cases	506	868	127	522	725
		小計 Sub-total	23 124	35 148	20 591	18 982	18 699
		合計 TOTAL	23 128	35 563	20 971	18 982	18 738
聆案官內庭 Masters Chambers	1 非正審聆訊 Interlocutory hearings	N.A.	N.A.	38 947 ⁽¹⁾	N.A.	N.A.	
	2 訟費帳單評定 Taxation bills	1 177	3 012	2 576 ⁽²⁾	21	1 592	
遺產事務 Probate	接獲申請 Applications	5 824	9 401	11 000 ⁽³⁾	20	4 205	



表 5

高等法院原訟法庭的案件量

Table 5

CASELOAD OF THE COURT OF FIRST INSTANCE OF THE HIGH COURT

			2000 (截至9月30日 up to 30.9.2000) 案件數目 No. of Cases				
			承接往年 [☆] Brought forward from previous years	送交 Filed	結案* Disposed of	訴訟中止# Inactive	訴訟進行中 In progress
			上訴審判 Appellate	刑事 Criminal	不服裁判法院判決而提起的上訴 Appeals from Magistrates' Courts	649	1 001
	民事 Civil	1 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	87	72	23	98	93
		2 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	20	26	8	18	33
		3 不服小額薪酬索償仲裁處判決而 提起的上訴 Appeals from Minor Employment Claims Adjudication Board	8	6	3	4	7
		4 雜項上訴 Miscellaneous appeals	1	2	1	2	2
		小計 Sub-total	116	106	35	122	135
		合計 TOTAL	765	1 107	1 389	122	431
原訟審判 First Instance	刑事 Criminal	刑事案件 Criminal	39	290	261	0	68
	民事 Civil	1 高等法院訴訟 High Court Actions	9 379	9 301	5 377	22 128	4 786
		2 雜項程序 Miscellaneous Proceedings	5 582	5 075	2 909	9 161	2 518
		3 破產及公司清盤訴訟 Bankruptcy and Company Winding-up	1 442	4 756	4 330	2 237	415
		4 人身傷害訴訟 Personal Injuries Actions	1 571	1 257	846	586	1 530
		5 其他案件** Other cases	725	2 617	127	775	2 962
		小計 Sub-total	18 699	23 006	13 589	34 887	12 211
		合計 TOTAL	18 738	23 296	13 850	34 887	12 279
聆案官內庭 Masters Chambers	1 非正審聆訊 Interlocutory hearings	N.A.	N.A.	24 986 ⁽¹⁾	N.A.	N.A.	
	2 訟費帳單評定 Taxation bills	1 592	2 638	2 187 ⁽²⁾	47	2 017	
遺產事務 Probate	接獲申請 Applications	4 205	8 322	7 625 ⁽³⁾	14	4 908	



表 6 高等法院原訟法庭案件的輪候時間
Table 6 WAITING TIME FOR CASES IN THE COURT OF FIRST INSTANCE OF THE HIGH COURT

	輪候時間 (日) Waiting Time (days)			
	目標 Target	1999	2000 (截至 9 月 30 日 as at 30.9.2000)	2001 (預計 Plan)
固定審期的刑事案件 - 由公訴書入稟日到聆訊日 Criminal Fixture – from filing of indictment to hearing	120	171	182	170
流動審期表上的刑事案件 - 由聆訊期訂定日到聆訊日 Criminal Running List – from setting down to hearing	90	106	86	90
固定審期的民事案件 - 由排期申請日到聆訊日 Civil Fixture – from application to fix date to hearing	180	224	213	200
流動審期表上的民事案件 - 由聆訊期訂定日到聆訊日 Civil Running List – from setting down to hearing	90	82	120	90
不服裁判法院判決而提起的上訴 - 由上訴通知書入稟日到聆訊日 Appeals from Magistrates' Courts – from lodging of Notice of Appeal to hearing	90	124	120	90

△ 承接往年的案件指訴訟中止及訴訟進行中的案件。這些案件在 1999 年首次如此分類
 The figures brought forward from previous years refer to cases inactive and in progress. It is the first time to categorise the cases brought forward into inactive and in progress in 1999

* 承接往年的案件指訴訟進行中的案件，並不包括訴訟中止的案件
 Cases brought forward from previous years to 2000 refer to cases in progress and do not include cases inactive

** 結案指上訴得直 / 上訴駁回 / 上訴撤回 / 上訴放棄 / 上訴終止 / 被告人被定罪 / 被告人被判無罪 / 申索成功 / 申索撤銷 / 審訊或聆訊結束
 Disposed of refers to appeals allowed/appeals dismissed/appeals withdrawn/appeals abandoned/appeals discontinued/cases where defendants have been convicted/acquitted/successful claims/claims dismissed/trials or hearings concluded

訴訟中止指一年內沒有文件送交或聆訊
 Inactive refers to those having no action (including filing of document or hearing) for one year from the date of last filing of document

** 其他案件指海事訴訟、領養、抵押借據登記、帳面負債登記、商業訴訟、機密雜項程序、憲法及行政訴訟程序、建築業及仲裁案件、婚姻訴訟、遺產訴訟及禁制通告
 Other cases refer to admiralty actions, adoptions, bill of sale registrations, book debt registrations, commercial actions, confidential miscellaneous proceedings, constitutional & administrative law proceedings, construction and arbitration cases, matrimonial causes, probate actions and stop notices

註 1：結案指已經進行非正審聆訊
 Note 1: Disposed of refers to interlocutory hearings conducted

註 2：結案指已經處理的訟費帳單
 Note 2: Disposed of refers to taxation bills processed

註 3：結案指已發出承辦書 / 經批認承辦書 / 遺產管理官以簡易程序完成管理遺產
 Note 3: Disposed of refers to grants issued/grants revealed/estates administration completed by the Official Administrator in summary manner