

香港司法機構

H O N G K O N G
JUDICIARY





每年法律年度開啟典禮的儀式中，權杖員拿著權杖走在終審法院首席法官前頭。

主權移交之前，權杖的頂端是皇冠，象徵英國皇室的權力。1997年7月1日之後，中華人民共和國香港特別行政區的區徽取代了這個皇冠標誌。

權杖象徵終審法院首席法官的職權，也象徵著司法機構獨立的、維護法治的制度。

At the opening ceremony of each Legal Year, the Mace is carried by the mace-bearer preceding the Honourable Chief Justice.

Before the change of sovereignty, the Mace was a symbol of the Royal authority with the butt end bearing the crown. Since 1 July 1997, the crown has been replaced by the emblem of the Hong Kong Special Administrative Region of the People's Republic of China.

The Mace symbolises the office of the Honourable Chief Justice and of the institution of the independent Judiciary upholding the rule of law.



香港司法機構

H O N G K O N G
JUDICIARY



目錄 CONTENTS

前言
Foreword 4

第一部分 民事司法制度改革

PART 1 CIVIL JUSTICE REFORM

第一章 香港民事司法改革
Chapter 1 Reform of the Civil Justice System in Hong Kong 6

第二部分 法庭運作和行政工作

PART 2 THE COURT SYSTEM AND ITS ADMINISTRATION

第二章 終審法院
Chapter 2 Court of Final Appeal 20

第三章 高等法院
Chapter 3 High Court 28

第四章 區域法院
Chapter 4 District Court 46

第五章 裁判法院
Chapter 5 Magistrates' Courts 60

第六章 審裁處和專責法庭
Chapter 6 Tribunals and Specialised Court 68

第七章 司法機構的行政
Chapter 7 Judiciary Administration 86

第三部分 我們的法官、工作人員和我們與社會大眾的互聯

PART 3 OUR JUDGES, OUR STAFF AND OUR INTERFACE WITH THE COMMUNITY

第八章 我們的法官
Chapter 8 Our Judges 94

第九章 司法培訓
Chapter 9 Judicial Development and Training 108

第十章 司法機構政務處的工作人員
Chapter 10 Our Staff in the Judiciary Administration 118

第十一章 與法庭使用者以及社會大眾的互聯
Chapter 11 Interface with the Court Users and the Community 130

附錄列表
List of Appendices 141

前言 FOREWORD



這份年報總結了司法機構 2001 年的重點工作和我們將要面對的主要挑戰。

今年，年報的內容分為三大部分：第一部分匯報民事司法制度改革工作小組的工作；第二部分綜合報導法庭運作和行政工作；第三部分專題介紹我們的法官，工作人員和我們與社會大眾的互聯。

司法機構的使命，是維持司法制度的獨立及其至高的專業水平，使其能在履行維護法制、保障個人權利和自由的任務的同時，取得港人及國際人士的信任。

民事司法改革是我們今年的重點工作項目。改革工作小組對相關的問題作了全面深入的探討，提出了共 80 項可行的改革建議，並在 2001 年 11 月 29 日發表了中期報告和諮詢文件，徵詢法庭使用者和社會大眾的意見。我相信亦期盼社會各界人士會就如何完善我們的民事司法制度進行積極討論，提出有建設性的意見。

This Report highlights the work of the Judiciary in 2001 and the key challenges ahead.

The Report is divided into three main parts this year. Part I reports on the progress of the work of the Working Party on Civil Justice Reform. Part II describes the operation of our court system and its administration. Part III focuses on our Judges, our staff and our interface with the community.

The mission of the Judiciary is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands domestic and international confidence.

Civil Justice Reform is an important area of our work this year. The Working Party on Civil Justice Reform has considered the issues and has come up with a total of 80 proposals for reform. On November 29, 2001, the Working Party issued an Interim

進入二十一世紀，法院在司法工作上要面對許許多多高難度的挑戰。司法機構作為一個政府部門，屬於社會，又有責任服務社會。我們必須維持法庭制度的高效率和高成效，才能把司法工作做得更好。各級法院和司法機構政務處將共同努力，克盡厥職，不斷進取，以滿足社會對我們愈來愈高的要求。

我們的法官將繼續無懼無私地履行司法任務，而司法機構政務處的工作人員將繼續為他們提供優質的支援。作為一個屬於社會、服務社會的機構，我們亦認為與法庭使用者和社會大眾保持緊密聯繫至為重要。

我希望你喜歡這份年報，亦希望你對我們的工作有更深入的了解。

維護法治是我們的任務，我們將堅定不移確保社會法治繼續蓬勃發展。至於未來的各種挑戰，我們亦將積極面對，不負社會大眾對我們的期望。

李國能

終審法院首席法官
李國能

Report and Consultation Paper for the purpose of consulting court users and the community. I anticipate and look forward to constructive discussion on how to improve access to civil justice at reasonable cost and speed in our society.

The courts in the 21st century face exciting challenges in the administration of justice. The Judiciary is an institution of government that belongs to and serves the community. We must maintain an effective and efficient court system for the administration of justice. Our Courts and the Judiciary Administration continue to strive to make improvements in meeting the rising expectations of the community.

Our Judges will continue to administer the law without fear or favour. They are competently supported by the staff in the Judiciary Administration. And being an institution which belongs to and serves the community, we consider it of the utmost importance that we maintain a close interface with court users and the community.

I hope you will enjoy reading this Report and that you will have a better understanding of our work.

We are determined to ensure that the rule of law will continue to thrive in our community. We are committed to meeting the challenges ahead and the community's expectations.

Andrew Li

Andrew Li
Chief Justice