



在裁判法院進行的聆訊
A court hearing at Magistrates' Courts

裁判法院

總裁判官是所有裁判官的法院領導，領導各裁判法院的主任裁判官、裁判官和特委裁判官。特委裁判官審理輕微的罪行，例如非法擺賣和交通違例案件，並可處以一般不超過 10 萬元的罰款。

裁判法院的刑事司法管轄範圍廣泛，有權審理多類可公訴罪行和簡易程序罪行。一般而言，裁判法院有權判處的最高刑罰是監禁兩年及罰款港幣 10 萬元，但有一些法例條文賦予裁判官更大的權力，最高可判監禁三年，罰款亦可高達港幣 500 萬元。

所有刑事檢控均須在裁判法院展開。律政司司長可根據罪行的嚴重性，將案件移交區域法院或原訟法庭審理。

MAGISTRATES' COURTS

The Chief Magistrate is the Court Leader and heads the Principal Magistrates, Magistrates and Special Magistrates. Special Magistrates deal with minor offences such as illegal hawking and traffic offences. Their jurisdiction is generally limited to a maximum fine of \$100,000.

The Magistrates' Courts exercise criminal jurisdiction over a wide range of indictable and summary offences. In general, the jurisdiction is a maximum of two years' imprisonment and a fine of \$100,000. There are a number of provisions which empower Magistrates to impose sentences up to three years' imprisonment and fines up to \$5,000,000.

All criminal prosecutions must commence in the Magistrates' Courts. The Secretary for Justice may transfer cases to the District Court or the Court of First Instance depending on the seriousness of the offence.



北九龍裁判法院
North Kowloon Magistrates' Courts



終審法院首席法官、總裁判官李翰良（前排左七）與北九龍裁判法院的裁判官及職員合照
 The Chief Justice, Mr Patrick Li, Chief Magistrate (seventh left, front row), with Magistrates and staff of North Kowloon Magistrates' Courts

北九龍裁判法院將於2005年1月3日停止運作，該裁判法院的案件將由九龍城裁判法院、觀塘裁判法院及沙田裁判法院處理。在2005年1月，全港將有七所裁判法院，分布於各區：港島一所、九龍兩所和新界四所。

裁判法院使用中文

現時，在裁判法院處理的案件約有七成是以中文聆訊的。

少年法庭

少年法庭有權審理對兒童和未滿16歲的少年提出的刑事控罪，但兇殺罪除外。少年法庭亦有權為保護未滿18歲的少年頒布照顧保護令。

The North Kowloon Magistrates' Courts will cease operation on 3 January 2005. Cases from this Magistrates' Courts will be dealt with in the Kowloon City, Kwun Tong and Shatin Magistrates' Courts. As in January 2005, there will be seven Magistrates' Courts located throughout the territory: one on Hong Kong Island, two in Kowloon and four in the New Territories.

Use of Chinese in the Magistrates' Courts

At present, about 70% of the trials heard in the Magistrates' Courts are conducted in Chinese.

JUVENILE COURT

The Juvenile Court has jurisdiction to hear charges against children and young persons under the age of 16, except homicide. It also has jurisdiction to grant care and protection orders in respect of young persons under the age of 18.

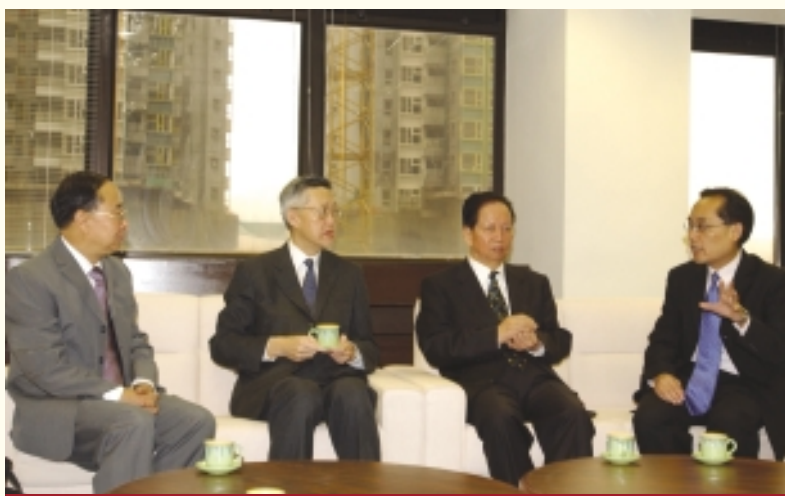
裁判法院登記處

裁判法院登記處負責處理控罪和傳票的入稟程序，保存法院的記錄，並負責為裁判官提供文書工作的支援。

為了向法庭使用者提供更佳服務及縮短市民在裁判法院繳交罰款所需的輪候時間，我們已於九龍城裁判法院、沙田裁判法院、荃灣裁判法院及粉嶺裁判法院推行「創新聯網技術」試驗計劃，將以上各裁判法院會計部的電腦與其所屬裁判法院各法庭的電腦聯線。透過這個方法，會計部便可即時在線上取得有關法庭所判處罰款的數額，並能同步安排市民繳付罰款。該項計劃已證明可行，並將於 2005 年推廣至其他裁判法院。



裁判法院登記處
Registry of Magistrates' Courts



總裁判官向最高人民法院院長蕭揚首席大法官（右二）介紹裁判法院的運作。蕭院長在終審法院首席法官陪同下參觀東區裁判法院
The Chief Magistrate briefs the Chief Justice Mr Xiao Yang, President of the Supreme People's Court (second right) on the operation of Magistrates' Courts during his visit to the Eastern Magistrates' Courts under the company of the Chief Justice

REGISTRIES OF MAGISTRATES' COURTS

The Registries of Magistrates' Courts are responsible for the filing of charges and summonses and maintaining court records. They also provide support services to the Magistrates.

To provide better service to court users and to shorten waiting time for the payment of fines in Magistrates' Courts, a pilot scheme on "Innovative Network Link" was introduced in the Kowloon City, Shatin, Tsuen Wan and Fanling Magistrates' Courts. The courts and the accounts offices are linked, whereby the fines ordered by the court can be instantaneously captured on-line, so that the accounts office can arrange collection of payment of fines in parallel. The scheme has proved to be successful and will be extended to other Magistrates' Courts by 2005.



總裁判官向汕頭大學的學生介紹裁判法院的工作
The Chief Magistrate briefs students of Shantou University on the work of Magistrates' Courts



總裁判官與福建省高級人民法院代表團會面
The Chief Magistrate meets with a delegation from the People's High Court of Fujian Province

案件量及輪候時間

預計2004年裁判法院的案件量會較2003年增加5%，主要原因是政府部門傳票的數目大幅上升。

一般而言，刑事案件的輪候時間能夠達到訂下的目標。然而，由於傳票方面的案件量有所增加，所以在輪候時間方面不一定能達到訂下的目標。但是，司法機構會盡力縮短案件的輪候時間。

CASELOAD AND WAITING TIME

The caseload in the Magistrates' Courts in 2004 is expected to increase by 5% as compared with that of 2003. This is mainly due to a significant increase in departmental summonses.

The target waiting times for charge cases can be met generally, but the waiting time for summons may not be met due to the increase in caseloads. The Judiciary will make every effort to improve the court waiting times.



九龍城裁判法院主任裁判官練錦鴻與泰國司法部法務辦公室司法人員培訓學院的代表團會面
Mr Ernest Lin, Principal Magistrate of Kowloon City Magistrates' Courts, meets with a delegation from Justice Officials Training Institute, Office of Justice Affairs of Ministry of Justice, Thailand



九龍城裁判法院裁判官劉永成（前排中）向全國婦聯省區市兒童部長赴港考察計劃代表團介紹少年法庭的設施及運作
Mr Denis Lau, Magistrate of Kowloon City Magistrates' Courts (Centre, front row), briefs a delegation from All-China Women's Federation on facilities and operation of the Juvenile Court

表 9
Table 9裁判法院的案件量
CASELOAD OF THE MAGISTRATES' COURTS

	2003 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
刑事案件 Charge Case	19 150	59 812	59 117	951	18 894
小販案件 Hawker Case	8 285	10 960	10 927	34	8 284
部門傳票及私人傳票 Departmental & Private Summonses	31 176	133 552	130 079	534	34 115
交通違例扣分傳票 Driving-Offence Points Summonses	2 034	3 068	3 299	50	1 753
定額罰款(交通違例)傳票 Fixed Penalty Summonses (Traffic)	533	732	754	5	506
定額罰款(公眾地方潔淨罪行)傳票 ★ Fixed Penalty Summonses (Public Cleanliness Offences)	18	255	176	0	97
雜項程序通知書 @ Miscellaneous proceedings issued	8 527	13 194	13 488	206	8 027
亂拋垃圾者傳票 Anti-litter notices issued	1 521	4 033	4 682	568	304
定額罰款令(交通違例) Fixed Penalty Notice (Traffic)	9 182	54 543	54 516	0	9 209
定額罰款令(公眾地方潔淨罪行) ★ Fixed Penalty Notice (Public Cleanliness Offences)	207	2 182	2 023	1	365
合計 TOTAL	80 633	282 331	279 061	2 349	81 554

	2004 (截至9月30日 up to 30 Sept) 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
刑事案件 Charge Case	19 845	44 136	43 684	1 039	19 258
小販案件 Hawker Case	8 318	7 440	7 438	41	8 279
部門傳票及私人傳票 Departmental & Private Summonses	34 649	116 461	106 536	501	44 073
交通違例扣分傳票 Driving-Offence Points Summonses	1 803	2 281	2 042	17	2 025
定額罰款(交通違例)傳票 Fixed Penalty Summonses (Traffic)	511	671	605	3	574
定額罰款(公眾地方潔淨罪行)傳票 ★ Fixed Penalty Summonses (Public Cleanliness Offences)	97	355	331	0	121

表 9 裁判法院的案件量
Table 9 CASELOAD OF THE MAGISTRATES' COURTS

	2004 (截至9月30日 up to 30 Sept) 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
雜項程序通知書 @ Miscellaneous proceedings issued	8 233	10 333	10 977	284	7 305
亂拋垃圾者傳票 Anti-litter notices issued	872	1 616	1 863	407	218
定額罰款令(交通違例) Fixed Penalty Notice (Traffic)	9 209	36 968	38 284	0	7 893
定額罰款令(公眾地方潔淨罪行) ★ Fixed Penalty Notice (Public Cleanliness Offences)	366	2 110	2 242	1	233
合計 TOTAL	83 903	222 371	214 002	2 293	89 979

- ☆ 承接往年的案件是指訴訟中止及訴訟進行中的案件，但不包括已經歸檔的案件
Cases brought forward from previous years refer to cases in progress and inactive cases but do not include cases which have been archived
- * 結案的案件是指經審訊或聆訊後被告人被判有罪或被判無罪，以及經聆訊後申請獲批准、被駁回、撤回或剔除的案件
Cases disposed of refer to cases where defendants have been convicted or acquitted after trial or hearing and applications which have been granted, refused, withdrawn or struck out after hearing
- # 訴訟中止的案件是指自最後一次送交文件之日起計一年內，並無任何(包括送交文件或聆訊)行動的案件
Inactive cases refer to those having no action (including filing of document or hearing) for one year from the date of last filing of document
- ★ 定額罰款(公眾地方潔淨罪行)條例於二零零二年五月二十七日生效後，由二零零二年七月起已加入此項數據
The Fixed Penalty (Public Cleanliness Offences) Ordinance came into operation on 27.5.2002 and such figures have been included from July of 2002 onwards
- @ 自二零零三年起加入單方面的申請
From 2003 the cases filed includes ex-parte applications

表 10 裁判法院案件輪候時間
Table 10 WAITING TIME FOR CASES IN THE MAGISTRATES' COURTS

		輪候時間 (日) Waiting Time (days)			
		目標 Target	2003	2004 (截至9月30日止) (as at 30 Sept)	2005 (預計) (Plan)
傳票 Summonses	由答辯日至審訊日 From plea to date of trial	50	50	61	50
控罪案件 Charge cases	由答辯日至審訊日 From plea to date of trial				
	· 被告人在押的案件 Cases involving defendants in custody	30-45	31	32	30-45
	· 被告人獲保釋候審的案件 Cases involving defendants on bail	45-60	38	49	45-60