

高等法院 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條和第13條規定了高等法院的管轄權，第4A章《高等法院規則》規定在高等法院展開訴訟和進行訴訟的程序。高等法院首席法官是高等法院的領導，也是上訴法庭的庭長。

上訴法庭

高等法院上訴法庭審理的案件，有不服原訟法庭或區域法院所作出的民事或刑事判決而提出的上訴，也有不服土地審裁處及其他法定審裁處的判決而提出的上訴。上訴法庭也就各下級法院提交的法律問題作出裁決。不服上訴法庭的判決而提出的上訴，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。



在高等法院進行的聆訊
A court hearing at the High Court

High Court

The High Court comprises the Court of Appeal and the Court of First Instance. Their jurisdiction is prescribed in sections 13 and 12 of the High Court Ordinance (Cap. 4) respectively. The procedures 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 and other statutory tribunals. It also gives rulings on questions of law referred to it by lower levels of courts. Appeals from the Court of Appeal lie to the Court of Final Appeal. In addition to the Chief Judge of the High Court, the Court of Appeal has an establishment of nine Justices of Appeal.



首席區域法院法官馮驊 (右三)、區域法院法官張慧玲 (左二)、區域法院法官韋毅志 (右二)、高等法院副司法常務官潘兆初 (左一) 和區域法院法官辛達誠 (右一) 獲委任高等法院原訟法庭法官，任命二〇〇六年十一月二十七日起生效
His Honour Judge Barnabas Fung, the Chief District Judge (third right); Her Honour Judge Judianna Barnes (second left); His Honour Judge Alan Wright (second right); Mr Jeremy Poon Shiu-chor, Deputy Registrar of the High Court (first left) and His Honour Judge John Saunders (first right) are appointed as Judges of the Court of First Instance of the High Court with effect from November 27, 2006

原訟法庭

原訟法庭的所有民事和刑事管轄權均沒有限制。較為嚴重的刑事案件，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，均由一位原訟法庭法官連同由七人組成的陪審團共同審理，法官也可頒令案件由連同九人組成的陪審團共同審理。

原訟法庭也有上訴管轄權，審理不服聆案官、裁判法院、勞資審裁處、小額錢債審裁處、淫褻物品審裁處、勞工處轄下的小額薪酬索償仲裁處的裁定而提出的上訴。

此外，在某些國家取得的判決，或由認可仲裁機構在內地作出的仲裁，以及在其他司法管轄區所作的裁決，可由原訟法庭登記和執行。

根據編制，原訟法庭法官有27名。

Court of First Instance

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

The Court of First Instance also has an appellate jurisdiction. It hears appeals from decisions made by Masters and 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 also registers and enforces judgments obtained in specified countries as well as arbitration awards made in the Mainland of China by a recognised arbitral authority and awards made in other jurisdictions.

The Court of First Instance has an establishment of 27 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

高等法院原訟法庭獨任法官的部分民事管轄權，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（後兩者統稱為聆案官）行使。根據現時編制，高等法院設有一位司法常務官、三位高級副司法常務官和五位副司法常務官。很多案件經他們處理後無需審訊或在法官席前處理便已得到解決。

Registrar, Senior Deputy Registrars and Deputy Registrars of the High Court

The Registrar, Senior Deputy Registrars and Deputy Registrars of the High Court (the latter two are collectively referred to as Masters) carry out part of the civil jurisdiction exercised by a single Judge of the Court of First Instance. With an establishment of one Registrar, three Senior Deputy Registrars and five Deputy Registrars, they dispose of many cases without the need to go to trial or to go before a Judge.



高等法院首席法官馬道立（右）與英國御用大律師Peter Graham爵士KCB（左）會面
*The Hon Mr Justice Ma, the Chief Judge of the High Court (right) meets with
Sir Peter Graham, KCB, QC, UK (left)*

聆案官執行的司法職務包括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評估或審理互爭權利的訴訟。他們也以訟費評定聆案官、海事訴訟司法常務官、民事上訴案司法常務官和刑事上訴案司法常務官等身分，分別行使有關的審理權。此外，他們還承擔一些準司法職務，包括受委任錄取證據、處理不服法律援助署署長拒絕給予法律援助而提出的上訴，或監督在香港送達域外司法文書的程序等。聆案官也負責遺產承辦的事宜和陪審員名單。

The Masters carry out judicial duties such as hearing interlocutory and summary applications in chambers, and conducting assessments of damages and interpleader trials in court. They exercise the jurisdiction of Taxing Masters, the Admiralty Registrar, the Registrar of Civil Appeals and the Registrar of Criminal Appeals. Further, they carry out 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 in Hong Kong. They are also responsible for probate matters and the jury list.



高等法院首席法官(右三)與以色列耶路撒冷希伯來大學法律學院院長Yoav Dotan教授(左三)會面,高等法院上訴法庭法官司徒敬(左一)也有出席

The Chief Judge of the High Court (third right) meets with Professor Yoav Dotan, Dean of Faculty of Law, Hebrew University of Jerusalem, Israel (third left). Also attending is the Hon Mr Justice Stock, Justice of Appeal of the Court of Appeal of the High Court (first left)

此外,高等法院司法常務官還負責管理高等法院訟人儲存金和勞資審裁處訟人儲存金,又分別以精神病患者財產帳目聆案官和當然遺產管理官的身分,管理精神病患者財產帳目和遺產管理官的帳目。高等法院司法常務官也負責備存大律師、律師和公證人的專業名冊。

陪審團

陪審員參與原訟法庭案件的審理是香港法制的特色。

最嚴重的刑事案件,是由一位原訟法庭法官與由七人組成的陪審團,或經法官指示,由九人組成的陪審團共同審理的。陪審團只會就罪名是否成立作出裁定,而不會處理有關判刑的事項,量刑判罰概由法官決定。在特殊的情況下,有些民事案件的審訊,例如誹謗案件,訴訟當事人也可選擇由陪審團參與審理事實爭議的部分。死因裁判法庭進行某些死因聆訊時,也會抽選由五人組成的陪審團參與。

The Registrar of the High Court administers the High Court Suitors' Funds, the Labour Tribunal Suitors' Funds as well as the Master-in-Lunacy Account and the Official Administrator's Account in his ex-officio capacity as the Master-in-Lunacy and the Official Administrator respectively. Furthermore, he keeps the professional Rolls of Barristers, Solicitors and Notaries Public.

Jury

Trial by jury in the Court of First Instance is one of the key features of the Hong Kong legal system.

The most serious criminal offences are tried by a Judge of the Court of First Instance sitting with a jury consisting of seven or, where a Judge so orders, nine. Juries decide on the verdict but not matters of sentence. Exceptionally, in some civil cases, for example defamation cases, a party may elect to have issues of fact tried by a jury. A jury of five is also empanelled in some death inquests conducted by the Coroner's Court.



高等法院上訴法庭副庭長胡國興(第二排右五)及高等法院原訟法庭法官彭鍵基(第二排右七)與中華人民共和國新疆維吾爾自治區高級人民法院代表團會面

The Hon Mr Justice Woo, Vice-President of the Court of Appeal of the High Court (fifth right, second row), and the Hon Mr Justice Pang, Judge of the Court of First Instance of the High Court (seventh right, second row), meet with a delegation from Xinjiang Uygur Autonomous Region Higher People's Court, PRC



高等法院上訴法庭法官楊振權（右一）與中華人民共和國河南省人民檢察院代表團會面
The Hon Mr Justice Yeung, Justice of Appeal of the Court of Appeal of the High Court (first right) meets with a delegation from Henan Provincial People's Procuratorate, PRC

陪審員制度是香港司法體系的一個重要部分。《陪審員條例》（第3章）詳列了擔任陪審員須具備的資格，對於有資格成為陪審員的香港市民而言，擔當這個角色既是權利，也是義務。一般來說，任何香港居民，年齡介乎21至65歲，能夠充分掌握審訊程序所使用的法定語文的（不論中文或英文），都會被列入陪審員候選名單內。高等法院司法常務官從名單中抽選若干名陪審員到庭出席選任程序。如未被選中，這些人士將可獲豁免擔任陪審員兩年。被傳召的公眾人士可在出席陪審員選任前的一天，致電司法機構的查詢熱線或從司法機構網頁<<http://www.judiciary.gov.hk>>查詢被傳召當天會否進行陪審員選任，以便確定該日是否需要出席。根據現行做法，被傳召的公眾人士一般只須到庭出席選任一次，如未被選中，則往後兩年可獲豁免擔任陪審員。2006年1月1日至2006年9月30日期間，共有4 157名市民到庭出席選任程序，而有陪審員參與的審訊則有85宗。

The jury system is one of the cornerstones of our justice system. Eligibility to serve as jurors is set out in the Jury Ordinance (Cap. 3). It is an obligation as well as a right of every citizen in Hong Kong who is qualified, to serve. In general, Hong Kong residents aged between 21 and 65 who have sufficient knowledge of the official language (Chinese or English) in which the proceedings are to be conducted are placed on the jurors' list. The Registrar of the High Court draws at random a number of jurors from the list to attend court. If not selected, they would be exempted from serving jurors for a period of two years. Where no empanelling for a jury is required on any particular day, such information is made available on the Judiciary Hotline and the Judiciary Website <<http://www.judiciary.gov.hk>> the day before, so that prospective jurors summoned to attend court can check whether their attendance is required. Under the current practice, prospective jurors are usually required to attend court only once for selection before they are exempted for two years. From 1 January 2006 to 30 September 2006, a total of 4,157 persons attended court for empanelling and there were 85 jury trials during the same period.



高等法院原訟法庭法官任懿君（右一）向中華人民共和國清華大學學生介紹香港的司法制度
The Hon Mr Justice Yam, Judge of the Court of First Instance of the High Court (first right), briefs a group of students from Tsinghua University, PRC, on Hong Kong's judicial system



高等法院原訟法庭法官阮雲道(中)與中華人民共和國佛山市中級人民法院代表團會面

The Hon Mr Justice Nguyen, Judge of the Court of First Instance of the High Court, meets with a delegation from Foshan Intermediate People's Court, PRC



高等法院原訟法庭法官夏正民(站立者)與美國史特勞斯爭議解決機構代表團會面

The Hon Mr Justice Hartmann, Judge of the Court of First Instance of the High Court (standing), meets with a delegation from the Straus Institute for Dispute Resolution, US

公開內庭聆訊的安排

司法機構2005年6月1日發布實務指示25.1及實務指示25.2。上述兩項實務指示於2005年7月18日生效，將高等法院、區域法院、土地審裁處及家事法庭的民事法律程序中的內庭聆訊予以公開進行。根據該等實務指示，內庭聆訊一般公開讓公眾旁聽，但以下兩類聆訊屬例外——

- (a) 凡法例規定不得公開者，例如領養程序，都不會公開；及
- (b) 實務指示25.1附表2所列的程序，由於其性質的關係，通常是不公開的，因為它們一般都被視為符合《香港人權法案條例》(第383章)第十條(「第十條」)限制新聞界和公眾列席的理由。這類程序包括婚姻訴訟中關於兒童和經濟給養的事宜，以及強制令或其他類似命令的單方面申請。不過，以該等類別的程序而言，如法庭認為第十條所指的例外情況對某一案件在實際上並不適用，法庭可下令將有關聆訊公開進行。

Open Chambers Arrangements

The Judiciary published Practice Directions 25.1 and 25.2 on 1 June 2005. These two Practice Directions came into operation on 18 July 2005 to effect the opening up of chambers hearings in civil proceedings in the High Court, the District Court, the Lands Tribunal and the Family Court to the public. Under these two Practice Directions, chambers hearings are generally open to the public with the following two exceptions —

- (a) chambers hearings are not open to the public where this is required by statute, for example, in adoption proceedings; and
- (b) the proceedings identified in Schedule 2 to Practice Direction 25.1 are usually not open to the public since by reason of their nature, the reasons laid down in Article 10 of the Hong Kong Bill of Rights Ordinance (Cap. 383) for excluding the press and the public are considered to be usually satisfied. These proceedings include matters relating to children and financial provision in matrimonial proceedings, ex parte applications for injunctions and similar orders. However, in such cases, the court may, if it takes the view that the exceptions in Article 10 do not in fact apply in the particular case, order the hearing to be open to the public.

在這兩項實務指示生效後，內庭聆訊一般都公開予公眾旁聽，而有關聆訊也與公開聆訊一樣，可予報導。此項新安排有助提高司法程序的透明度。



高等法院原訟法庭法官湯寶臣（前排左四）與美國美中關係全國委員會福布萊特暑期研修代表團會面

The Hon Mr Justice Tong, Judge of the Court of First Instance of the High Court (fourth left, front row), meets with a delegation from Fulbright-Hays Summer Seminar of the National Committee on United States-China Relations, US

高等法院登記處

高等法院登記處受理所有民事訴訟申索而申索金額不設限制，但某些因法例條文的規定而必須在其他法院或審裁處展開的申索除外。登記處協助需要入稟原訴文件和其他法庭文件的人士辦理手續，並負責備存民事案件的檔案。該處又為在聆案官席前進行的聆訊排期（法庭另有指示者除外），並處理有關申請令狀以執行法庭判決和命令的事項。此外，高等法院登記處負責宣誓處的工作，即與法庭程序有關的文件的宣誓工作，以及備存政府各政策局和部門監誓員的委任紀錄。

With the implementation of these two Practice Directions, chambers hearings are generally open to the public and such hearings can be reported in the same way as proceedings in court. This new arrangement enhances transparency in the judicial process.

High Court Registry

The High Court Registry accepts the lodging of all civil claims without any limit to the amount claimed except where certain types of claims are required by statute to be commenced in other courts or tribunals. It provides registry services for filing originating and other court documents. It maintains records of civil cases, fixes hearing dates for all proceedings before Masters unless otherwise directed, and processes applications for issuance of writs for the enforcement of judgments and orders. The High Court Registry also oversees the functions of the Oaths and Declarations Office, which administers oaths and declarations for documents relating to court proceedings, and is also responsible for keeping the appointment records of Commissioners for Oaths from government bureaux and departments.



高等法院原訟法庭法官林文瀚(中)與中華人民共和國國家保護知識產權工作組辦公室代表團會面

The Hon Mr Justice Lam, Judge of the Court of First Instance of the High Court (centre), briefs a delegation from the State Office of Intellectual Property Protection, PRC

高等法院書記主任辦事處

高等法院書記主任辦事處由刑事登記處、上訴登記處和排期登記處組成，負責為高等法院上訴法庭和原訟法庭所有民事和刑事案件安排聆訊日期，並有效地管理刑事程序的流程，保存及更新陪審員名單和向公眾發出陪審員傳票。

Clerk of Court's Office

The Clerk of Court's Office consists of the Criminal Registry, the Appeals Registry and various Listing Offices. 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. 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 the responsibility of the Clerk of Court's Office.



高等法院原訟法庭法官芮安牟(右四)與美國美中關係全國委員會公眾知識分子項目代表團會面

The Hon Mr Justice Reyes, Judge of the Court of First Instance of the High Court (fourth right), meets with a delegation from Public Intellectuals Programme of the National Committee on United States-China Relations, US



高等法院原訟法庭法官倫明高(左)與澳大利亞昆士蘭州區域法院法官G T Britton SC會面

The Hon Mr Justice Lunn, Judge of the Court of First Instance of the High Court (left), meets with His Honour Judge G T Britton SC, District Court of Queensland, Australia

遺產承辦處

遺產承辦處接受和處理遺產承辦的申請。遺產總值超過港幣15萬元或可能涉及複雜法律問題的申請，一般由申請人的法律代表代辦。至於遺產總值不超過港幣15萬元而又比較簡易的申請，該處會協助申請人整理所需的文件（或誓章），以便申請遺產承辦授予書或要求遺產管理官按簡易程序處理。《收入（取消遺產稅）條例》於2006年2月11日生效，遺產承辦處的申請程序也因此而有所改變。我們引進新的特定表格以簡化申請程序及配合這方面的轉變。2006年3月至9月這七個月期間，遺產承辦處的個案數目，與2005年同期（即2005年3月至9月）比較，增加26%。2006年首九個月，高等法院司法常務官以遺產管理官身分處理了2 099宗有關遺產的申請，而遺產承辦處則發出了合共9 716份遺產認證的授予書及遺產管理證明書。

Probate Registry

The Probate Registry receives and processes applications for grants of representation to estates of deceased persons. Where the value of the estate exceeds \$150,000 or the application may involve complicated legal issues, the application is usually filed by the legal representatives of the applicant. Where the value does not exceed \$150,000 and is simple and straightforward, the Registry will assist the applicant in filing the necessary documents (or affidavits) for a grant of representation or for summary administration by the Official Administrator. On 11 February 2006, the Revenue (Abolition of Estate Duty) Ordinance came into operation. The new legislation has brought about changes in application procedures in the Probate Registry. New forms were introduced to streamline the application procedures and to cater for the new changes. For the period of seven months between March to September 2006, the Probate Registry recorded a caseload growth of 26% as compared with the corresponding period in 2005 (i.e. March to September 2005). For the first nine months of 2006, the Registrar acted as the Official Administrator for 2 099 cases and the Probate Registry issued 9 716 grants of probate and letters of administration.



遺產承辦處
Probate Registry



高等法院司法常務官陳爵(中)與中華人民共和國汕頭大學學生會面
Mr Christopher Chan, Registrar of the High Court (centre), meets with a group of students from Shantou University, PRC

案件量和輪候時間

上訴法庭

2006年上訴及判刑覆核的案件量有所增加。

就刑事上訴而言，輪候時間可維持在目標範圍之內。至於民事上訴，由於在排期聆訊的案件中，性質複雜且聆訊需時者數目增多，以致輪候時間未能維持在目標範圍內。司法機構會監察有關情況，並致力縮短輪候時間。

原訟法庭

2006年，不服裁判法院判決而向原訟法庭提出的上訴，以及民事和刑事案的整體案件量，均有所增加。各類案件的平均輪候時間均能維持在目標範圍內。

Caseload and Waiting Time

Court of Appeal

In 2006, the overall caseload for appeals and review of sentences is on the increase.

For criminal appeals, the target waiting time can be met. As regards civil appeals, the target waiting time cannot often be met owing to the more complex and lengthy nature of appeals that are being set down for hearing. The Judiciary will monitor the situation and will make every effort to improve waiting time.

Court of First Instance

In 2006, the overall caseload for civil and criminal cases and Magistrates' Appeals is on the increase. The average waiting time for all types of cases is within target.



高等法院副司法常務官龍劍雲向參與英國首席大法官培訓計劃的年輕中國律師講解香港司法機構的運作
Mr Lung Kim-wan, Deputy Registrar of the High Court, briefs a group of Chinese lawyers under the Lord Chancellor's Training Scheme on the operation of the Hong Kong Judiciary

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					
		2005 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	85	144	137	0	92
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	150	393	354	0	189
		小計 Sub-total	235	537	491	0	281
	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	1 067	330	282	900	215
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	148	40	49	70	69
		3. 雜項上訴 Miscellaneous Appeals	140	44	46	128	10
		小計 Sub-total	1 355	414	377	1 098	294
判刑覆核 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	0	1	0	0	1
		2. 不服區域法院判刑而提起的覆核 Reviews from the District Court	0	3	0	0	3
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	1	0	0	0	1
	小計 Sub-total	1	4	0	0	5	
合計 TOTAL		1 591	955	868	1 098	580	

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

			2006 (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
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	92	106	77	0	121
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	189	304	226	0	267
		小計 Sub-total	281	410	303	0	388
	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	1 115	276	216	937	238
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	139	35	27	72	75
		3. 雜項上訴 Miscellaneous Appeals	138	39	32	136	9
小計 Sub-total	1 392	350	275	1 145	322		
判刑覆核 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	2	1	0	2
		2. 不服區域法院判刑而提起的覆核 Reviews from the District Court	3	5	3	0	5
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	1	3	1	0	3
		小計 Sub-total	5	10	5	0	10
合計 TOTAL			1 678	770	583	1 145	720

☆ 承接往年的案件包括訴訟中止及訴訟進行中的案件

Cases brought forward from previous years include cases in progress and inactive cases

* 結案的案件是指上訴/覆核得直、駁回、撤回、終止或在有或沒有法院命令的情況下被放棄的案件

Cases disposed of refer to appeals/reviews allowed, dismissed, withdrawn, discontinued or abandoned with or without court order

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

表 4 Table 4	高等法院上訴法庭案件輪候時間 WAITING TIME FOR CASES IN THE COURT OF APPEAL OF THE HIGH COURT			
		輪候時間 (日) Waiting Time (days)		
		目標 Target	2005	2006 (截至9月30日止) (as at 30 Sept)
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	37	41	50
民事案件 - 由申請排期日到聆訊日 Civil cases - from application to fix date to hearing	90	93	98	90

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

			2005 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
上訴案件 Appellate	刑事 Criminal	不服裁判法院判決而提起的上訴 Appeals from Magistrates' Courts	222	1 254	1 134	0	342
	民事 Civil	1. 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	307	94	104	241	56
		2. 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	111	109	65	75	80
		3. 不服小額薪酬索償仲裁處決定而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	3	5	6	0	2
		4. 雜項上訴 Miscellaneous Appeals	10	17	9	6	12
小計 Sub-total		431	225	184	322	150	
合計 TOTAL			653	1 479	1 318	322	492
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	190	326	365	0	151
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	51	51	0	0
		3. 釋放申請 Application for Discharge	0	0	0	0	0
	小計 Sub-total		190	377	416	0	151
民事管轄 Civil		1. 高等法院訴訟 High Court Actions	32 982	2 635	1 995	31 316	2 306
		2. 雜項程序 Miscellaneous Proceedings	15 659	2 826	1 934	15 020	1 531
		3. 破產及公司清盤訴訟 ⁺ Bankruptcy and Companies Winding-up	10 160	12 431	11 124	9 224	2 243
		4. 人身傷害訴訟 Personal Injuries Actions	2 637	1 172	951	2 498	360
		5. 其他案件 ^{**} Other cases	4 862	626	308	4 907	273
		小計 Sub-total		66 300	19 690	16 312	62 965
合計 TOTAL			66 490	20 067	16 728	62 965	6 864
聆案官 內庭 Masters Chambers	遺產事務 Probate	1. 非正審聆訊 Interlocutory hearings	N.A.	N.A.	25 082 ⁽¹⁾	N.A.	N.A.
		2. 訟費賬單評定 Taxation bills	1 868	1 031	977 ⁽²⁾	328	1 594
	接獲申請 Applications	6 586	13 547	12 684 ⁽³⁾	20	7 429	

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

			2006 (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
上訴案件 Appellate	刑事 Criminal	不服裁判法院判決而提起 的上訴 Appeals from Magistrates' Courts	342	936	831	0	447
	民事 Civil	1. 不服勞資審裁處判決而提起 的上訴 Appeals from Labour Tribunal	297	43	43	248	49
		2. 不服小額錢債審裁處判決而 提起的上訴 Appeals from Small Claims Tribunal	155	42	24	129	44
		3. 不服小額薪酬索償仲裁處 決定而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	2	11	13	0	0
		4. 雜項上訴 Miscellaneous Appeals	18	5	13	6	4
		小計 Sub-total	472	101	93	383	97
合計 TOTAL			814	1 037	924	383	544
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	151	177	244	0	84
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	46	46	0	0
		3. 釋放申請 Application for Discharge	0	1	1	0	0
		小計 Sub-total	151	224	291	0	84
	民事管轄 Civil	1. 高等法院訴訟 High Court Actions	33 622	2 202	1 421	32 096	2 307
		2. 雜項程序 Miscellaneous Proceedings	16 551	1 996	1 207	15 751	1 589
		3. 破產及公司清盤訴訟 ⁺ Bankruptcy and Companies Winding-up	11 467	9 930	8 461	10 085	2 851
		4. 人身傷害訴訟 Personal Injuries Actions	2 858	846	724	2 639	341
		5. 其他案件 ^{**} Other cases	5 180	450	206	5 136	288
		小計 Sub-total	69 678	15 424	12 019	65 707	7 376
合計 TOTAL			69 829	15 648	12 310	65 707	7 460
	聆案官 內庭 Masters Chambers	1. 非正審聆訊 Interlocutory hearings	N.A.	N.A.	19 585 ⁽¹⁾	N.A.	N.A.
		2. 訟費賬單評定 Taxation bills	1 922	786	758 ⁽²⁾	333	1 617
	遺產事務 Probate	接獲申請 Applications	7 449	11 974	11 812 ⁽³⁾	20	7 591

☆ 承接往年的案件包括訴訟中止及訴訟進行中的案件

Cases brought forward from previous years include cases in progress and inactive cases

- * 以上訴而言，結案的案件是指上訴得直、駁回、撤回、終止或上訴在有或沒有法院命令的情況下被放棄的案件；以刑事案件而言，結案的案件是指被告人被定罪或被判無罪的案件；以民事案件而言，結案的案件是指經審訊或聆訊後成功申索或申索被撤銷的案件

Cases disposed of refer to appeals which have been allowed, dismissed, withdrawn, discontinued or abandoned with or without court order; criminal cases where defendants have been convicted or acquitted; and civil cases where claims have been successfully made or dismissed after trial or 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

- + 此類案件包括破產程序、公司清盤程序、申請臨時命令(破產)及申請將法定要求償債書擱置的案件

Cases include bankruptcy proceedings, companies winding-up proceedings, applications for Interim Order (Bankruptcy) and applications to set aside Statutory Demands

- ** 其他案件包括憲法及行政訴訟程序、海事訴訟、領養、賣據登記、賬面債項登記、商業訴訟、建築業及仲裁案件、婚姻訴訟、遺產訴訟及禁制通告等案件

Other cases include constitutional and administrative law proceedings, admiralty actions, adoptions, bill of sale registrations, book debt registrations, commercial actions, construction and arbitration cases, matrimonial causes, probate actions and stop notices

註(1)：結案的案件是指非正審聆訊已經完結的案件

Note (1): Cases disposed of refer to interlocutory hearings conducted

註(2)：結案的案件是指訟費賬單已予處理的案件

Note (2): Cases disposed of refer to taxation bills processed

註(3)：結案的案件是指已發出授予書/已發出經確認授予書/遺產管理官以簡易程序完成遺產管理的案件

Note (3): Cases disposed of refer to grants issued/grants resealed/estates administration completed by the Official Administrator in summary manner

表 6
Table 6

高等法院原訟法庭案件輪候時間

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	2005	2006 (截至9月30日止) (as at 30 Sept)	2007 (預計) (Plan)
固定審期的刑事案件 - 由公訴書送交存檔日到聆訊日 Criminal Fixture - from filing of indictment to hearing	120	193	120	180
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	69	65	90
固定審期的民事案件 - 由申請排期日到聆訊日 Civil Fixture - from application to fix date to hearing	180	233	123	180
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	54	55	90
不服裁判法院裁決而提起的上訴 - 由上訴通知書送交存檔日到聆訊日 Appeals from Magistrates' Courts - from lodging of Notice of Appeal to hearing	90	71	86	90