

裁判法院 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高等法院原訟法庭審理。

現時，全港共有七所裁判法院，分布各區：港島一所、九龍兩所和新界四所。

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 of the High Court depending on the seriousness of the offence.

Currently, there are seven Magistrates' Courts located throughout the territory: one on Hong Kong Island, two in Kowloon and four in the New Territories.

裁判法院使用中文

現時，在裁判法院處理的案件約有78%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。少年法庭也有權為保護未滿18歲的少年頒布照顧保護令。

Use of Chinese in the Magistrates' Courts

At present, about 78% 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.



裁判法院的少年法庭
A Juvenile Court in Magistrates' Courts

裁判法院的總務處

裁判法院的總務處負責處理控罪和傳票的入稟程序，以及保存法院的記錄。法庭書記負責為裁判官提供文書工作的支援。

General Offices of Magistrates' Courts

The General Offices of Magistrates' Courts are responsible for the filing of charges and summonses and maintaining court records. The Court Clerks provide support services to the Magistrates.



裁判法院詢問處及總務室
Information and General Office of Magistrates' Courts

裁判法院的總務處及法庭支援服務於2004年1月引進品質管理系統，並於2005年3月獲頒國際標準化組織ISO9001:2000證書。兩者的品質管理系統在2006年同樣達到有關要求，順利通過2006年的年度監督和審核。裁判法院的工作流程及運作程序均按國際標準制定，而所提供的服務也合乎所訂標準。獲頒ISO證書證明裁判法院的總務處及法庭支援服務的服務質素得到外界的廣泛認可。

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，我們首先於2004年在九龍城裁判法院、沙田裁判法院、荃灣裁判法院和粉嶺裁判法院推出「創新聯網技術」試驗計劃，再於2005年將計劃擴展至各裁判法院。由於會計部的電腦與其所屬裁判法院各法庭的電腦聯線，會計部現可即時在線上取得有關法庭所判處罰款的資料，以處理罰款事項。這項新安排令使用服務的人士更感便捷。

In January 2004, a Quality Management System was introduced to the General Offices and Court Support Services of the Magistrates' Courts. Their work was accredited with the award of an ISO 9001:2000 Certificate in March 2005 with due compliance in 2006 upon passing of the ISO annual surveillance audit checks. Work processes and operating procedures of the Magistrates' Courts are documented and services provided are standardised. Through the certification, the performance of the General Offices and Court Support Services in the Magistrates' Courts is well recognised outside the Judiciary.

To provide better service to court users and to shorten waiting time for the payment of fines in Magistrates' Courts, the pilot scheme of "Innovative Network Link" was first introduced to the Kowloon City, Shatin, Tsuen Wan and Fanling Magistrates' Courts in 2004, and extended to all Magistrates' Courts in 2005. Court users can now benefit from the linking up of the courts and the accounts offices, whereby the fines ordered by the court can be captured on-line, so that the accounts office can deal with payment of fines instantaneously.



裁判法院的大堂
Lobby of a Magistrates' Courts



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

案件量及輪候時間

與2005年比較，裁判法院2006年的案件量保持穩定。以被告人受羈押的刑事案件而言，其平均輪候時間能維持在所訂的目標之內。至於被告人獲保釋的刑事案件，其平均輪候時間也接近所訂的目標。此外，傳票案件的輪候時間已有改善。司法機構會竭力縮短案件的輪候時間。

Caseload and Waiting Time

The caseload in the Magistrates' Courts in 2006 remains steady as compared with that in 2005. The average waiting time for charge cases with defendants in custody can be met and that for charge cases with defendants on bail is close to the target. The waiting time for summonses is improving. The Judiciary will make every effort to improve the court waiting time.

表 9 Table 9	裁判法院的案件量 CASELOAD OF THE MAGISTRATES' COURTS				
	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
刑事案件 Charge Case	20 150	50 536	51 192	1 012	18 482
小販案件 Hawker Case	8 333	12 161	12 176	70	8 248
部門傳票及私人傳票 Departmental & Private Summonses	44 591	153 892	155 349	829	42 305
交通違例扣分傳票 Driving-Offence Points Summonses	2 107	3 258	3 123	43	2 199
定額罰款 (交通違例) 傳票 Fixed Penalty Summonses (Traffic)	592	855	880	4	563
定額罰款 (公眾地方潔淨罪行) 傳票 Fixed Penalty Summonses (Public Cleanliness Offences)	148	499	518	3	126
雜項程序通知書 Miscellaneous proceedings	7 467	13 187	13 970	504	6 180
部門通知書 Departmental Notice	567	2 038	2 105	259	241
定額罰款令 (交通違例) Fixed Penalty Notice (Traffic)	9 622	59 358	59 103	0	9 877
定額罰款令 (公眾地方潔淨罪行) Fixed Penalty Notice (Public Cleanliness Offences)	298	3 103	3 003	1	397
合計 TOTAL	93 875	298 887	301 419	2 725	88 618

表 9 Table 9	裁判法院的案件量 CASELOAD OF THE MAGISTRATES' COURTS	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
刑事案件 Charge Case		19 494	34 776	34 166	1 032	19 072
小販案件 Hawker Case		8 318	8 747	8 745	70	8 250
部門傳票及私人傳票 Departmental & Private Summonses		43 134	110 411	112 833	894	39 818
交通違例扣分傳票 Driving-Offence Points Summonses		2 242	3 022	2 607	44	2 613
定額罰款 (交通違例) 傳票 Fixed Penalty Summonses (Traffic)		567	728	677	3	615
定額罰款 (公眾地方潔淨罪行) 傳票 Fixed Penalty Summonses (Public Cleanliness Offences)		129	412	389	4	148
雜項程序通知書 Miscellaneous proceedings		6 684	9 442	9 531	580	6 015
部門通知書 Departmental Notice		500	1 291	1 441	189	161
定額罰款令 (交通違例) Fixed Penalty Notice (Traffic)		9 877	48 648	48 594	0	9 931
定額罰款令 (公眾地方潔淨罪行) Fixed Penalty Notice (Public Cleanliness Offences)		398	2 485	2 542	2	339
合計 TOTAL		91 343	219 962	221 525	2 818	86 962

☆ 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定罪或被判無罪，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

表 10 Table 10	裁判法院案件輪候時間 WAITING TIME FOR CASES IN THE MAGISTRATES' COURTS	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)
傳票 Summonses	由答辯日至審訊日 From plea to date of trial	50	94	90	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	44	39	30-45
	• 被告人獲保釋候審的案件 Cases involving defendants on bail	45-60	68	64	45-60

☆ 裁判法院的平均輪候時間各有不同。表列的輪候時間是指七所裁判法院的輪候時間的平均日數。

The average waiting time of each Magistrates' Courts varies. The waiting time in the table is an average of the seven Magistrates' Courts.