



第五章

審裁處和
專責法庭

CHAPTER 5

Tribunals and
Specialised
Court





審裁處和專責法庭

司法機構轄下有四個審裁處和一個專責法庭，即：土地審裁處、勞資審裁處、小額錢債審裁處、淫褻物品審裁處和死因裁判法庭。土地審裁處由一位高等法院原訟法庭法官領導，由兩位區域法院法官擔任審裁官和一位土地測量師擔任審裁委員。其他審裁處和死因裁判法庭則由總裁判官管轄。

土地審裁處

土地審裁處審理的賠償申索，金額沒有上限，審裁處在判予法定補救或衡平法補救時，有與高等法院原訟法庭同等的權力。



TRIBUNALS AND SPECIALISED COURT

There are four tribunals and one specialised court under the purview of the Judiciary, namely, the Lands Tribunal; the Labour Tribunal; the Small Claims Tribunal; the Obscene Articles Tribunal; and the Coroner's Court. The Lands Tribunal, headed by a President who is a judge of the Court of First Instance of the High Court, comprises two Presiding Officers who are District Court Judges, and one Member who is a land valuation surveyor. The other Tribunals and the Coroner's Court are under the purview of the Chief Magistrate.

LANDS TRIBUNAL

The Lands Tribunal has unlimited jurisdiction as to compensation claimed; and, in the exercise of its jurisdiction, has the same powers to grant legal and equitable remedies as the Court of First Instance of the High Court.



為加強服務，土地審裁處添置智能式輪候系統
To improve services to the public, enquiry counter ticket dispenser and smart-queue system are installed in Lands Tribunal



任何人士，其土地因公共或私人發展而減值或被收回，而政府或其他方面應對其作出賠償，賠償金額由土地審裁處決定。

土地審裁處有上訴管轄權。不服差餉物業估價署署長和房屋署署長所作的決定，包括不服根據《差餉條例》釐定的應課差餉租值、不服根據《業主與租客（綜合）條例》發出的加租證明書和根據此條例作出的其他決定、不服根據《房屋條例》對物業現行市值作出的評估等決定，可向土地審裁處上訴。

土地審裁處有權根據《業主與租客（綜合）條例》發出判令收回樓宇，或判令給付相應濟助，亦有權批准新租約和裁定市值租金。

土地審裁處亦審理《建築物管理條例》指定的某些事項並作出裁斷，這些事項包括管理委員會的委任和解散、對該條例的解釋和執行，及對大廈公契條款和規定的解釋和執行等。

根據《土地（為重新發展而強制售賣）條例》，若以重新發展土地為理由，可請求土地審裁處發出命令，將該地段所有不可分割份額出售。此類申請由審裁處負責審理。

土地審裁處案件的當事人可以由大律師或律師代表，也可以親自出庭。

The Lands Tribunal determines compensation payable by the Government and others to persons whose land is resumed or reduced in value because of public and private development.

The Lands Tribunal has appellate jurisdiction over determinations by the Commissioner of Rating and Valuation and the Director of Housing. These include appeals in respect of rateable values under the Rating Ordinance; appeals against certificates of increase in rent and other determinations under the Landlord and Tenant (Consolidation) Ordinance; and appeals against assessment of the prevailing market value of a property under the Housing Ordinance.

Under the Landlord and Tenant (Consolidation) Ordinance, the Lands Tribunal may make orders for possession and consequential relief, grant a new tenancy and determine the prevailing market rent.

The Lands Tribunal also hears and determines matters specified under the Building Management Ordinance including the appointment or dissolution of management committee, the interpretation and enforcement of the Ordinance and of the terms and provisions in a deed of mutual covenant.

Under the Land (Compulsory Sale for Redevelopment) Ordinance, the Tribunal hears applications for an order for the sale of all the undivided shares in a certain lot for the purposes of the redevelopment of the lot.

Parties may appoint counsel or solicitors to appear before the Tribunal or appear in person.



土地審裁處登記處

登記處負責處理和備存土地審裁處案件的有關文件，並為審裁官和審裁委員提供支援服務。

登記處電腦化過程在2000年9月完成，這是司法機構資訊系統策略第三期的一部分。電腦化實施後，不同審級的法庭管理系統可以互聯。該電腦系統設有索引和搜查功能，方便文件的存檔和提取，亦可即時搜索最新資料、更新排期服務、紀錄費用和繳款情況，大大提高了案件的管理效率，有助糾紛早日得以解決。

2000年11月，土地審裁處登記處設置了「自助」櫃位，市民可隨意索取關於入稟程序的指南和表格。登記處採用了新的輪候制度，以簡化申請程序，提高服務效率。

此外，土地審裁處的互動聲訊系統在2000年12月改良後，市民可利用24小時電話服務，查詢案件聆訊的詳情，包括日期、時間和庭號等。

案件量和輪候時間

土地審裁處案件量自1997年以來一直下降。估計2000年的案件量會再度下降，可能會較1999年少百分之八；這主要是因為上訴案件量和租賃案件量都略為下降。各類案件的輪候時間都遠比指標預計的短。

THE LANDS TRIBUNAL REGISTRY

The Registry of the Lands Tribunal is responsible for the filing and maintenance of documents in connection with cases handled by the Tribunal. It also provides support to the Presiding Officers and Member of the Tribunal.

The computerisation of the Registry of the Lands Tribunal, which is part of the Judiciary Information Systems Strategy Phase III projects has been completed in September 2000. Upon computerisation, the networking among various levels of court is achieved. The system provides indexing and searching functions, facilitates document filing and retrieval as well as sharing of on-line information, updates listing services, records fees and payments. The system enhances case management, thus contributing to earlier resolution of cases.

Since November 2000, a "self-service" counter has been set up in the Lands Tribunal Registry providing forms and guidelines on filing procedures to members of the public. A new queuing system has been put in place in the Lands Tribunal to streamline the applications for the purpose of providing more efficient services from the counter.

In addition, the Lands Tribunal Interactive Voice Response System (IVRS) was enhanced in December 2000 to provide a 24-hour enquiry on the hearing details of cases e.g. date, time and court number through the telephone.

CASELOAD AND WAITING TIME

The Lands Tribunal recorded decrease in caseload since 1997. It is projected that the caseload may further reduce by 8% in 2000 as compared to that in 1999. This is mainly due to a slight drop in appeal cases and tenancy cases. The waiting times for all types of cases were well within targets.



表 11
Table 11

土地審裁處的案件量
CASELOAD OF THE LANDS TRIBUNAL

	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
上訴案件 Appeals	173	683	349	218	289
賠償案件 Compensation cases	21	8	0	10	19
建築物管理案件 Building management cases	260	397	134	254	269
租賃案件 Tenancy cases	3 512	4 509	2 912	2 049	3 060
土地強制售賣申請 ⁺ Lands compulsory sale applications	0	4	0	2	2
雜項申請 Miscellaneous reference applications	17	32	12	24	13
合計 TOTAL	3 983	5 633	3 407	2 557	3 652

	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
上訴案件 Appeals	289	256	369	154	240
賠償案件 Compensation cases	19	7	6	5	25
建築物管理案件 Building management cases	269	304	237	228	362
租賃案件 Tenancy cases	3 060	3 308	2 717	1 661	4 039
土地強制售賣申請 ⁺ Lands compulsory sale applications	2	0	1	0	3
雜項申請 Miscellaneous reference applications	13	45	11	38	33
合計 TOTAL	3 652	3 920	3 341	2 086	4 702

[△] 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 / 上訴駁回 / 審訊或聆訊結束
Disposed of refers to appeals allowed/appeals 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

⁺ 由一九九九年第二季起取得數據
Figures are available from the second quarter of 1999 onwards

表 12
Table 12土地審裁處案件的輪候時間
WAITING TIME FOR CASES IN THE LANDS TRIBUNAL

	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)
由聆訊期訂定日到聆訊日 From setting down of a case to hearing				
• 上訴案件 Appeals	100	33	21	80
• 賠償案件 Compensation cases	100	34	30	80
• 建築物管理案件 Building management cases	100	33	26	80
• 租賃案件 Tenancy cases	60	28	27	60

勞資審裁處

勞資審裁處提供廉宜、省時、簡便的途徑，解決僱主和僱員之間的勞資糾紛。勞資審裁處申索額沒有上限，但必須超過 8,000 元。申索額少於 8,000 元的，一般由勞工處轄下的小額薪酬索償仲裁處處理。

勞資審裁處審理由於違反僱傭合約條款引起的申索，如終止僱傭合約應付的代通知金、欠薪、遣散費、長期服務金、病假津貼、分娩假期工資等各類申索。聆訊程序不拘泥於形式，多以中文進行。雙方當事人均不得由律師代表。

THE LABOUR TRIBUNAL

The Labour Tribunal provides a quick, inexpensive and informal method of resolving disputes between employees and employers. There is no upper limit to the amount which may be claimed in the Tribunal but it has to be over \$8,000. Claims with amounts of \$8,000 or less are generally dealt with by the Minor Employment Claims Adjudication Board of the Labour Department.

The Labour Tribunal deals with claims arising from the breach of a term of contract of employment; such as claims for wages in lieu of notice of termination of contracts of employment; for arrears of wages, severance pay, long service payment, sickness allowance and maternity leave pay. Hearings are informal and are mostly conducted in Chinese. Legal representation is not allowed.



勞資審裁處繼 1999 年 4 月推行晚間聆訊後，再於 2000 年 1 月在東區法院大樓內增設兩個日間法庭。這些安排有助大量減少積壓的案件（積壓的案件從 1999 年 10 月的 756 宗下降至 2000 年 10 月的 426 宗）。

勞資審裁處有一位主任審裁官和 11 位審裁官。

勞資審裁處登記處

登記處負責處理所有入稟勞資審裁處的申索，並為審裁官和調查主任提供支援。

登記處電腦化過程在 2000 年 11 月完成，這是司法機構資訊系統策略第三期的一部分。勞資審裁處互動聲訊系統的功能改善後，使用者現已可以通過該系統向審裁處進行約期或復查、取消、

Further to the commencement of evening sittings of the Labour Tribunal in April 1999, two additional day courts accommodated in the Eastern Law Courts Building commenced operation in January 2000. They have helped reduce the backlog of cases effectively (from 756 in October 1999 to 426 in October 2000).

The Labour Tribunal is headed by a Principal Presiding Officer and comprises 11 Presiding Officers.

THE LABOUR TRIBUNAL REGISTRY

The Registry of the Labour Tribunal is responsible for handling all claims filed with the Tribunal. It also provides support to the Presiding Officers and Tribunal Officers.

The computerisation of the Registry of the Labour Tribunal which is part of the Judiciary Information



申索人入稟勞資審裁處
Filing of Claims at Labour Tribunal



勞資審裁處調查主任會見申索人
Labour Tribunal Officer interviewing claimants



更改約期，亦可查詢案件的聆訊詳情，例如日期、時間和庭號等。2001年中該系統將與訴訟人儲存金的網絡互聯，方便使用者查閱勞資糾紛付款情況。

登記處2000年9月設置了多用途櫃位，以提供一站式服務。現時，申請人可以在同一個櫃位完成入稟申索的手續。

案件量和輪候時間

勞資審裁處案件量1999年到達前所未有的高峰後開始保持穩定，2000年初更見回落。估計2000年的案件會比1999年少約百分之二十。過往幾年，為了應付增加的案件量，司法機構調撥了額外資源，使輪候時間能夠控制在指標之內。

Systems Strategy Phase III projects has been completed in November 2000. To improve our services to the court users, the Interactive Voice Response System (IVRS) in the Labour Tribunal was upgraded to enable clients to book, review, cancel and change an appointment with the Tribunal. In addition, callers can also check the hearing details of cases e.g. date, time and court number, through the system. Through interfacing with the Suitors' Funds Systems, it is intended that the IVRS will provide clients with payment status of the labour disputes in mid-2001.

Since September 2000, multi-purpose counters have been introduced at the Registry of the Labour Tribunal to provide a one-stop service. Applicants can now complete the process of filing claims at the same counter.

CASELOAD AND WAITING TIME

After reaching a record high in the number of cases received in 1999, the caseload started to level off and dropped in early 2000. It is further projected that the caseload may reduce by some 20% in 2000 as compared to that in 1999. With the injection of additional resources to handle the increased caseload in previous years, the target waiting times could be met.



勞資審裁處署理主任審裁官黃一鳴聆訊案件
Mr Michael Wong Yat-ming, Acting Principal Presiding Officer of the Labour Tribunal in a court hearing



表 13
Table 13

勞資審裁處的案件量
CASELOAD OF THE LABOUR TRIBUNAL

	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
案件 Cases	642	11 594	11 242	0	994
覆核 Reviews	0	343	241	0	102
合計 TOTAL	642	11 937	11 483	0	1 096

	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
案件 Cases	994	7 329	8 276	0	47
覆核 Reviews	102	225	177	0	150
合計 TOTAL	1 096	7 554	8 453	0	197

- [△] 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
- * 結案指申索成功 / 申索撤銷 / 聆訊結束
Disposed of refers to successful claims/claims dismissed/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

表 14
Table 14

勞資審裁處案件的輪候時間
WAITING TIME FOR CASES IN THE LABOUR TRIBUNAL

	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)
由預約時間到案件入稟日 From appointment to filing of a case	30	33	11	20
由案件入稟日到首次聆訊日 From filing of a case to first hearing	30	25	22	30



小額錢債審裁處

小額錢債審裁處提供簡單、廉宜、不拘形式的程序解決小額錢債糾紛，審理金額不超過 50,000 元的申索。審裁處進行聆訊，不拘泥於程序的形式，多以中文進行。雙方當事人均不得由律師代表，申索人可以親自出庭，若審裁官批准，可授權代表人（但不得為律師）代表出庭。

小額錢債審裁處由主任審裁官領導，共有七位審裁官。

小額錢債審裁處登記處

登記處負責處理各類與該審裁處入稟申索有關的文件，並為審裁官提供支援。



小額錢債審裁處署理主任審裁官羅雪梅(左)會見觀塘區議會成員
Mrs Katina Levy, Acting Principal Adjudicator of the Small Claims Tribunal (left),
meeting with Kwun Tong District Council members

SMALL CLAIMS TRIBUNAL

The Small Claims Tribunal provides a simple, inexpensive and informal procedure for settling monetary claims of a lower value. It hears and determines claims not exceeding \$50,000. Hearings are informal and are conducted mostly in Chinese. Legal representation is not allowed. Claimants may appear in person or, with the permission of the Tribunal, authorise a representative (other than a lawyer) to appear on his behalf.

The Tribunal is headed by a Principal Adjudicator and comprises seven Adjudicators.

THE SMALL CLAIMS TRIBUNAL REGISTRY

The Registry of the Small Claims Tribunal handles all documents in connection with filing of claims and provides support to the Adjudicators.

CASELOAD AND WAITING TIME

Following the increase in the jurisdictional limit from \$15,000 to \$50,000 effective from 19 October 1999, it is projected that the caseload will increase by about



小額錢債審裁處署理主任審裁官羅雪梅(右八)與觀塘區議會成員
Mrs Katina Levy, Acting Principal Adjudicator of the Small Claims Tribunal (eighth right), with Kwun Tong District
Council members



案件量和輪候時間

1999年10月19日開始，小額錢債審裁處申索限額從15,000元提升至50,000元，估計2000年案件量會較1999年多大約百分之十五。不過，這升幅比最初預計的百分之五十為低。審裁處會繼續密切留意案件量增減的趨勢。總的來說輪候時間仍在指標之內。

15% in 2000 as compared to that in 1999. The rate of increase is however lower than the original estimate of 50%. We would continue to monitor the trends closely. The target waiting time was generally met.

表 15
Table 15

小額錢債審裁處的案件量
CASELOAD OF THE SMALL CLAIMS TRIBUNAL

	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
申索 Claims	41 505	57 442	57 891	5 990	35 066
覆核 Reviews	0	67	67	0	0
合計 TOTAL	41 505	57 509	57 958	5 990	35 066

	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
申索 Claims	35 066	48 679	49 515	8 139	32 081
覆核 Reviews	0	176	176	0	0
合計 TOTAL	35 066	48 855	49 691	8 139	32 081

[△] 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

* 結案指申索成功/申索撤銷/聆訊結束
Disposed of refers to successful claims/claims dismissed/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

表 16
Table 16

小額錢債審裁處案件的輪候時間
WAITING TIME FOR CASES IN THE SMALL CLAIMS TRIBUNAL

	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)
由案件入稟日到首次聆訊日 From filing of a case to first hearing	60	34	41	60



淫褻物品審裁處

淫褻物品審裁處有權裁定有關物品是否屬於淫褻或不雅，或者裁定某些公開展示的物品是否屬於不雅。該審裁處有權將有關物品分為第一類（既非淫褻，亦非不雅）、第二類（不雅）或第三類（淫褻）。交由該審裁處進行裁定或分類的物品，主要是本地或來自海外的雜誌、連環圖、錄像帶和激光光碟。作者、印刷商、製造商、出版商、進口商、分銷商或版權所有人，都可以將物品呈交該審裁處評定類別。

淫褻物品審裁處將物品進行臨時分類時，會由一位裁判官連同兩位或以上的審裁委員共同主持；如覆核臨時分類、或就已分類物品再作考慮，則會由一位裁判官連同至少四位審裁委員進行全面聆訊。至2000年9月30日止，淫褻物品審裁處審裁委員會共有112位審裁委員。

淫褻物品審裁處登記處

登記處負責處理所有呈交該審裁處的申請，協助管理貯藏庫，並安排審裁委員出席聆訊或進行分類。

案件量和輪候時間

2000年首9個月，送交淫褻物品審裁處處理的物品數量大幅下降，原因是物品檢獲減少，影響送交數目。輪候時間完全在指標預計之內。

OBSCENE ARTICLES TRIBUNAL

The Obscene Articles Tribunal has jurisdiction to determine whether an article is obscene or indecent, or whether a matter publicly displayed is indecent. It has power to classify an article as Class I (neither obscene nor indecent); Class II (an indecent article); or Class III (an obscene article). Articles received by the Tribunal for determination or classification are principally magazines, comic books, video cassette tapes, and laser discs of both foreign and local origin. An author, printer, manufacturer, publisher, importer, distributor or owner of copyright of an article may submit it to the Tribunal for classification.

The Tribunal is presided by a Magistrate, who sits with two or more adjudicators for interim classification purposes and at least four adjudicators at full hearings to review the interim classification of articles, or to reconsider previously classified articles. As at 30 September 2000, there are a total of 112 adjudicators on the panel.

THE OBSCENE ARTICLES TRIBUNAL REGISTRY

The Registry of the Obscene Articles Tribunal is responsible for processing of applications submitted to the Tribunal, assisting in manning the repository and arranging adjudicators to attend court hearings and classification.

CASELOAD AND WAITING TIME

The Tribunal recorded a significant decrease in number of articles for determination in the first nine months of 2000. It is noted that fewer articles were seized and referred to the Tribunal for determination. The court waiting times were within targets.



表 17
Table 17

淫褻物品審裁處的案件量
CASELOAD OF THE OBSCENE ARTICLES TRIBUNAL

	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
就交予審裁的物品作出決定 Articles for determination	4 917	617 670	603 938	0	18 649
就提交的物品評定類別 Articles for classification	6	2 686	2 661	0	31
覆核物品的評定類別 Articles for review	0	18	18	0	0
重新考慮物品的評定類別 Articles for reconsideration	0	0	0	0	0
合計 TOTAL	4 923	620 374	606 617	0	18 680

	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
就交予審裁的物品作出決定 Articles for determination	18 649	87 742	98 832	0	7 559
就提交的物品評定類別 Articles for classification	31	1 800	1 829	0	2
覆核物品的評定類別 Articles for review	0	18	18	0	0
重新考慮物品的評定類別 Articles for reconsideration	0	1	0	0	1
合計 TOTAL	18 680	89 561	100 679	0	7 562

[△] 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

[#] 1999 年在交由審裁處處理的案件中，有一宗涉及 370 000 件物品。2000 年交由審裁處處理的物品減少，因此案件量大幅下降
In 1999, out of the cases referred to the Tribunal for determination, there was a case involving 370 000 articles. In 2000, there was a substantial decrease in caseload due to less referrals

^{*} 結案指審裁處已裁定物品是否淫褻或不雅/經評定類別/在雙方協議下不需評定
Disposed of refers to articles determined/classified/not required to be determined or classified with consent by both parties

[#] 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

⁺ 由 2001 年 1 月 1 日新增設之項目
New items planned to be introduced in 2001

表 18

淫褻物品審裁處案件的輪候時間

Table 18

WAITING TIME FOR CASES IN THE OBSCENE ARTICLES TRIBUNAL

	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)
由裁判官將案件移交審裁處到審裁處開始就所涉物品作出決定 From referral by a magistrate to commencement of determination of the subject matter of a court case	21	18	19	21
由收到申請至進行分類 From receipt of application to classification	5	1	1	5
由收到申請至覆核 ⁺ From receipt of application to review	-	-	31	21
由收到申請至重新考慮 ⁺ From receipt of application to reconsideration	-	-	20	21



死因裁判法庭

死因裁判官調查在本港境內發生的，或在本港境外發生但屍體被帶進本港境內的死亡個案。若有人於官方羈留期間死亡，或高等法院發出死因聆訊指令，又或律政司司長要求進行死因聆訊，死因庭必須對有關事件進行死因聆訊。

進行死因聆訊的主要目的是查明導致死亡的情況。法庭可在其認為適當的情況下，就事件提出建議，防止類似的致命事件重演。

現時編制上共有三位死因裁判官。

死因裁判法庭登記處

死因裁判法庭登記處負責處理和保存在該法庭聆訊的案件的有關文件和紀錄。

登記處的電腦化過程在2000年2月完成，這是司法機構資訊系統策略第三期的一部分。

案件量和輪候時間

估計2000年死因裁判法庭的案件量會較1999年少約百分之三十。死因裁判法庭已完成審理在2000年入稟的案件，輪候時間完全在指標之內。

CORONER'S COURT

Coroners are empowered to investigate deaths occurring in Hong Kong or outside Hong Kong if the body is brought into the territory. An inquest must be held in respect of an individual who dies in official custody or when an inquest is directed by the High Court or requested by the Secretary for Justice.

The prime purpose of an inquest is to ascertain the circumstances surrounding a particular death. If appropriate, the Court may make recommendations designed to prevent a repetition of the fatality under investigation.

At present, there are three Coroners on the establishment.

THE CORONER'S COURT REGISTRY

The Registry of the Coroner's Court is responsible for handling and maintaining records and documents of cases heard in the court.

The computerisation of the Registry in the Coroner's Court, which is part of the Judiciary Information Systems Strategy Phase III projects, has been completed in February 2000.

CASELOAD AND WAITING TIME

In 2000, it is projected that the caseload would decrease by some 30% as compared to that in 1999. The Coroner's Court completed all cases filed in the year and the court waiting time was within target.



表 19
Table 19

死因裁判法庭的案件量
CASELOAD OF THE CORONER'S 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
死因研訊 Death Inquests	有陪審團 With jury	6	43	43	0	6
	無陪審團 Without jury	21	220	220	0	21
合計 TOTAL		27	263	263	0	27

		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
死因研訊 Death Inquests	有陪審團 With jury	6	29	27	0	8
	無陪審團 Without jury	21	106	115	0	12
合計 TOTAL		27	135	142	0	20

[△] 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

^{*} 結案指已進行死因研訊
Disposed of refers to death inquests held

[#] 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 20
Table 20

死因裁判法庭案件的輪候時間
WAITING TIME FOR CASES IN THE CORONER'S 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)
由死因裁判官收到完整的死亡報告之日或由訂明的陳述書呈交時限期滿之日 (以較後日期為準) 到聆訊日 From receipt by the Coroner of a completed death report or the expiry of the period prescribed for the receipt of any representation (whichever date is later) to hearing	42	65	41	42