

第三章

# 高等法院



*Chapter 3*

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

### 高等法院的上訴法庭

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起的上訴，亦有不服土地審裁處判決而提起的上訴。上訴法庭亦就各下級法院提交的法律問題作出裁決。不服上訴法庭判決而提起的上訴，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。

## HIGH COURT

The High Court comprises the Court of Appeal and the Court of First Instance. Their jurisdictions are prescribed in sections 13 and 12 of the High Court Ordinance (Cap. 4) respectively. The procedures to commence any proceedings or in the course of any proceedings 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. It also makes rulings on questions of law referred to it by lower 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.

## 原訟法庭

原訟法庭的民事和刑事管轄權均沒有限制。最嚴重的刑事案件，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，由一位原訟法庭法官連同陪審員七人共同審理，法官亦可頒令連同陪審員九人共同審理。

原訟法庭亦審理不服各下級法院判決而提起的上訴，即所有不服裁判法院、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委員會的裁定而提起的上訴。

在某些特定國家取得的判決或認可仲裁機關在國內作出的裁決，可由原訟法庭登記和執行。

根據編制原訟法庭法官有 25 名。



梁紹中法官宣誓出任高等法院首席法官，儀式由行政長官董建華主持  
Before the Chief Executive, Mr Tung Chee-hwa, the Hon Mr Justice Leong swearing-in as the Chief Judge of the High Court

## COURT OF FIRST INSTANCE

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

The Court of First Instance also operates as an appeal court for cases from lower courts. It hears appeals 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 registers and enforces judgments obtained in certain specified countries as well as awards made on the Mainland of China by a recognised arbitral authority.

The Court of First Instance has an establishment of 25 Judges.



張澤祐法官宣誓出任高等法院上訴法庭法官  
The Hon Mr Justice Cheung swearing-in as Justice of Appeal



終審法院首席法官和高等法院首席法官梁紹中（前排左六）與高等法院法官合照  
The Chief Justice and the Hon Mr Justice Leong, Chief Judge of the High Court (sixth left, first row) with the High Court 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

高等法院原訟法庭的部分民事管轄權由獨任法官行使，亦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（統稱為聆案官）行使。高等法院聆案官執行的司法職務多種多樣，例如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。他們亦以訟費評估聆案官、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各種身分分別行使審理權。此外，他們還承擔一些準司法職務，包括在受委託時取證，審理不服法律援助署署長拒絕法律援助的決定而提起的上訴，或監督在香港送達域外司法文書的程序。聆案官亦負責管理遺產承辦的事宜和陪審員名單。

除此之外，高等法院司法常務官還負責管理高等法院訴訟人儲存金、小額錢債審裁處訴訟人儲存金和勞資審裁處訴訟人儲存金，又

以當然遺產管理官和精神病患者財產賬目聆案官的身分，管理遺產管理官賬目和精神病患者財產賬目。上述各項賬目的結算表，每年在獨立的報告上公佈。

高等法院司法常務官亦負責備存大律師、律師和公證人的專業名冊。

高等法院有一位司法常務官、三位高級副司法常務官和五位副司法常務官。在他們的共同努力下，很多案件無需開庭審訊已得到解決。

### REGISTRAR, SENIOR DEPUTY REGISTRARS AND DEPUTY REGISTRARS OF THE HIGH COURT

Part of the civil jurisdiction exercised by a single Judge of the Court of First Instance is exercised by the Registrar, Senior Deputy Registrars and Deputy Registrars of the High Court (who are collectively referred to as Masters). They carry out judicial duties such as hearing interlocutory and summary applications in chambers and conducting assessment of damages and interpleader trials in court. They also exercise the jurisdiction of Taxing Masters, Admiralty Registrar, Registrar of Civil Appeals and Registrar of



關淑馨女士宣誓出任高等法院原訟法庭法官，儀式由行政長官董建華主持  
Before the Chief Executive, Mr Tung Chee-hwa, Miss Susan Kwan Shuk-hing swearing-in as Judge of the Court of First Instance

Criminal Appeals. Furthermore, they have 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 administration and the jury list.

In addition, the Registrar of the High Court administers the High Court Suitors' Funds, the Small Claims Tribunal Suitors' Funds, the



(右起) 終審法院首席法官、澳洲首席法官Mr Spigelman、高等法院暫委法官麥高義和上訴法庭副庭長司徒冕法官合照  
(From right) The Chief Justice, the Hon Chief Justice of New South Wales of Australia, Mr Spigelman, the Deputy Judge McCoy and the Hon Mr Justice Stuart-Moore, VP

### 陪審團

陪審員參與審判是香港法制的特色。陪審制度體現被告應該由其所屬社會的成員審判的原則。

最嚴重的刑事案件，由一位原訟法庭法官與陪審團共同審理。就嚴重罪行而言，陪審團只就罪名是否成立作裁定，量刑判罰由法官作決定。有些民事案件的審訊，當事人可以選擇由陪審團參與審理事實爭議部分。死因裁判法庭進行某些死因聆訊時，亦會抽選陪審員參與。

陪審員在香港司法制度中擔當著非常重要的角色。對於有資格成為陪審員的香港市民，擔當這個角色既是權利，亦是義務。《陪審員條例》詳列了擔任陪審員須具備的資格。一般來說，任何香港居民，年齡介乎 21 至 65 歲，對審訊程序所使用的語言有充分認識的，都有可能被抽選為陪審員。2001 年 1 月 1 日至 9 月 30 日期間，共 7 564 名市民曾出席挑選陪審員的程序，有陪審員參與的審訊則共有 94 宗。



終審法院首席法官、澳洲首席法官Mr Spigelman (左) 及律政司司長梁愛詩合照  
The Chief Justice, the Hon Chief Justice of New South Wales, Mr Spigelman (left) and Ms Elsie Leung, Secretary for Justice

Labour Tribunal Suitors' Funds as well as the Master-in-Lunacy Account and the Official Administrator's Account in his ex-officio capacity as Official Administrator and Master-in-Lunacy. Statements of these accounts are published annually in a separate report.

The Registrar of the High Court also keeps the professional Rolls of Barristers, Solicitors and Notaries Public.

The High Court has an establishment of one Registrar, three Senior Deputy Registrars and five Deputy Registrars. With their concerted efforts, many cases are disposed of without going to trial before a Judge.

### JURY

One of the major features of the Hong Kong legal system is trial by jury. Trial by jury reflects the principle that an accused should be tried by fellow members of his/her community.

The most serious criminal offences are tried by a Judge of the Court of First Instance, sitting with a jury. Juries decide on the verdict, and not the sentence, for serious crimes. In some civil cases, a party may elect to have the issues of fact tried by a jury. Juries are also empanelled in some death inquests conducted by the Coroner's Court.

Jury service is very important in our system of justice. It is a privilege as well as an obligation





高等法院首席法官(左)與中華人民共和國監察部副部長李至倫先生會面  
The Chief Judge of the High Court (left) and Mr Li Zhilun, Vice Minister of the Ministry of Supervision, PRC

### 《不公開審理的民事訴訟程序》 工作小組報告內容之實施

1994年，當時的首席大法官委派高等法院黎守律法官，成立了工作小組，領導來自兩個法律專業團體和律政署的成員，對不公開審理的民事程序進行檢討。小組主要研究以下兩大方面：

- 究竟現時不公開審理的民事訴訟程序，將來是否應公開審理。如果公開，應公開至甚麼程度；
- 究竟現時不公開審理的民事訴訟程序，其有關資料將來是否應該公佈，如果公佈，應至甚麼程度。

工作小組檢討了高等法院的程序，並在1997年5月發表了報告，建議修訂法例：

- 規定除非法庭認為，根據香港法例第383章《香港人權法案條例》第二部分香港人權法案第10條的規定，聆訊的全部或其部分必須或不適宜公開審理，否則內庭進行的民事程序必須公開進行；



高等法院首席法官(左二)、上訴法庭法官胡國興(左)及張澤祐(右)與中華人民共和國司法部司法協助外事司司長王立憲會面  
The Chief Judge of the High Court (second left), the Hon Mr Justice Woo (left) and the Hon Mr Justice Cheung (right), Justices of Appeal, meet with Mr Wang Lixian, Director General of the Judicial Assistance and Foreign Affairs Department, Ministry of Justice, PRC

of every citizen in Hong Kong who is qualified to serve. The eligibility of serving as jurors is set out in the Jury Ordinance. Generally speaking, Hong Kong residents aged between 21 and 65 who have sufficient knowledge of the language in which the proceedings are to be conducted may be selected on a random basis. From January 1, 2001 up to September 30, 2001, a total of 7 564 persons attended the empanelling of jury and there were 94 jury trials during the period.

### IMPLEMENTATION OF THE REPORT OF THE WORKING PARTY ON CIVIL PROCEEDINGS CONDUCTED IN PRIVATE

In 1994, the then Honourable Chief Justice appointed a Working Party under the chairmanship of the Hon Mr Justice Nazareth comprising representatives of the two legal professional bodies and the Legal Department to carry out a review on civil proceedings conducted in private. The review covered two major issues:

- whether, and if so, the extent to which civil proceedings now heard in private should in future be heard in public;
- whether, and if so, the extent to which information about civil proceedings conducted in private should be published.

The Working Party examined the procedure of the High Court and issued a report in May 1997. The Working Party recommended that legislative amendments should be made:

- to require chambers business of civil proceedings to be heard in public, unless the court, in conformity with the criteria in Article 10 of the Hong Kong Bill of



高等法院首席法官(右二)向內地省市外辦訪港團簡介司法機構的工作  
The Chief Judge of the High Court (second right), briefs delegation from PRC's Provincial/Municipal Foreign Affairs Offices

- 規定除非香港人權法案第10條授權可以不公開，否則所有附判決理由的判決書都必須公開，讓公眾查閱，但法庭有酌情權不在判決書中公開訴訟各方的身分，亦有權刪掉判決書，只公開刪掉版本。

由於小組報告的分析和結論對於決定其他法庭應該

採用甚麼程序亦很有幫助，我們已經決定把小組的建議應用到各級法庭和審裁處。事實上，現時有相當多內庭進行的民事訴訟程序已經公開進行，但家事法庭的訴訟程序是否也應公開進行，仍需謹慎考慮。這方面我們打算另外進行探討。

為了實施工作小組的建議，我們正在草擬《司法管理(雜項規定)條例草案》，工作已進入最後階段。我們已就草案的內容向民事法庭使用者委員會和兩個律師公會諮詢意見，將會盡快把該草案提交立法會。



高等法院首席法官與中華人民共和國外交部國際司司長李保東先生(中)及副處長李三古女士會面  
The Chief Judge of the High Court (left) meets with Mr Li Baodong, Director-General of International Organisations and Conferences of the Ministry of Foreign Affairs, PRC (centre) and Ms Li Sangu, Deputy Director, Department of International Organisations and Conferences of the Ministry of Foreign Affairs, PRC (right)

Rights set out in Part II of the Hong Kong Bill of Rights Ordinance (Cap. 383), considers that a hearing in private in part or in whole is necessary or appropriate;

- to require all reasoned judgments to be made available for public inspection except where Article 10 of the Hong Kong Bill of Rights authorises them to be kept private, but without prejudice to the discretion of the court to conceal the identity of the parties in the judgment or to prepare an edited judgment for publication.

As the reasoning and the conclusions contained in the Report can also be used for determining on the procedures of other courts, we have decided to apply the Working Party's recommendations to all levels of courts and tribunals. In fact, a significant amount of chambers business of civil proceedings are already conducted in public. However, it is considered prudent to give separate consideration to the issue of opening up the proceedings in the Family Court. This is intended to be taken up as a separate exercise.

The drafting of an Administration of Justice (Miscellaneous Provisions) Bill to implement the recommendations of the Working Party is at an advanced stage. The Civil Court Users' Committee and the two legal professional bodies have been consulted on the draft Bill. It is intended that the Bill will be introduced into the Legislative Council as early as possible.





高等法院登記處設置多用途櫃位，提供一站式服務，供市民遞交各類法庭文件  
The multi-purpose counters of the High Court Registry provides one-stop service in filing court documents

### 高等法院登記處

高等法院登記處受理的民事申索，金額不設限制，但某些因特定條例規定而只可以在其他法院展開的申索則除外。登記處協助需要入稟原訟文件和其他法庭文件的人士辦理手續，並負責保存民事案件的檔案，又為案件排期及送交聆案官處理。至於執行法庭判決和命令所須的令狀，其申請亦由登記處處理。

為了提升服務水平，高等法院登記處推行了多項管理措施，包括設置多用途櫃位，提供一站式服務，讓經常使用法庭的人士可以在同一櫃位同時遞交不同種類的文件；設置「特快」櫃位，如果只須呈交五份或以下的文件，可省回大量時間；又設置訟費評估專務及查詢櫃位，使用者可當面獲解答或即時獲安排訟費評定的提訊日期。

高等法院的互動聲訊系統 2001 年 6 月 15 日已經啟用。通過系統的錄音片段，可取得一般資訊或颱風暴雨時法庭所作的安排，亦可查詢聆訊的安排（例如日期、時間和地點）。系統啟用後首三個月，已錄得 1 380 次的聲訊查詢。

### THE HIGH COURT REGISTRY

The High Court Registry accepts lodging of civil claims of unlimited amount except where certain types of claims must be exclusively initiated in other courts under those ordinances. It provides registry services for filing of originating and other court documents. It maintains records of civil cases, fixes hearing dates for matters before the Masters, and processes applications for issuance of writs for enforcement of judgments and orders.

The High Court Registry has introduced a number of administrative measures to provide better services to the court users, namely, the system of multi-purpose counters to provide a one-stop service to frequent court users in filing different types of documents; the Express Counter to shorten the waiting time for filing of five or less documents; and the Taxation and Enquiry Counter to facilitate the answering of litigants' enquiries and instant giving of taxation call-over dates.

An Interactive Voice Response System for the High Court was launched on June 15, 2001. The system provides pre-recorded messages on general information and arrangements of court business upon gale or rainstorm warnings. Members of the public can also check the hearing details of cases (e.g. date, time and court number) through the system. For the first three months since the launching of the system, 1 380 calls were recorded.



高等法院書記主任辦事處的刑事登記處  
The Criminal Registry of the Clerk of Court's Office

### 高等法院書記主任辦事處

該處由刑事登記處、上訴登記處和排期登記處組成，為高等法院法官提供司法支援服務。該處為所有高等法院上訴法庭和原訟法庭的民事和刑事案件安排聆訊日期，並且負責有效地管理刑事程序的流程。該處的職責範圍還包括保存陪審員名單和向公眾發出陪審員傳票。

### 遺產承辦處

遺產承辦處接受和處理遺產承辦的申請。涉及遺產總值超過港幣 15 萬元的或涉及複雜法律問題的申請，一般由律師代辦。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必須的文件（或誓章），以便申請遺產承辦處或要求遺產管理官按簡易程序處理。2001 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 1 400 宗申請。



遺產承辦處  
The Probate Registry

### THE CLERK OF COURT'S OFFICE

The Clerk of Court's Office, consisting of the Criminal Registry, the Appeals Registry and the Listing Office, provides judicial support service to the Judges in the High Court. 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 under the purview of the Clerk of Court's Office.

### THE PROBATE REGISTRY

The Probate Registry receives and processes applications for grants of representation to estate of deceased persons. Where the estate value exceeds HK\$150,000 or the application involves complication in law, the application is usually filed by legal practitioner on behalf of the applicant. Where the estate value does not exceed HK\$150,000 and is simple and straightforward, the Probate Registry will assist the applicant in formulating the necessary documents (or affidavits) for a grant of representation or for summary administration by the Official Administrator. The Registrar acted as the Official Administrator in 1 400 cases for the first nine months of 2001.



高等法院書記主任辦事處的上訴登記處  
The Appeals Registry of the Clerk of Court's Office





高等法院上訴法庭正進行聆訊  
A court hearing at the Court of Appeal of the High Court

## 案件量和輪候時間

### 上訴法庭

上訴法庭 2001 年整體案件量繼續上升，因為大部分尋求居港權的人士幾乎全都提起上訴。估計 2001 年送交上訴法庭的民事上訴案會有 3 400 宗，較 1999 年的 375 宗和 2000 年的 1 125 宗，分別增加約 800% 和 200%。2001 年提交上訴法庭的刑事上訴案件量則較為穩定。



辯方律師陳述案情  
Defence counsel presents the facts of the case

## CASELOAD AND WAITING TIME

### Court of Appeal

The overall caseload of the Court of Appeal continues to increase in 2001 as most of the right of abode seekers tend to lodge their appeals. It is estimated that about 3 400 civil appeals will be filed with the Court of Appeal in 2001 representing an increase of some 800% and 200% over the 375 and 1 125 civil appeals filed in 1999 and 2000 respectively. For criminal appeals, the caseload will remain relatively steady in 2001.



控方律師於庭上陳詞  
Prosecution counsel makes submission in court



高等法院原訟法庭法官朱芬齡審理案件  
The Hon Madam Justice Chu, Judge of the Court of First Instance, tries a case

### 原訟法庭

原訟法庭的上訴案件量多年來一直保持穩定。

2000 年 9 月 1 日起區域法院民事管轄的申索金額由港幣 12 萬提升至 60 萬，因此民事訴訟包括人身傷害的訴訟約有 50% 已經由原訟法庭轉交區域法院審理。但是與清盤有關的案件特別是與破產有關的申請過去三年數量大幅上升，由 1998 年的 1 637 宗上升至 1999 年的 3 879 宗以至 2000 年的 5 487 宗。估計 2001 年這類案件的數量很可能會超過 11 000 宗。



控方律師於庭上陳詞  
The prosecution counsel makes submission in court



辯方律師盤問證人  
The defence counsel examines the witness

### Court of First Instance

For appellate jurisdiction, the caseload remained steady throughout the years.

With the increase in the civil jurisdictional limit of the District Court from HK\$120,000 to HK\$600,000 with effect from September 1, 2000, about 50% of civil cases including the personal injuries cases have been diverted or transferred from the Court of First Instance to the District Court. However, the caseload relating to insolvency law, in particular those relating to bankruptcy, has significantly increased in the past three years from 1 637 petitions in 1998, 3 879 in 1999 to 5 487 in 2000. It is anticipated that the caseload in this respect will likely exceed the figure of 11 000 in 2001.



由於刑事和民事的案件量都相當多，加上案件因為愈趨複雜而需要更長的審訊時間，所以輪候時間未能達到指標。司法機構正盡一切努力作出改善，包括繼續增調資源，盡可能清理積壓的案件。

As a result of the high caseload for both the criminal and civil cases and the increased complexity of cases which required longer trial periods, the target court waiting time could not be met. The Judiciary is making every effort to improve the court waiting time including deploying additional resources to clear the backlog as far as possible.



中學生參觀高等法院  
Secondary students visit the High Court



高等法院首席法官會見 Santa Clara Law Summer Programme 的參加者  
The Chief Judge of the High Court meets participants of Santa Clara Law Summer Programme



高等法院司法常務官陳爵(前排中)會見山西省律師協會訪港團  
Mr Christopher Chan, Registrar of the High Court (centre, front row) meets the delegation of Shanxi Lawyers Association

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					
		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 Appellate	刑事 Criminal	不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	232	164	102	0	294
		不服區域法院判決而提起的上訴 Appeals from the District Court	433	369	260	0	542
		小計 Sub-total	665	533	362	0	836
民事 Civil		不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	310	1 062	174	406	959
		不服區域法院判決而提起的上訴 Appeals from the District Court	78	16	9	37	64
		雜項上訴 Miscellaneous Appeals	2	47	23	48	9
	小計 Sub-total	390	1 125	206	491	1 032	
判刑覆核 Review of Sentences	刑事 Criminal	不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	7	3	8	2	0
		不服區域法院判刑而提起的覆核 Reviews from the District Court	4	6	6	2	2
		不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	1	0	0	1	0
	小計 Sub-total	12	9	14	5	2	
合計 Total			1 067	1 667	582	496	1 870

☆ 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 refer to cases in progress and do not include cases inactive

\* 結案指上訴/覆核得直、駁回、撤回、放棄或終止  
Disposed of refers to appeals/reviews allowed, dismissed, withdrawn, abandoned or discontinued

# 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

		2001 案件數目(截至9月30日) No. of Cases (up to 30 Sept)					
		承接往年*	送交	結案*	訴訟中止 <sup>#</sup>	訴訟進行中	
		Brought forward from previous years	Filed	Disposed of	Inactive	In progress	
上訴 Appellate	刑事 Criminal	不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	294	133	114	0	313
		不服區域法院判決而提起的上訴 Appeals from the District Court	542	282	257	0	567
		小計 Sub-total	836	415	371	0	880
	民事 Civil	不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	959	2 700	164	1 204	2 697
不服區域法院判決而提起的上訴 Appeals from the District Court		64	22	9	44	70	
雜項上訴 Miscellaneous Appeals		9	44	19	71	11	
小計 Sub-total		1 032	2 766	192	1 319	2 778	
判刑覆核 Review of Sentences	刑事 Criminal	不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	0	2	1	0	3
		不服區域法院判刑而提起的覆核 Reviews from the District Court	2	7	1	0	10
		不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	0	5	0	0	6
	小計 Sub-total	2	14	2	0	19	
合計 Total	1 870	3 195	565	1 319	3 677		

	輪候時間(日) Waiting Time (Days)			
	目標 Target	2000	2001 (截至9月30日) (as at 30 Sept)	2002 (預計) (Plan)
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	33	39	50
民事案件 - 由排期申請日到聆訊日 Civil cases - from application to fix date to hearing	90	82	189	180

		2000 案件數目 No. of Cases					
		承接往年*	送交	結案*	訴訟中止 <sup>#</sup>	訴訟進行中	
		Brought forward from previous years	Filed	Disposed of	Inactive	In progress	
上訴審判 Appellate	刑事 Criminal	不服裁判法院判刑而提起的上訴 Appeals from Magistrates' Courts	649	1 359	1 032	0	976
		不服勞資審裁處判刑而提起的上訴 Appeals from Labour Tribunal	87	104	35	120	91
		不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	20	42	15	25	35
	民事 Civil	不服小額薪酬索償仲裁處判決而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	8	6	4	0	10
		雜項上訴 Miscellaneous Appeals	1	2	1	4	0
		小計 Sub-total	116	154	55	149	136
合計 Total	765	1 513	1 087	149	1 112		
原訟審判 First Instance	刑事 Criminal	刑事案件 Criminal cases	39	504	450	0	93
		小計 Sub-total	39	504	450	0	93
	民事 Civil	高等法院訴訟 High Court Actions	9 379	10 704	6 592	22 550	4 552
		雜項程序 Miscellaneous Proceedings	5 582	6 689	3 722	9 534	2 946
		破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up	1 442	6 778	5 877	2 850	277
		人身傷害訴訟 Personal Injuries Actions	1 571	1 535	1 346	722	1 172
		其他案件 ** Other cases	725	3 426	185	1 433	3 055
		小計 Sub-total	18 699	29 132	17 722	37 089	12 002
		合計 Total	18 738	29 636	18 172	37 089	12 095
		聆訊官內庭 Masters Chambers	非正審聆訊 Interlocutory hearings	N.A.	N.A.	32 099 <sup>(1)</sup>	N.A.
訟費賬單評定 Taxation bills	1 592		3 200	2 950 <sup>(2)</sup>	72	1 791	
遺產事務 Probate	接獲申請 Applications	4 205	11 037	10 342 <sup>(3)</sup>	20	4 900	



表5 高等法院原訟法庭的案量 Table 5 Caseload of the Court of First Instance of the High Court							
2001 案件數目(截至9月30日) No. of Cases (up to 30 Sept)							
		承接往年*	送交	結案*	訴訟中止#	訴訟進行中	
		Brought forward from previous years	Filed	Disposed of	Inactive	In progress	
上訴審判 Appellate	刑事 Criminal	不服裁判法院判刑而提起的上訴 Appeals from Magistrates' Courts	976	1 013	1 021	0	968
	民事 Civil	不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	91	73	40	191	53
		不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	35	44	30	50	24
		不服小額薪酬索償仲裁處判決而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	10	6	3	0	13
		雜項上訴 Miscellaneous Appeals	0	5	2	0	7
	小計 Sub-total		136	128	75	241	97
合計 Total		1 112	1 141	1 096	241	1 065	
原訟審判 First Instance	刑事 Criminal	刑事案件 Criminal cases	93	325	318	0	100
		機密雜項案件* Confidential Miscellaneous Proceedings	0	49	49	0	0
	小計 Sub-total		93	374	367	0	100
	民事 Civil	高等法院訴訟 High Court Actions	4 552	4 329	2 812	22 707	5 912
		雜項程序 Miscellaneous Proceedings	2 946	5 311	2 751	9 585	5 455
		破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up	277	9 449	7 133	2 318	3 125
		人身傷害訴訟 Personal Injuries Actions	1 172	812	790	1 257	659
其他案件** Other cases		3 055	3 113	103	3 833	3 665	
小計 Sub-total		12 002	23 014	13 589	39 700	18 816	
合計 Total		12 095	23 388	13 956	39 700	18 916	
聆訊室內庭 Masters Chambers	非正審聆訊 Interlocutory hearings	N.A.	N.A.	22 754 <sup>(1)</sup>	N.A.	N.A.	
	訟費賬單評定 Taxation bills	1 791	1 618	1 539 <sup>(2)</sup>	168	1 774	
遺產事務 Probate	接獲申請 Applications	4 900	7 978	7 840 <sup>(3)</sup>	15	5 043	

表6 高等法院原訟法庭案件輪候時間 Table 6 Waiting Time for Cases in the Court of First Instance of the High Court				
	目標 Target	輪候時間(日) Waiting Time (Days)		
		2000	2001 (截至9月30日) (as at 30 Sept)	2002 (預計) (Plan)
固定審期的刑事案件 - 由公訴書入稟日到聆訊日 Criminal Fixture - from filing of indictment to hearing	120	186	201	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	85	120	90
固定審期的民事案件 - 由排期申請日到聆訊日 Civil Fixture - from application to fix date to hearing	180	216	221	200
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	120	148	90
不服裁判法院判決提起的上訴 - 由上訴通知書入稟日到聆訊日 Appeals from Magistrates' Courts - from lodging of Notice of Appeal to hearing	90	118	97	90

☆ 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 refer to cases in progress and do not include cases inactive

\* 結案指上訴得直/上訴駁回/上訴撤回/上訴放棄/上訴終止/被告人被判有罪/被告人被判無罪/申索成功/申索撤銷/審訊或聆訊結束  
Disposed of refers to appeals allowed/appeals dismissed/appeals withdrawn/appeals abandoned/appeals discontinued/cases where defendants have been convicted/acquitted/successful claims/claims 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

※ 由二零零一年起加入此項數據  
Figures are included from 2001 onwards

+ 此類案件包括破產程序、公司清盤程序、申請臨時命令(破產)及申請將法定要求債權書作廢  
Cases include bankruptcy proceedings, companies winding-up proceedings, applications for Interim Order (Bankruptcy) and applications to set aside Statutory Demands

\*\* 其他案件指行政訴訟及其他訴訟程序、海事訴訟、領養、抵押借據登記、帳面負債登記、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  
Other cases refer to administrative law and other 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) : 結案指已經進行非正審聆訊  
Note (1): Disposed of refers to interlocutory hearings conducted

註(2) : 結案指訟費賬單已經處理  
Note (2): Disposed of refers to taxation bills processed

註(3) : 結案指已發出承辦書/經批認承辦書/遺產管理官以簡易程序完成管理遺產  
Note (3): Disposed of refers to grants issued/grants resealed/estates administration completed by the Official Administrator in summary manner