

第五章

裁判法院



Chapter 5

MAGISTRATES' COURTS



終審法院首席法官及總裁判官李瀚良先生(前排左五)與裁判官合照
The Chief Justice and Mr Patrick Li, Chief Magistrate (fifth left, first row) with the Magistrates

裁判法院

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。雖然就可公訴罪行，裁判官一般只能判兩年監禁，罰款則以港幣 10 萬元為限，但是愈來愈多條例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。



主任裁判官鄧立泰先生審理案件
Mr Tallentire, Principal Magistrate, sits in a court hearing

MAGISTRATES' COURTS

The Magistrates' Courts exercise criminal jurisdiction over a wide range of indictable and summary offences. Although there is a general restriction of two years' imprisonment, and a fine of HK\$100,000 for indictable offence, a growing number of ordinances give Magistrates the power to impose sentences up to three years' imprisonment and fines up to HK\$5,000,000.



控方律師陳述案情
The prosecution counsel presents the facts of the case

一切刑事檢控必須在裁判法院展開。律政司司長可根據案件的嚴重性，申請把案件移交區域法院，或轉解高等法院原訟法庭審理。案件轉介原訟法庭前，被告人有權選擇先進行初級偵訊。裁判官亦可根據《複雜商業罪行條例》將案件移交高等法院原訟法庭審理。

總裁判官是所有裁判官的首長，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，其權限由委任狀內容指定。

全港共有九所裁判法院，分布於各區：港島兩所、九龍三所和新界四所。

All criminal prosecutions must commence in a Magistrate Court. The Secretary for Justice may apply to have a case transferred to the District Court or committed to the Court of First Instance depending upon its seriousness. Defendants may elect to have a preliminary inquiry before being committed to the Court of First Instance. A case can also be transferred to the Court of First Instance by a Magistrate under the Complex Commercial Crimes Ordinance.

The Chief Magistrate is the court leader of the Magistrates, comprising Principal Magistrates, Magistrates and Special Magistrates. Special Magistrates deal with minor offences such as hawking and traffic offences. Their jurisdiction is specified in their warrant of appointment.

There are nine Magistrates' Courts located throughout the territory: two on Hong Kong Island; three in Kowloon; and four in the New Territories.



控方律師最後陳詞
The prosecution counsel makes final submission



少年法庭
The Juvenile Court

少年法庭

少年法庭由裁判官主理，有權審理對兒童和未滿 16 歲的少年提起的刑事控罪，但兇殺罪除外。少年法庭亦有權為保護未滿 18 歲的少年頒佈照顧保護令。

中文審訊試驗計劃

目前裁判法院約有 70% 的審訊是以中文進行的。為配合法庭使用者的需要，我們分別在 2000 年 7 月和 2001 年 3 月於北九龍裁判法院和沙田裁判法院實施中文法庭試驗計劃，目的是測試以中文進行審訊和擬制報告的可行性。我們正不斷檢討該計劃，短期內更會推廣至其他裁判法院。

JUVENILE COURT

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

PILOT SCHEME ON CHINESE COURT

At present, about 70% of trials in the Magistrates' Courts are conducted in Chinese. To meet the needs of the court users, a pilot scheme on Chinese Trial Court was launched in North Kowloon Magistrates' Courts and Shatin Magistrates' Courts in July 2000 and March 2001 respectively. The scheme aims to test the feasibility of using Chinese as the medium in trials and in preparing reports. The pilot scheme is constantly under review. It will be extended to other Magistrates' Courts shortly.

新建裁判法院大樓

新建的九龍城裁判法院在 2001 年 7 月啟用，接替了新蒲崗裁判法院的工作，開幕典禮在 2001 年 10 月 26 日舉行，由終審法院首席法官李國能主持。

新的粉嶺裁判法院將於 2002 年中啟用。為配合法庭使用者的需要，法院大樓內將會設置現代化通訊網絡和辦公室自動化器材。此外，還會有數碼錄音系統、影音播放設備、為易受傷害證人而設的閉路電視系統、即時傳譯設備和更精密的電子保安系統。



終審法院首席法官主持九龍城法院大樓開幕典禮
The Chief Justice officiates at the Opening Ceremony of the Kowloon City Law Courts Building

NEW MAGISTRATES' COURTS BUILDINGS

The new Kowloon City Magistrates' Courts commenced operation in July 2001. It took over San Po Kong Magistrates' Courts. The opening ceremony of the Kowloon City Magistrates' Courts was officiated by the Chief Justice on October 26, 2001.

The new Fanling Magistrates' Courts will be ready for operation in mid-2002. The new court building will be equipped with modern communication network and office automation devices to cater for the needs of court users. Digital audio recording system, audio-video presentation facilities, close circuit TV system for vulnerable witnesses, simultaneous interpretation facilities and an improved electronically controlled security system are installed in the courts.



新啟用的九龍城法院大樓外觀
The outlook of the new Kowloon City Law Courts Building



新九龍城裁判法院大樓正門入口處
The main entrance of the new Kowloon City Law Courts Building

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。

案件量和輪候時間

預計 2001 年的案件量會較 2000 年減少約 10%，主要原因是非法擺賣和定額罰款通知書的數目輕微下降。2001 年各類案件輪候時間都能夠達到指標。



九龍城裁判法院的登記處及會計部
The Registry and Accounts Office of the Kowloon City Magistrates' Courts

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 clerical support to the Magistrates.

CASELOAD AND WAITING TIME

The caseload in 2001 is estimated to be reduced by some 10% as compared to that in 2000. This is mainly due to a slight drop in hawker cases and fixed penalty notices. For 2001, the waiting times of all types of cases are well within targets.



裁判法院的證人室
A witness room in Magistrates' Courts

☆ 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

* 結案指被告人被定罪/被判無罪/聆訊結束

Disposed of refers to cases where defendants have been convicted/acquitted/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9 Table 9					
裁判法院的案件量 Caseload of the Magistrates' Courts					
	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
控罪紙 Charge Sheets	45 389	76 658	73 555	88	48 558
傳票 Summonses	26 299	184 496	183 516	19 195	32 938
雜項程序通知書 Miscellaneous proceedings	11 571	8 358	5 906	50	14 166
亂拋垃圾者傳票 Anti-litter notices	1 681	26 572	26 024	1 007	2 023
定額罰款通知書 Fixed penalty notices	4 620	85 872	85 666	8 652	7 601
合計 Total	89 560	381 956	374 667	28 992	105 286
2001 案件數目(截至9月30日) No. of Cases (up to 30 Sept)					
	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
控罪紙 Charge Sheets	48 558	52 394	51 592	56	49 392
傳票 Summonses	32 938	123 645	120 095	19 701	35 982
雜項程序通知書 Miscellaneous proceedings	14 166	5 299	4 486	89	14 940
亂拋垃圾者傳票 Anti-litter notices	2 023	22 347	22 279	1 063	2 035
定額罰款通知書 Fixed penalty notices	7 601	53 065	59 761	6 420	3 137
合計 Total	105 286	256 750	258 213	27 329	105 486

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	2000	2001 (截至9月30日) (as at 30 Sept)	2002 (預計) (Plan)
傳票 Summonses	由答辯日至審訊日 From plea to date of trial	50	46	42	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	39	28	30-45
	• 被告人獲保釋候審的案件 Cases involving defendants on bail	45-60	51	33	45-60