

高等法院 HIGH COURT





終審法院首席法官、高等法院首席法官梁紹中(前排左四)與高等法院法官合照
The Chief Justice and the Hon Mr Justice Leong, Chief Judge of the High Court (fourth left, front row), with the High Court Judges

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》規定了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首長，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，亦有不服土地審裁處的判決而提出的上訴。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。

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 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 gives 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.



終審法院首席法官、高等法院首席法官(左五)與高等法院上訴法庭法官合照
The Chief Justice and the Chief Judge of the High Court (fifth left) with Justices of Appeal, the Court of Appeal of the High Court



楊振權法官宣誓出任上訴法庭法官
The Hon Mr Justice Yeung swears in as Justice of Appeal

原訟法庭

原訟法庭的民事、海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，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，法官亦可頒令連同九人組成的陪審團共同審理。

原訟法庭亦有上訴管轄權，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。

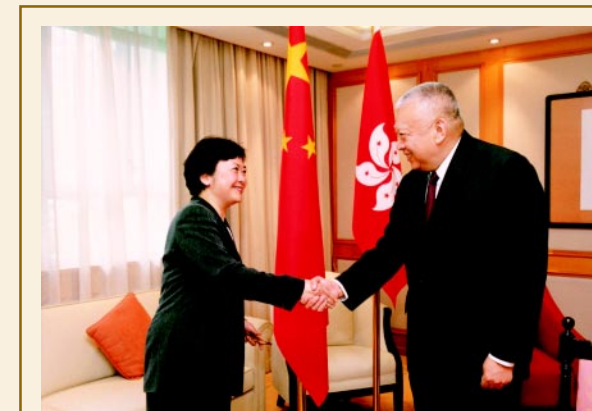
此外，在某些國家取得的判決，或由認可仲裁機構在國內作出的裁決，亦可由原訟法庭登記和執行。

根據編制，原訟法庭法官有25名。

COURT OF FIRST INSTANCE

The Court of First Instance has unlimited jurisdiction in civil, admiralty 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, with a jury of seven, or, when a Judge so orders, a jury of nine.

The Court of First Instance has an appellate jurisdiction. It hears appeals from decisions made by the 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.



袁家寧法官宣誓出任上訴法庭法官
The Hon Madam Justice Yuen swears in as Justice of Appeal

The Court of First Instance also registers and enforces judgments obtained in specified countries as well as awards made in the Mainland China by a recognised arbitral authority.

The Court of First Instance has an establishment of 25 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份民事管轄權，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。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。在他們的共同努力下，很多案件無需經法官開庭審訊便已得到解決。

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份，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。聆案官亦負責管理遺產承辦的事宜和陪審員名單。



高等法院首席法官(右二)與中國監獄學會訪港考察團會面
The Chief Judge of the High Court (second right) meets the delegation of the China Prison Society



在原訟法庭進行的聆訊
A court hearing at the Court of First Instance

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

The Registrar, Senior Deputy Registrars and Deputy Registrars of the High Court (who are collectively referred to as the 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 consider and dispose of many cases without going to trial before a Judge.

The Masters 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 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 administration and the jury list.



原訟法庭法官會同陪審團審理案件
A Judge of the Court of First Instance hears a case with jury

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款和勞資審裁處訴訟人儲存款，又以當然遺產管理官和精神病患者財產賬目聆案官的身份，管理遺產管理官賬目和精神病患者財產賬目。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。

陪審團

陪審員參與審理案件是香港法制的特色。陪審制度體現被告應該由其所屬社會的成員審訊的原則。

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。陪審團只就罪名是否成立作出裁定，量刑判罰則由法官決定。有些民事案件的審訊，例如有關誹謗的案件，訴訟當事人可選擇由陪審團參與審理事實爭議部份。死因裁判法庭進行某些死因聆訊時，亦會抽選陪審員參與。

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 Official Administrator and the Master-in-Lunacy. Furthermore, he keeps the professional Rolls of Barristers, Solicitors and Notaries Public.

JURY

Trial by jury is one of the key features of the Hong Kong legal system. It reflects the principle that an accused should be tried by fellow members of his community.



陪審員集合處
Jurors Assembly Room

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. In some civil cases, for example, cases relating to libel or defamation, 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.

陪審員制度是香港司法體系的一個重要部份。《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，亦是義務。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，都有可能被抽選為陪審員。2002年1月1日至9月30日期間，共有7 864名市民出席陪審員的選任程序，有陪審員參與的審訊則共有97宗。

《不公開審理的民事訴訟程序》 工作小組報告所列建議之實施

1994年，當時的首席按察司委派黎守律按察司成立工作小組，領導多位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訴訟程序進行檢討。工作小組檢討了高等法院的程序，並在1997年5月發表報告。



上訴法庭法官楊振權(前排正中)和總裁判官李瀚良(前排右二)與泰國知識產權及國際貿易中央法庭法官會面
The Hon Mr Justice Yeung, Justice of Appeal (middle, front row) and Mr Patrick Li, Chief Magistrate (second right, front row), meet the delegation of Judges from the Central Intellectual Property and International Trade Court, Thailand



上訴法庭法官司徒冕(左)及原訟法庭法官阮雲道(右)與澳洲新南威爾斯省刑事檢控專員御用大律師Mr Nicholas Cowdery(中)會面
The Hon Mr Justice Stuart-Moore, Justice of Appeal (left), the Hon Mr Justice Nguyen, Judge of the Court of First Instance (right), and Mr Nicholas Cowdery, Q.C., Director of Public Prosecutions for New South Wales of Australia (middle)

Jury service is one of the cornerstones of our justice system. The eligibility of serving as jurors is set out in the Jury Ordinance (Cap. 3). It is a privilege as well as an obligation 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 in which the proceedings are to be conducted may be selected on a random basis. From 1 January 2002 to 30 September 2002, a total of 7 864 persons attended the empanelling of jury and there were 97 jury trials during the same period.



上訴法庭法官楊振權(中)與日本法務省及國稅廳訪港團會面

The Hon Mr Justice Yeung, Justice of Appeal (middle), meets the delegation of the Ministry of Justice and the National Tax Agency of Japan

工作小組建議修訂法例，規定內庭進行的民事訴訟程序必須公開進行，除非法庭認為，根據香港法例第383章《香港人權法案條例》第II部份香港人權法案第十條的規定，聆訊的全部或某一部份不可或不宜公開進行，才作別論。

由於該小組報告的分析和結論亦同樣適用於決定其他法庭所應採用的程序，故此我們亦決定在各級法院和審裁處實施這些建議。事實上，有相當多原先由內庭進行的民事訴訟程序現已改為公開進行，但家事法庭的訴訟程序是否也應公開進行，則仍需謹慎考慮。這方面我們打算另行探討。

為了實施工作小組的建議，我們現正草擬《司法管理(雜項規定)條例草案》，目前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，並會盡快將該草案提交立法會審議。

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 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, inter alia, 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 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.



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

高等法院登記處

高等法院登記處受理的民事訴訟申索金額不設限制，但某些因有關條例的規定而只可在其他法院或審裁處展開的申索則除外。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，又為在聆案官席前聆訊的案件排期。至於申請令狀以執行法庭判決和命令的事項，亦由登記處處理。



高等法院登記處
High Court Registry

自2001年起，我們在高等法院登記處設置多用途櫃位，提供一站式服務，讓使用法庭服務的人士可以在同一櫃位同時遞交不同種類的文件。登記處亦設有「特快」櫃位，專供只需呈交不超過五份文件的人士使用，縮短他們的輪候時間；又設置訟費評定專務及查詢櫃位，當面解答訴訟人的查詢，並可即時安排訟費評定的提訊日期。我們日後會因應法庭使用者的需求而調配有關服務櫃位的數目。

2002年5月，我們在登記處裝置了以「八達通」繳費的自助影印機，為有需要的人士提供影印服務。

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. Nevertheless, 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 to introduce the Bill into the Legislative Council as early as possible.

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 or tribunals under those ordinances. It provides registry services for filing 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.

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。

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所需的文件（或誓章），以便申請遺產承辦書或要求遺產管理官按簡易程序處理。2002年首九個月，高等法院司法常務官以遺產管理官身份處理了1 602宗遺產承辦的申請。



遺產承辦處
Probate Registry



高等法院書記主任辦事處
Clerk of Court's Office

The system of multi-purpose counters has been established since 2001 to provide one-stop service to court users in filing different types of documents. There is also the Express Counter which accepts filing of five or less documents and the Taxation and Enquiry Counter which answers litigants' enquiries and gives taxation call-over dates instantly. The number of counters providing the services will be varied in the light of demand from court users.

Self-service photocopiers operated with Octopus cards were installed in the Registry in May 2002 in response to court users' need for photocopying service.

案件量和輪候時間

上訴法庭

上訴法庭2002年的整體案件量逐漸回復正常水平，主要是因為終審法院在2002年1月就居港權問題作出判決後，居港權上訴案大幅減少的緣故。截至2002年9月30日止，這類上訴只有119宗，是去年全年這類上訴案件量的3%。至於刑事上訴方面，由於來自區域法院的上訴案件數量有所增加，因此，預期上訴法庭的刑事上訴案件量會增加14%。



高等法院首席法官(前排左四)與參加「海上學府」計劃的美國科羅拉多大學學生會面
The Chief Judge of the High Court (fourth left, front row) meets the students of the University of Colorado at Boulder participating in "Semester at Sea Programme"

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 under the purview of the Clerk of Court's Office.

PROBATE REGISTRY

The Probate Registry receives and processes applications for grants of representation to estate of deceased persons. Where the estate value exceeds \$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 \$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. The Registrar acted as the Official Administrator for 1 602 cases for the first nine months of 2002.

原訟法庭

原訟法庭在2002年審理的上訴案件數量保持穩定，案件的輪候時間也可達到定下的目標。

原訟法庭的民事案件量不斷增加，預期會比2001年增加27%。破產呈請的宗數亦隨着2001年的上升趨勢繼續飆升。入稟的破產呈請，2001年全年共有13 191宗，而2002年至九月底止已錄得19 958宗，預期2002年全年的破產呈請會超過26 000宗。

由於有大量的民事及刑事案件有待處理，加上案件的性質又越趨複雜，以致需要較長的時間審理，因此，案件輪候時間在多方面都未能達到定下的目標。對此情況，我們會不斷改善，包括增撥資源，務求加快處理案件。



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

CASELOAD AND WAITING TIME

Court of Appeal

The overall caseload of the Court of Appeal has gradually returned to normal as the number of appeals from the right of abode seekers dropped drastically after the judgment by the Court of Final Appeal in January 2002. Up to 30 September 2002, the total number of these appeals came to 119, representing 3% of the total number of such appeals lodged in the previous year. For criminal appeals, the caseload is expected to increase by 14%, in view of the increase of appeals from the District Court.

Court of First Instance

For appellate cases to the Court of First Instance, the caseload remains steady in 2002. The target waiting time can be met.

The overall civil caseload continues to increase. It is projected that there will be an increase of 27% as compared with that in 2001. The trend of sharp increase in bankruptcy petitions since 2001 has continued in 2002. There were 19 958 bankruptcy petitions filed in the first nine months of 2002 as compared with 13 191 petitions filed in 2001. It is projected that the caseload in this respect will likely exceed 26 000 in 2002.

As a result of the high caseload for both civil and criminal cases, as well as the increased complexity of cases which demanded longer trial periods, most of the target court waiting times could not be met. The Judiciary will make continual effort to improve the situation including deploying additional resources to handle the cases.

| 表 3 | | 高等法院上訴法庭的案件量 | | | | | |
|--------------------------------|---|---|--------------|--------------------|-------------------|----------------------|------------|
| Table 3 | | CASELOAD OF THE COURT OF APPEAL OF THE HIGH COURT | | | | | |
| | | 2001 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出的上訴 Appeals from the Court of First Instance | 294 | 184 | 156 | 0 | 322 |
| | | 2. 不服區域法院判決而提出的上訴 Appeals from the District Court | 542 | 390 | 367 | 0 | 565 |
| | 小計 Sub-total | | 836 | 574 | 523 | 0 | 887 |
| | 民事 Civil | 1. 不服原訟法庭判決而提出的上訴 Appeals from the Court of First Instance | 959 | 4 064 | 199 | 1 201 | 4 029 |
| | | 2. 不服區域法院判決而提出的上訴 Appeals from the District Court | 64 | 27 | 11 | 43 | 74 |
| | 3. 雜項上訴 Miscellaneous Appeals | 9 | 63 | 28 | 71 | 21 | |
| 小計 Sub-total | | 1 032 | 4 154 | 238 | 1 315 | 4 124 | |
| 判刑覆核 Review of Sentences | 刑事 Criminal | 1. 不服原訟法庭判刑而提出的覆核 Reviews from the Court of First Instance | 0 | 3 | 4 | 0 | 1 |
| | | 2. 不服區域法院判刑而提出的覆核 Reviews from the District Court | 2 | 8 | 11 | 0 | 1 |
| | 3. 不服裁判法院判刑而提出的覆核 Reviews from the Magistrates' Courts | 0 | 5 | 6 | 0 | 0 | |
| 小計 Sub-total | | 2 | 16 | 21 | 0 | 2 | |
| 合計 TOTAL | | 1 870 | 4 744 | 782 | 1 315 | 5 013 | |

★ 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

| 表 3 | | 高等法院上訴法庭的案件量 | | | | | |
|--------------------------------|---|---|--------------|--------------------|-------------------|----------------------|------------|
| Table 3 | | CASELOAD OF THE COURT OF APPEAL OF THE HIGH COURT | | | | | |
| | | 2002 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 | |
| 上訴 Appellate | 刑事 Criminal | 1. 不服原訟法庭判決而提出的上訴 Appeals from the Court of First Instance | 322 | 120 | 147 | 0 | 295 |
| | | 2. 不服區域法院判決而提出的上訴 Appeals from the District Court | 565 | 370 | 356 | 0 | 579 |
| | 小計 Sub-total | | 887 | 490 | 503 | 0 | 874 |
| 民事 Civil | 1. 不服原訟法庭判決而提出的上訴 Appeals from the Court of First Instance | 2. 不服區域法院判決而提出的上訴 Appeals from the District Court | 4 029 | 321 | 4 539 | 625 | 387 |
| | | 3. 雜項上訴 Miscellaneous Appeals | 74 | 27 | 19 | 52 | 73 |
| | | 3. 雜項上訴 Miscellaneous Appeals | 21 | 25 | 23 | 89 | 5 |
| | 小計 Sub-total | | 4 124 | 373 | 4 581 | 766 | 465 |
| 判刑覆核 Review of Sentences | 刑事 Criminal | 1. 不服原訟法庭判刑而提出的覆核 Reviews from the Court of First Instance | 1 | 2 | 1 | 0 | 2 |
| | | 2. 不服區域法院判刑而提出的覆核 Reviews from the District Court | 1 | 0 | 1 | 0 | 0 |
| | | 3. 不服裁判法院判刑而提出的覆核 Reviews from the Magistrates' Courts | 0 | 0 | 0 | 0 | 0 |
| | 小計 Sub-total | | 2 | 2 | 2 | 0 | 2 |
| 合計 TOTAL | | 5 013 | 865 | 5 086 | 766 | 1 341 | |

| 表 4 | | 高等法院上訴法庭案件輪候時間 | | | |
|---|--|---|------|--------------------------------------|------------------------|
| Table 4 | | WAITING TIME FOR CASES IN THE COURT OF APPEAL OF THE HIGH COURT | | | |
| | | 輪候時間(日) Waiting Time (days) | | | |
| | | 目標 Target | 2001 | 2002 (截至9月30日) (as at 30 Sept) | 2003 (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 | 38 | 41 | 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 | 196 | 177 | 150 |

| 表 5 | | 高等法院原訟法庭的案件量 | | | | | |
|----------------------------------|------------------------------------|--|---------------|-----------------------|-----------------------|----------------------|------------|
| Table 5 | | CASELOAD OF THE COURT OF FIRST INSTANCE OF THE HIGH COURT | | | | | |
| | | 2001 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 | |
| 上訴審判 Appellate | 刑事 Criminal | 不服裁判法院判刑而提出的上訴 Appeals from Magistrates' Courts | 976 | 1 348 | 1 359 | 0 | 965 |
| | 民事 Civil | 1. 不服勞資審裁處判決而提出的上訴 Appeals from Labour Tribunal | 91 | 104 | 68 | 191 | 56 |
| | | 2. 不服小額錢債審裁處判決而提出的上訴 Appeals from Small Claims Tribunal | 35 | 69 | 45 | 50 | 34 |
| | | 3. 不服小額薪酬索償仲裁處判決而提出的上訴 Appeals from Minor Employment Claims Adjudication Board | 10 | 7 | 16 | 0 | 1 |
| | | 4. 雜項上訴 Miscellaneous Appeals | 0 | 8 | 7 | 0 | 5 |
| 小計 Sub-total | | 136 | 188 | 136 | 241 | 96 | |
| 合計 TOTAL | | 1 112 | 1 536 | 1 495 | 241 | 1 061 | |
| 原訟審判 First Instance | 刑事管轄 Criminal | 1. 刑事案件 Criminal cases | 93 | 432 | 423 | 0 | 102 |
| | | 2. 機密雜項案件※ Confidential Miscellaneous Proceedings | 0 | 68 | 68 | 0 | 0 |
| | | 3. 釋放申請※ Application for Discharge | 0 | 1 | 1 | 0 | 0 |
| | 小計 Sub-total | | 93 | 501 | 492 | 0 | 102 |
| 民事管轄 Civil | 1. 高等法院訴訟 High Court Actions | 2. 雜項程序 Miscellaneous Proceedings | 4 552 | 5 556 | 3 685 | 23 336 | 5 637 |
| | | 3. 破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up | 2 946 | 6 699 | 7 253 | 8 177 | 3 749 |
| | | 4. 人身傷害訴訟 Personal Injuries Actions | 277 | 14 641 | 10 643 | 2 357 | 4 768 |
| | | 4. 人身傷害訴訟 Personal Injuries Actions | 1 172 | 1 055 | 1 012 | 1 429 | 508 |
| | | 5. 其他案件** Other cases | 3 055 | 4 470 | 5 381 | 2 357 | 1 220 |
| 小計 Sub-total | | 12 002 | 32 421 | 27 974 | 37 656 | 15 882 | |
| 合計 TOTAL | | 12 095 | 32 922 | 28 466 | 37 656 | 15 984 | |
| 聆案官 內庭 Masters Chambers | 1. 非正審聆訊 Interlocutory hearings | 2. 訟費賬單評定 Taxation bills | N.A. | N.A. | 31 445 ⁽¹⁾ | N.A. | N.A. |
| | | 2. 訟費賬單評定 Taxation bills | 1 791 | 2 044 | 2 066 ⁽²⁾ | 190 | 1 651 |
| 遺產事務 Probate | 接獲申請 Applications | 4 900 | 10 939 | 10 757 ⁽³⁾ | 20 | 5 082 | |

| 表 5 | | 高等法院原訟法庭的案件量 | | | | | |
|----------------------------------|------------------------------------|---|---------------|-----------------------|-------------------|----------------------|---------------|
| Table 5 | | CASELOAD OF THE COURT OF FIRST INSTANCE OF THE HIGH COURT | | | | | |
| | | 2002 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 | |
| 上訴審判 Appellate | 刑事 Criminal | 不服裁判法院判刑而提出的上訴 Appeals from Magistrates' Courts | 965 | 925 | 942 | 0 | 948 |
| | 民事 Civil | 1. 不服勞資審裁處判決而提出的上訴 Appeals from Labour Tribunal | 56 | 95 | 65 | 230 | 47 |
| | | 2. 不服小額錢債審裁處判決而提出的上訴 Appeals from Small Claims Tribunal | 34 | 45 | 41 | 54 | 34 |
| | | 3. 不服小額薪酬索償仲裁處判決而提出的上訴 Appeals from Minor Employment Claims Adjudication Board | 1 | 5 | 3 | 0 | 3 |
| | | 4. 雜項上訴 Miscellaneous Appeals | 5 | 5 | 5 | 0 | 5 |
| 小計 Sub-total | | 96 | 150 | 114 | 284 | 89 | |
| 合計 TOTAL | | 1 061 | 1 075 | 1 056 | 284 | 1 037 | |
| 原訟審判 First Instance | 刑事管轄 Criminal | 1. 刑事案件 Criminal cases | 102 | 317 | 322 | 0 | 97 |
| | | 2. 機密雜項案件※ Confidential Miscellaneous Proceedings | 0 | 44 | 44 | 0 | 0 |
| | | 3. 釋放申請※ Application for Discharge | 0 | 0 | 0 | 0 | 0 |
| | | 小計 Sub-total | 102 | 361 | 366 | 0 | 97 |
| | 民事管轄 Civil | 1. 高等法院訴訟 High Court Actions | 5 637 | 3 707 | 2 464 | 25 424 | 4 792 |
| | | 2. 雜項程序 Miscellaneous Proceedings | 3 749 | 3 990 | 2 957 | 9 530 | 3 429 |
| | | 3. 破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up | 4 768 | 21 579 | 18 746 | 2 511 | 7 447 |
| | | 4. 人身傷害訴訟 Personal Injuries Actions | 508 | 854 | 762 | 1 826 | 203 |
| | | 5. 其他案件 ** Other cases | 1 220 | 594 | 220 | 3 319 | 632 |
| | 小計 Sub-total | | 15 882 | 30 724 | 25 149 | 42 610 | 16 503 |
| 合計 TOTAL | | 15 984 | 31 085 | 25 515 | 42 610 | 16 600 | |
| 聆案官 內庭 Masters Chambers | 1. 非正審聆訊 Interlocutory hearings | N.A. | N.A. | 35 938 ⁽¹⁾ | N.A. | N.A. | |
| | 2. 訟費賬單評定 Taxation bills | 1 651 | 1 382 | 1 270 ⁽²⁾ | 244 | 1 709 | |
| 遺產事務 Probate | 接獲申請 Applications | 5 082 | 9 189 | 9 082 ⁽³⁾ | 15 | 5 194 | |

| 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 | | | |
| | | 輪候時間(日) Waiting Time (days) | | | |
| | | 目標 Target | 2001 | 2002 (截至9月30日) (as at 30 Sept) | 2003 (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 | 211 | 217 | 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 | 117 | 89 | 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 | 204 | 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 | 154 | 197 | 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 | 95 | 89 | 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/被告人被判定罪/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