

裁判法院

MAGISTRATES' COURTS





終審法院首席法官、總裁判官李瀚良(右二)及裁判官合照
The Chief Justice and Mr Patrick Li, Chief Magistrate (second right), with the Magistrates

裁判法院

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，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。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，罰款亦可高達港幣500萬元。

所有刑事檢控均須在裁判法院展開。律政司司長可根據控罪的嚴重性，申請將案件移交區域法院，或轉解高等法院原訟法庭審理。將案件轉解高等法院審理的情況計有：

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. Although there is a general restriction of two years' imprisonment, and a fine of \$100,000 for indictable offence, a growing number of ordinances empower Magistrates to impose sentences up to three years' imprisonment and fines up to \$5,000,000.

All criminal prosecutions must commence in the Magistrate Courts. The Secretary for Justice may apply to have a case transferred to the District Court or committed to the Court of First Instance of the High Court direct depending on the seriousness of the charge. Committal to the Court of First Instance for trial will be made under the following circumstances:



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

- (i) 裁判官在初級偵訊聽取證據後認為案中有充分證據，須將被告人交付陪審團審訊；
- (ii) 被告人選擇不進行初級偵訊而直接將案件轉解高等法院審理；或
- (iii) 裁判官決定根據《複雜商業罪行條例》將案件移交高等法院審理。

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。



市民於裁判法院大堂等候
Public at the lobby of the Magistrates' Courts

- (i) the Magistrate, after hearing evidence in a preliminary inquiry, considers that there is sufficient evidence to put the defendant on trial before a jury;
- (ii) the defendant elects to have an automatic committal instead of a preliminary inquiry; or
- (iii) the Magistrate decides to transfer the case under the Complex Commercial Crimes Ordinance.

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



小學生參觀裁判法院
A visit by primary students to the Magistrates' Courts



一群長者參觀沙田裁判法院
A group of elderly visit Shatin Magistrates' Courts

中文法庭

為切合法庭使用者的需要，以及在法律程序中更廣泛地使用中文，我們首先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，以測試以中文進行審訊和擬制報告的可行性。測試結果令人滿意，而該計劃亦已於2002年2月起在所有裁判法院推行。現時在裁判法院處理的案件約有七成是以中文聆訊的。

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。少年法庭亦有權為保護未滿18歲的少年頒布照顧保護令。

CHINESE COURT

In order to meet the needs of the court users and to facilitate greater use of Chinese in court proceedings, a pilot scheme on "Chinese Trial Court" was initially launched in North Kowloon Magistrates' Courts and Shatin Magistrates' Courts to test the feasibility of using Chinese as the medium in trials and in preparing reports. The scheme has proved to be successful and has been extended to all Magistrates' Courts since February 2002. Today, about 70% 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 in cases of homicide. It also has jurisdiction to grant care and protection orders in respect of young persons under the age of 18.



在少年法庭進行的聆訊
A court hearing at the Juvenile Court

新建裁判法院大樓

新建的粉嶺裁判法院於2002年7月2日啟用，取代了在1961年落成的舊粉嶺裁判法院。為配合法庭使用者的需要，新法院大樓設有現代化辦公室自動化器材。



終審法院首席法官主持粉嶺法院大樓開幕典禮
The Chief Justice officiates at the Opening Ceremony of Fanling Law Courts Building

此外，該裁判法院內各法庭亦備有數碼錄音系統、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。終審法院首席法官於2002年12月6日主持新粉嶺裁判法院的開幕典禮。

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。

NEW MAGISTRATES' COURTS BUILDING

The new Fanling Magistrates' Courts commenced operation on 2 July 2002. These courts replaced the old Fanling Magistracy which started service in 1961. The new court building is equipped with modern 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. The opening ceremony of the Fanling Magistrates' Courts was officiated by the Chief Justice on 6 December 2002.



新粉嶺法院大樓
The new Fanling Law Courts Building



裁判法院登記處
Registry of the Magistrates' Courts

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，我們已於九龍城裁判法院、沙田裁判法院、荃灣裁判法院及粉嶺裁判法院推行「創新聯網技術」試驗計劃，將以上各裁判法院會計部的電腦與其所屬裁判法院各法庭的電腦聯線。透過這個方法，會計部便可即時在線上取得有關法庭所判處罰款的數額，並能同步安排市民繳付罰款。我們會在日後對該項計劃進行檢討，如證明可行，便會推廣至其他裁判法院。

案件量及輪候時間

預計2002年裁判法院的案件量會較2001年減少約一成，主要原因是定額罰款通知書的數目持續下降。此外，向亂拋垃圾者發出傳票的數目亦因《定額罰款(公眾地方潔淨罪行)條例》的實施而大大減少。

一般而言，各類案件的輪候時間均能達到目標。

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 support services to the Magistrates.

To provide better service to court users and to shorten waiting time for the payment of fines in Magistrates' Courts, a pilot scheme on "Innovative Network Link" was introduced in Kowloon City, Shatin, Tsuen Wan and Fanling Magistrates' Courts. The courts and the accounts offices are linked, whereby the fines ordered by the court can be instantaneously captured on-line, so that the accounts office can arrange collection of payment of fines in parallel. The scheme will be reviewed and if proved successful, extended to other Magistrates' Courts.

CASELOAD AND WAITING TIME

The caseload in the Magistrates' Courts in 2002 is expected to be reduced by about 10% as compared with that in 2001. This is mainly due to the continuous decrease in cases of fixed penalty notices. The implementation of the Fixed Penalty (Public Cleanliness Offences) Ordinance has also led to a significant reduction in cases of anti-litter notices.

The target waiting times of all types of cases are generally met.

表 9	裁判法院的案件量				
Table 9	CASELOAD OF THE MAGISTRATES' COURTS				
	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
控罪紙 Charge Sheets	48 558	69 654	68 009	47	50 244
傳票 Summonses	32 938	163 371	159 743	18 110	37 651
雜項程序通知書 Miscellaneous proceedings	14 166	6 903	5 746	80	15 293
亂拋垃圾者傳票 Anti-litter notices	2 023	29 609	29 728	830	2 081
定額罰款通知書 Fixed penalty notices	7 601	72 107	76 470	7 977	3 913
合計 TOTAL	105 286	341 644	339 696	27 044	109 182
	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
控罪紙 Charge Sheets	50 244	51 626	51 749	27	50 141
傳票 Summonses	37 651	108 449	109 760	18 178	36 272
雜項程序通知書 Miscellaneous proceedings	15 293	9 894	9 839	259	15 169
亂拋垃圾者傳票 Anti-litter notices	2 081	13 116	14 143	271	1 613
定額罰款通知書 Fixed penalty notices	3 913	44 436	47 072	5 542	3 712
合計 TOTAL	109 182	227 521	232 563	24 277	106 907

★ 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 10	裁判法院案件輪候時間				
Table 10	WAITING TIME FOR CASES IN THE MAGISTRATES' COURTS				
		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)
傳票 Summonses	由答辯日至審訊日 From plea to date of trial	50	42	46	50
控罪案件 Charge cases	由答辯日至審訊日 From plea to date of trial	30-45	27	25	30-45
	· 被告人在押的案件 Cases involving defendants in custody				
	· 被告人獲保釋候審的案件 Cases involving defendants on bail	45-60	33	32	45-60