

HONG KONG

JUDICIARY

香港司法機構

Annual Report 2002 年報





司法機構的
使命，是維持
司法制度的獨
立及其至高的

專業水平，以維護法治、保障個人權利和自由，及取得港人和國際人士對香港司法制度的信任。

THE MISSION OF THE
JUDICIARY IS TO MAINTAIN
AN INDEPENDENT AND
COMPETENT JUDICIAL SYSTEM
WHICH UPHOLDS THE RULE
OF LAW, SAFEGUARDS THE
RIGHTS AND FREEDOMS
OF THE INDIVIDUAL, AND
COMMANDS DOMESTIC AND
INTERNATIONAL CONFIDENCE.

HONG KONG

JUDICIARY 香港司法機構

法律年度開啟典禮

「不單應秉行公正，還應使其有目共睹，讓人清楚看見秉行公正。」

我們舉行法律年度開啟典禮，目的是強化司法機構的形象，使社會各界明白司法機構獨立自主的重要，讓市民大眾更加瞭解我們的使命是維護法治、保障個人權利和自由，及取得港人和國際人士對香港司法制度的信任。

法律年度開啟典禮的歷史源遠流長，可追溯至二十世紀初期。開啟典禮通常會在每年一月份的一個星期一舉行，所有法官及司法人員、律政人員及法律執業者均會參與其中。此外，更有不少知名人士蒞臨觀禮。

開啟典禮當日，終審法院首席法官首先檢閱儀仗隊，為開啟典禮的儀式揭開序幕。在典禮進行時，終審法院首席法官、律政司司長、香港大律師公會主席及香港律師會會長都會相繼發表演說。

CEREMONIAL OPENING OF THE LEGAL YEAR

"Justice should not only be done but should be manifestly seen to be done."

The Ceremonial Opening of the Legal Year serves to strengthen among the community the importance of an independent Judiciary with its mission in upholding the rule of law, safeguarding the rights and freedoms of individuals, and commanding domestic and international confidence.

The ceremonial opening has a long history dated back to the early years of the 20th century. It is usually held on a Monday in January each year and is attended by all Judges and Judicial Officers, Law Officers, legal practitioners and distinguished guests.

The ceremony is preceded by an inspection by the Chief Justice of a Guard of Honour. At the ceremony, the Chief Justice, the Secretary for Justice, the Chairman of the Hong Kong Bar Association and the President of the Law Society of Hong Kong deliver addresses.

每年法律年度開啟典禮的儀式中，權杖員拿著權杖走在終審法院首席法官前頭。

主權移交之前，權杖的頂端是皇冠，象徵英國皇室的權力。1997年7月1日之後，中華人民共和國香港特別行政區的區徽取代了這個皇冠標誌。

權杖象徵終審法院首席法官的職權，也象徵著司法機構獨立的、維護法治的制度。

At the opening ceremony of each Legal Year, the Mace is carried by the mace-bearer preceding the Honourable Chief Justice.

Before the change of sovereignty, the Mace was a symbol of the Royal authority with the butt end bearing the crown. Since 1 July 1997, the crown has been replaced by the emblem of the Hong Kong Special Administrative Region of the People's Republic of China.

The Mace symbolises the office of the Honourable Chief Justice and of the institution of the independent Judiciary upholding the rule of law.





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前言

這份年報總結了司法機構2002年的重點工作和我們將要面對的主要挑戰。

正如去年的年報一樣，今年的年報內容分為三大部份：第一部份匯報民事司法制度改革工作小組的工作；第二部份綜合報導法庭運作和行政工作；第三部份專題介紹我們的法官，工作人員和我們與社會大眾的互聯。

司法機構的使命，是維持司法制度的獨立及其至高的專業水平，以維護法治、保障個人權利和自由，及取得港人和國際人士對香港司法制度的信任。

民事司法制度改革仍然是我們今年的重點工作項目。就中期報告及諮詢文件展開的諮詢工作已於2002年6月份結束，而工作小組亦收集了共96份回應，現正就所收集的意見詳細研究。我期望在2003年接到工作小組的提議。

進入二十一世紀，法院在司法工作上需面對許多高難度的挑戰。司法機構作為一個政府組織，屬於社會，又有責任服務社會。

FOREWORD

This Report highlights the work of the Judiciary in 2002 and the key challenges ahead.

Like last year's report, this Report is again divided into three main parts. Part I reports on the progress of the work of the Working Party on Civil Justice Reform. Part II gives a picture of the operation of our court system and its administration. Part III focuses on our judges, our staff and our interface with the community.

The mission of the Judiciary is to maintain an independent and competent judicial system which upholds the rule of law, safeguards the rights and freedoms of the individual, and commands domestic and international confidence.

Civil Justice Reform continues to be an important area of our work this year. The consultation exercise on the Interim Report and Consultative Paper concluded in June 2002, and the Working Party has received 96 responses. The Working Party is now considering the views gathered. I look forward to receiving recommendations from the Working Party in 2003.

The courts in the 21st century face exciting challenges in the administration of justice. The Judiciary is an institution of government that belongs to and serves the community. We must maintain a fair and efficient court system for the administration of justice. In 2002, legislation which provides for a leapfrog procedure for certain types of civil appeals to the Court of Final Appeal from the Court of First Instance was

我們必須維持公平及高效率的法庭制度，才能把司法工作做得更好。2002年，政府立例推出越級上訴程序，讓不服原訟法庭決定的某類民事上訴可直接交由終審法院處理。我們亦研究推行香港婚姻訴訟附屬濟助程序改革的試驗計劃，這計劃現已準備就緒，將於數月內在家事法庭推行。此外，小額錢債審裁處登記處在2002年獲頒發國際標準化組織ISO9001:2000認可證書。各級法院和司法機構政務處將共同努力，克盡厥職，不斷進取，以滿足社會對我們愈來愈高的要求。

我們的法官將會一如以往，無懼無私地履行司法任務，而司法機構政務處的工作人員亦將繼續為他們提供優質的支援。司法機構是一個屬於社會、服務社會的機構，我們認為與法庭使用者和社會大眾保持緊密聯繫至為重要。為此，我們在2002年成立了無律師代表訴訟人資源中心督導委員會，委員會的工作已進入最後階段，可望在2003年向我提交有關的工作報告。

我希望你們喜歡這份年報，亦希望透過這份年報，大眾對我們的工作有更深入的了解。

我們將繼續堅定不移地維護法治，並竭盡所能，積極面對未來的各樣挑戰，不負社會人士對我們的期望。

李國能

終審法院首席法官
李國能

introduced. A Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings was devised, and action is in hand to launch the pilot scheme in the Family Court in the next few months. The Registry of the Small Claims Tribunal was accredited with ISO 9001:2000. Our Courts and the Judiciary Administration will continue to strive to make improvements in meeting the rising expectations of the community.

Our judges will continue to administer the law without fear or favour. They are competently supported by the staff in the Judiciary Administration. And being an institution which belongs to and serves the community, we consider it of the utmost importance that we maintain close links with court users and the community. One focus of our work in this regard in 2002 was the setting up of a Steering Committee on the Resource Centre for Litigants in Person. I understand that the work of the Steering Committee has reached an advanced stage, and I look forward to receiving its Report in 2003.

I hope you will enjoy reading this Report and that you will have a better understanding of our work.

We are determined to ensure that the rule of law will continue to thrive in our community. We are committed to meeting the challenges ahead and the community's expectations.

Andrew Li

Andrew Li
Chief Justice