



第三章 3

高等法院
High Court

高等法院 HIGH COURT



終審法院首席法官、高等法院首席法官馬道立（前排左四）與高等法院法官合照
The Chief Justice and the Hon Mr Justice Ma, 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、高等法院首席法官與高等法院上訴法庭法官合照
The Chief Justice and the Chief Judge of the High Court with Justices of Appeal, the Court of Appeal of the High Court

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。



馬道立法官宣誓出任高等法院首席法官
The Hon Mr Justice Ma swears in as the Chief Judge of the High Court



終審法院首席法官與在 2003 年 7 月 14 日退休的高等法院首席法官梁紹中 (右) 及在同日接任高等法院首席法官的馬道立法官 (左)
The Chief Justice with the Hon Mr Justice Leong (right), who retired from the office of the Chief Judge of the High Court on July 14, 2003 and the Hon Mr Justice Ma (left), who was appointed the Chief Judge of the High Court on the same day

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.

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.



(左起) 區域法院法官張學能、區域法院法官林文瀚及區域法院法官麥明康宣誓出任高等法院原訟法庭法官
(From left) H H Judge Cheung, H H Judge Lam and H H Judge McMahon swear in as Judges of the Court of First Instance of the High Court

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

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



(左起) 資深大律師芮安牟先生、資深大律師倫明高先生及資深大律師鮑晏明先生宣誓出任高等法院原訟法庭法官
(From left) Mr Anselmo Francisco Trinidad Reyes, S.C., Mr Michael Victor Lunn, S.C. and Mr Aarif Tyebjee Barma, S.C. swear in as Judges of the Court of First Instance of the High Court



(左起)高等法院首席法官、英格蘭及威爾斯檢察長御用大律師祈富文爵士、高等法院上訴法庭副庭長司徒冕、高等法院上訴法庭法官司徒敬及高等法院原訟法庭法官翟克信

(From left) The Chief Judge of the High Court, Sir David Calvert-Smith, Q.C., Director of Public Prosecutions of England and Wales, the Hon Mr Justice Stuart-Moore, Vice-President of the Court of Appeal of the High Court, the Hon Mr Justice Stock, Justice of Appeal of the Court of Appeal of the High Court and the Hon Mr Justice Jackson, Judge of the Court of First Instance of the High Court

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。

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監察官的身份，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

陪審員參與原訟法庭案件的審理是香港法制的特色。

最嚴重的刑事案件，是由一位原訟法庭法官與由七人組成的陪審團，或經法官指示，由九人組成的陪審團共同審理的。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

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.

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 in the Court of First Instance is one of the key features of the Hong Kong legal system.

The most serious criminal offences are tried by a Judge of the Court of First Instance, sitting with a jury consisting of seven or, where a judge so orders, nine. 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. A jury of five is also empanelled in some death inquests conducted by the Coroner's Court.



高等法院司法常務官陳爵(右)與湖北律師訪港團會面
Mr Christopher Chan, Registrar of the High Court (right), meets with a delegation of Hubei lawyers

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，亦會抽選由五人組成的陪審團參與。

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



高等法院原訟法庭法官彭鍵基(右)向惠州仲裁代表團介紹科技法庭的設施
The Hon Mr Justice Pang, Judge of the Court of First Instance of the High Court (right), introduces facilities of the Technology Court to the delegation of Weizhou arbitration officers

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，都會被列入陪審員候選名單內。名單內的人士有可能被傳召出席陪審員的選任程序，以及經抽選而需出任陪審員。如未被抽中，有關人士可獲豁免擔任陪審員兩年。自2003年6月起，我們改善了傳召陪審員的程序，即在出席陪審員選任的前一天，被傳召的公眾人士可致電司法機構的查詢熱線或從司法機構的網頁上查詢被傳召當天會否進行陪審員選任，以便確定該日是否需要出席。此外，為了儘量減少對有機會中選出任陪審員的人士造成不便，他們只



高等法院首席法官與上海市司法局長繆曉寶會面
The Chief Judge of the High Court and Mr Miao Xiaobao, Director of the Justice Bureau of Shanghai

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 are placed on the jurors' list. They may be summoned to attend the court and selected on a random basis to serve as jurors. If they are not selected, they will be exempted from serving as a juror for a period of two years. With effect from June 2003, improvements have been made to the procedures for summoning jurors. In case where no jury empanelling is required on a particular day, such information will be made available at the Judiciary Hotline and the Judiciary Website on the day before. Prospective jurors summoned to attend the court can check whether their attendance on the following day is required. With a view to minimizing the inconvenience to prospective jurors, they are required to attend court once only instead of twice for selection before they are exempted for two years. From 1 January 2003 to 30 September 2003, a total of 7 164 persons attended the empanelling of jury and there were 100 jury trials during the same period.

須到庭出席選任一次，而毋須出席兩次；又如未被抽中，則往後兩年便可獲豁免擔任陪審員。2003年1月1日至2003年9月30日期間，共有7,164名市民出席陪審員的選任程序，有陪審員參與的審訊則有100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。

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應用這些建議。但家事法庭的訴訟程序及單方面的申請是否也應公開進行，則仍需謹慎考慮。

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), considered that a hearing in private in part or in whole was necessary or appropriate.

As the reasoning and the conclusions contained in the Report can also be used for determining the procedures of other courts, we have decided to apply the Working Party's recommendations to all levels of courts and tribunals. Nevertheless, it is considered prudent to give separate consideration to the issue of opening up the proceedings in the Family Court and ex-parte applications.

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.

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。該處又為在聆案官席前進行的聆訊排期（法庭另有指示者除外），並處理有關申請令狀以執行法庭判決和命令的事項。

為了加強對法庭使用者提供之服務，自2002年9月2日起，高等法院登記處延長了開放時間，處理文件存檔及案件排期。現時，高等法院登記處的開放時間是：星期一至星期五早上9時至下午1時，下午2時至5時；星期六早上9時至中午12時。其他各級法院及審裁處的登記處和會計部亦同樣延長了開放時間，使用法庭的人士均對此表示歡迎。



高等法院登記處
High Court Registry

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 all proceedings before the Masters unless otherwise directed, and processes applications for issuance of writs for enforcement of judgments and orders.

As an enhancement of services to the court users, with effect from 2 September 2002, the opening hours of the High Court Registry (for both filing and listing) were extended. The Registry now opens from 9:00 a.m. to 1:00 p.m. and from 2:00 p.m. to 5:00 p.m. during weekdays from Monday to Friday, as well as from 9:00 a.m. to 12:00 noon on Saturday. The extension of opening hours also applied to registries and accounts offices in the other levels of courts and tribunals. Such extension is welcomed by court users.



高等法院司法常務官陳爵與山東律師訪港團會面
Mr Christopher Chan, Registrar of the High Court, meets with a delegation of Shandong lawyers



高等法院書記主任辦事處
Clerk of Court's Office of the High Court

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 萬元或可能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)，以便申請遺產承辦授予書或要求遺產管理官按簡易程序處理。2003 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 1 595 宗有關遺產的申請個案。期間，遺產承辦處發出了 7 023 份遺產認證的授予書及遺產管理證明書。

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 estates of deceased persons. Where the value of the estate exceeds \$150,000 or the application may involve complicated legal issues, the application is usually filed by the legal practitioner on behalf of the applicant. Where the 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 1 595 cases for the first nine months of 2003. The Probate Registry issued 7 023 grants of probate and letters of Administration during the period.



遺產承辦處
Probate Registry

案件量和輪候時間

上訴法庭

2003 年入稟的刑事和民事上訴案件量估計均會減少逾 10%。刑事上訴案件的數目下降，是因為下級法院的案件量有所減少。

2003 年刑事上訴案件的輪候時間能夠達到定下的目標，而民事上訴案件的輪候時間則有輕微改善。司法機構將會繼續監察有關情況，並會竭力縮短輪候時間。

原訟法庭

原訟法庭在 2003 年處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。

與 2002 年破產案件飆升的情況相比，2003 年入稟的破產呈請估計會減少約 12%。但與此同時，個別自願安排的申請估計會大幅增加 150%，因為愈來愈多的訴訟人嘗試藉此避免破產。整體而言，2003 年的民事案件量估計將維持穩定，只有輕微的改變。

在 2003 年，除了有固定審期的刑事案件外，整體案件的輪候時間一般都已達到定下的目標。而且，與 2002 年相比，固定審期刑事案件的輪候時間，亦已因案件量下降 25% 而由 213 天縮短至 176 天。至於流動審期表項下的民事案件，透過短期重新調配現有的資源，積壓的案件已獲處理。司法機構將會繼續監察情況，並會盡一切努力改善案件的輪候時間。

CASELOAD AND WAITING TIME

Court of Appeal

The number of cases lodged for criminal and civil appeals are expected to be reduced by more than 10% in 2003. The decrease in criminal appeals is due to the reduction of caseload in lower levels of court.

The target court waiting time for criminal appeals can be met and there has been a slight improvement on waiting time for civil appeals in 2003. The Judiciary will continue to monitor the situation and will make every effort to improve court waiting times.

Court of First Instance

For appellate cases to the Court of First Instance, the caseload remains steady in 2003. The target waiting time can be met.

Contrasted with the upsurge in bankruptcy cases in 2002, it is estimated that there will be about 12% decrease of the filing of bankruptcy petitions in 2003. However, at the same time, it is expected that there will be a sharp increase of 150% in applications for Individual Voluntary Arrangement as more litigants are trying to avoid becoming bankrupt. In general, it is anticipated that the overall civil caseload in 2003 will remain steady with little change.

The target court waiting times have generally been met in 2003 except for criminal fixtures. Nevertheless, as compared with the situation in 2002, the court waiting time for criminal fixtures has been reduced from 213 days to 176 days due to a 25% reduction of caseload. As to the Civil Running List, the backlog has been cleared by temporary redeployment of existing resources. The Judiciary will again continue to monitor the situation and will make every effort to improve court waiting times.

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					
		2002 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起的上訴 Appeals from the Court of First Instance	322	171	191	0	302
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	565	475	482	0	558
		小計 Sub-total	887	646	673	0	860
	民事 Civil	1. 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	5 230	390	4 682	647	291
2. 不服區域法院判決而提起的上訴 Appeals from the District Court		117	34	27	53	71	
3. 雜項上訴 Miscellaneous Appeals		92	41	31	96	6	
小計 Sub-total		5 439	465	4 740	796	368	
判刑覆核 Review of Sentences	刑事 Criminal	1. 不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	1	2	1	0	2
		2. 不服區域法院判刑而提起的覆核 Reviews from the District Court	1	1	1	0	1
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	0	0	0	0	0
	小計 Sub-total	2	3	2	0	3	
合計 TOTAL		6 328	1 114	5 415	796	1 231	

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					
		2003 (截至 9 月 30 日 up to 30 Sept) 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起的上訴 Appeals from the Court of First Instance	302	132	177	0	257
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	558	290	343	0	505
		小計 Sub-total	860	422	520	0	762
	民事 Civil	1. 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	938	213	186	780	185
2. 不服區域法院判決而提起的上訴 Appeals from the District Court		124	34	23	55	80	
3. 雜項上訴 Miscellaneous Appeals		102	45	26	107	14	
小計 Sub-total		1 164	292	235	942	279	
判刑覆核 Review of Sentences	刑事 Criminal	1. 不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	2	0	1	0	1
		2. 不服區域法院判刑而提起的覆核 Reviews from the District Court	1	2	1	0	2
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	0	2	0	0	2
	小計 Sub-total	3	4	2	0	5	
合計 TOTAL		2 027	718	757	942	1 046	

☆ 承接往年的案件是指訴訟中止及訴訟進行中的案件
Cases brought forward from previous years refer to cases in progress and inactive cases

* 結案是指上訴/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

訴訟中止是指自最後一次送交文件之日起計一年內，並無任何（包括送交文件或聆訊）行動
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 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	2002	2003 (截至 9 月 30 日止 as at 30 Sept)	2004 (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	41	37	50
民事案件 - 由申請排期日到聆訊日 Civil cases - from application to fix date to hearing	90	176	146	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

			2002 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
上訴案件 Appellate	刑事 Criminal	不服裁判法院判決而提起的上訴 Appeals from Magistrates' Courts	965	1 265	1 286	0	944
	民事 Civil	1. 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	247	140	98	237	52
		2. 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	84	79	60	59	44
		3. 不服小額薪酬索償仲裁處決定而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	1	6	5	0	2
		4. 雜項上訴 Miscellaneous Appeals	5	5	6	2	2
小計 Sub-total		337	230	169	298	100	
合計 TOTAL			1 302	1 495	1 455	298	1 044
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	102	433	428	0	107
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	67	67	0	0
		3. 釋放申請 Application for Discharge	0	0	0	0	0
		小計 Sub-total	102	500	495	0	107
	民事管轄 Civil	1. 高等法院訴訟 High Court Actions	28 973	4 865	3 265	26 575	3 998
		2. 雜項程序 Miscellaneous Proceedings	11 926	5 412	3 975	10 399	2 964
		3. 破產及公司清盤訴訟+ Bankruptcy and Companies Winding-up	7 125	29 679	27 123	2 557	7 124
4. 人身傷害訴訟 Personal Injuries Actions	1 937	1 201	1 013	1 901	224		
5. 其他案件** Other cases	3 577	746	277	3 463	583		
小計 Sub-total		53 538	41 903	35 653	44 895	14 893	
合計 TOTAL			53 640	42 403	36 148	44 895	15 000
聆案官內庭 Masters Chambers	1. 非正審聆訊 Interlocutory hearings	N.A.	N.A.	51 315 ⁽¹⁾	N.A.	N.A.	
	2. 訟費賬單評定 Taxation bills	1 841	1 777	1 756 ⁽²⁾	247	1 615	
遺產事務 Probate	接獲申請 Applications	5 102	12 424	12 191 ⁽³⁾	20	5 315	

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

			2003 (截至 9 月 30 日 up to 30 Sept) 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
上訴案件 Appellate	刑事 Criminal	不服裁判法院判決而提起的上訴 Appeals from Magistrates' Courts	944	913	947	0	910
	民事 Civil	1. 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	289	123	117	217	78
		2. 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	103	70	61	63	49
		3. 不服小額薪酬索償仲裁處決定而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	2	6	4	0	4
		4. 雜項上訴 Miscellaneous Appeals	4	6	4	0	6
小計 Sub-total		398	205	186	280	137	
合計 TOTAL			1 342	1 118	1 133	280	1 047
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	107	246	297	0	56
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	58	58	0	0
		3. 釋放申請 Application for Discharge	0	0	0	0	0
	小計 Sub-total		107	304	355	0	56
	民事管轄 Civil	1. 高等法院訴訟 High Court Actions	30 573	3 661	2 351	28 120	3 763
		2. 雜項程序 Miscellaneous Proceedings	13 363	4 326	3 069	11 520	3 100
3. 破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up		9 681	21 226	22 156	3 007	5 744	
4. 人身傷害訴訟 Personal Injuries Actions		2 125	1 041	875	2 141	150	
5. 其他案件** Other cases		4 046	579	197	3 891	537	
小計 Sub-total		59 788	30 833	28 648	48 679	13 294	
合計 TOTAL			59 895	31 137	29 003	48 679	13 350

			2003 (截至 9 月 30 日 up to 30 Sept) 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
原訟案件 First Instance	聆案官內庭 Masters Chambers	1. 非正審聆訊 Interlocutory hearings	N.A.	N.A.	41 858(1)	N.A.	N.A.
		2. 訟費賬單評定 Taxation bills	1 862	1 429	1 498(2)	255	1 538
	遺產事務 Probate	接獲申請 Applications	5 335	9 383	8 609(3)	20	6 089

☆ 承接往年的案件是指訴訟中止及訴訟進行中的案件
Cases brought forward from previous years refer to cases in progress and inactive cases

☆ 承接往年的案件是指訴訟中止及訴訟進行中的案件
Cases brought forward from previous years refer to cases in progress and inactive cases

* 結案是指上訴得直/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

訴訟中止是指自最後一次送交文件之日起計一年內，並無任何（包括送交文件或聆訊）行動
Inactive refers to those having no action (including filing of document or hearing) for one year from the date of last filing of document

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

** 其他案件指憲法及行政訴訟程序、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等案件
Other cases refer to constitutional and administrative law 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) 結案是指已經進行非正審聆訊
Note (1) Disposed of refers to interlocutory hearings conducted

註(1) 結案是指已經進行非正審聆訊
Note (1) Disposed of refers to interlocutory hearings conducted

註(2) 結案是指訟費賬單已予處理
Note (2) Disposed of refers to taxation bills processed

註(3) 結案是指已發出授予書/已發出經確認授予書/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

註(3) 結案是指已發出授予書/已發出經確認授予書/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

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	2002	2003 (截至 9 月 30 日止 as at 30 Sept)	2004 (預計) (Plan)
固定審期的刑事案件 — 由公訴書送交存檔日到聆訊日 Criminal Fixture — from filing of indictment to hearing	120	213	176	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	83	74	90
固定審期的民事案件 — 由申請排期日到聆訊日 Civil Fixture — from application to fix date to hearing	180	198	190	180
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	148	43	90
不服裁判法院判決而提起的上訴 — 由上訴通知書送交存檔日到聆訊日 Appeals from Magistrates' Courts — from lodging of Notice of Appeal to hearing	90	86	81	90