



第五章 5



裁判法院  
*Magistrates' Courts*



終審法院首席法官、總裁判官李瀚良（前排右二）與裁判官合照  
The Chief Justice and Mr Patrick Li, Chief Magistrate (second right, front row), with 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，但有一些法例條文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。



裁判法院大堂  
Lobby of a Magistrates' Courts

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：

- (i) 裁判官在初級偵訊聽取證據後認為案中有充份證據，須將被告人交付陪審團審訊；

## 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.



在裁判法院進行的聆訊  
A court hearing in 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 \$100,000 for indictable offence, there are a number of provisions which empower Magistrates to impose sentences up to three years' imprisonment and fines up to \$5,000,000.

All criminal prosecutions must commence in the Magistrates' 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

- (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。

現時，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。西區裁判法院將於 2004 年 1 月 2 日停止運作，而所有案件將會移交東區裁判法院處理。



西區裁判法院（左）將與東區裁判法院（右）合併  
Western Magistrates' Courts (left) will merge with Eastern Magistrates' Courts (right)

seriousness of the charge. Committal to the Court of First Instance for trial will be made under the following circumstances:

- (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.

Currently, there are nine Magistrates' Courts located throughout the territory: two on Hong Kong Island, three in Kowloon and four in the New Territories. The Western Magistrates' Courts will cease operation on 2 January 2004. All cases will be transferred to the Eastern Magistrates' Courts.



立法會議員參觀裁判法院與總裁判官會面  
Members of the Legislative Council visit the Magistrates' Courts and meet with the Chief Magistrate



## 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。



裁判法院的少年法庭  
A Juvenile Court in Magistrates' Courts

## 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 homicide. It also has jurisdiction to grant care and protection

orders in respect of young persons under the age of 18.

## 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。

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。我們現正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。



裁判法院登記處  
 Registry of 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 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 is being reviewed and if proved successful, it will be extended to other Magistrates' Courts.



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



總裁判官與上海市司法局局長繆曉寶先生會面  
 The Chief Magistrate and Mr Miao Xiaobao, Director of the Justice Bureau of Shanghai

## 案件量及輪候時間

預計2003年裁判法院的案件量會較2002年減少5%，主要原因是當局向亂拋垃圾者發出傳票的個案大幅下降。

一般而言，各類案件的輪候時間均能達到定下的目標。

## CASELOAD AND WAITING TIME

The caseload in the Magistrates' Courts in 2003 is expected to be reduced by 5% as compared with that in 2002. This is mainly due to a significant reduction in cases of anti-litter notices.

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



九龍城裁判法院主任裁判官練錦鴻先生(前排左五)及(後排)裁判官施萬德先生(左四)、裁判官麥健濤先生(左五)、裁判官劉永成先生(右五)、裁判官陳仲衡先生(右四)與廣東法官訪港團會面  
 Mr Ernest Michael Lin, Principal Magistrate of Kowloon City Magistrates' Courts (fifth left, front row), and (second row) Magistrates: Mr Stephen Smout, (fourth left), Mr Colin Richard Mackintosh (fifth left), Mr Denis Lau (fifth right), Mr Johnny Chan (fourth right) with a delegation of Guangdong Judges

表 9 裁判法院的案件量  
Table 9 CASELOAD OF THE MAGISTRATES' COURTS

	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
刑事案件 Charge Case	19 337	57 640	57 827	917	18 233
小販案件 Hawker Case	8 271	12 223	12 209	25	8 260
部門傳票及私人傳票 Departmental & Private Summonses	38 564	138 466	145 854	469	30 707
交通違例扣分傳票 Driving-Offence Points Summonses	2 041	2 459	2 466	71	1 963
定額罰款(交通違例)傳票 Fixed Penalty Summonses (Traffic)	628	859	954	3	530
定額罰款(公眾地方潔淨罪行)傳票* Fixed Penalty Summonses (Public Cleanliness Offences)	0	53	35	0	18
雜項程序通知書@ Miscellaneous proceedings issued	8 279	13 165	12 917	130	8 397
亂拋垃圾者傳票 Anti-litter notices issued	2 791	14 115	15 385	720	801
定額罰款令(交通違例) Fixed Penalty Notice (Traffic)	11 368	58 406	60 592	0	9 182
定額罰款令(公眾地方潔淨罪行) Fixed Penalty Notice (Public Cleanliness Offences)	0	619	412	0	207
<b>合計 TOTAL</b>	<b>91 279</b>	<b>298 005</b>	<b>308 651</b>	<b>2 335</b>	<b>78 298</b>

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
刑事案件 Charge Case	19 150	44 428	43 867	994	18 717
小販案件 Hawker Case	8 285	8 306	8 291	36	8 264
部門傳票及私人傳票 Departmental & Private Summonses	31 176	99 442	96 579	524	33 515
交通違例扣分傳票 Driving-Offence Points Summonses	2 034	2 432	2 501	49	1 916
定額罰款(交通違例)傳票 Fixed Penalty Summonses (Traffic)	533	527	582	3	475

表 9 裁判法院的案件量  
Table 9 CASELOAD OF THE MAGISTRATES' COURTS

	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
定額罰款(公眾地方潔淨罪行)傳票* Fixed Penalty Summonses (Public Cleanliness Offences)	18	142	88	0	72
雜項程序通知書@ Miscellaneous proceedings issued	8 527	9 910	10 206	171	8 060
亂拋垃圾者傳票 Anti-litter notices issued	1 521	3 376	3 932	682	283
定額罰款令(交通違例) Fixed Penalty Notice (Traffic)	9 182	41 991	42 976	0	8 197
定額罰款令(公眾地方潔淨罪行) Fixed Penalty Notice (Public Cleanliness Offences)	207	1 427	1 429	0	205
<b>合計 TOTAL</b>	<b>80 633</b>	<b>211 981</b>	<b>210 451</b>	<b>2 459</b>	<b>79 704</b>

- \* 承接往年的案件是指訴訟中止及訴訟進行中的案件，並不包括已經歸檔的案件  
Cases brought forward from previous years refer to cases in progress and inactive cases and do not include cases having been archived
- \* 結案是指被告人被定罪/獲判無罪/聆訊結束/或申請獲批准/被駁回/撤回/剔除  
Disposed of refers to cases where defendants have been convicted/acquitted/hearings concluded /applications granted/refused/withdrawn/ strike out
- # 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
- \* 定額罰款(公眾地方潔淨罪行)條例於二零零二年五月二十七日生效後，由二零零二年七月起加入此項數據  
The Fixed Penalty (Public Cleanliness Offences) Ordinance came into operation on 27.5.2002 and such figures are included from July of 2003 onwards
- @ 自二零零三年起加入單方面的申請  
From 2003 the cases filed includes ex-parte applications

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	2002	2003 (截至 9 月 30 日止 as at 30 Sept)	2004 (預計) (Plan)
傳票 Summonses	由答辯日至審訊日 From plea to date of trial	50	46	49	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	25	30	30 - 45
	• 被告人獲保釋候審的案件 Cases involving defendants on bail	45-60	31	36	45 - 60