

區域法院

區域法院根據《區域法院條例》(第 336 章) 成立，司法管轄範圍有刑事和民事兩方面，民事方面包括婚姻訴訟管轄。

區域法院由首席區域法院法官領導，編制上共有 33 位區域法院法官、一位司法常務官和兩位副司法常務官，後者統稱為聆案官。

民事司法管轄範圍

隨著司法機構於 2003 年初完成檢討區域法院的民事申索款額上限，立法會在 2003 年 10 月 29 日通過決議案，將區域法院的民事申索款額上限由 60 萬元提升至 100 萬元。區域法院的新民事申索款額上限已於 2003 年 12 月 1 日生效。自此以後，除法例另有規定外，區域法院負責審理的民事訴訟，申索限額為 5 萬元以上，100 萬元以下；申索如涉及收回土地或土地權益，則以年租或應課差餉租值或年值不超過 24 萬元為限。除了一般民事訴訟外，區域法院還有專屬管轄權審理根據《僱員補償條例》(第 282 章) 提出的申索、根據《稅務條例》(第 112 章) 提出的稅項追討，以及根據《業主與租客(綜合)條例》(第 7 章) 進行的欠租扣押。



在區域法院進行的聆訊
A court hearing at the District Court

DISTRICT COURT

The District Court is established under the District Court Ordinance (Cap. 336). It has both criminal and civil jurisdiction, including matrimonial jurisdiction.

The District Court is headed by the Chief District Judge and has an establishment of 33 District Judges, one Registrar and two Deputy Registrars (the latter are collectively known as the Masters).

CIVIL JURISDICTION

Following the Judiciary's review of the financial limits of the civil jurisdiction of the District Court in early 2003, the Legislative Council approved the Resolution to increase the financial limits of the District Court from \$600,000 to \$1 million on 29 October 2003. The new financial limits of the civil jurisdiction of the District Court took effect on 1 December 2003. Accordingly, unless otherwise provided for by statute, civil claims of the value over \$50,000 but not more than \$1 million are heard in the District Court. Where claims are for recovery of land, or the title to an interest in land comes in question, the annual rent or rateable value or the annual value must not exceed \$240,000. Apart from the general civil jurisdiction, the District Court has exclusive jurisdiction over claims brought under the Employees' Compensation Ordinance (Cap. 282), tax recovery claims under the Inland Revenue Ordinance (Cap. 112) and distress of rent under the Landlord and Tenant (Consolidation) Ordinance (Cap. 7).



(右起) 首席區域法院法官馮驊、區域法院法官潘敏琦和陸啟康及家事法庭法官陳忠基與立法會議員會面
 (From right) H H Judge Fung, Chief District Judge, H H Judge Poon and H H Judge Lok, District Judges, and H H Judge Chan, Family Court Judge, meet with the Legislative Council Members

區域法院亦有管轄權處理離婚、領養、家庭暴力和其他與家事有關的事宜。所有婚姻訴訟，即使經濟補助的申索額超過區域法院的民事訴訟權限，區域法院仍可有權審理。

刑事司法管轄範圍

區域法院有刑事管轄權，可審理除最嚴重的案件如謀殺、誤殺和強姦等以外的所有可公訴罪行案件，亦可審理由裁判法院移交的附可公訴罪行的簡易程序案件。區域法院判處的監禁刑期最高可達七年。區域法院的審訊，不設陪審團，由法官單獨審理。

The District Court also has jurisdiction over divorce, adoption, domestic violence and other family related matters. The Court may exercise the matrimonial jurisdiction notwithstanding that the amount of financial relief claimed is beyond its civil jurisdiction.

CRIMINAL JURISDICTION

The criminal jurisdiction of the District Court includes all indictable offences, except the most serious ones such as murder, manslaughter and rape, as well as summary offences transferred to it together with an indictable offence. The maximum term of imprisonment that the District Court can impose is seven years. Trial in the District Court is by Judge alone.

上訴司法管轄範圍

區域法院亦根據多項條例，如《差餉條例》(第116章)、《印花稅條例》(第117章)、《肺塵埃沉着病(補償)條例》(第360章)和《職業性失聰(補償)條例》(第469章)等，行使有限的上訴管轄權，審理不服各審裁處和法定團體的決定而提出的上訴。

APPELLATE JURISDICTION

The District Court also exercises limited appellate jurisdiction in hearing appeals from Tribunals and Statutory Bodies conferred on it under various ordinances, e.g. the Rating Ordinance (Cap. 116), the Stamp Duty Ordinance (Cap. 117), the Pneumoconiosis (Compensation) Ordinance (Cap. 360) and the Occupational Deafness (Compensation) Ordinance (Cap. 469).



署理首席區域法院法官陸啟康(前排中)與斯里蘭卡法官代表團會面
H H Judge Lok, Acting Chief District Judge, (centre, front row), meets with a delegation of Sri Lankan Judges

家事法庭

家事法庭是區域法院的一部分，專責處理根據《婚姻訴訟條例》(第179章)提出的離婚或裁判分居呈請和其他附帶事宜。現時，共有六位法官專責處理家事法庭的事宜。

FAMILY COURT

The Family Court, which is part of the District Court, deals specifically with petitions for divorce or judicial separation and other ancillary matters under the Matrimonial Causes Ordinance (Cap. 179). Currently, six Judges are specially assigned to deal with family matters.

家事調解試驗計劃

為期三年的家事調解試驗計劃在2000年5月展開，並已在2003年7月結束。該計劃鼓勵雙方達成和解，目的是協助申請分居或離婚的夫婦就子女的撫養權和贍養費問題，或就財務事宜，達成雙方可接受的協議。在試驗計劃進行期間，我們合共舉辦了643次調解講座，出席人數超過3400人。經調解統籌主任辦事處轉介給調解員的1085宗個案中，有大約15%在開始階段告吹，主要原因是其中一方或雙方沒有出席與調解員會面的首次約見。在941宗已經完成調解的個案中，有640宗達成全面協議及92宗達成局部協議，成功率約為78%（即約68%達成全面協議及約10%達成局部協議）。



調解主任（中）提供家事調解服務
Mediation Co-ordinator (centre) provides family mediation service



署理首席區域法院法官潘敏琦（前排右四）與無錫市中級人民法院代表團會面

H H Judge Poon, Acting Chief District Judge (fourth right, front row) and a delegation of Wuxi Intermediate People's Court

PILOT SCHEME ON FAMILY MEDIATION

The 3-year Pilot Scheme on Family Mediation introduced in May 2000 and ended in July 2003, provided a more settlement-oriented approach for separating and divorcing couples to reach mutual agreement on the custody and maintenance of their children as well as resolution of financial matters. Over this period, a total of 643 information sessions were attended by more than 3 400 persons. Among the 1 085 cases referred to mediators by the Mediation Co-ordinator's Office, about 15% fell through at the intake stage. The main reason was that one or both parties did not turn up at the first appointment with the mediator. Of the 941 cases which completed the mediation process, 640 reached full agreement and 92 had partial agreement. The success rate was about 78% (with about 68% achieving full settlement and about 10% achieving partial settlement).



署理首席區域法院法官潘敏琦（前排左一）與青島仲裁委員會代表團會面
H H Judge Poon, Acting Chief District Judge (first left, front row) receives a delegation of Qingdao Arbitration Commission

為了評估試驗計劃的可行性和成效，司法機構委托了香港理工大學進行評估研究。研究小組在 2004 年 1 月發表《最後報告》。研究小組認為，家事糾紛的調解服務在香港有存在的空間。小組指出，在蒐集所得的資料中，有相當充份的證據顯示家事調解是解決爭端的可行方案，因為絕大部分的服務使用者對調解予以正面評價，認為調解較訴訟為佳，原因包括調解可節省時間和金錢、緊張的形勢得以紓緩，以及夫婦雙方更易於在離婚的事情上展開對話。小組建議，應盡量鼓勵有關人士利用訴訟以外的渠道即調解方式來解決家事糾紛。

To assess the workability and effectiveness of the Pilot Scheme, the Judiciary had commissioned the Hong Kong Polytechnic University to conduct an evaluation study. The research team released its Final Report in January 2004. It concludes that there should be a place for mediation in resolving family disputes in Hong Kong. It indicates that there is considerable evidence from the data collected that family mediation is a viable option for dispute resolution, because the overwhelming majority of the service users were positive about the mediation service as opposed to litigation. The reasons included saving time and money, reducing tension between the parties, and facilitating dialogue between the parties on matters related to divorce. It recommends that people should be encouraged, as far as possible, to use mediation other than litigation to settle their family disputes.



署理首席區域法院法官潘敏琦（左五）與汕頭大學法律系學生會面
H H Judge Poon, Acting Chief District Judge (fifth left), meets with the law students of Shantou University



署理首席區域法院法官潘敏琦（二排中）與香港青年大使計劃的參加者會面
H H Judge Poon, Acting Chief District Judge (centre, second row), meets with the participants of the Hong Kong Young Ambassador Scheme

由於試驗計劃已證實家事調解服務能有效協助使用者解決糾紛，所以司法機構在該計劃結束後仍然以本身的經費來維持調解統籌主任辦事處的運作。調解統籌主任辦事處現繼續舉辦家事調解講座，以及協助有需要的夫婦尋找家事調解員。雖然現時的調解服務需要收取費用，但是經濟有困難者，例如領取綜合社會保障援助或每月收入為4,000元或以下者，可申請豁免全部或部分費用。到目前為止，我們沒有收到任何因經濟困難而未能使用家事調解服務的投訴。2003年8月至2004年9月期間，我們合共舉辦了155次調解講座，已轉介予調解員的個案共有148宗，其中57宗已經完成調解，達成全面協議的有43宗，達成局部協議的則有1宗，成功率為77%。

在此期間，司法機構已將《最後報告》轉交給政府當局，請其考慮如何在司法機構已建立的基礎上，利用試驗計劃所取得的經驗，就家事調解服務擬定最佳的發展方案。

As the Pilot Scheme has proved to be effective in helping users resolve their disputes, the Judiciary has continued to maintain the Mediation Co-ordinator's Office since the expiry of the Pilot Scheme out of its own funds. The Mediation Co-ordinator's Office continues to hold information sessions on family mediation and to assist couples in seeking family mediators. Although family mediation services are now provided on a fee-charging basis, there are fee exemption and reduction schemes for those with financial difficulties, such as recipients of Comprehensive Social Security Assistance or those with a monthly income of \$4,000 or less. There have been no complaints that people have been deprived of using family mediation services due to financial difficulties. From August 2003 to September 2004, 155 information sessions were held. 148 cases have been referred to mediators, 57 of which have completed the mediation process, with 43 and 1 reaching full or partial agreement respectively. The success rate is 77%.

In the meantime, the Judiciary has passed the Final Report to the Administration for consideration as to how best to further develop family mediation services on the basis of the groundwork done by the Judiciary and the experiences gained under the Pilot Scheme.

香港婚姻訴訟附屬濟助程序改革試驗計劃

為期兩年的婚姻訴訟附屬濟助程序改革試驗計劃在 2003 年 12 月 29 日展開。該試驗計劃是由以夏正民法官為主席的工作小組所建議的。工作小組在此之前曾對附屬濟助程序改革進行研究，探討如何進行改革以盡量緩和訴訟的對抗形式，鼓勵雙方以和解為目標，使糾紛得以用更快捷廉宜的途徑解決。

概括而言，改革後的程序可分為三個階段，每一階段都以聆訊作為該階段結束的指標。第一階段由提交附屬濟助的申請開始，在進行首次約見聆訊時，該階段便告結束。第二階段是在首次約見聆訊後開始，以解決財務糾紛的聆訊作結。第三階段是在解決財務糾紛的聆訊後開始，若不能完全排解糾紛，則以審訊作結。

在首次約見聆訊時，法官的主要職責是為解決財務糾紛聆訊或審訊訂定日期，這樣，有關案件便有了一個時間表。在解決財務糾紛的聆訊中，法官主要擔任“調停人”或“協助人”的角色，協助雙方就財務糾紛達成和解。在此聆訊結束時，法庭可在適當情況下作出雙方同意的命令。如果雙方未能達致和解，法庭便會另訂審訊日期（由另一位法官進行審訊），並會作出進一步的必需指示。

PILOT SCHEME FOR THE REFORM OF ANCILLARY RELIEF PROCEDURES IN MATRIMONIAL PROCEEDINGS IN HONG KONG

On 29 December 2003, the two-year Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings ("the Pilot Scheme") commenced operation. The Pilot Scheme was recommended by a Working Group, chaired by the Hon Mr Justice Hartmann, to consider reform of the ancillary relief procedures with a view to making them quicker, cheaper, less adversarial and more conducive to a culture of settlement.

Expressed broadly, the reformed procedures may be divided into three phases, each phase concluding with a 'milestone' court hearing. Phase One commences with the filing of an application for ancillary relief and concludes with the holding of the First Appointment. Phase Two proceeds from the First Appointment and concludes with the Financial Dispute Resolution (FDR) hearing. Phase Three proceeds from the FDR hearing, if that is not fully successful, and concludes with the trial.

An essential function of the Court at the First Appointment is to fix a date either for the FDR hearing or for the trial. In this way, a timetable is set. At the FDR hearing, the Judge sits essentially in the role of a 'conciliator' or 'facilitator' to assist the parties to settle their financial dispute. At the end of the FDR hearing, the court may make any appropriate consent orders. If no settlement is reached, the court will then fix a date for trial (by another Judge) and give any further necessary directions.

試驗計劃自去年12月推行以來，由夏正民法官為主席的試驗計劃督導委員會一直密切監察其運作情況。截至2004年9月底，在納入試驗計劃的個案中，有超過半數在首次約見聆訊前已達成和解。督導委員會將會在試驗期快將屆滿時評估試驗計劃的成效，以及就計劃的未來路向作出建議。



區域法院登記處
District Court Registry

區域法院登記處

區域法院登記處負責處理藉傳訊令狀/原訴傳票展開民事申索的入稟程序，並接受民事和刑事訴訟的有關文件存檔，而排期主任辦事處則負責編排案件的聆訊日期。

聆案官書記辦事處為區域法院的聆案官提供支援服務。區域法院每日都有一位常規聆案官當值，專責處理訴訟人單方面的申請，以及聆訊緊急申請。

為了改善法院的環境，我們進行了翻新工程，使法院更光亮和更具親切感。有關工程已告完成。此外，我們亦增建了會見室，以迎合法庭使用者在這方面不斷增加的需求。

The Steering Committee on the Pilot Scheme, chaired by the Hon Mr Justice Hartmann, has been monitoring the Pilot Scheme closely since its commencement last December. As at end of September 2004, more than half of the total number of cases, which came under the Pilot Scheme, had been settled before the First Appointment. The Steering Committee on the Pilot Scheme will evaluate its effectiveness, and make recommendations on the way forward towards the end of the Pilot Scheme.

DISTRICT COURT REGISTRY

The District Court Registry accepts filing of civil claims by way of writ of summons/originating summons and other documents in civil and criminal proceedings. The Listing Office would fix the hearing dates.

The Office of Masters' Clerks provides supporting service to the District Court Masters. A Practice Master is on duty everyday to deal with ex-parte applications and to hear urgent applications.

To improve the court environment, refurbishment work has been carried out and completed so as to give the court a brighter look and warmer touch. More consultation rooms have also been constructed with a view to meeting the increasing needs of court users.



展示區域法院審訊表的等離子顯示器
Plasma monitors displaying the Daily Cause List of District Court

家事法庭登記處

家事法庭登記處負責處理家事法庭的離婚呈請及其他有關申請的入稟程序。登記處的人員亦會就離婚呈請及其他事項的申請程序及現行做法向訴訟人（尤其是沒有律師代表的訴訟人）提供資料。

案件量和輪候時間

與 2003 年相比，區域法院在 2004 年的刑事案件量保持穩定，在民事案件量方面，則因為入稟的稅項申索及人身傷害案件量有所增加而預計會上升 7%。

刑事案件的輪候時間能夠控制在目標範圍之內。民事案件方面，由於我們在 2003 年 12 月 1 日起推行流動審訊表，所以目標輪候時間縮短了 48%。

至於家事法庭方面，我們已推行多項措施，將實際輪候時間縮短，以達至目標，情況可望於 2005 年初得以改善。我們亦會繼續監察情況，以期將輪候時間維持在目標範圍內。

FAMILY COURT REGISTRY

The Family Court Registry is responsible for the filing of petitions and other applications with the Family Court. The Registry staff will also provide information to litigants, especially those who are acting in person, on the current practices and procedures to follow in filing petitions and various applications.

CASELOAD AND WAITING TIME

The criminal caseload of the District Court in 2004 remains steady when compared with that of 2003. As regards the civil caseload, it is projected that there will be an increase of 7% due to the increase of filing of tax claims and personal injuries cases.

The target court waiting time for criminal cases can be met. For civil cases, the target court waiting time has shortened by 48% due to the implementation of the Running List on 1 December 2003.

For the Family Court, measures have been introduced to bring the actual waiting time within the target. The ameliorating effects will be seen in early 2005 and the situation will be monitored with a view to keeping the targets.

表 7
Table 7區域法院的案件量
CASELOAD OF THE DISTRICT COURT

		2003 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
刑事管轄 Criminal Jurisdiction	刑事案件 Criminal cases	445	1 339	1 176	56	552
民事管轄 Civil Jurisdiction	1. 民事 Civil	6 465	7 339	6 298	4 037	3 469
	2. 稅款申索 Tax Claim	15 451	10 467	8 665	8 203	9 050
	3. 欠租扣押申請 Distress for Rent	1 303	11 059	11 046	23	1 293
	4. 僱員補償申索 Employee's Compensation	494	1 417	1 070	111	730
	5. 其他民事案件 + Other civil cases	9 148	5 184	2 841	1 971	9 520
	小計 Sub-total	32 861	35 466	29 920	14 345	24 062
	6. 離婚訴訟 Divorce Jurisdiction					
	· 離婚案件 Cases	27 405	15 915	12 592	1 674	29 054
	· 雜項程序 Miscellaneous Proceedings	917	220	50	17	1 070
	· 各類共同申請 Joint applications	1 123	1 380	1 237	186	1 080
· 領養申請 Adoption applications	800	155	129	9	817	
小計 Sub-total	30 245	17 670	14 008⁽¹⁾	1 886	32 021	
民事案件總數 TOTAL (Civil)	63 106	53 136	43 928	16 231	56 083	
合計 TOTAL	63 551	54 475	45 104	16 287	56 635	
訟費賬單評定 Taxation bills						
· 民事 Civil	509	644	535	126	492	
· 離婚 Divorce	102	3 490	3 141	0	451	
合計 TOTAL	611	4 134	3 676⁽²⁾	126	943	

表 7
Table 7區域法院的案件量
CASELOAD OF THE DISTRICT COURT

		2004 (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
刑事管轄 Criminal Jurisdiction	刑事案件 Criminal cases	608	1 059	988	57	622
民事管轄 Civil Jurisdiction	1. 民事 Civil	7 506	5 160	3 920	5 062	3 684
	2. 稅款申索 Tax Claim	17 253	10 870	9 366	9 707	9 050
	3. 欠租扣押申請 Distress for Rent	1 316	6 801	6 817	28	1 272
	4. 僱員補償申索 Employee's Compensation	841	1 114	851	142	962
	5. 其他民事案件 + Other civil cases	11 491	4 449	2 677	2 374	10 889
	小計 Sub-total	38 407	28 394	23 631	17 313	25 857
	6. 離婚訴訟 Divorce Jurisdiction					
	· 離婚案件 Cases	30 728	10 686	10 495	1 477	29 442
	· 雜項程序 Miscellaneous Proceedings	1 087	155	64	10	1 168
	· 各類共同申請 Joint applications	1 266	1 180	976	110	1 360
· 領養申請 Adoption applications	826	99	89	10	826	
小計 Sub-total	33 907	12 120	11 624⁽¹⁾	1 607	32 796	
民事案件總數 TOTAL (Civil)		72 314	40 514	35 255	18 920	58 653
合計 TOTAL		72 922	41 573	36 243	18 977	59 275
訟費賬單評定 Taxation bills						
· 民事 Civil	618	399	289	186	542	
· 離婚 Divorce	451	2 589	2 707	0	333	
合計 TOTAL		1 069	2 988	2 996⁽²⁾	186	875

- ☆ 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
- * 結案的案件是指被告人被定罪或被判無罪，以及經審訊或聆訊後成功申索或申索被撤銷的案件
Cases disposed of refer to those where defendants have been convicted or acquitted and those where claims have been successfully made or dismissed after trial or hearing
- # 訴訟中止的案件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)行動的案件
Inactive cases refer to those having no action (including filing of document or hearing) for one year from the date of last filing of document
- + 其他民事案件包括雜項程序、印花稅(條例)上訴案、平等機會訴訟、人身傷害案件、職業性失聰(補償)上訴案、肺塵埃沉着病(補償)上訴案及地產代理上訴案
Other civil cases include Miscellaneous Proceedings, Stamp Duty (Ordinance) Appeals, Equal Opportunities Actions, Personal Injuries Cases, Occupational Deafness (Compensation) Appeals, Pneumoconiosis (Compensation) Appeals and Estate Agents Appeals
- 註(1) : 結案的案件是指已發出最終離婚令或領養令的案件
Note (1) : Cases disposed of refer to Decree Absolute granted and Adoption orders made
- 註(2) : 結案的案件是指訟費賬單已予處理的案件
Note (2) : Cases disposed of refer to taxation bills processed

表 8
Table 8

區域法院案件輪候時間
WAITING TIME FOR CASES IN THE DISTRICT COURT

	輪候時間(日) Waiting Time (days)			
	目標 Target	2003	2004 (截至9月30日止) (as at 30 Sept)	2005 (預計) (Plan)
刑事案件 - 由被告人在區域法院首次出庭到聆訊日 Criminal cases - from first appearance of defendants in District Court to hearing	100	100	95	100
民事案件 - 由排期日到聆訊日 Civil cases - from date of listing to hearing	120	108	56	120
離婚案件 - 由聆訊期訂定日到聆訊日@ Dissolution of marriage - from setting down to hearing				
· 特別程序案 Special procedure cases	35	50	74	35
· 擬予抗辯案件(為期一天的聆訊) Defended cases (one day hearing)	110	94	124	110

- @ 自二零零二年《婚姻訴訟(修訂)規則》實施後，不擬抗辯案件即撥歸特別程序審訊表項下，因此不擬抗辯案件輪候時間一欄已被除去
Since the implementation of the Matrimonial Causes (Amendment) Rules in 2002, undefended cases have been included in the Special Procedure List. Hence, the waiting time for undefended cases has been removed