



前言 Foreword

這份年報總結了司法機構2004年的重點工作和我們將要面對的主要挑戰。

正如過去的年報一樣，今年的年報內容分為三大部分：第一部分匯報民事司法制度改革的進度；第二部分綜合報導法庭運作和行政工作；第三部分專題介紹我們的法官、工作人員和我們與社會大眾的接觸。

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。

This Report highlights the work of the Judiciary in 2004 and the key challenges ahead.

As in the past, this Report is divided into three main parts. Part I reports on the progress of the 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.

法官必須在行為上時刻嚴守至高的標準，這點極為重要。維持公眾人士對司法機構及法官執行司法工作的信心，正有賴於此。《法官行為指引》已於2004年10月發表。訂立這套指引之目的，是向法官提供他們日後處事的實用指引。我有信心這套指引能夠達到這個目的。

民事司法制度改革仍然是我們今年的重點工作項目。民事司法制度改革工作小組已於2004年3月完成商議及發布《最後報告書》。該報告書的大部分提議都得到先前於2002年的諮詢期內曾經提供意見的有關人士或團體（包括香港大律師公會及香港律師會）的大力支持。各項提議旨在提高本地民事司法制度的成本效益、簡化訴訟程序及減少拖延情況，但同時謹守基本的原則，即務求與訟各方都得到公正對待。我已接納《最後報告書》的改革提議，並已委派民事司法制度改革督導委員會，對《最後報告書》內與司法機構有關的改革提議的推行情況進行監督。我期望各項改革提議可於未來兩至三年內落實。

鑑於勞資審裁處所面對的種種挑戰，因此有必要對其工作進行全面的檢討。2004年6月，檢討勞資審裁處工作小組完成商議及發表其報告，對勞資審裁處的運作提出了多項改革建議。我已接納工作小組的建議。

It is of fundamental importance that judges must at all times observe the highest standards of conduct. This is essential for the maintenance of public confidence in the Judiciary and the administration of justice. In October 2004, the Guide to Judicial Conduct was published. The purpose of the Guide is to provide practical assistance to judges in dealing with matters relating to judicial conduct. I am confident that the Guide will serve this purpose.

Civil Justice Reform continues to be an important area of our work this year. The Working Party completed its deliberations and published its Final Report in March 2004. Most of the recommendations in the Final Report have significant support from those who responded in the consultation exercise in 2002, including the Bar Association and the Law Society. The recommendations aim to improve the cost-effectiveness of our civil justice system, to make it less complex and to reduce delays, without compromising the fundamental requirement of doing justice between the parties. I accepted the recommendations in the Final Report and appointed the Steering Committee on Civil Justice Reform to oversee the implementation of the recommendations of the Final Report relating to the Judiciary. I look forward to implementing the recommendations in the coming two to three years.

It is important that a thorough review of the Labour Tribunal be undertaken at this time having regard to the challenges it faces. In June 2004, the Working Party on the Review of the Labour Tribunal completed its deliberations and published a Report, making various recommendations relating to the operation of the Labour Tribunal. I accepted the Working Party's recommendations.

此外，司法機構全體人員必須共同努力，克盡厥職，不斷進取，以滿足社會對我們愈來愈高的要求。小額錢債審裁處及土地審裁處的登記處和法院支援服務分別於 2002 及 2003 年獲國際標準化組織 ISO 頒發 9001:2000 認可證書。這些服務亦已於 2004 年通過國際標準化組織 ISO 的監督審核。

在「一國兩制」下，內地與香港之間保持交流和溝通，藉此促進對兩地制度的相互了解，是非常重要的。2004 年 9 月，我率領一個代表團訪問最高人民法院。我們藉這次機會加深了解內地司法及法律制度的最新發展，同時亦與他們分享了我們在香港特別行政區實踐司法工作的經驗。2004 年 11 月，最高人民法院院長蕭揚首席大法官率領一個八人代表團回訪香港司法機構。蕭院長和我都認為，內地和香港的司法機構和法律界今後應進一步加強交流和溝通。

2004 年，司法機構曾參加多個國際會議。我們亦接待了多個來自其他司法管轄區（包括新加坡、斯里蘭卡、泰國、英國及美國）的代表團。展望將來，我們將繼續通過與其他司法管轄區交流和互聯，進一步提高專業水平，與時並進。

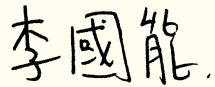
It is important for the Judiciary to continue to strive for improvements in meeting the rising expectations of the community. The Small Claims Tribunal and the Lands Tribunal obtained the ISO 9001:2000 certification for their Registry and Court Support Services in 2002 and 2003 respectively. These services successfully passed the ISO surveillance audit in 2004.

Under "one country, two systems", it is important to maintain exchanges and communication between the Mainland and Hong Kong so that mutual understanding of the respective systems could be enhanced. In September 2004, I led a delegation to visit the Supreme People's Court. We took the opportunity to learn more about the latest developments in the Mainland judicial and legal systems, and share with them our experience in the administration of justice in the Hong Kong Special Administrative Region. In November 2004, the Chief Justice Mr Xiao Yang, President of the Supreme People's Court, led an eight-member delegation and reciprocated the visit to the Hong Kong Judiciary. President Xiao and I share the view that the judiciary and the legal profession in the Mainland and Hong Kong should step up exchanges and communication.

In 2004, the Judiciary participated in a number of international conferences. We also received delegations from other jurisdictions, including Singapore, Sri Lanka, Thailand, the United Kingdom and the United States. Looking ahead, we will continue to enhance professional competence and keep abreast of changing times through exchanges with other jurisdictions.

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。

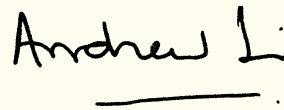
我們將繼續堅定不移地維護法治，並竭盡所能，積極面對未來的各樣挑戰，不負社會人士對我們的期望。



終審法院首席法官
李國能

I hope you will enjoy reading this Report and gain 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
Chief Justice