



# 前言 *Foreword*

這份年報總結了司法機構2005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 2005 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.

民事司法制度改革仍然是我們的重點工作項目。於2005年，民事司法制度改革督導委員會已着手處理在最後報告書內涉及主體及附屬法例修訂的提議。現時，有關法例的修訂工作進展順利。督導委員會亦着手制定提升資訊科技系統的策略，以便為改革後的程序提供支援。同時，督導委員會又已開始就法官及法庭支援人員擬定相關的培訓策略，此外，還開始研究在區域法院推行民事司法制度改革的課題。

為了增加司法程序的透明度，新的實務指示 25.1 及 25.2 已於 2005 年 7 月 18 日實施。根據該兩項實務指示，除因法例規定或案件性質不容許公開進行的聆訊外，高等法院、區域法院、土地審裁處和家事法庭的民事法律程序中的內庭聆訊一般可以公開進行，並且如法庭的程序一樣，可予以報導。

司法機構在 2004 年 6 月完成對勞資審裁處的檢討，及在 2004 年 12 月完成對土地審裁處的檢討後，於 2005 年推行了多項行政措施，以改善這兩個審裁處的運作和程序。另一方面，我們亦已就這兩項檢討報告的建議中涉及修訂法例的部分，展開工作。

Civil Justice Reform continues to be an important area of our work. In 2005, the Steering Committee on Civil Justice Reform worked on those recommendations in the Final Report involving amendments to the relevant primary and subsidiary legislation. The amendment exercise to primary and secondary legislation is well underway. The Steering Committee also worked on formulating an information technology enhancement strategy to support the reformed procedures, and started devising a training strategy for Judges and court support staff. Further, it started to study the application of the Civil Justice Reform to the District Court.

To enhance transparency in the judicial process, new Practice Directions 25.1 and 25.2 came into operation on 18 July 2005. Pursuant to the two Practice Directions, chambers hearings in civil proceedings in the High Court, the District Court, the Lands Tribunal and the Family Court are generally open to the public and can be reported in the same way as proceedings in court, except those which are not to be open as required by statute or by reason of their nature.

Having completed the review of the Labour Tribunal in June 2004, and the review of the Lands Tribunal in December 2004, the Judiciary implemented a number of administrative measures in 2005, with a view to improving the operation and procedures of these two Tribunals. We also worked on the implementation of other recommendations arising from these two reviews which require legislative amendments.

司法機構是一個屬於社會、服務社會的機構，要不斷致力求進以達到社會愈來愈高的期望。司法機構政務處於2005年贏得香港專業管理協會優質管理獎銀獎。繼土地審裁處及小額錢債審裁處的登記處分別於2004年及2005年再度獲國際標準化組織 ISO 頒發 9001:2000 證書後，各裁判法院的登記處及法院支援服務也於2005年獲國際標準化組織 ISO 頒發 9001:2000 證書。

通過與其他司法管轄區的交流和互聯，司法機構得以進一步提高專業水平，與時並進，這一點是非常重要的。在2005年，我出席了在布里斯班舉行的第十一屆亞太區首席法官會議、在倫敦舉行的第十四屆英聯邦法律會議及在紐約舉行的2005年全球立憲研究會議。2005年9月，我率領司法機構的代表團出席了在北京及上海舉行的第二十二屆世界法律大會。此外，我們還出席了在大會召開前舉行的法律研討會，出席該會的還有內地、香港、澳門及台灣的代表。年內，我們亦接待了多位來自其他司法管轄區（包括澳大利亞、越南、英國、以色列、芬蘭、泰國及美國）的代表。透過這些交流和溝通，我們可加深認識其他司法管轄區的最新發展，同時亦可與他們分享我們在香港實踐司法工作的經驗。

The Judiciary is an institution which belongs to and serves the community. It is important to continue to strive for improvements to meet the rising expectations of the community. In 2005, the Judiciary Administration won the Silver Award in the 2005 Hong Kong Management Association Quality Award. Moreover, following the ISO 9001:2000 re-certification for the Registries in the Lands Tribunal and the Small Claims Tribunal in 2004 and 2005 respectively, the Registries and Court Support Services of the Magistrates' Courts also obtained the ISO 9001:2000 certification in 2005.

It is important for the Judiciary to enhance professional competence and keep abreast of changing times through exchanges with other jurisdictions. In 2005, I attended the 11th Conference of Chief Justices of Asia and the Pacific held in Brisbane, the 14th Commonwealth Law Conference held in London and the Global Constitutionalism Seminar 2005 held in New York. In September 2005, I led a Judiciary delegation to attend the 22nd Congress on the Law of the World held in Beijing and Shanghai. We also attended a Seminar on various legal issues held before the Congress attended by delegates from the Mainland, Hong Kong, Macau and Taiwan. During the year, we received delegates from the Mainland and other jurisdictions, including Australia, Vietnam, the United Kingdom, Israel, Finland, Thailand and the United States. Through these exchanges and communications, we learnt more about the latest developments in other jurisdictions, and shared with them our experience in the administration of justice in Hong Kong.

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

我們會一如以往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