



第一章

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香港民事司法 制度改革

*Reform of the Civil
Justice System in
Hong Kong*



為了完善我們的民事司法制度，確保民事訴訟可在合理的時間內，以恰當的訴訟費用，通過簡便的程序獲得公正審理，終審法院首席法官於2000年2月成立民事司法制度改革工作小組，對高等法院民事訴訟的規則和程序進行檢討，並提出修改建議。工作小組詳細探討過有關問題後，於2001年11月發表民事司法制度改革中期報告及諮詢文件，以進行廣泛諮詢，邀請法律界、法庭使用者、關注人士和團體，以及社會大眾，就諮詢文件所列述的80項改革建議提出意見。

諮詢工作

諮詢工作於2001年11月正式展開，隨後為期七個月的諮詢期於2002年6月30日結束。工作小組一共收到96份回應，這些回應分別來自社會各界人士，包括香港大律師公會、香港律師會、法律界人士、關注團體和組織如消費者委員會、醫院管理局、香港和解中心、香港仲裁司學會及公眾人士等。

擬備最後報告

於諮詢期間所收到的意見清楚顯示我們的民事司法制度確需進行改革。工作小組在詳細研究於諮詢期間所收到的意見後，在2003年舉行了一連串會議，就向終審法院首席法官提出的具體建議進行詳細探討。工作小組現正就其最後報告進行定稿。該報告將會詳細列述工作小組所探討的事項及具體改革建議，並將呈交予終審法院首席法官。我們預計工作小組的最後報告將於2004年初發表。

The Honourable Chief Justice appointed a Working Party in February 2000 to review the rules and procedures of the High Court in civil proceedings and to recommend changes with a view to ensuring and improving access to justice at reasonable cost and speed. Having deliberated on the matter, the Working Party published an Interim Report and Consultative Paper on Civil Justice Reform in November 2001 for extensive consultation. Members of the legal profession, court users, interested parties and organisations, and the general public were invited to give views on the 80 reform proposals contained in the Consultative Paper.

THE CONSULTATION EXERCISE

Following the official launch of the consultation exercise in November 2001, a seven-month consultation period ensued ending on 30 June 2002. The Working Party received a total of 96 responses from various sectors of the community, including the Hong Kong Bar Association, the Law Society of Hong Kong, legal professionals, interested organisations like the Consumer Council, the Hospital Authority, the Hong Kong Mediation Centre, the Hong Kong Institute of Arbitrators, and members of the public.

PREPARATION OF THE FINAL REPORT

It is clear from the responses received during the consultation exercise that reforms need to be introduced to our civil justice system. Having studied the feedback and comments gathered during the consultation in detail, the Working Party held a series of meetings in 2003 to deliberate on the specific recommendations to be made to the Chief Justice. The Working Party is now finalizing a comprehensive Final Report, setting out its deliberations and specific recommendations for reform, for submission to the Chief Justice. It is expected that the Working Party's Final Report will be published in early 2004.

民事司法制度改革工作小組

工作小組的成員包括：—

主席： 終審法院常任法官陳兆愷

副主席： 終審法院常任法官李義

委員： 高等法院首席法官馬道立
(自2003年8月18日起)

高等法院上訴法庭副庭長羅傑志

高等法院原訟法庭法官孫國治
(是項任命於其在2003年8月17日退休後終止)

高等法院原訟法庭法官夏正民

高等法院原訟法庭法官朱芬齡

律政司法律專員溫法德先生
(經諮詢律政司司長後獲委任為小組成員)

法律援助署署長陳樹鏘先生

資深大律師何沛謙先生
(自2001年12月3日起，經諮詢大律師公會主席後獲委任為小組成員)

律師史沛加先生
(經諮詢律師會會長後獲委任為小組成員)

香港大學韋健信教授

消費者委員會總幹事陳黃穗女士

秘書： 高等法院原訟法庭暫委法官
潘兆初

研究員： 許家灝裁判官

WORKING PARTY ON CIVIL JUSTICE REFORM

The Working Party has the following members -

The Hon Mr Justice Chan, Permanent Judge of the Court of Final Appeal (Chairman)

The Hon Mr Justice Ribeiro, Permanent Judge of the Court of Final Appeal (Deputy Chairman)

The Hon Mr Justice Ma, Chief Judge of the High Court (as from 18 August 2003)

The Hon Mr Justice Rogers, Vice-President of the Court of Appeal

The Hon Mr Justice Seagroatt, Judge of the Court of First Instance (until 17 August 2003, appointment terminating upon retirement from the Bench)

The Hon Mr Justice Hartmann, Judge of the Court of First Instance

The Hon Madam Justice Chu, Judge of the Court of First Instance

Mr Ian Wingfield, Law Officer (Member of the Department of Justice appointed in consultation with the Secretary for Justice)

Mr Chan Shu-ying, Director of Legal Aid

Mr Ambrose Ho, S.C. (since 3 December 2001, Barrister appointed in consultation with the Chairman of the Bar Association)

Mr Patrick Swain (Solicitor appointed in consultation with the President of the Law Society)

Professor Michael Wilkinson, University of Hong Kong

Mrs Pamela Chan, Chief Executive of the Consumer Council

Deputy Judge Poon, Deputy Judge of the Court of First Instance (Secretary)

Mr K H Hui, Magistrate (Research Officer)