

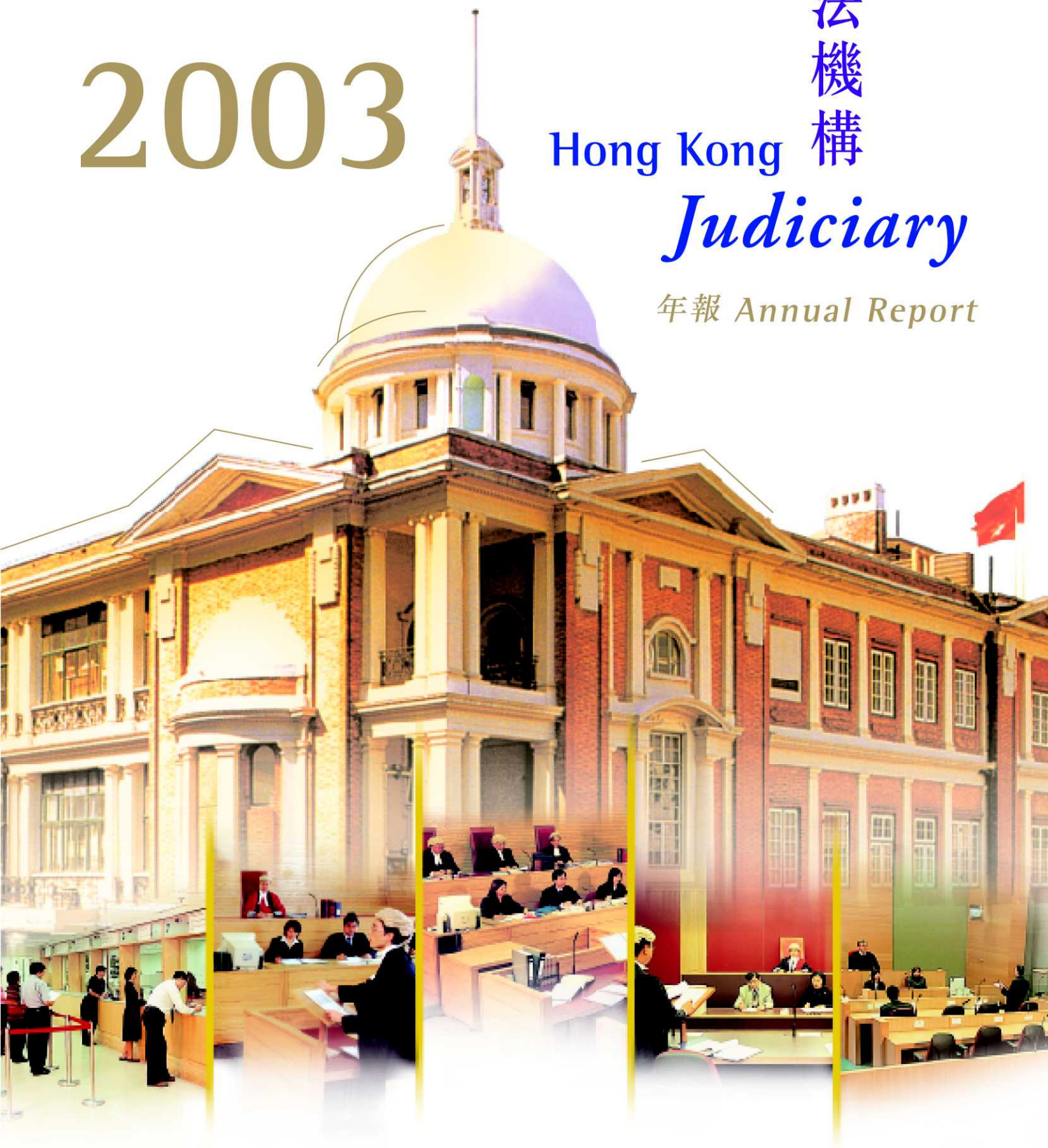
香港司法機構

2003

Hong Kong

*Judiciary*

年報 *Annual Report*



香港司法機構

Hong Kong

2003 | *Judiciary*  
年報 *Annual Report*

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。

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.



## 法律年度開啟典禮

*「不單應秉行公正，還應使其有目共睹，讓人清楚看見秉行公正。」*

我們舉行法律年度開啟典禮，目的是強化司法機構的形象，使社會各界明白司法機構獨立自主的重要，讓市民大眾更加瞭解我們的使命是維護法治、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。

法律年度開啟典禮的歷史源遠流長，可追溯至二十世紀初期。開啟典禮通常會在每年一月份的一個星期一舉行，所以法官及司法人員、律政人員及法律執業者均會參與其中。此外，更有不少知名人士蒞臨觀禮。

開啟典禮當日，終審法院首席法官首先檢閱儀仗隊，為開啟典禮的儀式揭開序幕。在典禮進行時，終審法院首席法官、律政司司長、香港大律師公會主席及香港律師會會長都會相繼發表演說。

## Ceremonial Opening of the Legal Year

*“Justice should not only be done but should be manifestly seen to be done.”*

The Ceremonial Opening of the Legal Year serves to strengthen among the community the importance of an independent Judiciary with its mission in upholding the rule of law, safeguarding the rights and freedoms of individuals, and commanding domestic and international confidence.

The ceremonial opening has a long history dated back to the early years of the 20th century. It is usually held on a Monday in January each year and is attended by all Judges and Judicial Officers, Law Officers, legal practitioners and distinguished guests.

The ceremony is preceded by an inspection by the Chief Justice of a Guard of Honour. At the ceremony, the Chief Justice, the Secretary for Justice, the Chairman of the Hong Kong Bar Association and the President of the Law Society of Hong Kong deliver addresses.



每年法律年度開啟典禮的儀式中，權杖員拿著權杖走在終審法院首席法官前頭。

主權移交之前，權杖的頂端是皇冠，象徵英國皇室的權力。1997年7月1日之後，中華人民共和國香港特別行政區的區徽取代了這個皇冠標誌。

權杖象徵終審法院首席法官的職權，也象徵著司法機構獨立的、維護法治的制度。

At the opening ceremony of each Legal Year, the Mace is carried by the mace-bearer preceding the Honourable Chief Justice.

Before the change of sovereignty, the Mace was a symbol of the Royal authority with the butt end bearing the crown. Since 1 July 1997, the crown has been replaced by the emblem of the Hong Kong Special Administrative Region of the People's Republic of China.

The Mace symbolises the office of the Honourable Chief Justice and of the institution of the independent Judiciary upholding the rule of law.







# 目錄 Contents

前言 Foreword	6
<b>第一部分 民事司法制度改革</b> <b>Part 1 Civil Justice Reform</b>	
第一章 香港民事司法制度改革 Chapter 1 Reform of the Civil Justice System in Hong Kong	8
<b>第二部分 法庭運作和行政工作</b> <b>Part 2 The Court System and its Administration</b>	
第二章 終審法院 Chapter 2 Court of Final Appeal	12
第三章 高等法院 Chapter 3 High Court	24
第四章 區域法院 Chapter 4 District Court	42
第五章 裁判法院 Chapter 5 Magistrates' Courts	58
第六章 審裁處和專責法庭 Chapter 6 Tribunals and Specialised Court	68
第七章 司法機構的行政 Chapter 7 Judiciary Administration	86
<b>第三部分 我們的法官、工作人員和我們與社會大眾的互聯</b> <b>Part 3 Our Judges, Our Staff and Our Interface with the Community</b>	
第八章 我們的法官 Chapter 8 Our Judges	94
第九章 司法培訓 Chapter 9 Judicial Development and Training	114
第十章 司法機構政務處的工作人員 Chapter 10 Our Staff in the Judiciary Administration	124
第十一章 與法庭使用者以及社會大眾的互聯 Chapter 11 Interface with the Court Users and the Community	134
附錄列表 List of Appendices	147





## 前言 Foreword

這份年報總結了司法機構 2003 年的重點工作和我們將要面對的主要挑戰。

正如過去兩年的年報一樣，今年的年報內容分為三大部份：第一部份匯報民事司法制度改革工作小組的工作；第二部份綜合報導法庭運作和行政工作；第三部份專題介紹我們的法官、工作人員和我們與社會大眾的互聯。

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。

進入二十一世紀，法院在司法工作上需面對許多高難度的挑戰。我們的法官將會一如以往，無懼無私地履行司法任務，而司法機構政務處的工作人員亦將繼續為他們提供優質的支援。司法機構是一個屬於社會、服務社會的機構，我們認為與法庭使用者和社會大眾保持緊密聯繫至為重要。

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詳細考慮於 2002 年的諮詢期間所收到的意見，而且正擬備最後報告。我期望在明年初接到工作小組的建議。

This Report highlights the work of the Judiciary in 2003 and the key challenges ahead.

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

The courts in the 21st century face exciting challenges in the administration of justice. Our Judges will continue to administer the law without fear or favour. They are competently supported by the staff in the Judiciary Administration. The Judiciary is an institution which belongs to and serves the community. We consider it of the utmost importance that we maintain close links with court users and the community.

Civil Justice Reform continues to be an important area of our work this year. The Working Party has considered in detail the responses received during the consultation exercise in 2002, and is now preparing its Final Report. I look forward to receiving its recommendations early next year.

司法機構致力維持公平及高效率的法庭制度以執行司法工作。2003 年 6 月，土地審裁處登記處獲國際標準化組織 ISO 頒發 9001:2000 認可證書。各級法院和司法機構政務處將共同努力，克盡厥職，不斷進取，以滿足社會對我們愈來愈高的要求。

另一方面，區域法院的民事司法管轄權限已於 2003 年 12 月 1 日進一步由 60 萬元提高至 100 萬元。自此以後，有更多的民事案件可以在區域法院處理。我們希望藉此有助公眾能以合理的訴訟費用尋求公義。

為期兩年的婚姻訴訟附屬濟助程序改革試驗計劃於 2003 年 12 月 29 日開始推行。我們希望經改革的程序有助提高現行附屬濟助法律程序的效率，以及減少這些訴訟的對抗性。

此外，無律師代表訴訟人資源中心亦已於 2003 年 12 月 22 日啟用。這是無律師代表訴訟人資源中心督導委員會全體成員努力的成果，我謹此衷心致謝。

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。

李國能

終審法院首席法官  
李國能

The Judiciary is committed to maintaining a fair and efficient court system for the administration of justice. In June 2003, the operation of the Registry of the Lands Tribunal was accredited with the award of an ISO 9001:2000 Certificate. Our Courts and the Judiciary Administration will continue to strive to make improvements in meeting the rising expectations of the community.

On 1 December 2003, the civil jurisdictional limit of the District Court was further increased from \$600,000 to \$1 million, with a view to enhancing access to justice at reasonable cost.

On 29 December 2003, the two-year Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings commenced operation. We hope that the reformed procedures will improve the efficiency and reduce the adversarial nature of the existing ancillary relief proceedings.

I am pleased to see that the Resource Centre for Unrepresented Litigants commenced operation on 22 December 2003. I am grateful for the hard work of the Steering Committee on the Resource Centre for Unrepresented Litigants in bringing the project to fruition.

I hope you will enjoy reading this Report and that you will have 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

Andrew Li  
Chief Justice