

## 高等法院

高等法院由上訴法庭和原訟法庭組成。香港法例第4章《高等法院條例》第12條和第13條規定了高等法院的管轄權，第4A章《高等法院規則》規定了在高等法院展開訴訟和進行訴訟的程序。高等法院首席法官是高等法院的領導，也是上訴法庭的庭長。

## 上訴法庭

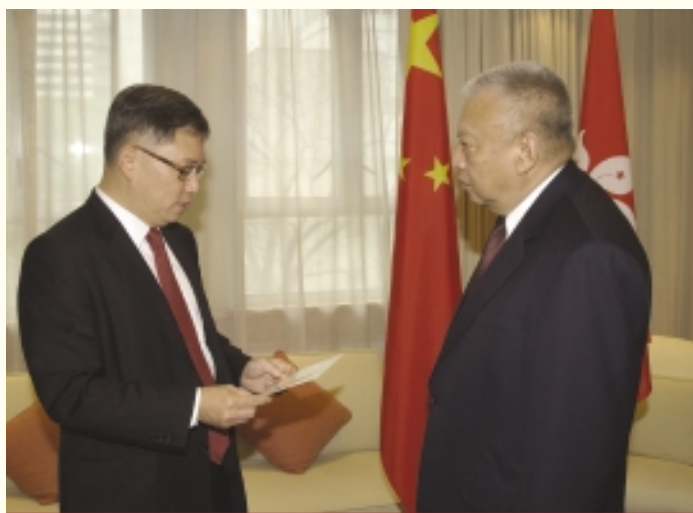
高等法院上訴法庭審理的案件，有不服原訟法庭或區域法院所作出的民事或刑事判決而提出的上訴，亦有不服土地審裁處及其他法定審裁處的判決而提出的上訴。上訴法庭亦就各下級法院提交的法律問題作出裁決。不服上訴法庭的判決而提出的上訴，由終審法院審理。上訴法庭除了高等法院首席法官以外，還有九位上訴法庭法官。

## HIGH COURT

The High Court comprises the Court of Appeal and the Court of First Instance. Their jurisdictions are prescribed in sections 13 and 12 of the High Court Ordinance (Cap. 4) respectively. The procedures are set out in the Rules of the High Court (Cap. 4A). The Chief Judge of the High Court is the Court Leader and the President of the Court of Appeal.

## COURT OF APPEAL

The Court of Appeal hears appeals in civil and criminal matters from the Court of First Instance and the District Court, as well as appeals from the Lands Tribunal and other statutory tribunals. It also gives rulings on questions of law referred to it by lower levels of courts. Appeals from the Court of Appeal lie to the Court of Final Appeal. In addition to the Chief Judge of the High Court, the Court of Appeal has an establishment of nine Justices of Appeal.



資深大律師鄧國楨宣誓出任高等法院原訟法庭法官  
Mr Robert Tang Ching, S.C., swears in as Judge of the Court of  
First Instance of the High Court

## 原訟法庭

原訟法庭的所有民事、海事和刑事管轄權均沒有限制。較為嚴重的刑事案件，如謀殺、誤殺、強姦、持械行劫、販運大量危險藥物和複雜的商業欺詐等，均由一位原訟法庭法官連同由七人組成的陪審團共同審理，法官亦可頒令連同九人組成的陪審團共同審理。

原訟法庭亦有上訴管轄權，審理不服聆案官、裁判法院、勞資審裁處、小額錢債審裁處、淫褻物品審裁處、勞工處轄下的小額薪酬索償仲裁處的裁定而提出的上訴。

此外，在某些國家取得的判決，或由認可仲裁機構在內地作出的裁決，亦可由原訟法庭登記和執行。

根據編制，原訟法庭法官有 25 名。



高等法院首席法官馬道立（左）與最高人民法院院長蕭揚首席大法官會面（右）  
The Hon Mr Justice Ma, the Chief Judge of the High Court (left) and the Chief Justice Mr Xiao Yang, President of the Supreme People's Court (right)

## COURT OF FIRST INSTANCE

The Court of First Instance has unlimited jurisdiction in all civil, admiralty and criminal matters. The more serious criminal offences such as murder, manslaughter, rape, armed robbery, trafficking in large quantities of dangerous drugs, and complex commercial fraud, are tried by a Judge of the Court of First Instance, with a jury of seven, or, when a Judge so orders, a jury of nine.

The Court of First Instance also has an appellate jurisdiction. It hears appeals from decisions made by the Masters and from the Magistrates' Courts, the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Minor Employment Claims Adjudication Board of the Labour Department.

The Court of First Instance also registers and enforces judgments obtained in specified countries as well as awards made in Mainland China by a recognised arbitral authority.

The Court of First Instance has an establishment of 25 Judges.



終審法院首席法官和高等法院首席法官陪同蕭院長參觀科技法庭  
The Chief Justice and the Chief Judge of the High Court accompany President Xiao on his visit to the Technology Court

## 高等法院的司法常務官、高級副司法常務官和副司法常務官

高等法院原訟法庭獨任法官的部分民事管轄權，亦可由高等法院的司法常務官、高級副司法常務官和副司法常務官（後兩者統稱為聆案官）行使。根據現時編制，高等法院設有一位司法常務官、三位高級副司法常務官和五位副司法常務官。很多案件經他們處理後無需經由法官開庭審訊便已得到解決。



高等法院首席法官與英國聯合王國北愛爾蘭刑事檢控專員 Alasdair Fraser 爵士會面  
The Chief Judge of the High Court meets with Sir Alasdair Fraser, CB, QC, Director of Public Prosecutions, Northern Ireland, the United Kingdom

聆案官執行的司法職務多種多樣，例如在內庭聆訊非正審或簡易程序的申請、在法庭公開進行損害賠償評估或審理互爭權利的訴訟。他們亦以訟費評定聆案官、海事訴訟司法常務官、民事上訴案司法常務官和刑事上訴案司法常務官等身分，分別行使有關的審理權。此外，他們還承擔一些準司法職務，包括受委任錄取證據、處理不服法律援助署署長拒絕給予法律援助而提出的上訴，或監督在香港送達域外司法文書的程序等。聆案官亦負責管理遺產承辦的事宜和陪審員名單。

## REGISTRAR, SENIOR DEPUTY REGISTRARS AND DEPUTY REGISTRARS OF THE HIGH COURT

The Registrar, Senior Deputy Registrars and Deputy Registrars of the High Court (the latter two are collectively referred to as Masters) carry out part of the civil jurisdiction exercised by a single Judge of the Court of First Instance. With an establishment of one Registrar, three Senior Deputy Registrars and five Deputy Registrars, they dispose of many cases without the need to go to trial before a Judge.

The Masters carry out judicial duties such as hearing interlocutory and summary applications in chambers, and conducting assessment of damages and interpleader trials in court. They also exercise the jurisdiction of Taxing Masters, Admiralty Registrar, Registrar of Civil Appeals and Registrar of Criminal Appeals. Further, they carry out quasi-judicial duties including taking evidence on commission, determining appeals against the decisions of the Director of Legal Aid on applications for legal aid, and supervising the service of foreign process in Hong Kong. They are also responsible for probate administration and the jury list.



高等法院首席法官與荷蘭國際刑事法庭副檢控專員 Dr Serge Brammertz 會面  
The Chief Judge of the High Court meets with Dr Serge Brammertz, Deputy Prosecutor of International Criminal Court, the Netherlands

除此之外，高等法院司法常務官還負責管理高等法院訴訟人儲存金和勞資審裁處訴訟人儲存金，又以當然遺產管理官和精神病患者財產賬目聆案官的身分，管理遺產管理官賬目和精神病患者財產賬目。高等法院司法常務官亦負責備存大律師、律師和公證人的專業名冊。



高等法院首席法官與福建省高級人民法院代表團會面  
The Chief Judge of the High Court meets with a delegation from the People's High Court of Fujian Province

## 陪審團

陪審員參與原訟法庭案件的審理是香港法制的特色。

最嚴重的刑事案件，是由一位原訟法庭法官與由七人組成的陪審團，或經法官指示，由九人組成的陪審團共同審理的。陪審團只會就罪名是否成立作出裁定，而不會處理有關判刑的事項，量刑判罰概由法官決定。在特殊的情況下，有些民事案件的審訊，例如誹謗案件，訴訟當事人也可選擇由陪審團參與審理事實爭議的部分。死因裁判法庭進行某些死因聆訊時，亦會抽選由五人組成的陪審團參與。

The Registrar of the High Court administers the High Court Suitors' Funds, the Labour Tribunal Suitors' Funds as well as the Master-in-Lunacy Account and the Official Administrator's Account in his ex-officio capacity as the Official Administrator and the Master-in-Lunacy. Furthermore, he keeps the professional Rolls of Barristers, Solicitors and Notaries Public.



高等法院首席法官、高等法院上訴法庭副庭長胡國興(右一)、高等法院上訴法庭法官楊振權(右二)及高等法院原訟法庭法官任懿君(左一)與澳門特別行政區中級法院院長賴健雄(中)會面  
The Chief Judge of the High Court, the Hon Mr Justice Woo, Vice-President of the Court of Appeal of the High Court (first right), the Hon Mr Justice Yeung, Justice of Appeal of the Court of Appeal of the High Court (second right) and the Hon Mr Justice Yam, Judge of the Court of First Instance of the High Court (first left) meet with Mr Lai Kin-hong, President of the Court of Appeal of Macao Special Administrative Region (centre)

## JURY

Trial by jury in the Court of First Instance is one of the key features of the Hong Kong legal system.

The most serious criminal offences are tried by a Judge of the Court of First Instance, sitting with a jury consisting of seven or, where a judge so orders, nine. Juries decide on the verdict but not matters of sentence. Exceptionally, in some civil cases, for example defamation cases, a party may elect to have issues of fact tried by a jury. A jury of five is also empanelled in some death inquests conducted by the Coroner's Court.



高等法院首席法官與美國路易斯安那州新奧爾良市東區  
區域法院首席法官 Helen Ginger Berrigan 法官會面  
*The Chief Judge of the High Court and Judge Helen  
Ginger Berrigan, Chief Judge of the US District Court,  
Eastern District of Louisiana, New Orleans, the United  
States*

陪審員制度是香港司法體系的一個重要部分。《陪審員條例》(第3章)詳列了擔任陪審員須具備的資格，對於有資格成為陪審員的香港市民而言，擔當這個角色既是權利，亦是義務。一般來說，任何香港居民，年齡介乎21至65歲，能夠充分掌握審訊程序所使用的法定語文的(不論中文或英文)，都會被列入陪審員候選名單內。名單內的人士有可能被傳召出席陪審員的選任程序及可能獲選中。如未被選中，有關人士可獲豁免擔任陪審員兩年。被傳召的公眾人士可在出席陪審員選任的前一天致電司法機構的查詢熱線或從司法機構的網頁上查詢被傳召當天會否進行陪審員選任，以便確定該日是否需要出席。根據現行的做法，被傳召的公眾人士只須到庭出席選任一次，如未被選中，則往後兩年便可獲豁免擔任陪審員。2004年1月1日至2004年9月30日期間，共有4 281名市民到庭出席選任程序，而有陪審員參與的審訊則有62宗。

Jury service is one of the cornerstones of our justice system. Eligibility to serve as jurors is set out in the Jury Ordinance (Cap. 3). It is an obligation as well as a right of every citizen in Hong Kong who is qualified to serve. In general, Hong Kong residents aged between 21 and 65 who have sufficient knowledge of the official language in which the proceedings are to be conducted (Chinese or English) are placed on the jurors' list. They may be summoned to attend the court and selected on a random basis. If they are not selected, they will be exempted from serving as a juror for a period of two years. In case where no jury empanelling is required on a particular day, such information will be made available at the Judiciary Hotline and the Judiciary Website on the day before, so that prospective jurors summoned to attend the court can check whether their attendance on the following day is required. Under the current practice, prospective jurors are required to attend court only once for selection before they are exempted for two years. From 1 January 2004 to 30 September 2004, a total of 4 281 persons attended court for empanelling and there were 62 jury trials during the same period.



高等法院首席法官與美國曼斯菲太平洋事務中心執行總裁  
Gordon Flake 會面  
*The Chief Judge of the High Court meets with Mr Gordon  
Flake, Executive Director of Mansfield Center for Pacific  
Affairs, USA*

## 《不公開審理的民事訴訟程序》 工作小組報告之實施

1997年5月，由當時的首席按察司委派的《不公開審理的民事訴訟程序》工作小組根據普通法的公開司法原則，以及為了確保法庭的訴訟程序符合香港人權法案第十條的規定，發表了一份報告。該報告作出若干建議，其中包括提出內庭訴訟程序應盡可能公開進行。報告同時認為必須是基於第十條所列的理由，才可禁止公眾及新聞界旁聽。

有關方面最初擬透過立法途徑來實施工作小組的建議，但是司法機構其後指出應考慮通過實務指示以更有效實施有關建議。司法機構將會就此諮詢兩個法律專業團體，並會考慮他們的意見以擬定未來路向。



高等法院首席法官與龍滙100華人青年領袖論壇2004的代表會面  
The Chief Judge of the High Court meets with delegates of the Dragon 100 Young Chinese Leaders Forum 2004

## IMPLEMENTATION OF THE REPORT OF THE WORKING PARTY ON CIVIL PROCEEDINGS CONDUCTED IN PRIVATE

In May 1997, in accordance with the common law principle of open justice and with a view to ensuring that court proceedings complied with Article 10 of the Hong Kong Bill of Rights, the Working Party on Civil Proceedings Conducted in Private ("the Working Party") appointed by the then Chief Justice published a Report, recommending, among other things, that chambers hearings should be conducted in public as much as possible and that the public and the press should only be excluded on those reasons contained in Article 10.

It was originally envisaged that legislation would be enacted to implement the Working Party's recommendations. However, the Judiciary has raised for consideration whether implementation of the recommendations could be better achieved by way of practice directions. The Judiciary will consult the two legal professional bodies on this approach and will take into account their views in considering the way forward.



高等法院上訴法庭副庭長胡國興（中）與司法部副部長段正坤先生（左三）率領的代表團會面  
The Hon Mr Justice Woo, Vice-President of the Court of Appeal of the High Court (centre), and a delegation led by Mr Duan Zhengkun, Vice Minister of Justice (third left)



高等法院上訴法庭副庭長胡國興(左一)與國家法官學院教師代表團會面

*The Hon Mr Justice Woo, Vice-President of the Court of Appeal of the High Court (first left) and a delegation from National Judges College*

## 高等法院登記處

高等法院登記處受理所有民事訴訟申索而申索金額不設限制，但某些因法例條文的規定而必須在其他法院或審裁處展開的申索則除外。登記處協助需要入稟原訴文件和其他法庭文件的人士辦理手續，並負責備存民事案件的檔案。該處又為在聆案官席前進行的聆訊排期（法庭另有指示者除外），並處理有關申請令狀以執行法庭判決和命令的事項。自2004年4月19日起，高等法院登記處接手負責宣誓處的工作，亦即與法庭程序有關的文件的宣誓工作，以及處理政府各政策局和部門委任監誓員的申請。

## HIGH COURT REGISTRY

The High Court Registry accepts the lodging of all civil claims without limits to the amount claimed except where certain types of claims are required by statute to be initiated in other courts or tribunals. It provides registry services for filing originating and other court documents. It maintains records of civil cases, fixes hearing dates for all proceedings before Masters unless otherwise directed, and processes applications for issuance of writs for enforcement of judgments and orders. As from 19 April 2004, the High Court Registry took over the functions of the Oaths and Declarations Office, which administers oaths and declarations for documents relating to court proceedings, and is also responsible for the appointment of Commissioners for Oaths from government bureaux and departments.



高等法院上訴法庭法官楊振權(前排右二)與重慶市高級人民法院考察團會面

*The Hon Mr Justice Yeung, Justice of Appeal of the Court of Appeal of the High Court (second right, first row) meets with a delegation of Chongqing Higher People's Court*

## 高等法院書記主任辦事處

高等法院書記主任辦事處由刑事登記處、上訴登記處和排期登記處組成，負責為高等法院上訴法庭和原訟法庭所有民事和刑事案件安排聆訊日期，並有效地管理刑事程序的流程，保存及更新陪審員名單和向公眾發出陪審員傳票。



高等法院上訴法庭副庭長胡國興（前排左八）和高等法院原訟法庭法官彭鍵基（前排右八）與廣東省的法官代表團會面  
The Hon Mr Justice Woo, Vice-President of the Court of Appeal of the High Court (eighth left, front row) and the Hon Mr Justice Pang, Judge of the Court of First Instance of the High Court, (eighth right, front row) meet with a delegation of Guangdong Judges

## 遺產承辦處

遺產承辦處接受和處理遺產承辦的申請。遺產總值超過港幣15萬元或可能涉及複雜法律問題的申請，一般由申請人的法律代表代辦。至於遺產總值不超過港幣15萬元而又比較簡易的申請，該處會協助申請人整理所需的文件（或誓章），以便申請遺產承辦授予書或要求遺產管理官按簡易程序處理。2004年首九個月，高等法院司法常務官以遺產管理官身分處理了1 605宗有關遺產的申請個案。期間，遺產承辦處發出了合共7 273份遺產認證的授予書及遺產管理證明書。

## CLERK OF COURT'S OFFICE

The Clerk of Court's Office consists of the Criminal Registry, the Appeals Registry and various Listing Offices. It is responsible for fixing dates for the hearing of all civil and criminal cases in the Court of Appeal and the Court of First Instance. It is also responsible for the efficient management of case flow in criminal proceedings. Maintenance of the jurors' list and issuance of summonses for members of the public to serve as jurors are also the responsibility of the Clerk of Court's Office.

## PROBATE REGISTRY

The Probate Registry receives and processes applications for grants of representation to estates of deceased persons. Where the value of the estate exceeds \$150,000 or the application may involve complicated legal issues, the application is usually filed by the legal representatives of the applicant. Where the value does not exceed \$150,000 and is simple and straightforward, the Registry will assist the applicant in filing the necessary documents (or affidavits) for a grant of representation or for summary administration by the Official Administrator. The Registrar acted as the Official Administrator for 1 605 cases for the first nine months of 2004. The Probate Registry issued 7 273 grants of probate and letters of Administration during the period.



高等法院原訟法庭法官任懿君向清華大學學生介紹香港的司法制度  
The Hon Mr Justice Yam, Judge of the Court of First Instance of the High Court, briefs a group of students from Qinghua University on Hong Kong's judicial system.





高等法院原訟法庭法官朱芬齡（左）與南京市司法局訪港團會面  
The Hon Madam Justice Chu, Judge of the Court of First Instance of the High Court (left) and a delegation of Nanjing Justice Bureau

## 案件量和輪候時間

### 上訴法庭

2004 年入稟上訴法庭的刑事及民事案件的數目保持穩定，變化不大。

就刑事上訴案件而言，輪候時間均能達到目標，而在民事上訴案件方面，由於排期聆訊的案件較為冗長及複雜，所以其輪候時間未能達到訂下的目標。

## CASELOAD AND WAITING TIME

### Court of Appeal

The number of cases lodged for criminal and civil appeals in 2004 remains steady with little changes.

For criminal appeals, the target waiting time can be met. For civil appeals, the target waiting time cannot be met as more complex and lengthy cases were set down for hearing.



高等法院原訟法庭法官湯寶臣（左三）、高等法院司法常務官陳爵（左二）及終審法院司法常務官歐陽桂如女士（右三）與司法部的官員會面

The Hon Mr Justice Tong, Judge of the Court of First Instance of the High Court (third left), Mr Christopher Chan, Registrar of the High Court (second left), Ms Queeny Au Yueng, Registrar of the Court of Final Appeal (third right), meet with officials from Ministry of Justice



高等法院原訟法庭法官林文瀚（右一）與商務部代表團會面  
The Hon Mr Justice Lam, Judge of the Court of First Instance of the High Court (first right) meets with a delegation of Ministry of Commerce



高等法院司法常務官陳爵與浙江律師團會面  
Mr Christopher Chan, Registrar of the High Court,  
meets with a group of Zhejiang lawyers

## 原訟法庭

2004年入稟的原訟法庭上訴案件的案件量保持穩定。輪候時間可以達到訂下的目標。

我們估計入稟原訟法庭的民事案件量（包括按揭申索及人身傷害的訴訟）會下降約38%，這是因為自2003年12月1日起區域法院的司法管轄權限由港幣60萬元提高至100萬元，以及無力償債案件，尤其是與破產有關的案件數目減少的緣故。至於刑事案件方面，與2003年比較，則估計2004年的案件量會上升15%。

由於民事及刑事審訊表內排有多宗審理需時的案件，以及在刑事案件方面送交存檔的公訴書的數量有所增加，因此案件的輪候時間未能達到訂下的目標。司法機構會繼續監察上述情況，並會致力改善案件的輪候時間。

## Court of First Instance

For appellate cases to the Court of First Instance, the caseload remains steady in 2004. The target waiting time can be met.

It is expected that there will be a decrease of about 38% in the filing of civil cases including mortgage claims and personal injuries due to the increase in the civil jurisdictional limit of the District Court from \$600,000 to \$1,000,000 with effect from 1 December 2003 and the decrease in insolvency cases, in particular those relating to bankruptcy. As to criminal cases, it is projected that there will be an increase of 15% in 2004 as compared to that in 2003.

As a result of a number of long trials in both the civil and criminal lists, and the increase in the number of indictments filed for criminal cases, the target court waiting times could not be met. The Judiciary will continue to monitor the situation and will make every effort to improve court waiting times.



高等法院副司法常務官何志賢(前排左三)與北京律師團會面  
Mr Andy Ho, Deputy Registrar of the High Court (third left, front row), meets with a group of Beijing lawyers

表 3

Table 3

## 高等法院上訴法庭的案件量

## CASELOAD OF THE COURT OF APPEAL OF THE HIGH 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
上訴 Appellate	刑事 Criminal	1. 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	302	173	225	0	250
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	558	382	436	0	504
		小計 Sub-total	860	555	661	0	754
	民事 Civil	1. 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	938	299	242	804	191
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	124	48	33	59	80
		3. 雜項上訴 Miscellaneous Appeals	102	57	41	109	9
小計 Sub-total	1 164	404	316	972	280		
判刑覆核 Review of Sentences	刑事 Criminal	1. 不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	2	0	1	0	1
		2. 不服區域法院判刑而提起的覆核 Reviews from the District Court	1	2	1	0	2
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	0	2	0	0	2
		小計 Sub-total	3	4	2	0	5
<b>合計 TOTAL</b>			<b>2 027</b>	<b>963</b>	<b>979</b>	<b>972</b>	<b>1 039</b>

表 3

Table 3

## 高等法院上訴法庭的案量

## CASELOAD OF THE COURT OF APPEAL OF THE HIGH 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
上訴 Appellate	刑事 Criminal	1. 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	250	97	265	0	82
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	504	328	668	0	164
		<b>小計 Sub-total</b>	<b>754</b>	<b>425</b>	<b>933</b>	<b>0</b>	<b>246</b>
	民事 Civil	1. 不服原訟法庭判決而提起的上訴 Appeals from the Court of First Instance	995	219	156	842	216
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	139	25	21	61	82
		3. 雜項上訴 Miscellaneous Appeals	118	47	31	122	12
<b>小計 Sub-total</b>		<b>1 252</b>	<b>291</b>	<b>208</b>	<b>1 025</b>	<b>310</b>	
判刑覆核 Review of Sentences	刑事 Criminal	1. 不服原訟法庭判刑而提起的覆核 Reviews from the Court of First Instance	1	1	2	0	0
		2. 不服區域法院判刑而提起的覆核 Reviews from the District Court	2	3	1	0	4
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	2	1	3	0	0
	<b>小計 Sub-total</b>	<b>5</b>	<b>5</b>	<b>6</b>	<b>0</b>	<b>4</b>	
<b>合計 TOTAL</b>			<b>2 011</b>	<b>721</b>	<b>1 147</b>	<b>1 025</b>	<b>560</b>

☆ 承接往年的案件包括訴訟中止及訴訟進行中的案件

Cases brought forward from previous years include cases in progress and inactive cases

\* 結案的案件是指上訴 / 覆核得直、駁回、撤回、終止或在有或沒有法院命令的情況下被放棄的案件

Cases disposed of refer to appeals/reviews allowed, dismissed, withdrawn, discontinued or abandoned with or without court order

# 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

表 4

Table 4

## 高等法院上訴法庭案件輪候時間

## WAITING TIME FOR CASES IN THE COURT OF APPEAL OF THE HIGH 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 - 由聆訊期訂定日到聆訊日 Criminal cases - from setting down of a case to hearing	50	39	37	50
民事案件 - 由申請排期日到聆訊日 Civil cases - from application to fix date to hearing	90	152	175	150

表 5

Table 5

## 高等法院原訟法庭的案件量

## CASELOAD OF THE COURT OF FIRST INSTANCE OF THE HIGH 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
上訴案件 Appellate	刑事 Criminal	不服裁判法院判決而提起的上訴 Appeals from Magistrates' Courts	944	1 270	1 260	0	954
	民事 Civil	1. 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	289	163	148	219	85
		2. 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	103	91	82	63	49
		3. 不服小額薪酬索償仲裁處決定而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	2	6	8	0	0
		4. 雜項上訴 Miscellaneous Appeals	4	6	5	0	5
小計 Sub-total		398	266	243	282	139	
<b>合計 TOTAL</b>			<b>1 342</b>	<b>1 536</b>	<b>1 503</b>	<b>282</b>	<b>1 093</b>
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	107	337	370	0	74
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	70	70	0	0
		3. 釋放申請 Application for Discharge	0	0	0	0	0
		小計 Sub-total		107	407	440	0
	民事管轄 Civil	1. 高等法院訴訟 High Court Actions	30 573	4 758	3 033	28 558	3 740
		2. 雜項程序 Miscellaneous Proceedings	13 363	5 584	4 107	11 898	2 942
3. 破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up		9 681	26 800	26 726	3 589	6 166	
4. 人身傷害訴訟 Personal Injuries Actions		2 125	1 410	1 117	2 238	180	
5. 其他案件** Other cases		4 046	736	265	3 996	521	
小計 Sub-total		59 788	39 288	35 248	50 279	13 549	
<b>合計 TOTAL</b>			<b>59 895</b>	<b>39 695</b>	<b>35 688</b>	<b>50 279</b>	<b>13 623</b>
聆案官內庭 Masters Chambers	1. 非正審聆訊 Interlocutory hearings	N.A.	N.A.	52 711 <sup>(1)</sup>	N.A.	N.A.	
	2. 訟費賬單評定 Taxation bills	1 862	1 781	1 805 <sup>(2)</sup>	261	1 577	
遺產事務 Probate	接獲申請 Applications	5 335	12 569	11 889 <sup>(3)</sup>	20	5 995	

表 5  
Table 5高等法院原訟法庭的案量  
CASELOAD OF THE COURT OF FIRST INSTANCE OF THE HIGH 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
上訴案件 Appellate	刑事 Criminal	不服裁判法院判決而提起的上訴 Appeals from Magistrates' Courts	954	950	1 702	0	202
	民事 Civil	1. 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	304	106	98	230	82
		2. 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	112	45	44	68	45
		3. 不服小額薪酬索償仲裁處決定而提起的上訴 Appeals from Minor Employment Claims Adjudication Board	0	9	4	0	5
		4. 雜項上訴 Miscellaneous Appeals	5	12	7	2	8
小計 Sub-total		421	172	153	300	140	
<b>合計 TOTAL</b>			<b>1 375</b>	<b>1 122</b>	<b>1 855</b>	<b>300</b>	<b>342</b>
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	74	295	255	0	114
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	58	58	0	0
		3. 釋放申請 Application for Discharge	0	0	0	0	0
		小計 Sub-total	74	353	313	0	114
	民事管轄 Civil	1. 高等法院訴訟 High Court Actions	32 298	2 274	1 747	29 716	3 109
		2. 雜項程序 Miscellaneous Proceedings	14 840	2 504	1 897	13 162	2 285
3. 破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up		9 755	12 012	12 523	5 840	3 404	
4. 人身傷害訴訟 Personal Injuries Actions		2 418	894	723	2 180	409	
5. 其他案件 ** Other cases		4 517	440	214	4 350	393	
小計 Sub-total		63 828	18 124	17 104	55 248	9 600	
<b>合計 TOTAL</b>			<b>63 902</b>	<b>18 477</b>	<b>17 417</b>	<b>55 248</b>	<b>9 714</b>
聆案官內 庭 Masters Chambers	1. 非正審聆訊 Interlocutory hearings	N.A.	N.A.	26 344 <sup>(1)</sup>	N.A.	N.A.	
	2. 訟費賬單評定 Taxation bills	1 838	854	816 <sup>(2)</sup>	292	1 584	
遺產事務 Probate	接獲申請 Applications	6 015	9 581	8 876 <sup>(3)</sup>	20	6 700	

- ☆ 承接往年的案件包括訴訟中止及訴訟進行中的案件  
Cases brought forward from previous years include cases in progress and inactive cases
- \* 以上訴而言，結案的案件是指上訴得直、駁回、撤回、終止或上訴在有或沒有法院命令的情況下被放棄的案件；以刑事案件而言，結案的案件是指被告人被定罪或被判無罪的案件；以民事案件而言，結案的案件是指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 appeals which have been allowed, dismissed, withdrawn, discontinued or abandoned with or without court order; criminal cases where defendants have been convicted or acquitted; and civil cases 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
- + 此類案件包括破產程序、公司清盤程序、申請臨時命令（破產）及申請將法定要求債權書擱置的案件  
Cases include bankruptcy proceedings, companies winding-up proceedings, applications for Interim Order (Bankruptcy) and applications to set aside Statutory Demands
- \*\* 其他案件包括憲法及行政訴訟程序、海事訴訟、領養、賣據登記、帳面債項登記、商業訴訟、建築業及仲裁案件、婚姻訴訟、遺產訴訟及禁制通告等案件  
Other cases include constitutional and administrative law proceedings, admiralty actions, adoptions, bill of sale registrations, book debt registrations, commercial actions, construction and arbitration cases, matrimonial causes, probate actions and stop notices

註(1) : 結案的案件是指非正審聆訊已經完結的案件  
Note (1) : Cases disposed of refer to interlocutory hearings conducted

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

註(3) : 結案的案件是指已發出授予書 / 已發出經確認授予書 / 遺產管理官以簡易程序完成遺產管理的案件  
Note (3) : Cases disposed of refer to grants issued/grants resealed/estates administration completed by the Official Administrator in summary manner

表 6  
Table 6

高等法院原訟法庭案件輪候時間  
WAITING TIME FOR CASES IN THE COURT OF FIRST INSTANCE OF THE HIGH 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)
固定審期的刑事案件 - 由公訴書送交存檔日到聆訊日 Criminal Fixture - from filing of indictment to hearing	120	192	219	180
流動審期表上的刑事案件 - 由聆訊期訂定日到聆訊日 Criminal Running List - from setting down to hearing	90	73	145	90
固定審期的民事案件 - 由申請排期日到聆訊日 Civil Fixture - from application to fix date to hearing	180	197	228	180
流動審期表上的民事案件 - 由聆訊期訂定日到聆訊日 Civil Running List - from setting down to hearing	90	53	140	90
不服裁判法院裁決而提起的上訴 - 由上訴通知書送交存檔日到聆訊日 Appeals from Magistrates' Courts - from lodging of Notice of Appeal to hearing	90	80	74	90