

香港民事司法制度改革

Reform of the Civil Justice System in Hong Kong

民事司法制度改革工作小組

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（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。

工作小組的最後報告書

工作小組已完成檢討，並於2004年3月3日發布其《最後報告書》，作出共150項提議。

《最後報告書》就現行的訴訟程序和規則提出了多項的修訂提議。這些修訂旨在提高本地司法制度的成本效益、簡化訴訟程序及減少拖延情況，但同時緊守基本的原則，即務求讓與訟各方都得到公正對待。工作小組的提議主要包括 —

- 法庭為每宗爭議案件訂立進度時間表；
- 簡化大部分的訴訟程序以減少各程序所需的步驟；
- 鼓勵與訟人提交精簡的狀書、證人陳述書及口頭證供；

WORKING PARTY ON CIVIL JUSTICE REFORM

The Honourable Chief Justice appointed the Working Party on Civil Justice Reform ("Working Party") in February 2000 to review the rules and procedures of the High Court in civil proceedings and to recommend changes thereto, with a view to ensuring and improving access to justice at reasonable cost and speed.

THE FINAL REPORT OF THE WORKING PARTY

The Working Party completed the review and published its Final Report on 3 March 2004, making a total of 150 recommendations.

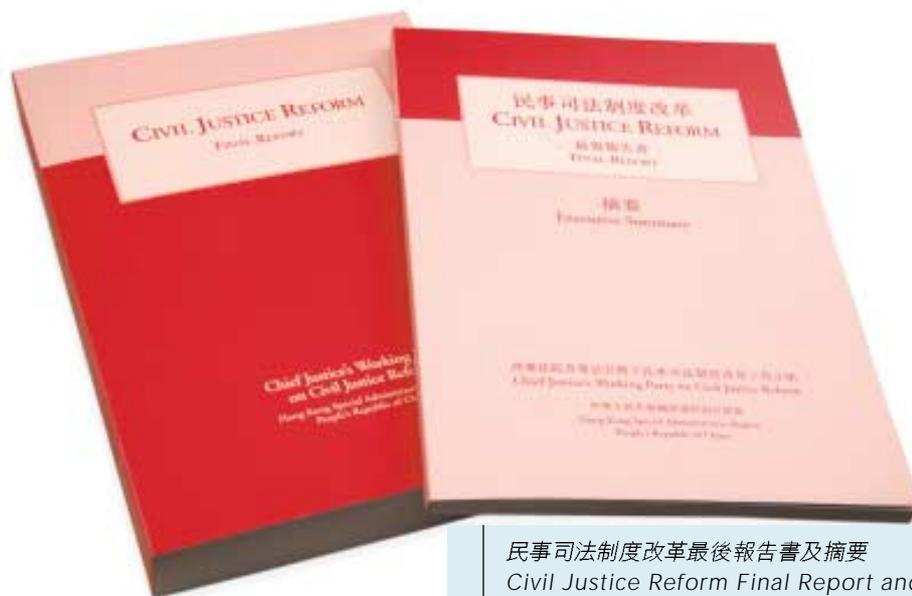
The Final Report recommends a substantial number of amendments to the existing procedural rules and practices. These are changes which aim to improve the cost-effectiveness of our system, to make it less complex and to reduce delays, while always keeping in mind the fundamental requirement of doing justice between the parties. The major recommendations include -

- the introduction of timetables set by the court for each contested case;
- streamlining many procedures so that fewer steps are needed;
- discouraging over-elaborate pleadings, witness statements and oral evidence;

- 限制與訟人純為程序上的問題而提出上訴的權利；
 - 採用文件審閱方式處理簡單的程序事宜而無需聆訊；
 - 鼓勵訴訟各方之間坦誠相待；
 - 鼓勵與訟人在公平的情況下盡早和解；及
 - 認真考慮其他可以解決與訟人之間糾紛的方法。
- limiting the right to take purely procedural questions on appeal;
 - dealing with simple procedural matters on paper and without a hearing;
 - encouraging greater openness between parties;
 - encouraging earlier, fair settlements; and
 - requiring proper consideration to be given to alternative means of resolving the dispute.

《最後報告書》及其《報告摘要》可在各級法院的登記處或詢問處取得。我們亦已將《最後報告書》及其《報告摘要》上載至專為民事司法制度改革而設的網站 <<http://www.civiljustice.gov.hk>>，方便公眾人士閱覽。

Copies of the Final Report and its Executive Summary are available at the registries or enquiries counters of courts at all levels. They have also been uploaded onto the dedicated website of the Civil Justice Reform <<http://www.civiljustice.gov.hk>> for easy access by members of the public.



民事司法制度改革最後報告書及摘要
Civil Justice Reform Final Report and its Executive Summary

民事司法制度改革督導委員會

2004年3月19日，終審法院首席法官宣布接納《最後報告書》的改革提議，以及宣布成立民事司法制度改革督導委員會（督導委員會），其職權範圍如下——

「監督民事司法制度改革《最後報告書》內與司法機構有關的改革提議的推行情況。」

督導委員會由高等法院首席法官馬道立出任主席，其他成員包括高等法院上訴法庭副庭長胡國興、高等法院原訟法庭法官夏正民、朱芬齡、鮑晏明、芮安牟，高等法院副司法常務官潘兆初及區域法院法官兼終審法院署理司法常務官歐陽桂如。司法機構政務處則提供行政及技術支援。

督導委員會的主要工作如下——

- 監督對有關的主體及附屬法例作出所需修訂的工作，以及對有關的實務指示引進修訂，並草擬新的實務指示；
- 為法官及政務處人員制定有關的培訓計劃，以確保改革提議能夠順利及有效地施行；及
- 在適當時候研究提升有關的資訊科技系統及改善運作系統，確保已備有適當和足夠的支援。

STEERING COMMITTEE ON CIVIL JUSTICE REFORM

On 19 March 2004, the Chief Justice announced his acceptance of the recommendations in the Final Report, and the establishment of the Steering Committee on Civil Justice Reform (“Steering Committee”), with the following terms of reference -

“To oversee the implementation of the recommendations of the Final Report on Civil Justice Reform relating to the Judiciary.”

The Steering Committee is chaired by the Hon Mr Justice Ma, Chief Judge of the High Court. Other members are the Hon Mr Justice Woo, Vice-President of the Court of Appeal; the Hon Mr Justice Hartmann, the Hon Madam Justice Chu, the Hon Mr Justice Barma and the Hon Mr Justice Reyes, Judges of the Court of First Instance; Deputy Registrar Poon, High Court; and HH Judge Au Yeung, Judge of the District Court and Acting Registrar of the Court of Final Appeal. Administrative and technical support is provided by the Judiciary Administration.

The major tasks of the Steering Committee are -

- To oversee the necessary amendments to the relevant primary and subsidiary legislation, and to introduce amendments to and draft new Practice Directions;
- To devise training programmes for judges and administrative staff for the smooth and effective implementation of the recommendations; and
- To look into the area of information technology enhancement and infrastructural changes in due course to ensure that appropriate and adequate support is in place.

於2005年，督導委員會已着手處理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。

督導委員會亦已展開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，委員會亦已開始就法官及法庭支援人員擬定相關的培訓策略。

此外，督導委員會也開始探討在區域法院推行民事司法制度改革的問題。

考慮到改革涉及民事司法制度的重大改變，以及立法程序、提升資訊科技系統及改善運作系統所需的時間，我們預計《最後報告書》的提議需時最少約三年才可落實。

In 2005, the Steering Committee has been working on those recommendations involving amendments to the relevant primary and subsidiary legislation. The amendment exercise to primary and secondary legislation is now well underway.

The Steering Committee has also been working on formulating an information technology enhancement strategy to support the reformed procedures, and started devising a training strategy for judges and court support staff.

Moreover, the Steering Committee has started studying the application of the Civil Justice Reform to the District Court.

Taking into account the substantial changes to the civil justice system, as well as the time required for the legislative process, information technology enhancement and infrastructural changes, it is expected to take about at least three years to implement the recommendations in the Final Report.