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高等法院 High Court

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。



高等法院
High Court

HIGH COURT

The High Court comprises the Court of Appeal and the Court of First Instance. Their jurisdiction is 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.



在高等法院進行的聆訊
A court hearing at the High Court



高等法院首席法官馬道立（左）與加拿大助理副律政司（刑法）MSM、御用大律師 Daniel Bellemare 會面

The Hon Mr Justice Ma, the Chief Judge of the High Court (left), meets with Mr Daniel Bellemare, MSM, QC, Assistant Deputy Attorney General (Criminal Law), Department of Justice, Canada

原訟法庭

原訟法庭的所有民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，法官亦可頒令案件由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仲裁，以及在其他司法管轄區所作的裁決，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。

COURT OF FIRST INSTANCE

The Court of First Instance has unlimited jurisdiction in all civil 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 frauds, 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 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 arbitration awards made in Mainland China by a recognised arbitral authority and awards made in other jurisdictions.

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



高等法院首席法官與英格蘭及威爾斯律師會上屆會長及國際委員會主席 Peter Williamson 會面

The Chief Judge of the High Court meets with Mr Peter Williamson, Chairman, International Committee and Immediate Past President, the Law Society of England and Wales

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審訊或在法官席前處理便已得到解決。

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。

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。

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 or to go before a Judge.

The Masters carry out judicial duties such as hearing interlocutory and summary applications in chambers, and conducting assessments of damages and interpleader trials in court. They exercise the jurisdiction of Taxing Masters, the Admiralty Registrar, the Registrar of Civil Appeals and the 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.

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.



高等法院首席法官及美國美中關係全國委員會福布萊特暑期研修團代表團會面
The Chief Judge of the High Court and the delegation of Fulbright-Hays Summer Seminar of the National Committee on United States-China Relations, USA

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。

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史特勞斯爭議解決機構代表團會面
The Chief Judge of the High Court meets with a delegation of the Straus Institute for Dispute Resolution

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前的一天致電司法機構的查詢熱線或從司法機構的網頁<<http://www.judiciary.gov.hk>>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，被傳召的公眾人士一般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。2005年1月1日至2005年9月30日期間，共有5 911名市民到庭出席選任程序，而有陪審員參與的審訊則有87宗。



高等法院上訴法庭法官司徒敬（右二）與美國法官及律師代表團會面

The Hon Mr Justice Stock, Justice of Appeal of the Court of Appeal of the High Court (second right), receives a delegation of US judges and lawyers

The jury system 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 (Chinese or English) in which the proceedings are to be conducted are placed on the jurors' list. They may be summoned to attend court and selected on a random basis. If not selected, they would be exempted from serving jurors for a period of two years. Where no empanelling for a jury is required on any particular day, such information is made available on the Judiciary Hotline and the Judiciary Website <<http://www.judiciary.gov.hk>> the day before, so that prospective jurors summoned to attend court can check whether their attendance is required. Under the current practice, prospective jurors are usually required to attend court only once for selection before they are exempted for two years. From 1 January 2005 to 30 September 2005, a total of 5 911 persons attended court for empanelling and there were 87 jury trials during the same period.



高等法院上訴法庭法官楊振權（左）與中華人民共和國江蘇省法官管理人員學習交流團會面

The Hon Mr Justice Yeung, Justice of Appeal of the Court of Appeal of the High Court (left), meets with a delegation of Judges from Jiangsu Province, PRC



高等法院上訴法庭法官鄧國楨（左）與中華人民共和國最高人民法院副院長萬鄂湘會面
The Hon Mr Justice Tang, Justice of Appeal of the Court of Appeal of the High Court (left) and Mr Wan E-xiang, Vice President of the Supreme People's Court, PRC

公開內庭聆訊的安排

司法機構在考慮不公開審理的民事訴訟程序工作小組提出的建議後，於2004年12月決定透過制訂實務指示來處理有關公開內庭聆訊的問題。司法機構於2005年年初諮詢大律師公會、律師會、法律援助署、破產管理署及律政司後，遂落實這兩項新實務指示的制訂工作，即實務指示25.1及實務指示25.2，並於2005年6月1日公開發布。

上述兩項實務指示於2005年7月18日生效，將高等法院、區域法院、土地審裁處及家事法庭的民事法律程序中的內庭聆訊予以公開進行。根據該等實務指示，內庭聆訊一般公開讓公眾旁聽，但以下兩類聆訊屬例外 —

OPEN CHAMBERS ARRANGEMENTS

Having considered the recommendations of the Working Party on Civil Proceedings Conducted in Private, the Judiciary decided in December 2004 to implement by means of practice directions the opening up of chambers hearings to the public. After consultation with the Bar Association, the Law Society, the Legal Aid Department, the Official Receiver's Office and the Department of Justice in early 2005, the Judiciary finalised the new Practice Directions 25.1 and 25.2, which were published on 1 June 2005.

These two Practice Directions came into operation on 18 July 2005 to effect the opening up of chambers hearings in civil proceedings in the High Court, the District Court, the Lands Tribunal and the Family Court to the public. Under these two Practice Directions, chambers hearings will generally be open to the public with the following two exceptions -



高等法院原訟法庭法官王式英（右一）與泰國司法部法務辦公室司法人員培訓學院的代表團會面
The Hon Mr Justice Waung, Judge of the Court of First Instance of the High Court (first right), meets with a delegation from Justice Officials Training Institute, Office of Justice Affairs of Ministry of Justice, Thailand

- (a) 凡法例規定不得公開者，例如領養程序，都不會公開；及
- (b) 實務指示 25.1 附表 2 所列的程序，由於其性質的關係，通常是不公開的，因為它們一般都被視為符合《香港人權法案條例》（第 383 章）第十條（“第十條”）限制新聞界和公眾列席的理由。這類程序包括婚姻訴訟中關於兒童和經濟給養的事宜，以及強制令或其他類似命令的單方面申請。不過，以該等類別的程序而言，如法庭認為第十條所指的例外情況對某一案件在實際上並不適用，法庭可下令將有關聆訊公開進行。



高等法院原訟法庭法官彭鍵基（前排右四）與中國監獄學會代表團會面

The Hon Mr Justice Pang, Judge of the Court of First Instance of the High Court (fourth right, front row), meets with a delegation of China Prison Society

- (a) chambers hearings will not be open to the public where this is required by statute, for example, in adoption proceedings; and
- (b) the proceedings identified in Schedule 2 to Practice Direction 25.1 will usually not be open to the public since by reason of their nature, the reasons laid down in Article 10 of the Hong Kong Bill of Rights Ordinance (Cap. 383) for excluding the press and the public are considered to be usually satisfied. These proceedings include matters relating to children and financial provision in matrimonial proceedings, ex-parte applications for injunctions and similar orders. However, in such cases, the court may, if it takes the view that the exceptions in Article 10 do not in fact apply in the particular case, order the hearing to be open to the public.

在這兩項實務指示生效後，內庭聆訊一般都會公開讓公眾旁聽，而有關的聆訊亦與公開聆訊一樣，可予報導。此項新安排將有助提高司法程序的透明度。



高等法院原訟法庭法官湯寶臣（右）與中華人民共和國國務院法制辦公室副主任邵風濤會面
The Hon Mr Justice Tong, Judge of the Court of First Instance of the High Court (right), meets with Mr Gao Fengtao, Vice-Minister, Legislative Affairs Office, State Council, PRC

With the implementation of these two Practice Directions, chambers hearings will generally be open to the public and such hearings can be reported in the same way as proceedings in court. This new arrangement will enhance transparency in the judicial process.

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。此外，高等法院登記處也負責宣誓處的工作，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。



高等法院原訟法庭法官朱芬齡（前排左三）與越南社會主義共和國同奈省人民法院院長 Huynh Thi Nga 女士（前排右三）率領的代表團會面

The Hon Madam Justice Chu, Judge of the Court of First Instance of the High Court (third left, front row), meets with a delegation led by Ms Huynh Thi Nga, Chief of the People's Court of Dong Nai Province (third right, front row), the Socialist Republic of Vietnam



高等法院原訟法庭法官張舉能（右）與中華人民共和國司法部司法協助外事司巡視員黃風教授會面
The Hon Mr Justice Andrew Cheung, Judge of the Court of First Instance of the High Court (right), meets with Professor Huang Feng, Inspector, Department of Judicial Assistance and Foreign Affairs, Ministry of Justice, PRC

HIGH COURT REGISTRY

The High Court Registry accepts the lodging of all civil claims without any limit to the amount claimed except where certain types of claims are required by statute to be commenced 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 the enforcement of judgments and orders. The High Court Registry also oversees 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.



高等法院司法常務官陳爵（前排左八）與中華人民共和國山東省高級人民法院代表團會面
Mr Christopher Chan, Registrar of the High Court (eighth left, front row), meets with a delegation from Higher People's Court, Shandong Province, PRC

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。

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。2005 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 1 785 宗有關遺產的申請個案。期間，遺產承辦處發出了合共 7 319 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 1 785 cases for the first nine months of 2005. The Probate Registry issued 7 319 grants of probate and Letters of Administration during the period.

案件量和輪候時間

上訴法庭

我們估計2005年的民事及刑事上訴將會略為增加，大約分別上升3%及5%。

就刑事上訴而言，輪候時間均能達到目標。在民事上訴方面，雖然2005年首九個月的案件平均輪候時間皆可達到訂下的目標，但預計在其後三個月內排期聆訊的案件中，性質複雜且聆訊需時者會增多，而平均輪候時間或會較長。司法機構會監督有關情況，並會致力縮短案件的輪候時間。

原訟法庭

我們估計2005年不服裁判法院判決而向原訟法庭提出上訴的數目會略為下降約6%。平均輪候時間維持在訂下目標之內。

此外，我們預計原訟法庭的民事及刑事案件量會下跌約16%，原因是破產及公司清盤案件量下降約19%。

民事及刑事案件輪候時間未能達到訂下的目標。司法機構於2005年下半年度已增加暫委法官的數目，以及採取多項措施以改善案件輪候時間，預計2006年的情況將會隨着有關措施的生效而有所改善。

CASELOAD AND WAITING TIME

Court of Appeal

The caseloads in 2005 for both criminal appeals and civil appeals are projected to grow slightly by 3% and 5% respectively.

For criminal appeals, the target waiting times can be met. As regards civil appeals, although the average waiting time falls within the target for the first nine months of 2005, it is expected that more complex and lengthy appeals will be set down for hearing in the following three months. The average court waiting time may lengthen. The Judiciary will monitor the situation and will make every effort to improve court waiting times.

Court of First Instance

The caseload for Magistrates' Appeals is expected to drop slightly by about 6% in 2005. The average waiting time falls within target.

It is projected that there will be a decrease of 16% in caseloads for both civil and criminal cases. This is attributed to the decrease of about 19% in Bankruptcy and Company Winding Up cases.

The target waiting times for civil and criminal cases cannot be met. It is anticipated that the waiting times will be improved in 2006 with the measures implemented by the Judiciary since the latter half of 2005, e.g. by increasing the number of deputy judges, coming into effect.



高等法院副司法常務官龍劍雲（左）與中華人民共和國最高人民檢察院反貪污賄賂總局局長王建明會面
Mr Lung Kim-wan, Deputy Registrar of the High Court (left), meets with Mr Wang Jianming, Director of Anti-corruption Bureau of the Supreme People's Procuratorate, PRC

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

			2004 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	128	293	0	85
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	504	416	770	0	150
		小計 Sub-total	754	544	1 063	0	235
	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	297	225	844	223
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	139	42	33	65	83
		3. 雜項上訴 Miscellaneous Appeals	118	67	45	126	14
		小計 Sub-total	1 252	406	303	1 035	320
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	5	0	0
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	2	2	3	0	1
	小計 Sub-total	5	6	10	0	1	
合計 TOTAL			2 011	956	1 376	1 035	556

表 3 高等法院上訴法庭的案件量
Table 3 CASELOAD OF THE COURT OF APPEAL OF THE HIGH COURT

			2005 (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	85	117	110	0	92
		2. 不服區域法院判決而提起的上訴 Appeals from the District Court	150	305	266	0	189
		小計 Sub-total	235	422	376	0	281
	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	1 067	253	212	886	222
2. 不服區域法院判決而提起的上訴 Appeals from the District Court		148	35	28	69	86	
3. 雜項上訴 Miscellaneous Appeals		140	32	34	125	13	
小計 Sub-total		1 355	320	274	1 080	321	
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	0	1	0	0	1
		2. 不服區域法院判刑而提起的覆核 Reviews from the District Court	0	3	0	0	3
		3. 不服裁判法院判刑而提起的覆核 Reviews from the Magistrates' Courts	1	0	0	0	1
	小計 Sub-total	1	4	0	0	5	
合計 TOTAL			1 591	746	650	1 080	607

☆ 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	2004	2005 (截至9月30日止) (as at 30 Sept)	2006 (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	37	36	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	159	90	90

表 5 高等法院原訟法庭的案件量
Table 5 CASELOAD OF THE COURT OF FIRST INSTANCE OF THE HIGH COURT

			2004 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	1 285	2 017	0	222
	民事 Civil	1. 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	304	132	129	234	73
		2. 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	112	57	58	70	41
		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	10	7	0	3
		4. 雜項上訴 Miscellaneous Appeals	5	13	8	2	8
小計 Sub-total		421	212	202	306	125	
合計 TOTAL			1 375	1 497	2 219	306	347
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	74	377	347	0	104
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	76	76	0	0
		3. 釋放申請 Application for Discharge	0	1	1	0	0
		小計 Sub-total		74	454	424	0
	民事管轄 Civil	1. 高等法院訴訟 High Court Actions	32 298	2 998	2 314	30 099	2 883
		2. 雜項程序 Miscellaneous Proceedings	14 840	3 345	2 526	13 639	2 020
		3. 破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up	9 755	15 633	15 228	6 821	3 339
4. 人身傷害訴訟 Personal Injuries Actions		2 418	1 186	967	2 322	315	
5. 其他案件 ** Other cases		4 517	619	274	4 452	410	
小計 Sub-total		63 828	23 781	21 309	57 333	8 967	
合計 TOTAL			63 902	24 235	21 733	57 333	9 071
聆案官 內庭 Masters Chambers	1. 非正審聆訊 Interlocutory hearings		N.A.	N.A.	33 283 ⁽¹⁾	N.A.	N.A.
		2. 訟費賬單評定 Taxation bills	1 838	1 147	1 117 ⁽²⁾	303	1 565
	遺產事務 Probate	接獲申請 Applications	6 015	12 945	12 374 ⁽³⁾	20	6 566

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

			2005 (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	222	910	804	0	328
	民事 Civil	1. 不服勞資審裁處判決而提起的上訴 Appeals from Labour Tribunal	307	75	81	241	60
		2. 不服小額錢債審裁處判決而提起的上訴 Appeals from Small Claims Tribunal	111	103	48	75	91
		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	3	3	4	0	2
		4. 雜項上訴 Miscellaneous Appeals	10	9	7	6	6
小計 Sub-total		431	190	140	322	159	
合計 TOTAL			653	1 100	944	322	487
原訟案件 First Instance	刑事管轄 Criminal	1. 刑事案件 Criminal cases	104	236	279	0	61
		2. 機密雜項案件 Confidential Miscellaneous Proceedings	0	37	37	0	0
		3. 釋放申請 Application for Discharge	0	0	0	0	0
		小計 Sub-total	104	273	316	0	61
	民事管轄 Civil	1. 高等法院訴訟 High Court Actions	32 982	1 923	1 477	31 056	2 372
		2. 雜項程序 Miscellaneous Proceedings	15 659	2 098	1 377	14 696	1 684
		3. 破產及公司清盤訴訟 + Bankruptcy and Companies Winding-up	10 160	9 462	8 583	8 657	2 382
4. 人身傷害訴訟 Personal Injuries Actions		2 637	918	736	2 466	353	
5. 其他案件 ** Other cases	4 862	470	220	4 782	330		
小計 Sub-total		66 300	14 871	12 393	61 657	7 121	
合計 TOTAL			66 404	15 144	12 709	61 657	7 182
聆案官 內庭 Masters Chambers	1. 非正審聆訊 Interlocutory hearings		N.A.	N.A.	19 020 ⁽¹⁾	N.A.	N.A.
		2. 訟費賬單評定 Taxation bills	1 868	755	715 ⁽²⁾	322	1 586
遺產事務 Probate	接獲申請 Applications		6 586	9 852	9 086 ⁽³⁾	20	7 332

- ☆ 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）及申請將法定要求償債書擱置的案件
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	2004	2005 (截至9月30日止) (as at 30 Sept)	2006 (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	214	198	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	135	72	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	239	241	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	116	52	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	72	71	90