

### 區域法院

區域法院根據《區域法院條例》（第 336 章）成立，司法管轄範圍有刑事和民事兩方面，民事方面包括婚姻訴訟管轄。

區域法院由首席區域法院法官領導，編制上共有 33 位區域法院法官、一位司法常務官和兩位副司法常務官，後者統稱為聆案官。

### 民事司法管轄範圍

區域法院負責審理的民事訴訟，申索限額為 5 萬元以上，100 萬元以下，法例另有規定者則不在此限；申索如涉及收回土地或土地權益，則以年租或應課差餉租值或年值不超過 24 萬元為限。除了一般民事訴訟外，區域法院還有專屬管轄權審理根據《僱員補償條例》（第 282 章）提出的申索、根據《稅務條例》（第 112 章）提出的稅項追討，以及根據《業主與租客（綜合）條例》（第 7 章）進行的欠租扣押。

區域法院亦有管轄權處理離婚、領養、家庭暴力和其他與家事有關的事宜。所有婚姻訴訟，即使經濟濟助的申索額超過區域法院的民事訴訟權限，區域法院仍有權審理。

### DISTRICT COURT

The District Court is established under the District Court Ordinance (Cap. 336). It has both criminal and civil jurisdiction, including matrimonial jurisdiction.

The District Court is headed by the Chief District Judge and has an establishment of 33 District Judges, one Registrar and two Deputy Registrars (the latter are collectively known as the Masters).

### CIVIL JURISDICTION

The District Court has jurisdiction over civil claims of the value over \$50,000 but not more than \$1 million, unless otherwise provided for by statute. Where claims are for recovery of land, or the title to an interest in land comes in question, the annual rent or rateable value or the annual value must not exceed \$240,000. Apart from the general civil jurisdiction, the District Court has exclusive jurisdiction over claims brought under the Employees' Compensation Ordinance (Cap. 282), tax recovery claims under the Inland Revenue Ordinance (Cap. 112) and distress of rent under the Landlord and Tenant (Consolidation) Ordinance (Cap. 7).

The District Court also has jurisdiction over divorce, adoption, domestic violence and other family related matters. The Court may exercise the matrimonial jurisdiction notwithstanding that the amount of financial relief claimed is beyond its civil jurisdiction.

## 刑事司法管轄範圍

區域法院有刑事管轄權，可審理除最嚴重的案件如謀殺、誤殺和強姦等以外的所有可公訴罪行案件，亦可審理由裁判法院移交的附有可公訴罪行的簡易程序案件。區域法院判處的監禁刑期最高可達七年。區域法院的審訊，不設陪審團，由法官單獨審理。

## 上訴司法管轄範圍

區域法院亦根據多項條例，如《差餉條例》（第116章）、《印花稅條例》（第117章）、《肺塵埃沉着病（補償）條例》（第360章）和《職業性失聰（補償）條例》（第469章）等，行使有限的上訴管轄權，審理不服各審裁處和法定團體的決定而提出的上訴。



在區域法院進行的聆訊  
A court hearing at the District Court

## CRIMINAL JURISDICTION

The criminal jurisdiction of the District Court includes all indictable offences, except the most serious ones such as murder, manslaughter and rape, as well as summary offences transferred to it together with an indictable offence. The maximum term of imprisonment that the District Court can impose is seven years. Trial in the District Court is by Judge alone.

## APPELLATE JURISDICTION

The District Court also exercises limited appellate jurisdiction in hearing appeals from Tribunals and Statutory Bodies conferred on it under various ordinances, e.g. the Rating Ordinance (Cap. 116), the Stamp Duty Ordinance (Cap. 117), the Pneumoconiosis (Compensation) Ordinance (Cap. 360) and the Occupational Deafness (Compensation) Ordinance (Cap. 469).



展示區域法院審訊表的等離子顯示器  
Plasma monitors displaying the Daily Cause List of the District Court



首席區域法院法官馮驊（前排中）及區域法院法官陸啟康（後排右四）與澳門初級法院代表團會面  
HH Judge Fung, the Chief District Judge (centre, front row), and HH Judge Lok, District Judge (fourth right, second row), meet with a delegation from Base Court, Macau

## 家事法庭

家事法庭是區域法院的一部分，專責處理根據《婚姻訴訟條例》（第179章）提出的離婚或裁判分居呈請和其他附帶事宜。現時，共有六位法官專責處理家事法庭的事宜。

## 調解統籌主任辦事處

香港理工大學於2004年1月完成家事調解試驗計劃的最後報告。該報告所作出的結論指出，家事糾紛的調解服務在香港應有存在的空間。司法機構有見及此，遂繼續設辦調解統籌主任辦事處。該辦事處的工作是舉辦家事調解講座，以及協助有需要的夫婦物色家事調解員。雖然現時的調解服務需要收費，但經濟有困難者，例如領取綜合社會保障援助或每月收入少於4,000元或以下的人士，可向若干非政府機構申請豁免全部或部分費用。

## FAMILY COURT

The Family Court, which is part of the District Court, deals specifically with petitions for divorce or judicial separation and other ancillary matters under the Matrimonial Causes Ordinance (Cap. 179). Currently, six Judges are specially assigned to deal with family matters.

## MEDIATION CO-ORDINATOR'S OFFICE

The Final Report on the Pilot Scheme on Family Mediation, prepared by the Hong Kong Polytechnic University in January 2004, concluded that there should be a place for mediation in resolving family disputes in Hong Kong. Having regard to this, the Judiciary has continued to maintain the Mediation Co-ordinator's Office. This Office holds information sessions on family mediation and assists couples in seeking family mediators. Although family mediation services are now provided on a fee-charging basis, some non-governmental organisations operate fee exemption and reduction schemes for those with financial difficulties, such as recipients of Comprehensive Social Security Assistance or those with a monthly income of \$4,000 or less.

自 2005 年 3 月 15 日起，調解統籌主任辦事處的服務對象已擴展至包括由法律援助署所推行，為期一年的「法援婚姻訴訟個案家事調解試驗計劃」之下的有關人士。

在 2005 年 1 月至 9 月期間，我們合共舉辦了 101 次調解講座，共有 395 人出席，已轉介予調解員的個案共有 106 宗，其中 91 宗已經完成調解，達成全面協議的有 54 宗，達成局部協議的則有 5 宗，成功率為 65%。



署理首席區域法院法官陸啟康（左）與中華人民共和國廈門市中級法院代表團會面  
HH Judge Lok, Acting Chief District Judge (left), meets with a delegation from Xiamen Intermediate People's Court, PRC



署理首席區域法院法官陸啟康（左）向中華人民共和國武漢市中級人民法院代表團介紹區域法院的運作  
HH Judge Lok, Acting Chief District Judge (left), briefs a delegation from Wuhan Intermediate People's Court, PRC, on the work of the District Court

Since 15 March 2005, the Mediation Co-ordinator's Office has extended its services to the interested parties under the 1-year "Pilot Scheme on Legal Aid for Mediation in Matrimonial Cases" launched by the Legal Aid Department.

From January to September 2005, a total of 101 information sessions were held and attended by 395 persons. 106 cases have been referred to mediators, 91 of which have completed the mediation process, with 54 and 5 reaching full or partial agreement respectively. The success rate is 65%.

## 香港婚姻訴訟附屬濟助程序改革試驗計劃

司法機構採納了以高等法院原訟法庭法官夏正民為主席的工作小組所作的建議，自2003年12月29日起，在家事法庭推行「婚姻訴訟附屬濟助程序改革試驗計劃」（下稱試驗計劃）。該試驗計劃旨在促進婚姻訴訟雙方達成和解，從而減少不必要的訟費、延誤及減輕雙方所承受的情緒困擾。此項試驗計劃原定推行兩年，但現已延長一年至2006年12月底，以便收集更多數據作評估之用。

改革後的程序大致可分為三個階段，每一階段都以聆訊作為該階段結束的指標。第一階段由提交附屬濟助的申請開始，在進行首次約見聆訊時，該階段便告結束。第二階段是在首次約見聆訊後開始，以解決財務糾紛的聆訊作結。第三階段是在解決財務糾紛的聆訊後開始，若不能完全排解糾紛，則以審訊作結。

在首次約見聆訊時，法官的主要職責是為解決財務糾紛聆訊或審訊訂定日期，這樣，有關案件便有了一個時間表。在解決財務糾紛的聆訊中，法官主要擔任“調停人”或“協助人”的角色，協助雙方就財務糾紛達成和解。在此聆訊結束時，法庭可在適當情況下作出雙方同意的命令。如果雙方未能達致和解，法庭便會另訂審訊日期（由另一位法官進行審訊），並會作出進一步的必需指示。

## PILOT SCHEME FOR THE REFORM OF ANCILLARY RELIEF PROCEDURES IN MATRIMONIAL PROCEEDINGS IN HONG KONG

On the recommendation of a Working Group chaired by the Hon Mr Justice Hartmann, a Pilot Scheme for the Reform of Ancillary Relief Procedures in Matrimonial Proceedings ("the Pilot Scheme") was introduced in the Family Court since 29 December 2003. The Pilot Scheme aims to encourage the parties to reach settlement and to reduce unnecessary costs, delays and stress during the proceedings. It was originally intended to be operated for two years, but would now be extended by one year to end in December 2006 so that more relevant data could be collected for an evaluation.

The reformed procedures may be divided broadly into three phases, each phase concluding with a 'milestone' court hearing. Phase One commences with the filing of an application for ancillary relief and concludes with the holding of the First Appointment. Phase Two proceeds from the First Appointment and concludes with the Financial Dispute Resolution (FDR) hearing. Phase Three proceeds from the FDR hearing, if that is not fully successful, and concludes with the trial.

An essential function of the Court at the First Appointment is to fix a date either for the FDR hearing or for the trial. In this way, a timetable is set. At the FDR hearing, the Judge sits essentially in the role of a 'conciliator' or 'facilitator' to assist the parties to settle their financial dispute. At the end of the FDR hearing, the court may make any appropriate consent orders. If no settlement is reached, the court will then fix a date for trial (by another Judge) and give any further necessary directions.



自試驗計劃推行以來，已共有逾 6 912 次的首次約見聆訊，其中約半數(50%)的案件在首次約見聆訊前或期間已達成和解。

我們委任了督導委員會，由原訟法庭法官夏正民擔任主席，負責監察試驗計劃的運作情況及衡量其成效，以及於試驗計劃接近完結時為日後的路向作出建議。

## 區域法院登記處

區域法院登記處負責處理藉傳訊令狀/原訴傳票展開民事申索的入稟程序，並接受民事和刑事訴訟的有關文件存檔，而排期主任辦事處則負責編排案件的聆訊日期。

聆案官書記辦事處為區域法院的聆案官提供支援服務。區域法院每日都有一位常規聆案官當值，專責處理訴訟人單方面的申請，以及聆訊緊急申請。



區域法院登記處  
District Court Registry



區域法院法官源麗華(前排右二)與中華人民共和國武漢市政府法治培訓班代表團會面  
HH Judge Yuen, District Judge (second right, front row), and a delegation from Wuhan Municipal Government, PRC

Since the implementation of the Pilot Scheme, more than 6 192 First Appointments have been made. About 50% of the cases have been settled before or during the First Appointment.

The Steering Committee on the Pilot Scheme has been established under the chairmanship of the Hon Mr Justice Hartmann to monitor the operation of the Pilot Scheme and to evaluate its effectiveness, and make recommendations on the way forward towards the end of the Pilot Scheme.

## DISTRICT COURT REGISTRY

The District Court Registry accepts filing of civil claims by way of writ of summons/originating summons and other documents in civil and criminal proceedings. The Listing Office would fix the hearing dates.

The Office of Masters' Clerks provides supporting service to the District Court Masters. A Practice Master is on duty everyday to deal with ex-parte applications and to hear urgent applications.

## 家事法庭登記處

家事法庭登記處負責處理家事法庭的離婚呈請及其他有關申請的入稟程序。登記處的人員亦會就離婚呈請及其他事項的申請程序及現行做法向訴訟人（尤其是沒有律師代表的訴訟人）提供資料。

## 案件量和輪候時間

區域法院的刑事案件量在2005年保持穩定，但預計同期在區域法院展開的民事訴訟數目會略為下降。

2005年刑事案件的平均輪候時間保持穩定。另一方面，民事案件的輪候時間則有相當程度的延長，原因是在擴大區域法院的司法管轄權後，排期審訊的案件數目有所增加。不過，輪候時間仍能維持在訂下的目標之內。此外，民事案件審訊時間一般較前為長而性質亦較複雜，這也是導致輪候時間延長的原因。司法機構會密切監察案件的輪候時間。

家事法庭 2005 年的案件量與 2004 年相若。輪候時間大致上可維持在訂下的目標之內。

## FAMILY COURT REGISTRY

The Family Court Registry is responsible for the filing of petitions and other applications with the Family Court. The Registry staff also provide information to litigants, especially those who are acting in person, on the current practices and procedures to follow in filing petitions and various applications.

## CASELOAD AND WAITING TIME

The caseload of criminal cases in the District Court remains steady in 2005, but it is projected that there will be a slight drop in the number of civil cases commenced in the District Court in the same period.

The average waiting time for criminal cases remains steady in 2005. The average waiting time for civil cases increased considerably in 2005, as more cases were listed for trial after the increase in jurisdiction. However, it is still within the target. The general increase in the length of civil trials and the complexity of cases are also causes for the increase in waiting time. The Judiciary will monitor the court waiting time closely.

The caseload in the Family Court in 2005 is similar to that in 2004. Most of the waiting time targets can be met.

表 7  
Table 7區域法院的案件量  
CASELOAD OF THE DISTRICT COURT

|                               |                                      | 2004<br>案件數目 No. of Cases                       |                            |                             |                   |                      |
|-------------------------------|--------------------------------------|---|----------------------------|-----------------------------|-------------------|----------------------|
|                               |                                      | 承接往年☆<br>Brought forward<br>from previous years | 送交<br>Filed                | 結案*<br>Disposed of          | 訴訟中止#<br>Inactive | 訴訟進行中<br>In progress |
| 刑事管轄<br>Criminal Jurisdiction | 刑事案件<br>Criminal                     | 608   | 1 408                      | 1 263                       | 60                | 693                  |
| 民事管轄<br>Civil Jurisdiction    | 1. 民事<br>Civil                       | 7 506   | 6 889                      | 5 161                       | 5 378             | 3 856                |
|                               | 2. 稅款申索<br>Tax Claim                 | 17 253  | 13 157                     | 11 483                      | 10 068            | 8 859                |
|                               | 3. 欠租扣押申請<br>Distress for Rent       | 1 316   | 8 927                      | 8 921                       | 30                | 1 292                |
|                               | 4. 僱員補償申索<br>Employee's Compensation | 841   | 1 508                      | 1 093                       | 171               | 1 085                |
|                               | 5. 其他民事案件 +<br>Other civil cases     | 11 491  | 5 979                      | 3 499                       | 2 560             | 11 411               |
|                               | <b>小計 Sub-total</b>                  | <b>38 407</b>                                   | <b>36 460</b>              | <b>30 157</b>               | <b>18 207</b>     | <b>26 503</b>        |
|                               | 6. 離婚訴訟<br>Divorce Jurisdiction      |   |                            |                             |                   |                      |
|                               | · 離婚案件<br>Cases                      | 30 728  | 14 233                     | 14 205                      | 1 997             | 28 759               |
|                               | · 雜項程序<br>Miscellaneous Proceedings  | 1 087   | 209                        | 77                          | 11                | 1 208                |
|                               | · 各類共同申請<br>Joint applications       | 1 266   | 1 559                      | 1 399                       | 169               | 1 257                |
|                               | · 領養申請<br>Adoption applications      | 826   | 125                        | 123                         | 17                | 811                  |
|                               | <b>小計 Sub-total</b>                  | <b>33 907</b>                                   | <b>16 126</b>              | <b>15 804<sup>(1)</sup></b> | <b>2 194</b>      | <b>32 035</b>        |
|                               | <b>民事案件總數 TOTAL (Civil)</b>          | <b>72 314</b>                                   | <b>52 586</b>              | <b>45 961</b>               | <b>20 401</b>     | <b>58 538</b>        |
| <b>合計 TOTAL</b>               | <b>72 922</b>                        | <b>53 994</b>                                   | <b>47 224</b>              | <b>20 461</b>               | <b>59 231</b>     |                      |
| 訟費賬單評定<br>Taxation bills      |                                      |   |                            |                             |                   |                      |
| · 民事<br>Civil                 | 618                                  | 565   | 396                        | 217                         | 570               |                      |
| · 離婚<br>Divorce               | 451                                  | 3 368   | 3 390                      | 0                           | 429               |                      |
| <b>合計 TOTAL</b>               | <b>1 069</b>                         | <b>3 933</b>                                    | <b>3 786<sup>(2)</sup></b> | <b>217</b>                  | <b>999</b>        |                      |



表 7  
Table 7

區域法院的案件量  
CASELOAD OF THE DISTRICT COURT

|                                 |                                      | 2005 (截至9月30日 up to 30 Sept)<br>案件數目 No. of Cases |                             |                            |                   |                      |
|---------------------------------|--------------------------------------|---|-----------------------------|----------------------------|-------------------|----------------------|
|                                 |                                      | 承接往年☆<br>Brought forward<br>from previous years   | 送交<br>Filed                 | 結案*<br>Disposed of         | 訴訟中止#<br>Inactive | 訴訟進行中<br>In progress |
| 刑事管轄<br>Criminal Jurisdiction   | 刑事案件<br>Criminal                     | 753   | 1 060                       | 710                        | 67                | 1 036                |
| 民事管轄<br>Civil Jurisdiction      | 1. 民事<br>Civil                       | 9 234   | 4 862                       | 3 451                      | 6 422             | 4 223                |
|                                 | 2. 稅款申索<br>Tax Claim                 | 18 927  | 9 183                       | 8 089                      | 11 345            | 8 676                |
|                                 | 3. 欠租扣押申請<br>Distress for Rent       | 1 322   | 5 700                       | 5 749                      | 35                | 1 238                |
|                                 | 4. 僱員補償申索<br>Employee's Compensation | 1 256   | 1 162                       | 886                        | 220               | 1 312                |
|                                 | 5. 其他民事案件 +<br>Other civil cases     | 13 971  | 4 283                       | 2 531                      | 3 053             | 12 670               |
|                                 | <b>小計 Sub-total</b>                  | <b>44 710</b>                                     | <b>25 190</b>               | <b>20 706</b>              | <b>21 075</b>     | <b>28 119</b>        |
|                                 | 6. 離婚訴訟<br>Divorce Jurisdiction      |   |                             |                            |                   |                      |
|                                 | · 離婚案件<br>Cases                      | 30 756  | 10 990                      | 10 877                     | 1 325             | 29 544               |
|                                 | · 雜項程序<br>Miscellaneous Proceedings  | 1 219   | 161                         | 53                         | 4                 | 1 323                |
|                                 | · 各類共同申請<br>Joint applications       | 1 426   | 1 192                       | 1 214                      | 102               | 1 302                |
| · 領養申請<br>Adoption applications | 828                                  | 91  | 79                          | 10                         | 830               |                      |
| <b>小計 Sub-total</b>             | <b>34 229</b>                        | <b>12 434</b>                                     | <b>12 223<sup>(1)</sup></b> | <b>1 441</b>               | <b>32 999</b>     |                      |
| <b>民事案件總數 TOTAL (Civil)</b>     |                                      | <b>78 939</b>                                     | <b>37 624</b>               | <b>32 929</b>              | <b>22 516</b>     | <b>61 118</b>        |
| <b>合計 TOTAL</b>                 |                                      | <b>79 692</b>                                     | <b>38 684</b>               | <b>33 639</b>              | <b>22 583</b>     | <b>62 154</b>        |
| 訟費賬單評定<br>Taxation bills        |                                      |   |                             |                            |                   |                      |
| · 民事<br>Civil                   |                                      | 787   | 437                         | 347                        | 305               | 572                  |
| · 離婚<br>Divorce                 |                                      | 429   | 2 519                       | 1 843                      | 0                 | 1 105                |
| <b>合計 TOTAL</b>                 |                                      | <b>1 216</b>                                      | <b>2 956</b>                | <b>2 190<sup>(2)</sup></b> | <b>305</b>        | <b>1 677</b>         |

- ☆ 承接往年的案件是指訴訟中止及訴訟進行中的案件  
Cases brought forward from previous years refer to cases in progress and inactive cases
  - \* 結案的案件是指被告人被定罪或被判無罪，以及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 those where defendants have been convicted or acquitted and those 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
  - + 其他民事案件包括雜項程序、印花稅(條例)上訴案、平等機會訴訟、人身傷害案件、職業性失聰(補償)上訴案、肺塵埃沉着病(補償)上訴案及地產代理上訴案  
Other civil cases include Miscellaneous Proceedings, Stamp Duty (Ordinance) Appeals, Equal Opportunities Actions, Personal Injuries Cases, Occupational Deafness (Compensation) Appeals, Pneumoconiosis (Compensation) Appeals and Estate Agents Appeals
- 註 (1) : 結案的案件是指已發出最終離婚令或領養令的案件  
Note (1) : Cases disposed of refer to Decree Absolute granted and Adoption orders made
- 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

| 表 8<br>Table 8  | 區域法院案件輪候時間<br>WAITING TIME FOR CASES IN THE DISTRICT COURT |                                |                                       |                        |
|---|--|--------------------------------|---------------------------------------|------------------------|
|   |  | 輪候時間(日)<br>Waiting Time (days) |                                       |                        |
|   | 目標<br>Target   | 2004                           | 2005<br>(截至9月30日止)<br>(as at 30 Sept) | 2006<br>(預計)<br>(Plan) |
| 刑事案件 - 由被告人在區域法院首次出庭到聆訊日<br>Criminal cases - from first appearance of defendants in District Court to hearing | 100  | 98                             | 105                                   | 100                    |
| 民事案件 - 由排期日到聆訊日<br>Civil cases - from date of listing to hearing  | 120  | 54                             | 112                                   | 120                    |
| 離婚案件 - 由聆訊期訂定日到聆訊日<br>Dissolution of marriage - from setting down to hearing                                  |  |                                |                                       |                        |
| • 特別程序案<br>Special procedure cases  | 35   | 68                             | 25                                    | 35                     |
| • 擬予抗辯案件(為期一天的聆訊)<br>Defended cases (one day hearing)   | 110  | 129                            | 117                                   | 110                    |