

裁判法院 Magistrates' Courts

裁判法院

總裁判官是所有裁判官的法院領導，領導各裁判法院的主任裁判官、裁判官和特委裁判官。特委裁判官審理輕微的罪行，例如非法擺賣和交通違例案件，並可處以一般不超過 10 萬元的罰款。

裁判法院的刑事司法管轄範圍廣泛，有權審理多類可公訴罪行和簡易程序罪行。一般而言，裁判法院有權判處的最高刑罰是監禁兩年及罰款港幣 10 萬元，但有一些法例條文賦予裁判官更大的權力，最高可判監禁三年，罰款亦可高達港幣 500 萬元。

所有刑事檢控均須在裁判法院展開。律政司司長可根據罪行的嚴重性，將案件移交區域法院或高等法院原訟法庭審理。

現時，全港共有七所裁判法院，分布各區：港島一所、九龍兩所和新界四所。



粉嶺裁判法院
Fanling Magistrates' Courts

MAGISTRATES' COURTS

The Chief Magistrate is the Court Leader and heads the Principal Magistrates, Magistrates and Special Magistrates. Special Magistrates deal with minor offences such as illegal hawking and traffic offences. Their jurisdiction is generally limited to a maximum fine of \$100,000.

The Magistrates' Courts exercise criminal jurisdiction over a wide range of indictable and summary offences. In general, the jurisdiction is a maximum of two years' imprisonment and a fine of \$100,000. There are a number of provisions which empower Magistrates to impose sentences up to three years' imprisonment and fines up to \$5,000,000.

All criminal prosecutions must commence in the Magistrates' Courts. The Secretary for Justice may transfer cases to the District Court or the Court of First Instance of the High Court depending on the seriousness of the offence.

Currently, there are seven Magistrates' Courts located throughout the territory: one on Hong Kong Island, two in Kowloon and four in the New Territories.



在裁判法院進行的聆訊
A court hearing at Magistrates' Courts



總裁判官李瀚良（左三）與立法會議員會面
 Mr Patrick Li, the Chief Magistrate (third left), meets with Legislative Council Members

裁判法院使用中文

現時，在裁判法院處理的案件約有 76% 是以中文聆訊的。

少年法庭

少年法庭有權審理對兒童和未滿 16 歲的少年提出的刑事控罪，但兇殺罪除外。少年法庭亦有權為保護未滿 18 歲的少年頒布照顧保護令。

裁判法院登記處

裁判法院登記處負責處理控罪和傳票的入稟程序，保存法院的記錄，並負責為裁判官提供文書工作的支援。

Use of Chinese in the Magistrates' Courts

At present, about 76% of the trials heard in the Magistrates' Courts are conducted in Chinese.

JUVENILE COURT

The Juvenile Court has jurisdiction to hear charges against children and young persons under the age of 16, except homicide. It also has jurisdiction to grant care and protection orders in respect of young persons under the age of 18.

REGISTRIES OF MAGISTRATES' COURTS

The Registries of Magistrates' Courts are responsible for the filing of charges and summonses and maintaining court records. They also provide support services to the Magistrates.



總裁判官與澳門初級法院代表團會面
The Chief Magistrate meets with a delegation from Macau Base Court

裁判法院的登記處及法庭支援服務於2004年1月引進品質管理系統，並於2005年3月獲頒國際標準化組織ISO 9001:2000證書。裁判法院的工作流程及運作程序均按國際標準制定，而所提供的服務亦合乎所訂的標準。獲頒ISO證書證明裁判法院登記處及法庭支援服務的服務質素得到了外界的廣泛認可。

為了向法庭使用者提供更佳服務及縮短市民在裁判法院繳交罰款所需的輪候時間，我們已於九龍城裁判法院、沙田裁判法院、荃灣裁判法院及粉嶺裁判法院推行「創新聯網技術」試驗計劃，將以上各裁判法院會計部的電腦與其所屬裁判法院各法庭的電腦聯線。透過這個方法，會計部便可即時在線上取得有關法庭所判處罰款額的資料，並能同步安排市民繳付罰款。該項計劃已證明可行，並從2005年10月起推廣至其他裁判法院。

In January 2004, a Quality Management System was introduced to the Registries and Court Support Services of the Magistrates' Courts. Their work was accredited with the award of an ISO 9001:2000 Certificate in March 2005. Work processes and operating procedures of the Magistrates' Courts are documented and services provided are standardised. Through the certification, the performance of the Registries and Court Support Services in the Magistrates' Courts is well recognised outside the Judiciary.

To provide better service to court users and to shorten waiting time for the payment of fines in Magistrates' Courts, a pilot scheme on "Innovative Network Link" was introduced in the Kowloon City, Shatin, Tsuen Wan and Fanling Magistrates' Courts. The courts and the accounts offices are linked, whereby the fines ordered by the court can be instantaneously captured on-line, so that the accounts office can arrange collection of payment of fines in parallel. The scheme has proved to be successful and has been extended to other Magistrates' Courts since October 2005.

案件量及輪候時間

與 2004 年比較，裁判法院 2005 年的案件量保持平穩。每所裁判法院的平均輪候時間各有不同，而未能達到訂下目標是由於多項因素所致，包括刑事案件愈趨複雜和案件審訊需時較長。司法機構定會監察有關情況，並會盡力將輪候時間控制在合理的範圍內。

CASELOAD AND WAITING TIME

The caseload in the Magistrates' Courts in 2005 remains steady as compared with that in 2004. While the average waiting time of each Magistrates' Courts varies, the target waiting times cannot be met, due to several factors including increasing complexity of charge cases and longer trials. The Judiciary will monitor the situation and try its best to keep the waiting time within reasonable limits.



裁判法院登記處
Registry of Magistrates' Courts



裁判法院的證人室
A witness room in Magistrates' Courts

表 9

裁判法院的案件量

Table 9

CASELOAD OF THE MAGISTRATES' COURTS

	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
刑事案件 Charge Case	19 845	59 111	58 806	883	19 267
小販案件 Hawker Case	8 318	10 342	10 327	54	8 279
部門傳票及私人傳票 Departmental & Private Summonses	34 649	156 230	146 288	511	44 080
交通違例扣分傳票 Driving-Offence Points Summonses	1 803	3 236	2 932	21	2 086
定額罰款(交通違例)傳票 Fixed Penalty Summonses (Traffic)	511	881	800	3	589
定額罰款(公眾地方潔淨罪行)傳票 Fixed Penalty Summonses (Public Cleanliness Offences)	97	496	445	0	148
雜項程序通知書 Miscellaneous proceedings issued	8 233	13 928	14 694	308	7 159
亂拋垃圾者傳票 Anti-litter notices issued	872	2 140	2 445	362	205
定額罰款令(交通違例) Fixed Penalty Notice (Traffic)	9 209	51 940	51 527	0	9 622
定額罰款令(公眾地方潔淨罪行) Fixed Penalty Notice (Public Cleanliness Offences)	366	2 843	2 911	2	296
合計 TOTAL	83 903	301 147	291 175	2 144	91 731

表 9 裁判法院的案件量
Table 9 CASELOAD OF THE MAGISTRATES' COURTS

	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
刑事案件 Charge Case	20 150	38 356	38 505	1 013	18 988
小販案件 Hawker Case	8 333	8 740	8 766	66	8 241
部門傳票及私人傳票 Departmental & Private Summonses	44 591	116 610	116 882	835	43 484
交通違例扣分傳票 Driving-Offence Points Summonses	2 107	2 352	2 199	43	2 217
定額罰款 (交通違例) 傳票 Fixed Penalty Summonses (Traffic)	592	644	706	4	526
定額罰款 (公眾地方潔淨罪行) 傳票 Fixed Penalty Summonses (Public Cleanliness Offences)	148	377	394	3	128
雜項程序通知書 Miscellaneous proceedings issued	7 467	9 779	10 373	455	6 418
亂拋垃圾者傳票 Anti-litter notices issued	567	1 586	1 687	266	200
定額罰款令 (交通違例) Fixed Penalty Notice (Traffic)	9 622	43 702	44 578	0	8 746
定額罰款令 (公眾地方潔淨罪行) Fixed Penalty Notice (Public Cleanliness Offences)	298	2 409	2 368	2	337
合計 TOTAL	93 875	224 555	226 458	2 687	89 285

☆ 承接往年的案件是指訴訟中止及訴訟進行中的案件，但不包括已經歸檔的案件

Cases brought forward from previous years refer to cases in progress and inactive cases but do not include cases which have been archived

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 10 裁判法院案件輪候時間
Table 10 WAITING TIME FOR CASES IN THE MAGISTRATES' COURTS

		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)
傳票 Summonses	由答辯日至審訊日 From plea to date of trial	50	64	93	50
控罪案件 Charge cases	由答辯日至審訊日 From plea to date of trial				
	· 被告人在押的案件 Cases involving defendants in custody	30-45	34	47	30-45
	· 被告人獲保釋候審的案件 Cases involving defendants on bail	45-60	49	70	45-60

☆ 裁判法院的平均輪候時間各有不同。表列的輪候時間是指七所裁判法院的輪候時間的平均日數。
The average waiting time of each Magistrates' Court varies. The waiting time in the table is an average of the seven Magistrates' Courts.