

《司法（雜項條文）條例草案》
**Administration of Justice
(Miscellaneous Provisions) Bill**

在民事事項中向終審法院上訴

Appeals in Civil Matters to the Court of Final Appeal

- 現行以當然權利向終審法院提出上訴的機制極不理想
The existing as of right appeal mechanism to the Court of Final Appeal is highly undesirable.
- 現建議所有民事上訴案件，均應由終審法院 / 上訴法庭酌情決定是否受理。
We propose that all appeals in civil matters should only lie at the discretion of the Court of Final Appeal/Court of Appeal.

藉電視直播聯繫錄取證據

Evidence-taking by live television links

- 易受傷害證人可以藉電視直播聯繫提供證據或接受訊問。
A vulnerable witness is permitted to give evidence or to be examined by way of a live television link.
- 法例中“電視直播聯繫”一詞的定義頗為狹窄
The term “live television link” is defined rather narrowly in the law.
- 現建議修訂法例，使其他適合的視聽設施亦可獲得採用。
We propose to amend the law to enable other suitable audio-visual facilities to be adopted.

在區域法院刑事法律程序中宣告 裁決及判刑的理由

Delivery of Reasons for Verdicts/Sentences in Criminal Proceedings in District Court

- 區域法院法官在刑事法律程序中，必須以口述方式宣告裁決和判刑的理由。
A District Judge is required to orally deliver the reasons for verdicts/sentences in criminal proceedings.
- 現建議修訂法例，讓法官靈活處理，在適當的案件中直接以書面發下理由。
We propose to amend the law to give flexibility to hand down the reasons in writing direct in appropriate cases.

符合常任裁判官委任資格所需經驗的計算

Calculation of Qualifying Experience for Appointment of Permanent Magistrates

- 相關專業經驗不少於5年，包括—
 - (a) 執業為大律師、律師或訟辯人；
 - (b) 作為律政人員或在相關政府部門任職指定的職位
 - (c) 擔任特委裁判官

Relevant professional experience of no less than five years, which includes –

- a) as a barrister, solicitor or advocate
- b) a legal officer/a designated post in relevant Government departments
- c) a Special Magistrate

符合常任裁判官委任資格所需經驗的計算 Calculation of Qualifying Experience for Appointment of Permanent Magistrates

- 法例容許(a)和(b)的經驗可合併計算五年的要求，惟(c)的經驗則不可以。現建議修訂法例容許(c)的經驗可合併計算。
The law allows the experience in (a) and (b) to be combined for the purpose of the five-year requirement, but not (c). We propose to amend the law to allow (c) to be so combined.

改善勞資審裁處的運作

Improving the Operation of Labour Tribunal

- 現建議改善有關運作 –
We propose to improve the operations as follows –
 - a) 釐清司法管轄權
Clarify the jurisdiction
 - b) 加強案件管理的權力
Enhance case management powers

改善勞資審裁處的運作

Improving the Operation of Labour Tribunal

- c) 及早披露資料
Early disclosure of information

- d) 統一強制執行裁斷的時限
Align time limit for enforcing awards

訴訟人儲存金的管理

Administration of Suitors' Funds

- 終審法院、高等法院、區域法院、土地審裁處、勞資審裁處及小額錢債審裁處設立的訴訟人儲存金。儲存金的運作是依據有關規則（附屬法例），終審法院及土地審裁處的則以行政方式運作。 Suitors' funds are administered in the Court of Final Appeal, High Court, District Court, Lands Tribunal, Labour Tribunal and Small Claims Tribunal on the basis of rules (subsidiary legislation) except for the Court of Final Appeal and Lands Tribunal (administratively).

訴訟人儲存金的管理

Administration of Suitors' Funds

- 現建議修訂法例，訂明措辭更具體的訂立規則的權力。

We propose to amend the law to include more specifically worded rule-making powers

- 在上述法例修訂制定後，我們會修訂現行的訴訟人儲存金規則，以完善有關的運作，也會制定新訴訟人儲存金規則。

After such amendments have been enacted, we will amend the existing rules to refine the operations and make new rules.

諮詢

Consultation

- 我們已諮詢多個持份組織，當中包括香港大律師公會、香港律師會及勞工顧問委員會。
We have consulted various stakeholders including the Hong Kong Bar Association, the Law Society of Hong Kong and the Labour Advisory Board.
- 兩個法律專業團體整體上支持我們的法例修訂建議。其他持份組織亦表示整體上支持條例草案，當中亦有組織提出關乎微細事項及技術方面的意見。
The two legal professional bodies are generally supportive. The other stakeholders have indicated general support and some have raised minor and technical comments.

未來路向

Way Forward

- 我們擬就條例草案確定條文，以期於2013年年底提交立法會審議。
We aim to finalise the Bill with a view to introducing it into the LegCo in late 2013.

謝謝
Thank You