

Press Release

**Practice Directions to Open up Chambers Hearings
in Civil Proceedings Published**

The Judiciary published today (1 June 2005) Practice Directions 25.1 and 25.2 (“the PDs”) to effect the opening up to the public of chambers hearings in civil proceedings in the High Court, the District Court, the Lands Tribunal and the Family Court.

2. Under the PDs, chambers hearings will generally be open to the public and the hearings may be reported in the same way as hearings in court.

3. The PDs provide for only two kinds of exceptions. First, chambers hearings will not be open to the public where this is required by statute, for example, in adoption proceedings.

4. Secondly, the proceedings identified in PD 25.1 would 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 (“Article 10”) for excluding the press and the public are considered to be usually satisfied. These proceedings include matters relating to children and financial provisions in matrimonial proceedings, ex parte applications for injunctions and similar orders. However, in these instances, the court may, applying Article 10, order the hearing to be open to the public.

5. All chambers hearings open to the public may be reported in the same way as proceedings in court.

6. The PDs will come into operation on 18 July 2005. This will give the legal profession time to make appropriate arrangements to comply. The PDs are accessible at the Judiciary website at http://legalref.judiciary.gov.hk/doc/prac_dir/html/PD25.1.htm and http://legalref.judiciary.gov.hk/doc/prac_dir/html/PD25.2.htm.

7. The opening up of chambers hearings to the public was considered by a Judiciary Working Party in May 1997. Its report recommended that chambers hearings should, as much as possible, be conducted in public, except where a hearing in private was considered appropriate applying the criteria in Article 10.

8. In December 2004, the Judiciary decided to deal with the opening up of chambers hearings by PDs and consulted the Bar Association, the Law Society, the Director of Legal Aid, the Official Receiver and the Department of Justice.

9. Responses were received by mid-April 2005. In the light of the responses, the Judiciary finalized the two PDs published today.

10. The Judiciary regrets the time it has taken to deal with this matter. With the publication of these PDs, chambers hearings will generally be open to the public and this will enhance transparency in the judicial process.

Judiciary
1 June 2005
