

**For discussion
on 25 February 2014**

**Legislative Council Panel
on Administration of Justice and Legal Services**

**Proposed Legislative Amendments relating to
the Adjudication of Equal Opportunities Claims in the District Court**

PURPOSE

This paper seeks Members' views on the proposed legislative amendments to streamline the adjudication of Equal Opportunities ("EO") claims in the District Court.

BACKGROUND

EO Claims

2. Anti-discrimination statutes are social legislation protecting civil rights. At present, they include the Sex Discrimination Ordinance (Cap. 480), the Disability Discrimination Ordinance (Cap. 487), the Family Status Discrimination Ordinance (Cap. 527) and the Race Discrimination Ordinance (Cap. 602).

3. These ordinances render certain kinds of discrimination unlawful in specified circumstances. Victims of unlawful conduct may bring legal proceedings in court to claim compensation or other remedies. Some common case types include sex discrimination, sexual harassment, pregnancy discrimination, disability discrimination and disability harassment.

Review

4. Arising from a review on the institutional, legislative and procedural frameworks, rules and practice of the District Court in the adjudication of EO claims, the Judiciary issued in September 2011 a consultation paper on the recommendations to improve the procedures for adjudication of EO claims. The Judiciary put forward seven recommendations to –

- (a) reduce delays commonly found in EO claims;
- (b) improve the cost-effectiveness of the procedure for adjudication of EO claims by reducing the number of unnecessary interlocutory applications; and
- (c) further simplify the procedural rules after the implementation of the Civil Justice Reform in April 2009.

5. The Judiciary has received written submissions from ten organizations, including those from relevant Government bureaux/departments, the Equal Opportunities Commission, the legal profession and non-governmental organizations. There is general support for the recommendations in the consultation paper. There have also been suggestions for refinement.

6. After careful consideration of their views, the Judiciary issued a response paper to the respondents and the Panel on Administration of Justice and Legal Services respectively in May and June 2012, indicating that we would take forward the recommendations with suitable modifications as appropriate.

PROPOSALS AND JUSTIFICATIONS

7. The Judiciary is making preparations for implementing the recommendations. One key recommendation, namely the replacement of technical pleadings with more informal claim and response forms, requires legislative amendments.

Existing Arrangements

8. At present, the procedures and practice for proceedings in the District Court, including EO proceedings, are generally based on the Rules of the District Court (“RDC”) (Cap. 336H). More specific rules relating to the procedures and practice for EO proceedings have been made under sections 73B, 73C, 73D and 73E of the District Court Ordinance (Cap. 336). The specific rules so made are now set out in the District Court Equal Opportunities Rules (“DCEOR”) (Cap. 336G) and they prevail over the RDC in the case of inconsistency.

9. In practice, the existing procedures and the practice for EO claims are very similar to those for ordinary civil claims conducted in the District Court.

10. Specifically, a pleadings system is provided in the RDC whereby a statement of claim, defence and reply are to be filed with the court according to statutory timelines by parties in each case to set out their claims and defences. Pleadings and their amendments are subject to various technical rules as laid down in Orders 18 and 20 of the RDC and others. These requirements have resulted in a lot of interlocutory applications such as applications to amend pleadings and to seek an extension of time to file pleadings, etc.

11. As pointed out in the Judiciary's earlier consultation paper, the unique nature of EO claims makes it difficult for technical pleadings to be used, especially for litigants in person. As EO claims usually arise out of a series of incidents over a considerably long period of time, it may be difficult for the complainant to decide the extent of particulars to be included in the pleadings, without losing sight of the most important facts of the case.

12. Moreover, to determine whether there is unlawful discrimination, the court needs to compare the treatment suffered by the complainant with that of a "comparator" i.e. a person who is in the same, or not materially different, circumstances as the claimant but without the feature(s) or not in a similar status that cause(s) the alleged discrimination. It is difficult for the complainant to identify the potential "comparators" for the court's consideration during the pleadings stage. It is normally only during the later stage of the court process (e.g. after the exchange of witness statements between the parties) that such comparator(s) can be identified.

Objectives of the Proposed Amendments

13. The Judiciary therefore proposes to amend the DCEOR to simplify the process for pleading an EO claim. The more complicated procedure requiring the filing of technical pleadings is proposed to be replaced with a simpler informal process. In particular, technical pleadings will be replaced with informal claim and response forms as prescribed under the proposed legislative amendments. Where necessary, the court may, either upon parties' application or on its own volition, direct that the formal pleadings process be used in any particular case.

14. During the Judiciary's earlier consultation, focus was mainly placed on the replacement of technical pleadings with informal claim and response forms only. In order to expedite the processing of EO claims, the Judiciary now considers it desirable to simplify the related process as well.

15. When devising the proposed new procedures and forms for EO proceedings, the Judiciary has made reference to other existing court/tribunal proceedings which also adopt informal processes and forms, namely those for employees' compensation cases under the Employees' Compensation (Rules of Court) Rules (Cap. 282B) and those for the Lands Tribunal under the Lands Tribunal Rules (Cap. 17A).

16. The proposed simplified procedures will provide more flexibility for parties to the EO proceedings. The procedures will also be less technical and parties would therefore find it easier to follow. It is hoped that this would help expedite the adjudication of EO claims, resulting in savings in time and costs by the parties concerned.

Proposed Simplified Procedures

17. The Judiciary proposes that, unless the court directs otherwise, parties to EO claims should conduct the proceedings in accordance with the simplified procedures, the gist of which is set out below.

18. A person who intends to initiate an EO claim will have to file in the court a completed "claim form". The "claim form" provides guidance on the relevant information required for such commencement. It will not be necessary for the claimant to initiate the claim by way of a writ as at present, thereby obviating the need to comply with the technical requirements for the preparation of a writ.

19. Upon receipt of the "claim form", the court will send a copy of the "claim form" to the respondent and inform the latter of the date of the first directions hearing (normally about 8 to 12 weeks from the filing of the "claim form"). Unlike the present procedure under the RDC whereby a plaintiff may have up to 12 months to send a writ of summons already issued to the defendant, the proposed arrangement will ensure that the claim filed is brought to the respondent's notice as soon as possible. This should also expedite the processing of EO claims as a whole.

20. Any respondent who intends to oppose the claim will be required to file with the court and send to the claimant a completed “response form” within 28 days after receipt of the “claim form”. Unlike the present procedure under the RDC, it will not be necessary for the respondent to file any acknowledgment of service and there is no need to comply with the relevant technical requirements.

21. Within 14 days after the respondent has received the “claim form”, or after the claimant has received the “response form”, either party may send a “request form” to the other party to demand the provision of further particulars of the grounds to substantiate the latter’s case. If any party fails to furnish the requisite information, the party may need to bear the costs consequences. On the other hand, if the court considers that a party is making unnecessary or vexatious requests for further particulars, there may also be costs consequences. The process will be much simpler than the present process for requesting further and better particulars of a claim or defence which has to be done by way of exchange of correspondence or formal applications to the court. The proposed time limit for seeking such further particulars (14 days) will also help ensure the timely processing of EO claims.

22. To allow flexibility for various time limits for submissions of response forms and requests for further particulars where individual circumstances so justify, the Judiciary suggests providing specific rules to empower the court to extend the deadlines as appropriate.

23. In relation to the proposed use of informal forms to replace technical pleadings, the Judiciary also proposes new rules for the related procedural steps. These include the procedures for service and exchange of documents, amendments of the forms, joinder of causes of action, court orders in default of filing of a document, etc.

24. As a related amendment to enhance the court’s case management powers, the Judiciary also proposes to simplify the procedures for the court to strike out a claim or adjourn the EO proceedings as it sees fit if a party fails to appear at a hearing.

25. The court may direct, at any stage of the proceedings of an EO claim, the use of formal pleadings in accordance with the RDC instead. In such cases, all the technical and formal procedural rules now applicable to ordinary civil proceedings (including EO proceedings) will apply as directed

by the court with any necessary modifications as it sees fit.

26. In cases where the proceedings have commenced before the legislative amendments take effect, transitional provisions are proposed so that the parties to such proceedings may benefit from the streamlined procedures if the court considers appropriate.

27. A marked-up version showing the proposed changes to the DCEOR is at Annex.

OTHER IMPLEMENTATION ACTIONS

28. The Judiciary is also preparing a new practice direction dedicated for EO claims to provide for, among others, details of the newly proposed process and arrangements, including when the first directions hearing should normally be fixed. The Judiciary will consult the relevant parties when ready.

CONSULTATION

29. We have consulted various stakeholders on the proposed changes to the DCEOR including the Equal Opportunities Commission, the Hong Kong Bar Association and the Law Society of Hong Kong. They are generally supportive of our proposed legislative amendments. We have also refined the legislative provisions in the light of their comments as appropriate.

WAY FORWARD

30. Subject to Members' views on the legislative proposals, we aim to table them in the Legislative Council for negative vetting before the summer of 2014.

Judiciary Administration
February 2014

**Proposed Amendments to the District Court Equal Opportunities Rules
(Cap. 336 sub. leg. G) in Marked-up Mode**

Empowering section

(Cap 336 section 73B, 73C, 73D and 73E ~~and 73D~~)

Part 1

Preliminary

Rule 1 (Omitted as spent)

(Omitted as spent)

Rule 2 Interpretation

In these Rules, unless the context otherwise requires-

"action" (訴訟) includes a matter, and any part of an action or matter;

"claim" (申索) includes part of a claim;

"claimant" () means the person mentioned in rule 7(1);

~~"Court" (區域法院) means the District Court and any judge of that Court sitting in court or in chambers;~~

"Court" () has the meaning given by Order 1, rule 4(2) of the Rules of the District Court (Cap. 336 sub. leg. H);

"notice in Form 1" () means the notice of claim mentioned in rule 7(1)(a);

"notice in Form 2" () means the notice to the respondent mentioned in rule 8(1);

"notice in Form 3" () means the notice of response mentioned in rule 10(1)(a);

"notice in Form 4" () means the notice of request for further particulars mentioned in rules 9(1)(a) or 11(1)(a);

"party" () means the claimant, the respondent or a person who is ordered under rule 13 to be joined in the proceeding;

"respondent" () means the person against whom a claim under a relevant Ordinance is made in accordance with rule 7.

"proceeding" (法律程序) includes part of a proceeding;

"Register" (登記冊) means the Equal Opportunities Register kept under rule 3(1);

"relevant Ordinance" (有關條例) means-

- (a) the Sex Discrimination Ordinance (Cap 480);
- (b) the Disability Discrimination Ordinance (Cap 487);
- (c) the Family Status Discrimination Ordinance (Cap 527); or
- (d) the Race Discrimination Ordinance (Cap 602);

"tribunal" (審裁處) means the tribunal within the meaning of section 2 of the Labour Tribunal Ordinance (Cap 25).

~~Rule 2A Application to Crown~~

~~These Rules shall apply to any proceedings by or against the Crown.~~

2A. Application to Government

These Rules apply to any proceeding by or against the Government.

Rule 3 Equal Opportunities Register

- (1) The Registrar shall cause to be kept a register-
 - (a) Called the Equal Opportunities Register; and

- (b) In such form as he thinks fit, or in such form as the Chief Justice may from time to time direct.
- (2) The Registrar shall cause the Register to be maintained by proper entries therein in relation to all actions and proceedings falling within the jurisdiction of the Court under each relevant Ordinance.
- (3) Every action or proceeding referred to in subrule (2) shall be numbered in each year according to the order in which it is connected, and recorded in the Register accordingly.

Rule 4 Application of other rules

~~Subject to sections 73B(8), 73C(8), 73D(8) and 73E(8) of the Ordinance, any rules made under section 72 or 73 of the Ordinance shall apply to and in relation to the jurisdiction conferred on the Court by virtue of any relevant Ordinance.~~

4. Application of other rules

- (1) Subject to sections 73B(8), 73C(8), 73D(8) and 73E(8) of the Ordinance, the rules made under section 72 or 73 of the Ordinance apply to and in relation to the jurisdiction given to the Court by virtue of a relevant Ordinance.
- (2) In particular, the provisions of the Rules of the District Court (Cap. 336 sub. leg. H) (*District Court Rules*) made under section 72 or 73 of the Ordinance apply, with any necessary modifications, to and in relation to an action or proceeding falling within that jurisdiction to the extent of any matter for which no provision is made by Part 2.
- (3) However, the Court may direct that any provision of the District Court Rules made under section 72 or 73 of the Ordinance applies to and in relation to any action or proceeding falling within that jurisdiction as if Part 2 had not been enacted.

Rule 5 Transfer of claim to tribunal

- (1) Where the Court determines in respect of any action listed in the Register (and whether or not the action has commenced) that the action is a claim-

- (a) Beyond the jurisdiction of the Court under any relevant Ordinance;
and
- (b) Within the jurisdiction of the tribunal,

then the Court shall order that the claim transferred to the tribunal.

- (2) Where the Court transfers under subrule (1) a claim to the tribunal, the Registrar shall send to the registrar, within the meaning of section 2 of the Labour Tribunal Ordinance (Cap 25), a certified copy of the entries in the Register, and the documents in his custody, relating to the claim.

Rule 6 Right of audience

Without prejudice to the generality of section 15 of the Ordinance in so far as it relates to persons who may address the Court, any person acting for a party to an action within the jurisdiction of the Court under any relevant Ordinance may, in relation to that action, appear in, conduct, defend and address the Court in, any proceeding therein if the person-

- (a) is a member of the Commission, or a committee, within the meaning of section 2 of the Sex Discrimination Ordinance (Cap 480);
- (b) is employed or engaged under section 64(2)(d), (e) or (f) of that Ordinance;
- (c) is an office bearer of a registered trade union, or of an association of employers, authorized in writing by the party to so act;
- (d) is an officer or servant of an unincorporated or incorporated company or a member of a partnership and that company or partnership, as the case may be, is the party;
- (e) is a carer, or an associate, within the meaning of section 2 of the Disability Discrimination Ordinance (Cap 487), in respect of the party (including any case where the action is a claim under the Sex Discrimination Ordinance (Cap 480)).

Part 2

Equal Opportunities Proceeding

Division 1—Commencement and Forms

7. Making a claim: notice in Form 1

- (1) If a person wishes to make a claim under a relevant Ordinance, the person—
 - (a) must file with the Court a notice of claim in Form 1 in the Appendix;
and
 - (b) must provide to the Court a copy of that notice in Form 1.
- (2) The notice in Form 1 must be sealed with the seal of the Court.
- (3) The notice in Form 1 must include—
 - (a) a concise statement of—
 - (i) the circumstances in which the claim is made;
 - (ii) the remedy or relief that the person claims; and
 - (iii) any question that the person wishes to have determined;
 - (b) the person's name and address; and
 - (c) the name and address of the person against whom the claim is made.

8. Notifying respondent: notice in Form 2

- (1) As soon as practicable after a notice in Form 1 is filed under rule 7, the Court is to cause to be served on the respondent a notice to the respondent in Form 2 in the Appendix.
- (2) The notice in Form 2 must state—
 - (a) that if the respondent wishes to oppose the claim, the respondent must respond to the claim in accordance with rule 9; and
 - (b) that in default of response or of appearance at the hearing time and place set out in that notice, the Court may make an order under rule 13 or 14.

(3) The notice in Form 2 must be accompanied by a copy of the notice in Form 1.

9. Respondent's request for further particulars: notice in Form 4

(1) If the respondent wishes to request the claimant for further particulars of the grounds on which the claim is made, the respondent—

(a) must specify the questions as to which the respondent wishes to have information in a notice to request for further particulars in Form 4 in the Appendix; and

(b) must, within 14 days after having been served with the notice in Form 2 under rule 8, or within any extended period that the Court may on application allow—

(i) file with the Court the notice in Form 4; and

(ii) serve a copy of that notice in Form 4 on the claimant.

(2) The claimant must, within 14 days after having been served with a copy of the notice in Form 4, or within any extended period that the Court may on application allow—

(a) file with the Court a reply; and

(b) serve a copy of the reply on the respondent.

(3) If any request for particulars appears to the Court to be unnecessary or vexatious, the Court—

(a) may disallow, with costs, that request; and

(b) may award against the respondent the costs of any reply to that request.

10. Respondent's response: notice in Form 3

(1) If the respondent wishes to oppose the claim in question, the respondent must, within 28 days after having been served with the notice in Form 2 under rule 8, or within any extended period that the Court may on application allow—

(a) file with the Court a notice of response in Form 3 in the Appendix; and

(b) serve a copy of that notice in Form 3 on the claimant.

- (2) The notice in Form 3 must include a concise statement of the extent and grounds of the opposition.
- (3) Unless the Court orders otherwise, a request for further particulars made by the respondent under rule 9 does not lengthen or shorten the period specified in subrule (1).

11. Claimant's request for further particulars: notice in Form 4

- (1) If the claimant wishes to request the respondent for further particulars of the grounds on which the claim is opposed, the claimant—
 - (a) must specify the questions as to which the claimant wishes to have information in a notice to request for further particulars in Form 4 in the Appendix; and
 - (b) must, within 14 days after having been served with a copy of the notice in Form 3 under rule 10, or within any extended period that the Court may on application allow—
 - (i) file with the Court the notice in Form 4; and
 - (ii) serve a copy of that notice in Form 4 on the respondent.
- (2) The respondent must, within 14 days after having been served with a copy of the notice in Form 4, or within any extended period that the Court may on application allow—
 - (a) file with the Court a reply; and
 - (b) serve a copy of the reply on the claimant.
- (3) If any request for particulars appears to the Court to be unnecessary or vexatious, the Court—
 - (a) may disallow, with costs, that request; and
 - (b) may award against the respondent the costs of any reply to that request.

Division 2—Proceeding after commencement

12. Interested parties may be joined

- (1) On application of the claimant or respondent, or on its own motion, the Court may order a person appearing to the Court to be interested (*interested person*) be joined in the proceeding under this Part.

- (2) The claimant or respondent who wishes to apply for the order—
 - (a) must file with the Court a notice of application; and
 - (b) must serve a copy of the notice on the interested person.
- (3) Unless the Court gives leave to the contrary, the copy of that notice must be served not less than 2 clear days before the hearing date set out in that notice.

13. Default of response

- (1) If no notice in Form 3 is filed by the respondent under rule 10, the claimant—
 - (a) may apply to the Court for an order against the respondent in terms of the claim in question and for costs; and
 - (b) (where there is more than one respondent) may proceed with the proceeding against other respondents.
- (2) On application under subrule (1)(a), the Court may, without hearing the parties, make—
 - (a) an order in favour of the claimant in terms of the application; and
 - (b) any other order that the Court thinks just.
- (3) However, the Court may not make an order under subrule (2) if—
 - (a) the Court is not satisfied that the respondent has been served with the notice in Form 2 under rule 8; or
 - (b) before the order is to be made, the respondent has filed with the Court the notice in Form 3.
- (4) The Court may, on any term that it thinks fit, set aside or vary any order made under this rule.

14. Default of appearance

- (1) If no party appears at the time and place fixed for the hearing of the claim in question, the Court may strike out the claim for want of appearance.
- (2) If only one party appears at that hearing, the Court may proceed in any or all of the following ways—
 - (a) hear the evidence and submission of that party;

- (b) on the application of that party, strike out the claim for want of appearance;
- (c) adjourn the hearing on any term that the Court thinks fit.

15. Discontinuance and withdrawal

- (1) The claimant—
 - (a) may, without leave of the Court, discontinue the proceeding under this Part against the respondent, or withdraw any part of the proceeding, by—
 - (i) filing with the Court a notice to that effect; and
 - (ii) serving a copy of the notice on the respondent; and
 - (b) (where there is more than one respondent) may proceed with the proceeding against other respondents.
- (2) The respondent may, within 14 days after having been served with a copy of that notice, or within any extended period that the Court may on application allow, apply to the Court for an order for costs.
- (3) Subject to sections 73B(3), 73C(3), 73D(3) and 73E(3) (as may be appropriate) of the Ordinance, the Court may make any order for costs that the Court thinks fit.

Division 3—Service of Process

16. Address for service provided in first document

A party must provide in the first document that the party files with the Court for the proceeding under this Part—

- (a) the party's name; and
- (b) the party's address for service for the proceeding, which must not be a post office box number.

17. Change of address for service

A party may change the party's address for service for the proceeding under this Part by—

- (a) filing with the Court a notice to that effect; and

(b) serving a copy of the notice on the other party.

18. Manner of service

- (1) A document is taken to have been served for the proceeding under this Part on a person if the document —
- (a) is served on the person personally;
 - (b) is sent to the person’s address for service for the proceeding—
 - (i) (for a notice in Form 2 accompanied by a copy of a notice in Form 1) by registered post; or
 - (ii) (for any other document) by ordinary post or registered post;
 - (c) is enclosed in a sealed envelope addressed to the person and is inserted through any letter box at that address; or
 - (d) is served in any other manner that the Court directs.
- (2) Where the person is represented by a solicitor, a document is also taken to have been served for the proceeding under this Part on a person if the document is delivered to or left for the solicitor or sent by ordinary post addressed to the solicitor, at the solicitor’s place of business.

19. Time at which service by ordinary post is effected

- (1) This rule applies to a document that is taken to have been served on a person by ordinary post under rule 18(1)(b)(ii) or (2).
- (2) Unless the contrary is proved, the document is taken to have been served on the person at the time at which the document would be delivered in the ordinary course of post.

20. Substituted service

If it appears to the Court that, after reasonable efforts, it has not been possible to serve a document on a person in such a way that the document would be taken to have been served on the person under rule 18, the Court—

- (a) may dispense with service on the person; and
- (b) may order substituted service in any form, whether by advertisement in a newspaper or otherwise, that the Court thinks fit.

Division 4—Miscellaneous

21. Amendment of documents

- (1) On application of a party or on its own motion, the Court may order a party to amend, in the manner that the Court directs, a document filed or served by the party under this Part.
- (2) The order may be made on any term that the Court thinks just.

22. Failure to comply with this Part

Unless the Court directs otherwise, a failure by a party to comply with this Part does not render the proceeding under this Part, or anything done pursuant to the proceeding, invalid.

23. Forms

The forms contained in the Appendix may be used in the proceeding under this Part with any variations that the circumstances require.

Appendix

[r.]

Forms

Form 1

(Rule 7(1))

DCEO _____ / 20__

**IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
EQUAL OPPORTUNITIES ACTION NO. _____ OF 20__**

Between

Claimant

AND

Respondent

Claim

The Claimant applies for the remedy or relief set out in this claim.

A. Details of claim

The Claimant claims that:

1.

[Describe here the unlawful act/acts you are complaining of. State whether you have previously filed any complaint with the Equal Opportunities Commission for any unlawful act/acts that is/are the same or substantially the same as the unlawful act/acts that is/are the subject of this claim.]

B. Legislation

2. The Claimant claims that the [*act/acts] complained of [*is/are] unlawful under one or more of the following Ordinances:

- [*section/sections.....of the] Sex Discrimination Ordinance (Cap. 480).
- [*section/sections.....of the] Disability Discrimination Ordinance (Cap. 487).
- [*section/sections.....of the] Family Status Discrimination Ordinance (Cap. 527).
- [*section/sections.....of the] Race Discrimination Ordinance (Cap. 602).

[Please state the relevant section/sections of the Ordinance/ Ordinances if possible.]

C. Remedies or reliefs sought

3. The Claimant asks the Court to order for one or more of the following remedies or reliefs:

- a declaration that the Respondent has engaged in a conduct, or committed an act, that is unlawful under one or more of the following Ordinances, and order that the Respondent must not repeat or continue the conduct or act:

- Sex Discrimination Ordinance (Cap. 480).
- Disability Discrimination Ordinance (Cap. 487).
- Family Status Discrimination Ordinance (Cap. 527).
- Race Discrimination Ordinance (Cap. 602);

- an order that the Respondent must perform the following reasonable act or course of conduct to redress any loss or damage suffered _____ by _____ the Claimant:

[e.g. an apology from the Respondent]

- an order that the Respondent must employ or re-employ the Claimant;
- an order that the Respondent must promote the Claimant;
- an order that the Respondent must pay to the Claimant damages by way of compensation for any loss or damage suffered by reason of the Respondent's conduct or act;

[If necessary, give details by way of statement of damages and give details of amount claimed and calculations e.g. loss of income.]

- an order that the Respondent must pay to the Claimant punitive or exemplary damages;

an order declaring void in whole or part and either from the beginning or from any date that may be specified in the order, any contract or agreement made in contravention of the above-mentioned Ordinance;

.....
[Specify here any other remedy or relief that you want to seek and the legislative provision under which it is claimed, or any relevant question that you want to be determined.]

D. Claimant's details

4. The Claimant's relationship with the Respondent is.....
[e.g. employee/former employee/co-employee/customer].

5. The Claimant is *18 years old or above/ under 18 years old.

[*6. The Claimant is an individual, whose first language is.....The Claimant requires an interpreter at the hearing in the...../Specify language.]]

[*7. The Claimant has special requirements for the hearing:/Give details of special requirements (e.g. seeking an anonymity order, wheelchair access, hearing loop, sign language interpretation service, presence of personal assistant or carer) to enable this matter to proceed in Court.]]

[*8. Details of representative:
[“Representative” means the person who will act for you in appearing in, conducting, defending and addressing the Court in relation to the claim. Her or she may be a lawyer or a person who is not a lawyer but is an eligible person under rule 6 of the District Court Equal Opportunities Rules (Cap. 336 sub. leg. G). The details required include his/ her name and role, e.g. a member of the Equal Opportunities Commission, registered trade union official, officer of the Claimant company or partnership, carer or associate of the Claimant.]]

Date: _____

Signed by [Name]

[Insert capacity: Claimant/ Solicitor acting for Claimant]

[Signed if this Notice of Claim is indorsed.]

#This claim must be verified by a statement of truth in accordance with Order 41A of the Rules of the District Court (Cap. 336 sub. leg. H).

THIS CLAIM was issued by _____ of

Solicitors for the Claimant, whose address is _____

_____.

OR if the Claimant sues in person:

THIS CLAIM was issued by the Claimant who resides at

_____ and (if
the Claimant does not reside in Hong Kong) whose address for service is

_____.

* Delete words after asterisk in square brackets if inapplicable.

#Please refer to Order 41A, rule 5(1) of the Rules of the District Court (Cap.336, sub. leg. H) for the form of the statement of truth. Example is given below:

“I/The Claimant believe/believes that the facts stated in this Notice of Claim are true.”

Form 2

(Rule 8(1))

DCEO _____ / 20 _____

**IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
EQUAL OPPORTUNITIES ACTION NO. _____ OF 20 _____**

Between

Claimant

AND

Respondent

Notice to Respondent

To

of

TAKE NOTICE that, if you intend to oppose the claim, of which a copy is served on you, you must file with this Court, within 28 days after the service of this notice on you, a written response to it containing a concise statement of the extent and grounds of your opposition.

And further take notice that the.....day of.....20..... at[*am/pm], or so soon after that time as the claim can be heard, at theat..... has been fixed as the time and place of the hearing of the claim and that in default of your filing with this Court within the above-mentioned time a written response as required in this notice, or of your appearing at the above-mentioned time and place fixed for the hearing of the claim, the Court may make an order under rule 14 or 15 (as may be appropriate) of the District Court Equal Opportunities Rules (Cap. 336 sub. leg. G).

Dated this.....day of.....20.....

.....
District Court

**Delete words after asterisk in square brackets if inapplicable.*

Form 3

(Rule 10(1))

DCEO _____ / 20 _____

**IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
EQUAL OPPORTUNITIES ACTION NO. _____ OF 20 _____**

Between

Claimant

AND

Respondent

Notice of Response

A. For the Claimant's claim, the details of the Respondent's response are as follows—

1. _____

[State here whether the respondent admits or denies the descriptions of the alleged unlawful act/acts the Claimant is complaining of. In case of denial, the respondent must set out in full the grounds of denial.]

B. Legislation

2. _____

[You must state here whether the Ordinance/Ordinances referred to by the Claimant is/are or is/are not applicable to the Claimant's claim.]

C. Response to the remedy or relief sought by the Claimant

3. _____

[You must set out in full the grounds on which the remedy or relief is denied, or the grounds of rejecting any question to be determined.]

D. Response to the Claimant's details and special requirements

4. _____

[You must respond in relation to the Claimant's relationship with the Respondent and state the Respondent's position in relation to the Claimant's special requirements.]

Date: _____

Signed by [Name]

[Insert capacity: Respondent/Solicitor acting for Respondent]

#This Response must be verified by a statement of truth in accordance with Order 41A of the Rules of the District Court (Cap. 336 sub. leg. H).

THIS RESPONSE was issued by _____ of

Solicitors for the Respondent, whose address is _____

OR if the Respondent is acting in person:

THIS RESPONSE was issued by the Respondent who resides at

_____ and

(if the Respondent does not reside within the jurisdiction) whose address for service is

_____).

#Please refer to Order 41A, rule 5(1) of the Rules of the District Court (Cap.336, sub. leg. H) for the form of the statement of truth. Example is given below:

"*I/The Respondent believe/believes that the facts stated in this Response are true."

Form 4

(Rule 9(1) and 11(1))

DCEO _____ / 20_____

**IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
EQUAL OPPORTUNITIES ACTION NO. _____ OF 20_____**

Between

Claimant

AND

Respondent

Notice of Request for Further Particulars

To

of

[Name and address of Claimant or Respondent, as may be appropriate.]

TAKE NOTICE that you are requested to reply to me in writing to the following questions:

.....

Dated this.....day of.....20.....

.....

.....

.....

[Signature and address of person making the Request.]

Transitional provisions

(1) Unless the Court orders otherwise, if, before the commencement of these Rules, the claimant of a claim made under a relevant Ordinance has issued a writ of summons for the claim under Order 6 of the Rules of the District Court (Cap. 336 sub. leg. H), rule 4 of the pre-amended Rules continues to apply to and in relation to the claim as if rules 4, 5, 7, 8 and 9 had not been enacted.

(2) In this rule—

Court (區域法院) has the meaning given by rule 2 of the District Court Equal Opportunities Rules (Cap. 336 sub. leg. G);

relevant Ordinance (有關條例) has the meaning given by rule 2 of the District Court Equal Opportunities Rules (Cap. 336 sub. leg. G);

pre-amended Rules () means the District Court Equal Opportunities Rules (Cap. 336 sub. leg. G) that are in force immediately before the commencement of these Rules.