

## **For Information**

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

#### **Proposed Legislative Amendments relating to Suitors' Funds Rules**

## **PURPOSE**

This paper briefs Members on the Judiciary's proposed new and amended suitors' funds rules for various courts and tribunals.

## **BACKGROUND**

### *Administration of Suitors' Funds*

2. Suitors are parties to suits in a court of law. They may need to pay or transfer funds into court (including tribunals) or deposit funds in court for various purposes, for example, as security against possible default on legal costs, in satisfaction of claims or judgment debts. Depending on the outcome of the lawsuits, the funds may have to be paid out of court to the persons entitled to such payment as the court orders. In general, suitors' funds may be accepted in the form of money, securities and/or movable properties.

3. Suitors' funds rules are now provided for in the legislation to govern the administration of such funds, including how suitors' funds are lodged in and paid out of court, investment of the funds, provision of interest for individual suitors' accounts and preparation of annual financial statements for the funds.

4. At present, suitors' funds are administered in the Court of Final Appeal ("CFA"), the High Court, the District Court, the Lands Tribunal, the Labour Tribunal and the Small Claims Tribunal. While most of them are being operated on the basis of the respective dedicated suitors' funds

rules in the subsidiary legislation<sup>1</sup>, the suitors' funds for the CFA and the Lands Tribunal have been operated administratively with reference to the practice in the respective similar court.

***Administration of Justice (Miscellaneous Provisions) Ordinance 2014***

5. To provide a clearer legal basis for the administration of the suitors' funds of the CFA and the Lands Tribunal like the other courts and tribunals, the Judiciary has proposed to introduce dedicated suitors' funds rules for the CFA and the Lands Tribunal, to be supported by specific rule-making powers for this purpose in the respective principal legislation. For the sake of clarity and consistency, the opportunity has also been taken to provide for specific rule-making powers concerning suitors' funds for the Labour Tribunal and the Small Claims Tribunal<sup>2</sup>, similar to those for the High Court and the District Court.

6. With the enactment of the Administration of Justice (Miscellaneous Provisions) Ordinance 2014 ('the Amendment Ordinance') in December 2014, the following Ordinances have been amended to provide for more specific rule-making powers :

- (a) Hong Kong Court of Final Appeal Ordinance (Cap. 484);
- (b) Lands Tribunal Ordinance (Cap. 17);
- (c) Labour Tribunal Ordinance (Cap. 25); and
- (d) Small Claims Tribunal Ordinance (Cap. 338).

The Amendment Ordinance has also made, among others, certain technical amendments to the rule-making provisions in the High Court Ordinance (Cap. 4) and the District Court Ordinance (Cap. 336). The relevant extract of the Amendment Ordinance is at **Annex A**.

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<sup>1</sup> The suitors' funds rules are spelt out in the following subsidiary legislation :

- (a) the High Court Suitors' Funds Rules (Cap. 4B);
- (b) the District Court Suitors' Funds Rules (Cap. 336E);
- (c) the Labour Tribunal (Suitors' Funds) Rules (Cap. 25D); and
- (d) the Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338D).

<sup>2</sup> The present general rule-making powers for the Labour Tribunal and the Small Claims Tribunal are set out respectively in section 45 of the Labour Tribunal Ordinance (Cap. 25) and section 36 of the Small Claims Tribunal Ordinance (Cap. 338).

## **PROPOSED RULES / AMENDMENT RULES**

7. As a second step, the Judiciary proposes to prepare new dedicated suitors' funds rules for the CFA and the Lands Tribunal. In preparing these new dedicated suitors' funds rules, the Judiciary has made reference to the existing rules for the respective similar courts. For the CFA, the draft rules are modeled on those for the High Court, whereas the draft rules for the Lands Tribunal are modeled on those for the District Court.

8. The Judiciary also suggests amending the existing suitors' funds rules for various courts and tribunals across-the-board as appropriate to refine the operations.

9. For instance, according to the existing suitors' funds rules for the High Court and the District Court, interest shall be credited to suitors only since the 14th calendar day after the money has been paid in to the court if they are paid for certain specified purposes<sup>3</sup>, unless an order directs otherwise. For the sake of fairness, the Judiciary suggests shortening the period before interest starts to be credited for individual suitors (from the 14th calendar day to the 3rd business day after the money has been paid in).

10. Besides, at present, the hours that the accounts offices of the court may make payments out in the rules are rather restrictive probably due to historical reasons. The Judiciary suggests aligning the payment-out hours largely with the opening hours of the accounts offices to provide greater flexibility for account management.

11. Other proposed miscellaneous amendments include those on improving the documentary proof of lodgment of suitors' funds, and repealing obsolete provisions, etc.

12. Detailed proposed legislation, as set out in the following six sets of draft new or amendment suitors' funds rules (in marked-up mode as appropriate), are set out at **Annexes B to G** respectively :

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<sup>3</sup> These specified purposes are (a) as security for costs; (b) by way of satisfaction or amends for claims or counterclaims; or (c) in compliance with an order giving leave to defend upon such payments. Rule 16(3)(a) of the High Court Suitors' Funds Rules (Cap. 4B) and that of the District Court Suitors' Funds Rules (Cap. 336E) refer.

- (a) Hong Kong Court of Final Appeal Suitors' Funds Rules;
- (b) High Court Suitors' Funds (Amendment) Rules;
- (c) District Court Suitors' Funds (Amendment) Rules;
- (d) Lands Tribunal (Suitor's Funds) Rules;
- (e) Labour Tribunal (Suitors' Funds) (Amendment) Rules;  
and
- (f) Small Claims Tribunal (Suitors' Funds) (Amendment) Rules.

13. Separately, to prepare for the new Competition Tribunal, the Judiciary has also prepared for that Tribunal a new set of suitors' funds rules by modeling on the High Court Suitors' Funds Rules (Cap. 4B) incorporating the above proposed refinements. The Legislative Council has formed a sub-committee called the "Subcommittee to Study the Proposed Subsidiary Legislation on the Procedures to be Adopted by the Competition Tribunal" to separately examine the suitors' funds rules for the Competition Tribunal, among others. The sub-committee has put forward some minor drafting comments on the draft rules. The Judiciary has considered these comments when preparing the above six sets of the draft rules.

## **CONSULTATION**

14. The Judiciary has consulted various stakeholders on the proposed new and amendment rules, including the Hong Kong Bar Association and the Law Society of Hong Kong. They are supportive of the proposed rules.

## **WAY FORWARD**

15. Members are invited to note the contents of this paper. The Judiciary hopes to table the proposed rules in the Legislative Council for negative vetting before the summer of 2015.

**Judiciary Administration**  
**April 2015**

Relevant Extract of the  
Administration of Justice (Miscellaneous Provisions) Ordinance 2014

Part 7

Amendments Relating to Suitors' Funds

Division 1—High Court Ordinance (Cap. 4)

22. Section 20A amended (property which may be charged)  
Section 20A(4), Chinese text, definition of 證券—
- Repeal**  
“保證物”
- Substitute**  
“證券”.
23. Section 57 amended (rules concerning deposit, etc. of moneys, etc. in High Court)
- (1) Section 57, heading—
- Repeal**  
“Rules concerning deposit, etc. of moneys, etc. in High Court”
- Substitute**  
“Suitors' Funds Rules”.
- (2) Section 57(1)(a), (b) and (d), Chinese text—
- Repeal**  
“保證物”
- Substitute**  
“證券”.
- (3) Section 57(2)(e), Chinese text—
- Repeal**  
“保證物”

**Substitute**

“證券”.

- (4) Section 57(2)(f)—

**Repeal**

everything after “disposing of money”

**Substitute**

“remaining unclaimed in court.”.

- (5) Section 57—

**Repeal subsection (3)**

**Substitute**

“(3) In this section—

*securities* (證券) includes shares;

*suitors* (訴訟人) includes any party to arbitral proceedings who makes payment of money into the Court of First Instance in accordance with rules of court.”.

**Division 2—Lands Tribunal Ordinance (Cap. 17)**

**24. Section 10AA added**

After section 10—

**Add**

**“10AA. Suitors’ Funds Rules**

- (1) The Chief Justice may, after consulting the President, make rules for regulating the following matters—
- (a) the deposit, payment, delivery, and transfer in, into, and out of the Tribunal of money, securities and movable property of suitors;

- (b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money, securities and movable property in the Tribunal;
  - (c) the execution of the orders of the Tribunal; and
  - (d) the powers and duties of the registrar with reference to such money, securities and movable property.
- (2) Without limiting subsection (1), rules made under that subsection may provide for—
- (a) regulating the placing on and withdrawal from deposit of money in the Tribunal, and the payment or crediting of interest on money placed on deposit;
  - (b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;
  - (c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
  - (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
  - (e) determining the cases in which interest on money placed on deposit is, and the dividends on any securities standing in the name of the registrar are, to be placed on deposit; and
  - (f) disposing of money remaining unclaimed in the Tribunal.
- (3) In this section—  
*securities* (證券) includes shares.”.

## **Division 3—Labour Tribunal Ordinance (Cap. 25)**

### **25. Section 45 amended (Chief Justice may make rules)**

(1) Section 45—

**Renumber the section as section 45(1).**

(2) After section 45(1)—

**Add**

“(2) Without limiting subsection (1), the Chief Justice may make rules for regulating the following matters—

- (a) the deposit, payment, delivery, and transfer in, into, and out of the tribunal of money and movable property of suitors;
- (b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money and movable property in the tribunal; and
- (c) the powers and duties of the registrar with reference to such money and movable property.

(3) Without limiting subsection (2), rules made under that subsection may provide for—

- (a) regulating the placing on and withdrawal from deposit of money in the tribunal, and the payment or crediting of interest on money placed on deposit;
- (b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;
- (c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;



- (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
- (e) determining the cases in which interest on money placed on deposit is to be placed on deposit; and
- (f) disposing of money remaining unclaimed in the tribunal.”.

### **Division 4—District Court Ordinance (Cap. 336)**

#### **26. Section 52AA amended (property which may be charged)**

Section 52AA(4), Chinese text, definition of 證券—

**Repeal**

“保證物” (wherever appearing)

**Substitute**

“證券”.

#### **27. Section 73 amended (Suitors’ Funds Rules)**

(1) Section 73(1)(a), (b) and (d), Chinese text—

**Repeal**

“保證物”

**Substitute**

“證券”.

(2) Section 73(2)(e), Chinese text—

**Repeal**

“保證物”

**Substitute**

“證券”.

(3) Section 73(2)(f)—

**Repeal**

everything after “disposing of money”

**Substitute**

“remaining unclaimed in court.”.

- (4) After section 73(2)—

**Add**

“(3) In this section—  
*securities* (證券) includes shares.”.

**Division 5—Small Claims Tribunal Ordinance (Cap. 338)**

**28. Section 36 amended (Chief Justice may make rules)**

- (1) Section 36—

**Renumber the section as section 36(1).**

- (2) After section 36(1)—

**Add**

- “(2) Without limiting subsection (1), the Chief Justice may make rules for regulating the following matters—
- (a) the deposit, payment, delivery, and transfer in, into, and out of the tribunal of money of suitors;
  - (b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money in the tribunal; and
  - (c) the powers and duties of the registrar with reference to such money.
- (3) Without limiting subsection (2), rules made under that subsection may provide for—

- (a) regulating the placing on and withdrawal from deposit of money in the tribunal, and the payment or crediting of interest on money placed on deposit;
- (b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;
- (c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
- (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
- (e) determining the cases in which interest on money placed on deposit is to be placed on deposit; and
- (f) disposing of money remaining unclaimed in the tribunal.”.

## **Division 6—Hong Kong Court of Final Appeal Ordinance (Cap. 484)**

### **29. Section 40A added**

After section 40—

**Add**

#### **“40A. Suitors’ Funds Rules**

- (1) The Chief Justice may make rules for regulating the following matters—
  - (a) the deposit, payment, delivery, and transfer in, into, and out of the Court of money of suitors;

- (b) the evidence of such deposit, payment, delivery, or transfer, and the investment of and other dealings with money in the Court;
  - (c) the execution of the orders of the Court; and
  - (d) the powers and duties of the Registrar with reference to such money.
- (2) Without limiting subsection (1), rules made under that subsection may provide for—
- (a) regulating the placing on and withdrawal from deposit of money in the Court, and the payment or crediting of interest on money placed on deposit;
  - (b) determining the smallest amount of money on deposit on which interest is to be credited to an account to which money placed on deposit belongs;
  - (c) determining the time at which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
  - (d) determining the cases in which money placed on deposit is to begin and to cease to bear interest and the mode of computing such interest;
  - (e) determining the cases in which interest on money placed on deposit is to be placed on deposit; and
  - (f) disposing of money remaining unclaimed in the Court.”.

## Proposed Hong Kong Court of Final Appeal Suitors' Funds Rules

(Made by the Chief Justice under section [40A] of the Hong Kong Court of Final Appeal Ordinance (Cap. 484))

### 1. Commencement

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

### 2. Interpretation

In these Rules—

*funds* (儲存金) means any money standing in or to be placed to the Registrar's account;

*ledger account* (分類帳帳目) means any separate account that bears the title of a cause or matter opened or to be opened under an order or otherwise in the books of the Registrar to which any funds are credited or to be credited;

*order* (命令) means an order of the Court and includes a judgment or decree, and any schedule to an order;

### 3. Payment into Court

- (1) All funds to be paid into the Court on any ledger account must, unless required by any law to be dealt with in any particular way, be paid to the Registrar.
- (2) The Registrar must establish and maintain at such bank as the Director of Accounting Services directs an account called in English the "Hong Kong Court of Final Appeal Suitors' Funds Account" and in Chinese "香港終審法院訴訟人儲存金帳戶", and must pay into it any funds paid into the Court.

### 4. Receipt to be given by Registrar

- (1) The Registrar must give to a person who makes a payment a receipt in respect of the payment.

- (2) The receipt must—
  - (a) specify the amount of funds received;
  - (b) specify the Court action number to which the payment is referable;
  - (c) specify the date of any order directing the payment;
  - (d) specify the party making the payment;
  - (e) specify the method of the payment;
  - (f) contain a general description of the purposes of the payment; and
  - (g) be in Form 1 in the Schedule.

## **5. Keeping of accounts**

The Registrar must—

- (a) keep appropriate ledger accounts to which all funds paid into the Court must be credited, and to which any such funds withdrawn or transferred from the accounts must be debited;
- (b) enter into the accounts in an appropriate manner the investment of any such funds; and
- (c) enter into the accounts in an appropriate manner any dealing, other than by way of payment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.

## **6. Annual statement of accounts**

- (1) The Registrar must cause to be prepared for every period of 12 months ending on 31 March in each year a statement of the accounts kept under rule 5.
- (2) The statement must—
  - (a) include a receipts and payments account and a statement of assets and liabilities; and
  - (b) be signed by the Registrar.

## **7. Payment out of funds in Court**

- (1) Any funds paid into the Court may be paid out—
  - (a) if the amount does not exceed \$250, in cash or by cheque;
  - (b) if the amount exceeds \$250, by cheque; or
  - (c) in respect of any amount, by payments made by the transfer of funds from the bank account of the Court.

- (2) Any cheque or instructions to a bank for a transfer of funds must be signed by 2 persons as may from time to time be authorized in writing by the Registrar.
- (3) Payment out in cash or by cheque must be made at the Court on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the Court.

#### **8. Payment out to be ascertained by certificate of Registrar**

- (1) If an order directs any sum to be ascertained by a certificate of the Registrar and to be afterwards paid in accordance with the certificate, the certificate must be in Form 2 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the Registrar must pay out the sum in accordance with rule 7.

#### **9. Payment of costs**

- (1) If an order directs payment out of the funds of any costs directed to be taxed, the Registrar must state in the certificate of the Registrar the name and address of the person to whom the costs are payable, and the certificate must be in Form 3 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the Registrar must pay out the costs in accordance with rule 7.

#### **10. Order directing payment out of funds to describe persons entitled to payment**

- (1) An order directing funds to be paid out must—
  - (a) set out in full the name of every person to whom the payment is to be made, unless the name is to be stated in a certificate of the Registrar; or
  - (b) (for payment to a firm) state the business name of the firm.
- (2) If an order directs funds paid into the Court to be paid out to 2 or more persons described in the order or in a certificate of the Registrar as co-

partners, the funds may be paid to any one or more of the co-partners or to the surviving co-partners.

### **11. Order directing investment of funds paid into Court**

- (1) If an order directs funds paid into the Court to be invested, the party having the carriage of the order must lodge with the Registrar a request in writing for the investment to be effected.
- (2) On receiving the request, the Registrar must procure the investment of the funds in the manner directed by the order.
- (3) An order directing investment of funds paid into the Court must set out the name or the name of office of the person in whose name the funds are directed to be invested.

### **12. Order directing other dealings with funds paid into Court**

- (1) If an order directs funds paid into the Court to be dealt with otherwise than by payment or investment, the party having the carriage of the order must lodge with the Registrar a request in writing for the funds to be dealt with in the terms of the order.
- (2) On receiving the request, the Registrar must act in accordance with the order.

### **13. Carrying over of funds to separate account**

If funds are ordered to be carried over to a separate account, the title of the account to be opened for the purpose must state the title of the cause or matter to which the funds relate.

### **14. Power of Registrar to invest funds**

- (1) The Registrar may, unless an order directs otherwise—
  - (a) invest any funds paid into the Court that are standing to the credit of any ledger account in such manner as the Registrar thinks fit; and
  - (b) vary the investment at any time.



- (2) Subject to subrule (3), if the Registrar invests any funds paid into the Court that are standing to the credit of any ledger account, any interest or any principal money the Registrar receives on or in respect of the investment must be—
  - (a) paid into the Hong Kong Court of Final Appeal Suitors' Funds Account; and
  - (b) placed in the Registrar's books to the credit of the account in which the investment was standing when the interest became due or when the principal money was received.
  
- (3) Unless an order directs otherwise and subject to subrule (4), no interest is to be credited to any funds paid into the Court that are standing to the credit of any ledger account if —
  - (a) the funds are paid into the Court as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend on payment of the funds; or
  - (b) the amount is less than \$7,500.
  
- (4) If funds are paid into the Court for any purpose referred to in subrule (3)(a), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 3rd business day after the day on which the funds are paid into the Court.
  
- (5) Interest on any funds paid into the Court is not to be computed on a fraction of \$1.
  
- (6) The Registrar is not required to apportion any amount of interest payable on funds paid into the Court that are standing to the credit of any ledger account.
  
- (7) In this rule—

**business day** (工作日) means any day other than—

  - (a) a general holiday;
  - (b) a Saturday; or
  - (c) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).

## **15. Surplus income**

- (1) The Registrar must pay into the Treasury as soon as is practicable after the end of each financial year any sum standing in the Hong Kong Court of Final Appeal Suitors' Funds Account over and above the amounts required by these Rules to be credited to the various accounts.
- (2) The sum referred to in subrule (1) must be transferred to the general revenue.

## **16. Cost of administering Hong Kong Court of Final Appeal Suitors' Funds Account**

The cost of administering the various accounts required to be kept under these Rules is to be defrayed out of the general revenue.

## **17. Certificate of amount and description of funds**

- (1) On a request signed by or on behalf of a person claiming to be interested in any funds standing to the credit of an account specified in the request, the Registrar must, unless there is good reason for refusing, issue a certificate of the amount and description of the funds.
- (2) A certificate issued under subrule (1) must refer to the state of the account at the beginning of the day of the date of the certificate, and must not include the transactions of that day.
- (3) A certificate issued under subrule (1) must state—
  - (a) the date of any charging order affecting, or of any order restraining, the payment of, or other dealing with, the funds standing to the credit of the account specified in the certificate, in respect of the order the Registrar receives notice;
  - (b) whether the charging or restraining order affects the principal or interest that comprises the funds; and
  - (c) the names of the persons to whom the certificate is to be issued or in whose favour the charging or restraining order is made.

- (4) The Registrar may redate a certificate issued under subrule (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

### **18. Transcript of accounts in Registrar's books**

On a request signed by or on behalf of a person claiming to be interested in any funds, the Registrar must, unless there is good reason for refusing—

- (a) issue a transcript of the account in the Registrar's books specified in the request; and
- (b) supply other information or issue certificates with respect to any transaction or dealing with the funds as may from time to time be required in a particular case.

### **19. Transfer of unclaimed money in Court**

- (1) If any sum of money remains unclaimed in the Court for a period of 5 years, the Chief Justice may, on application by the Registrar, order the sum to be transferred to the general revenue.
- (2) Before making an order under subrule (1), the Chief Justice may direct that such notice as the Chief Justice thinks necessary must be given, and to such party as the Chief Justice thinks fit.

### **20. Funds in Court immediately before commencement**

- (1) The Registrar must transfer the funds in the Court immediately before the commencement of these Rules to the Hong Kong Court of Final Appeal Suitors' Funds Account on such commencement.
  - (2) For the purposes of these Rules, the funds in the Court immediately before the commencement of these Rules are—
    - (a) treated on such commencement as paid into the Court; and
    - (b) to avoid doubt, treated as paid for the same purposes for and subject to the same conditions and restrictions (if any) under which they were paid before such commencement.
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**Schedule**

**Forms**

Form 1

[r. 4(2)]

HONG KONG COURT OF FINAL APPEAL SUITORS' FUNDS RULES

*Receipt*

IN THE HONG KONG COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL  
ADMINISTRATIVE REGION

(*Title of cause or matter.* No.    of    )

Receipt no.

Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

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Payment code

Payment method

Amount received

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HONG KONG COURT OF FINAL APPEAL SUITORS' FUNDS RULES

*Certificate of ascertained sums*

IN THE HONG KONG COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL  
ADMINISTRATIVE REGION

(*Title of cause or matter.* No.            of            )

I certify that under order dated            ,            , the sums stated in the schedule to this certificate amounting in the whole to \$            have been ascertained to be the sums payable under the above order to the persons respectively named in respect of (*state purpose of payment*).

(Signature)

Registrar

Dated this    day of            ,    .

**Schedule**

Name	Address (if ascertained)	Amount to be paid

Form 3

[r. 9(1)]

HONG KONG COURT OF FINAL APPEAL SUITORS' FUNDS RULES

*Certificate of taxed costs*

IN THE HONG KONG COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL  
ADMINISTRATIVE REGION

(*Title of cause or matter.* No.            of    )

I certify that I have taxed the bill of costs of (*name of party*) against (*name of party*) on (*date of taxation*) pursuant to an order by (*name of judge*) dated            ,            , and allow as follows:

(*Basis of costs*)

Solicitors' profit costs	\$
Disbursements	\$
Costs of taxation	\$
Taxing fees	\$
Allowed at	\$

The above taxed costs and fees are payable to (*name of payee*) of  
(*address of payee*) out of the funds in the Court.

(Signature)

Registrar

Dated this    day of            ,    .

### **Explanatory Note**

These Rules relate to the administration of the suitors funds kept by the Court of Final Appeal (*Court*) established under the Hong Kong Court of Final Appeal Ordinance (Cap. 484).

2. Rule 1 provides for commencement.
3. Rule 2 contains the definitions used in these Rules.
4. Rule 3 requires all funds to be paid to the Registrar and the Registrar to maintain an account called the “Hong Kong Court of Final Appeal Suitors’ Funds Account” (*Account*).
5. Rule 4 requires the Registrar to issue a receipt for a lodgment. The rule also provides for the requirements of the receipt.
6. Rule 5 provides that the Registrar must keep records of all funds paid into the Court, including records of their investment, withdrawal, transfer, etc.
7. Rule 6 requires the Registrar to prepare an annual statement of the accounts kept under rule 5.
8. Rule 7 prescribes the means of paying out the funds paid into the Court and the time for the payment.
9. Rule 8 deals with the case where outgoing payments are ascertained by a certificate of the Registrar.
10. Rule 9 prescribes the details that a certificate of the Registrar must contain where payment of costs has to be taxed.
11. Rule 10 requires an order directing the payment, transfer, etc. of funds to name the persons entitled to the payment.
12. Rule 11 covers the procedures following the making of an order directing the investment of the funds paid into the Court.
13. Rule 12 covers the procedures following the making of an order directing other dealings with the funds paid into the Court.
14. Rule 13 provides for the carrying over of funds to a separate account.

15. Rule 14 empowers the Registrar to invest the funds paid into the Court. The rule also provides for the accrual of interest on the investment.
16. Rule 15 requires any surplus in the Account to be transferred to the general revenue.
17. Rule 16 provides that the cost of administering the accounts kept under these Rules is to be paid out of the general revenue.
18. Rule 17 provides that the Registrar must, on request, issue a certificate of the amount and description of the funds specified in the request. The rule also sets out the requirements of the certificate.
19. Rule 18 provides that the Registrar must, on request, issue a transcript of the account specified in the request.
20. Rule 19 provides for the transfer of unclaimed money in the Court to the general revenue.
21. Rule 20 provides for the treatment of the funds in the Court immediately before the commencement of these Rules.
22. The Schedule specifies the forms to be used under these Rules.



**Proposed Amendments to the High Court Suitors' Funds Rules  
(Cap. 4 sub. leg. B) in Marked-up Mode**

**Rule 2 Interpretation**

In these rules, unless the context otherwise requires-

"Accountant" (會計師) means the Judiciary Accountant;

"court" (法院) means the High Court;

"funds" (儲存金) or "funds in court" (法院儲存金) means any money or securities, movable property or any part thereof standing in or to be placed to the Registrar's account and includes boxes and other effects;

~~"ledger credit" (分類帳貸方) means the title of the cause or matter and the separate account (if any)~~ ledger account (分類帳帳目) means any separate account that bears the title of the cause or matter opened or to be opened under an order or otherwise in the books of the Registrar to which any funds are credited or to be credited;

"lodge in court" (向法院交存) means pay or transfer into court or deposit in court, and "lodgment in court" (交存於法院), has a corresponding meaning;

"order" (命令) means an order of the court and includes a judgment or decree and includes the schedule or schedules to an order;

"Registrar" (司法常務官) means the Registrar of the court;

"title of the cause or matter" (訟案或事宜的標題) means the short title of the cause or matter with reference to the record.

### Rule 3 Lodgment of funds

#### LODGMENT OF FUNDS IN COURT

- (1) All funds to be lodged in court on any ~~ledger credit~~ ledger account shall, unless required by any law to be dealt with in any particular way, be lodged with the Registrar who shall give to the person making the lodgment a receipt in respect thereof.
- (2) When it is proposed to lodge in court any securities, movable property, boxes or other effects, the Registrar may make such inspection thereof as he thinks fit, before giving to the person making the lodgment a receipt in respect thereof.
- (3) ~~Every receipt given in respect of any lodgment shall be headed with the title of the cause or matter and the title of the ledger account~~ Subject to paragraph (4), every receipt given in respect of any lodgment must be headed with the title of the cause or matter to which the lodgment is referable and shall contain adequate particulars as to such lodgment and shall be as nearly as may be in Form 1 in the Schedule.
- ~~(4) Where money is lodged in satisfaction or part satisfaction of any claim either with or without defence setting up tender or denying liability or where the same is lodged to security for costs or under or on account of any judgment or order, the receipt shall contain a statement of such of the following circumstances as are applicable—
  - (a) paid in on behalf of defendant in satisfaction of claim of the above-named (name of party);
  - (b) paid in on behalf of defendant against claim of the above-named (name of party) with defence setting up tender;
  - (c) paid in on behalf of defendant against claim of the above-named (name of party) with defence denying liability;
  - (d) paid in under order dated the day of 19;
  - (e) paid in to security for costs account on behalf of (name of party);
  - (f) paid in on account of the judgment or order obtained by (name of party).~~
- (4) If money is lodged in court as funds, the receipt given in respect of the lodgment must—

- (a) specify the amount of money received;
- (b) specify the court action number to which the lodgment is referable;
- (c) specify the date of any order directing the lodgment;
- (d) specify the party making the lodgment;
- (e) specify the method of the lodgment;
- (f) contain a general description of the purposes of the lodgment; and
- (g) be in Form 1A in the Schedule.”.

(4A) Where money is lodged by a party to arbitration proceedings who makes payment into the ~~High Court~~ court in accordance with rules of court the receipt shall contain a statement of the circumstances as set out in the notice of payment which accompanied the payment in.

(5) Where the funds lodged are money the Registrar shall pay the same to an account to be called the "High Court Suitors' Funds Account" at such bank as the Director of Accounting Services shall direct.

#### **Rule 4 Keeping of accounts and register**

(1) The Registrar shall-

- (a) keep appropriate ledger accounts to which all funds lodged in court which are money or securities shall be credited and any such funds withdrawn or transferred there from shall be debited to such accounts;
- (b) enter into such accounts in an appropriate manner the investment of any such funds lodged in court; and
- (c) enter into such accounts in an appropriate manner any dealing, other than by way of lodgment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.

(2) The Registrar shall-

- (a) keep a register of all funds lodged in court which are not money or securities;
- (b) enter in the register any lodgment, withdrawal, transfer, investment or other dealings of such funds; and
- (c) for each entry in the register make a memorandum in the appropriate manner in the ledger accounts.

**Rule 6 ~~Shares and securities~~ Securities**

- (1) All kinds of securities may be lodged in court.
- (2) ~~Shares and securities~~ Securities issued by companies or corporations constituted under the laws of Hong Kong, such ~~shares securities~~ being fully paid up and free from all liability, may be transferred to the Registrar by his name of office.
- (3) Other ~~shares and~~ securities may be placed in a box or packet and lodged with the Registrar, who shall, before taking custody of such box or packet, ensure that it is properly marked and secured and shall inspect the contents thereof in the presence of the person lodging the same.
- (4) When ~~shares or~~ securities are to be transferred into the name of the Registrar, the person lodging such ~~shares or~~ securities shall-
  - (a) execute a transfer thereof and shall obtain from the Registrar an authority which shall be as nearly as may be in Form 2 in the Schedule; and
  - (b) lodge such transfer together with the authority at the office of the company or corporation in whose books the securities are to be transferred.
- (5) A company or corporation at the office of which a transfer and authority under paragraph (4) has been lodged ~~shall, after registering such transfer, forward to the Registrar a certificate that the securities have been transferred as authorized, which certificate shall be as nearly as may be in Form 3 in the Schedule. must, after registering the transfer—~~
  - (a) if the securities are not listed on a recognized stock market, forward to the Registrar a certificate in Form 3 in the Schedule, stating that the securities have been transferred as authorized; or
  - (b) if the securities are listed on a recognized stock market, lodge in court the certificate of the securities issued in the name of office of the Registrar.
- (6) On receiving a certificate under paragraph (5) the Registrar shall give to the person making the lodgment his receipt in respect thereof.

(7) In this rule—

*recognized stock market* (認可證券市場) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).

### **Rule 8 Payment out of money lodged in court**

#### **PAYMENT, DELIVERY AND TRANSFER OF FUNDS OUT OF COURT AND OTHER DEALINGS WITH FUNDS**

- (1) Any money lodged in court may be paid out-
  - (a) if the amount does not exceed \$250, in cash or by cheque;
  - (b) if the amount exceeds \$250, by cheque; or
  - (c) in respect of any amount, by payments made by the transfer of funds from the bank account of the court,and any cheque or instructions to the bank for a transfer of funds shall be signed by 2 persons as may from time to time be authorized in writing by the Registrar.
  
- (2) ~~Payment out shall be made at the High Court on weekdays, except Saturdays and general holidays, between the hours of 10.00 a.m. and 1.00 p.m., and between the hours of 2.00 p.m. and 4.00 p.m.~~ Payment out in cash or by cheque must be made at the court on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the court.

### **Rule 11 Payment out, transfer, etc. of fund to personal representative of person entitled to payment**

- (1) When funds in court are by an order directed to be paid, transferred or delivered to any person named or described in an order or in a certificate of the Registrar (except to a person therein expressed to be entitled to such funds as trustee, executor or administrator, or otherwise than in his own right or for his own use), such funds or any portion thereof for the time being remaining unpaid or untransferred or undelivered may, unless the order otherwise directs, on proof of the death of such person whether on or after the date of such order or in the case of payment directed to be made to a creditor as such before the date of such order, be paid or transferred or

delivered to the legal personal representatives of such deceased person or to the survivors of them.

- (2) If no administration has been taken out to such deceased person who has died intestate and whose assets do not exceed the value of \$5000 including the amount of the funds directed to be so paid, transferred or delivered to him, such funds may be paid, transferred or delivered to the person who being widow, child, father, mother, brother or sister of the deceased would be entitled to take out administration to his estate upon a declaration by such person in Form 6 in the Schedule.
- (3) When funds in court are by an order directed to be paid, transferred or delivered to any persons as legal personal representatives, such funds or any portion thereof for the time being remaining unpaid, untransferred or undelivered may, upon proof of the death of any of such representatives, whether on or after the date of such order be paid, transferred or delivered to the survivors of them.
- (4) No funds shall under this rule be paid, transferred or delivered out of court to the legal personal representatives of any person under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of 2 years from the date of the order directing such payment, transfer or delivery, or in case such funds consist of interest or dividends, from the date of the last receipt of such interest or dividends ~~under such order.~~

**Rule 12 Order directing payment out, transfer etc. to describe person entitled to payment etc.**

- (1) Every order which directs funds in court to be paid, transferred or delivered out shall set forth in full the name of every person to whom such payment, transfer or delivery is to be made unless the name is to be stated in a certificate of the Registrar and in the case of payment to a firm, it shall be sufficient to state the business name of such firm.
- (2) When money in court is by an order directed to be paid to any persons described in the order or in a certificate of the Registrar as co-partners,

such money may be paid to any one or more of such co-partners or to the ~~survivor~~ survivors of them.

### **Rule 15 Carrying over of funds to separate account**

When funds in court are ordered to be carried over to a separate account, the title of the ~~ledger credit to be opened for the purpose shall commence with account to be opened for the purpose must state~~ the title of the cause or matter to which such funds are standing.

### **Rule 16 Power of Registrar to invest ~~funds~~ money**

#### INVESTMENT OF ~~FUNDS~~ MONEY LODGED

- (1) The Registrar may, unless an order directs otherwise, invest any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~ in such manner as he thinks fit and may vary at any time such investments.
- (2) Subject to paragraph (3), if the Registrar invests any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~, any dividend or interest received on such investments, or any principal money received in respect thereof, by the Registrar shall be-
  - (a) paid into the High Court Suitors' Funds Account; and
  - (b) placed in his books to the credit of the account in which the investments were standing when the dividend or interest became due or when the principal money was received.
- (3) Unless an order directs otherwise and subject to paragraphs (3A) ~~and (3B)~~ (3AB), (3B) and (3C), no interest shall be credited to any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~ if-
  - (a) such money is paid in court as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend upon such payments;
  - (b) the amount is less than \$7500;

- (c) such money is paid in court ~~as watchmen's fees~~ for payment of expenses including but not limited to watchmen's fees, caretakers' fees and witness expenses;
- (d) such money is paid in court as the proceeds of sale;
- (e) such money is paid in court by way of satisfaction of a judgment debt;
- (f) such money is paid in court in compliance with an order made under the Matrimonial Causes Ordinance (Cap 179), the Matrimonial Proceedings and Property Ordinance (Cap 192) ~~or the Separation and Maintenance Orders Ordinance (Cap 16),~~ the Separation and Maintenance Orders Ordinance (Cap. 16), the Maintenance Orders (Reciprocal Enforcement) Ordinance (Cap. 188) or the Guardianship of Minors Ordinance (Cap. 13); or
- (g) (Repealed L.N. 274 of 1998)
- (h) such money is paid in court in any Admiralty proceedings under Order 75 of the Rules of the High Court (Cap 4 sub. leg. A).

(3A) Where money is paid in court for any purpose referred to in paragraph (3)(a), interest shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning 14 days after on the 3rd business day after the day on which the money is paid in.

(3AB) Despite paragraph (3A), if money is paid in court for any purpose referred to in paragraph (3)(a) before the commencement date, and no interest has been credited to the ledger account for the relevant cause or matter under this rule as in force immediately before the commencement date, interest must be credited to the account—

- (a) for money paid in more than 2 business days before the commencement date, beginning on the commencement date or, if the commencement date is not a business day, the 1st business day after the commencement date;
- (b) for money paid in 2 business days before the commencement date, beginning on the 1st business day after the commencement date or, if the commencement date is not a business day, the 2nd business day after the commencement date; or
- (c) for money paid in 1 business day before the commencement date, beginning on the 2nd business day after the commencement date or, if the commencement date is not a business day, the 3rd business day after the commencement date.



(3B) Notwithstanding ~~paragraph (3A)~~ paragraphs (3A) and (3AB), where money paid in court for any purpose referred to in paragraph (3)(a) is a sanctioned payment within the meaning of Order 22 of the Rules of the High Court (Cap 4 sub. leg. A), interest shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning ~~28 days after on the 28th day after the day on which~~ the money is paid in.

(3C) Despite paragraphs (3A) and (3AB), if money paid in court for any purpose referred to in paragraph (3)(a) is a sanctioned payment within the meaning of Order 62A of the Rules of the High Court (Cap. 4 sub. leg. A), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 14th day after the day on which the money is paid in.

(4) Interest on any money lodged in court shall not be computed on a fraction of one dollar.

(5) The Registrar shall not be required to apportion any amount of interest payable on money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account.~~

(6) In this rule—

*business day* (工作日) means any day other than—

(a) a general holiday;

(b) a Saturday; or

(c) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

*commencement date* (生效日期) means the date on which the High Court Suitors' Funds (Amendment) Rules 2015 come into operation.

## **Rule 19 Evidence by affidavit of life or fulfilment of condition**

### EVIDENCE OF LIFE, ETC.

Where any person is entitled under an order to receive dividends or other periodical payments and the Registrar requires evidence of life or of the fulfilment of any conditions ~~affecting such payments~~ before payment to the person can be made, such evidence shall be furnished by affidavit.

## **Rule 21 Certificate of description and amount of funds**

### MISCELLANEOUS

- (1) The Registrar, upon a request signed by or on behalf of a person claiming to be interested in any funds in court standing to the credit of any account specified in such request, shall, unless there is good reason for refusing, issue a certificate of the amount and description of such funds, and such certificate ~~shall have reference to the morning of the day of the date thereof and shall must refer to the state of the account at the beginning of the day of the date of the certificate, and must~~ not include the transactions of that day.
- (2) The Registrar shall notify on a certificate issued under paragraph (1)-
  - (a) the dates of any ~~changing-charging~~ order affecting or of any order restraining the transfer, sale, payment, delivery out or other dealing with the funds in court to the credit of the account specified in the certificate, in respect of which order he has received notice;
  - (b) whether such charging or restraining order affects principal ~~or interest~~, interest or dividend that comprises the funds;
  - (c) the names of the persons to whom ~~notice is to be given~~ the certificate is to be issued or in whose favour such charging or restraining order has been made.
- (3) The Registrar may redate any certificate issued under paragraph (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

### **Rule 23 Transfer of unclaimed moneys in court**

- (1) When any sum of money remains unclaimed in the court for a period of 5 years, the Chief Justice may, on application by the Registrar ~~of the High Court~~, order such sum to be transferred to the general revenue of Hong Kong.
- (2) Before making any such order under paragraph (1) the Chief Justice may direct that such notice, if any, as he thinks necessary shall be given and to such parties as he may think fit.

### **~~Rule 24 Application of English procedures~~**

~~In any case not provided for by these rules, the practice of the Paymaster General's Office for business of the Supreme Court of Judicature in England may be followed as nearly as the circumstances of the case will admit.~~

**SCHEDULE**

FORM 1

[rule 3(3)]

Receipt

~~IN THE HIGH COURT OF HONG KONG~~ IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

*(Title of cause or matter. No. of ~~19~~ )*

~~Ledger account~~

~~(if the same as the cause, state as above)~~

Received from ~~the sum of~~

~~{or the following securities~~ the following securities (here insert particulars) or a packet

marked purporting to contain (here insert list of contents), or the following movable property ~~(here insert particulars)~~ (here insert particulars).

(Signature) .....

Registrar

Dated this day of , ~~19~~.

\_\_\_\_\_

Form 1A

[rule 3(4)]

Receipt

IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of )

Receipt no.

Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

---

Payment code

Payment method

Amount received

---

FORM 2

[rule 6(4)]

~~Authority to company to register transfer~~ Authority to company or corporation  
to register transfer of securities

~~IN THE HIGH COURT OF HONG KONG~~ IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of ~~19~~)

~~Ledger account~~

~~(if the same as the cause, state as above)~~

To , Limited,  
Hong Kong.

Please register transfer of ~~shares Nos.~~ ~~from~~  
securities Nos. \_\_\_\_\_ of (name of  
company or corporation) from  
to the Registrar~~to the Registrar of the High Court.~~

(Signature) .....  
Registrar

Dated this day of , ~~19~~.

FORM 3 [rule 6(5)]

~~Certificate of registration of shares~~Certificate of registration of securities

The ~~above-mentioned shares have this day been transferred to the Registrar of~~  
~~the High Court~~securities Nos. \_\_\_\_\_ of (name of company or corporation)  
have this day been transferred to the Registrar as authorized.

(Signature) .....  
Secretary of  
, Ltd.

Dated this day of , ~~19~~.

FORM 4 [rule 9]

Certificate of ascertained sums

~~IN THE HIGH COURT OF HONG KONG~~IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of ~~19~~ )  
Ledger account  
~~(if the same as the cause, state as above)~~

I hereby certify that under order dated , ~~19~~, the sums stated in the schedule  
subjoined hereto amounting in the whole to \$ have been ascertained to be the

sums payable under the said order to the persons respectively named in respect of (state ~~in what character paid~~ purpose of payment).

Dated this day of , 19.

(Signature) .....  
Registrar

SCHEDULE

Name	Address (if ascertained)	Amount to be paid

\_\_\_\_\_

FORM 5

[rule 10]

~~Certificate of taxed costs~~

~~IN THE HIGH COURT OF HONG KONG~~

~~(Title of cause or matter. No. of 19)~~

~~Ledger account~~

~~(if the same as the cause, state as above)~~

~~In pursuance of an order dated 19, I have been attended by the solicitors for and I certify that I have taxed the costs specified in the schedule subjoined hereto directed to be taxed by the order at the sums respectively stated in the schedule, which sums with the fees of taxation specified amount to the total sum of~~

~~Dated this day of , 19.~~

~~(Signature) .....  
Registrar~~

SCHEDULE

Cost of	Payable to		Amount of taxed costs and fees
	Address	Name	
			Total \$

Form 5

[rule 10]

Certificate of taxed costs

IN THE HIGH COURT OF THE HONG KONG SPECIAL  
ADMINISTRATIVE REGION

(Title of cause or matter. No. of )

I certify that I have taxed the bill of costs of (name of party) against (name of party) on (date of taxation) pursuant to an order by (name of judge) dated \_\_\_\_\_, and allow as follows:

(Basis of costs)

Solicitors' profit costs \$

Disbursements \$

Costs of taxation \$

Taxing fees \$

Allowed at \$

The above taxed costs and fees are payable to (name of payee) of (address of payee) out of the funds in court.



(Signature)

Registrar

Dated this    day of                    ,    .

FORM 6

[rule 11(2)]

Declaration

~~IN THE HIGH COURT OF HONG KONG~~ IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of ~~19~~ )

Ledger account

~~(if the same as the cause, state as above)~~

I (name and address of applicant) solemnly and sincerely declare that I am the (degree of relationship) and next or one of the next of kin of (name of deceased) and that I am entitled to take out administration to his estate and to receive the sum of \$ directed to be paid to him by the order dated the , ~~19~~ .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been ~~paid. And paid;~~ and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance (Cap. 11).

(Signature of applicant) .....

Declared at

Before me this day of , ~~19~~ .

(Signature) .....

Notary public, or

~~other authorized officer~~

Person authorized by law to take and receive the declaration under the Oaths and Declarations Ordinance (Cap. 11)

**Proposed Amendments to the District Court Suitors' Funds Rules  
(Cap. 336 sub. leg. E) in Marked-up Mode**

**Rule 2 Interpretation**

In these rules, unless the context otherwise requires-

"Accountant" (會計師) means the Judiciary Accountant;

"court" (區域法院) means the District Court;

"funds" (儲存金) or "funds in court"(法院儲存金) means any money or securities, movable property or any part thereof standing in or to be placed to the Registrar's account and includes boxes and other effects;

~~"ledger credit" (分類帳貸方) means the title of the cause or matter and the separate account (if any)~~ "**ledger account**" (分類帳帳目) means any separate account that bears the title of the cause or matter opened or to be opened under an order or otherwise in the books of the Registrar to which any funds are credited or to be credited;

"lodge in court" (向法院交存) means pay or transfer into court or deposit in court, and "lodgment in court" (交存於法院) has a corresponding meaning;

"order" (命令) means an order of the ~~District Court~~ court and includes a judgment or decree and includes the schedule or schedules to an order;

"Registrar" (司法常務官) means the Registrar of the ~~District Court~~ court; "title of the cause or matter" (訟案或事宜的標題) means the short title of the cause or matter with reference to the record.

### Rule 3 Lodgment of funds

#### LODGMENT OF FUNDS IN COURT

- (1) All funds to be lodged in court on any ~~ledger credit~~ ledger account shall, unless required by any enactment-law to be dealt with in any particular way, be lodged with the Registrar who shall give to the person making the lodgment a receipt in respect thereof.
- (2) When it is proposed to lodge in court any securities, movable property, boxes or other effects, the Registrar may make such inspection thereof as he thinks fit, before giving to the person making the lodgment a receipt in respect thereof.
- (3) ~~Every receipt given in respect of any lodgment shall be headed with the title of the cause or matter and the title of the ledger account~~ Subject to paragraph (4), every receipt given in respect of any lodgment must be headed with the title of the cause or matter to which the lodgment is referable and shall contain adequate particulars as to such lodgment and shall be as nearly as may be in Form 1 in the Schedule.
- (4) ~~Where money is lodged in satisfaction or part satisfaction of any claim either with or without defence setting up tender or denying liability or where the same is lodged to security for costs or under or on account of any judgment or order, the receipt shall contain a statement of such of the following circumstances as are applicable-~~
  - (a) ~~paid in on behalf of defendant in satisfaction of claim of the above-named (name of party);~~
  - (b) ~~paid in on behalf of defendant against claim of the above-named (name of party) with defence setting up tender;~~
  - (c) ~~paid in on behalf of defendant against claim of the above-named (name of party) with defence denying liability;~~
  - (d) ~~paid in under order dated the day of 19;~~
  - (e) ~~paid in to security for costs account on behalf of (name of party);~~
  - (f) ~~paid in on account of the judgment or order obtained by (name of party).~~

- (4) If money is lodged in court as funds, the receipt given in respect of the lodgment must—
- (a) specify the amount of money received;
  - (b) specify the court action number to which the lodgment is referable;
  - (c) specify the date of any order directing the lodgment;
  - (d) specify the party making the lodgment;
  - (e) specify the method of the lodgment;
  - (f) contain a general description of the purposes of the lodgment; and
  - (g) be in Form 1A in the Schedule.
- (5) Where the funds lodged are money the Registrar shall pay the same to an account to be called the "District Court Suitors' Funds Account" at such bank as the Director of Accounting Services shall direct.

#### **Rule 4 Keeping of accounts and register**

- 1) The Registrar shall-
- (a) keep appropriate ledger accounts to which all funds lodged in court which are money or securities shall be credited and any such funds withdrawn or transferred therefrom shall be debited to such accounts;
  - (b) enter into such accounts in an appropriate manner the investment of any such funds lodged in court; and
  - (c) enter into such accounts in an appropriate manner any dealing, other than by way of lodgment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.
- (2) The Registrar shall-
- (a) keep a register of all funds lodged in court which are not money or securities;
  - (b) enter in the register any lodgment, withdrawal, transfer, investment or other dealings of such funds; and
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#### **Rule 6 ~~Shares and securities~~ Securities**

- (1) All kinds of securities may be lodged in court.

- (2) ~~Shares and securities~~ Securities issued by companies or corporations constituted under the laws of Hong Kong, such ~~shares securities~~ being fully paid up and free from all liability, may be transferred to the Registrar by his name of office.
- (3) Other ~~shares and~~ securities may be placed in a box or packet and lodged with the Registrar, who shall, before taking custody of such box or packet, ensure that it is properly marked and secured and shall inspect the contents thereof in the presence of the person lodging the same.
- (4) When ~~shares or~~ securities are to be transferred into the name of the Registrar, the person lodging such ~~shares or~~ securities shall-
  - (a) execute a transfer thereof and shall obtain from the Registrar an authority which shall be as nearly as may be in Form 2 in the Schedule; and
  - (b) lodge such transfer together with the authority at the office of the company or corporation in whose books the securities are to be transferred.
- (5) A company or corporation at the office of which a transfer and authority under paragraph (4) has been lodged ~~shall, after registering such transfer, forward to the Registrar a certificate that the securities have been transferred as authorized, which certificate shall be as nearly as may be in Form 3 in the Schedule.~~ must, after registering the transfer—
  - (a) if the securities are not listed on a recognized stock market, forward to the Registrar a certificate in Form 3 in the Schedule, stating that the securities have been transferred as authorized; or
  - (b) if the securities are listed on a recognized stock market, lodge in court the certificate of the securities issued in the name of office of the Registrar.
- (6) On receiving a certificate under paragraph (5) the Registrar shall give to the person making the lodgment his receipt in respect thereof.

(7) In this rule—

*recognized stock market* (認可証券市場) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).

**Rule 8 Payment out of money lodged in court**

PAYMENT, DELIVERY AND TRANSFER OF FUNDS OUT OF COURT  
AND OTHER DEALINGS WITH FUNDS

- (1) Any money lodged in court may be paid out-
  - (a) if the amount does not exceed \$250, in cash or by cheque;
  - (b) if the amount exceeds \$250, by cheque; or
  - (c) in respect of any amount, by payments made by the transfer of funds from the bank account of the court,and any cheque or instructions to the bank for a transfer of funds shall be signed by 2 persons as may from time to time be authorized in writing by the Registrar.
- (2) ~~Payment out shall be made at the District Court on weekdays, except Saturdays and general holidays, between the hours of 10.00 a.m. and 1.00 p.m., and between the hours of 2.00 p.m. and 4.00 p.m.~~Payment out in cash or by cheque must be made at the court on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the court.

**Rule 11 Payment out, transfer, etc. of fund to personal representative of person entitled to payment**

- (1) When funds in court are by an order directed to be paid, transferred or delivered to any person named or described in an order or in a certificate of the Registrar (except to a person therein expressed to be entitled to such funds as trustee, executor or administrator, or otherwise than in his own right or for his own use), such funds or any portion thereof for the time being remaining unpaid or untransferred or undelivered may, unless the order otherwise directs, on proof of the death of such person whether on or after the date of such order or in the case of payment directed to be made to a creditor as such before the date of such order, be paid or transferred or

delivered to the legal personal representatives of such deceased person or to the survivors of them.

- (2) If no administration has been taken out to such deceased person who has died intestate and whose assets do not exceed the value of \$5000 including the amount of the funds directed to be so paid, transferred or delivered to him, such funds may be paid, transferred or delivered to the person who being widow, child, father, mother, brother or sister of the deceased would be entitled to take out administration to his estate upon a declaration by such person in Form 6 in the Schedule.
- (3) When funds in court are by an order directed to be paid, transferred or delivered to any persons as legal personal representatives, such funds or any portion thereof for the time being remaining unpaid, untransferred or undelivered may, upon proof of the death of any of such representatives, whether on or after the date of such order be paid, transferred or delivered to the survivors of them.
- (4) No funds shall under this rule be paid, transferred or delivered out of court to the legal personal representatives of any person under any probate or letters of administration purporting to be granted at any time subsequent to the expiration of two years from the date of the order directing such payment, transfer or delivery, or in case such funds consist of interest or dividends, from the date of the last receipt of such interest or dividends ~~under such order~~.

**Rule 12 Order directing payment out, transfer etc. to describe person entitled to payment etc.**

- (1) Every order which directs funds in court to be paid, transferred or delivered out shall set forth in full the name of every person to whom such payment, transfer or delivery is to be made unless the name is to be stated in a certificate of the Registrar and in the case of payment to a firm, it shall be sufficient to state the business name of such firm.
- (2) When money in court is by an order directed to be paid to any persons described in the order or in a certificate of the Registrar as co-partners,



such money may be paid to any one or more of such co-partners or to the ~~survivor~~ survivors of them.

### **Rule 15 Carrying over of funds to separate account**

When funds in court are ordered to be carried over to a separate account, the title of the ~~ledger credit to be opened for the purpose shall commence with account to be opened for the purpose must state~~ the title of the cause or matter to which such funds are standing.

### **Rule 16 Power of Registrar to invest ~~funds~~ money**

#### INVESTMENT OF ~~FUNDS~~ MONEY LODGED

- (1) The Registrar may, unless an order directs otherwise, invest any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~ in such manner as he thinks fit and may vary at any time such investments.
- (2) Subject to paragraph (3), if the Registrar invests any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~, any dividend or interest received on such investments, or any principal money received in respect thereof, by the Registrar shall be-
  - (a) paid into the District Court Suitors' Funds Account; and
  - (b) placed in his books to the credit of the account in which the investments were standing when the dividend or interest became due or when the principal money was received.
- (3) Unless an order directs otherwise and subject to paragraphs (3A) ~~and (3B)~~, (3AB), (3B) and (3C) no interest shall be credited to any money lodged in court ~~on any ledger credit that is standing to the credit of any ledger account~~ if-
  - (a) such money is paid in court as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend upon such payments;
  - (b) the amount is less than \$2500;

- (c) such money is paid in court ~~as watchmen's fees~~ for payment of expenses including but not limited to watchmen's fees, caretakers' fees and witness expenses;
- (d) such money is paid in court as the proceeds of sale;
- (e) such money is paid in court by way of satisfaction of a judgment debt;
- (f) such money is paid in court in compliance with an order made under the Matrimonial Causes Ordinance (Cap 179), the Matrimonial Proceedings and Property Ordinance (Cap 192), the Separation and Maintenance Orders Ordinance (Cap 16), ~~the Affiliation Proceedings Ordinance (Cap 183),~~ the Maintenance Orders (Reciprocal Enforcement) Ordinance (Cap 188) or the Guardianship Of Minors Ordinance (Cap 13); or
- (g) such money is paid in court in respect of bail.

(3A) Where money is paid in court for any purpose referred to in paragraph (3)(a), interest shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning ~~14 days after on the 3rd business day after the day on which~~ the money is paid in.

(3AB) Despite paragraph (3A), if money is paid in court for any purpose referred to in paragraph (3)(a) before the commencement date, and no interest has been credited to the ledger account for the relevant cause or matter under this rule as in force immediately before the commencement date, interest must be credited to the account—

- (a) for money paid in more than 2 business days before the commencement date, beginning on the commencement date or, if the commencement date is not a business day, the 1st business day after the commencement date;
- (b) for money paid in 2 business days before the commencement date, beginning on the 1st business day after the commencement date or, if the commencement date is not a business day, the 2nd business day after the commencement date; or
- (c) for money paid in 1 business day before the commencement date, beginning on the 2nd business day after the commencement date or, if the commencement date is not a business day, the 3rd business day after the commencement date.

(3B) Notwithstanding ~~paragraph (3A)~~ paragraphs (3A) and (3AB), where money paid in court for any purpose referred to in paragraph (3)(a) is a sanctioned payment within the meaning of Order 22 of the Rules of the District Court (Cap 336 sub. leg. H), interest shall be credited ~~on the ledger credit to the ledger account~~ for the relevant cause or matter, beginning 28 days after on the 28th day after the day on which the money is paid in.

(3C) Despite paragraphs (3A) and (3AB), if money paid in court for any purpose referred to in paragraph (3)(a) is a sanctioned payment within the meaning of Order 62A of the Rules of the District Court (Cap. 336 sub. leg. H), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 14th day after the day on which the money is paid in.

(4) Notwithstanding paragraphs (1), (2), (3), ~~(3A) and (3B)~~, (3AB), (3B) and (3C) and unless an order directs otherwise, the Registrar shall-

- (a) invest any money lodged in court ~~on any ledger credit~~ that is standing to the credit of any ledger account as compensation payable under the Employees' Compensation Ordinance (Cap 282), in such manner as he thinks fit; and
- (b) place any dividend or interest (whether simple or compound) received on such investments, or any principal money received in respect thereof, to the credit of the account in which the investments were standing when such dividend or interest became due or when the principal money was received.

(5) Interest on any money lodged in court shall not be computed on a fraction of one dollar.

(6) The Registrar shall not be required to apportion any amount of interest payable ~~or money lodged in court on any ledger credit~~ on money lodged in court that is standing to the credit of any ledger account.

(7) In this rule—  
business day (工作日) means any day other than—

- (a) a general holiday;
- (b) a Saturday; or

(c) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

commencement date (生效日期) means the date on which the District Court Suitors' Funds (Amendment) Rules 2015 come into operation.

## **Rule 19 Evidence by affidavit of life or fulfilment of condition**

### EVIDENCE OF LIFE, ETC.

Where any person is entitled under an order to receive dividends or other periodical payments and the Registrar requires evidence of life or of the fulfilment of any conditions ~~affecting such payments before payment to the person can be made~~, such evidence shall be furnished by affidavit.

## **Rule 21 Certificate of description and amount of funds**

### MISCELLANEOUS

- (1) The Registrar, upon a request signed by or on behalf of a person claiming to be interested in any funds in court standing to the credit of any account specified in such request, shall, unless there is good reason for refusing, issue a certificate of the amount and description of such funds, and such certificate ~~shall have reference to the morning of the day of the date thereof and shall must refer to the state of the account at the beginning of the day of the date of the certificate and must~~ not include the transactions of that day.
- (2) The Registrar shall notify on a certificate issued under paragraph (1)-
  - (a) the dates of any charging order affecting or of any order restraining the transfer, sale, payment, delivery out or other dealing with the funds in court to the credit of the account specified in the certificate, in respect of which order he has received notice;
  - (b) whether such charging or restraining order affect principal ~~or interest,~~ interest or dividend that comprises the funds;

- (c) the names of the persons to whom ~~notice is to be given~~the certificate is to be issued or in whose favour such charging or restraining order has been made.
- (3) The Registrar may redate any certificate issued under paragraph (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

**SCHEDULE**

FORM 1

[rule 3(3)]

Receipt

~~IN THE DISTRICT COURT OF HONG KONG~~ IN THE DISTRICT COURT  
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(*Title of cause or matter. No. of 19*).

~~Ledger account~~

~~(if the same as the cause, state as above).~~

Received from ~~the sum of~~

~~{or the following securities}~~ the following securities (here insert particulars) or a packet marked purporting to contain (here insert list of contents), or the following movable property ~~(here insert particulars)}~~ (here insert particulars).

(Signature)

Registrar.

Dated this day of 19 .

\_\_\_\_\_

**Form 1A**

[rule 3(4)]

Receipt

IN THE DISTRICT COURT OF THE HONG KONG

SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of )

Receipt no.

Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

Payment code

Payment method

Amount received

FORM 2

[rule 6(4)]

~~Authority to company to register transfer~~ Authority to company or corporation  
to register transfer of securities

~~IN THE DISTRICT COURT OF HONG KONG~~ IN THE DISTRICT COURT  
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

~~(if the same as the cause, state as above).~~

To , Limited,  
Hong Kong.

Please register transfer of ~~shares Nos.~~

~~from to the Registrar of the District Court.~~ securities Nos. \_\_\_\_\_ of *(name of  
company or corporation)* from \_\_\_\_\_ to the Registrar.

(Signature)

Registrar.

Dated this day of ~~19~~.

---

FORM 3

[rule 6(5)]

~~Certificate of registration of shares~~ Certificate of registration of securities

The ~~above mentioned shares have this day been transferred to the Registrar of the District Court~~ securities Nos. \_\_\_\_\_ of (name of company) have this day been transferred to the Registrar as authorized.

(Signature)

Secretary of  
, Ltd.

Dated this day of ~~19~~.

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FORM 4

[rule 9]

Certificate of ascertained sums

~~IN THE DISTRICT COURT OF HONG KONG~~ IN THE DISTRICT COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

~~(if the same as the cause, state as above).~~

I hereby certify that under order dated ~~19~~, the sums stated in the schedule subjoined hereto amounting in the whole to \$ have been ascertained to be the sums payable under the said order to the persons respectively named in respect of (state ~~in what character paid purpose of payment~~).



Dated this day of ~~19~~.

(Signature)

Registrar.

SCHEDULE

Name	Address (if ascertained)	Amount to be paid

~~FORM 5~~

~~{rule 10}~~

~~Certificate of taxed costs~~

~~IN THE DISTRICT COURT OF HONG KONG~~

~~(Title of cause or matter. No. of 19).~~

~~Ledger account~~

~~(if the same as the cause, state as above).~~

~~In pursuance of an order dated~~  
~~19, I have been attended by the solicitors for~~  
~~and I certify that I have taxed the costs specified in the schedule subjoined~~  
~~hereto directed to be taxed by the order at the sums respectively stated in the~~  
~~schedule, which sums with the fees of taxation specified amount to the total sum~~  
~~of.~~

~~Dated this day of 19.~~

~~(Signature)~~

~~Registrar.~~  
~~SCHEDULE~~

Cost of	Payable to		Amount of taxed costs and fees
	Address	Name	

**Form 5**

[rule 10]

Certificate of taxed costs

IN THE DISTRICT COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE  
REGION

(Title of cause or matter. No. of )

I certify that I have taxed the bill of costs of (name of party) against (name of party)  
on (date of taxation) pursuant to an order by (name of judge) dated , , and  
allow as follows:

(Basis of costs)

<u>Solicitors' profit costs</u>	<u>\$</u>
<u>Disbursements</u>	<u>\$</u>
<u>Costs of taxation</u>	<u>\$</u>
<u>Taxing fees</u>	<u>\$</u>
<u>[Allowed] at</u>	<u>\$</u>

The above taxed costs and fees are payable to (name of payee) at (address of  
payee) out of the funds in the court.

(Signature)

Registrar

Dated this day of , .

Declaration

~~IN THE DISTRICT COURT OF HONG KONG IN THE DISTRICT COURT  
OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION~~

(Title of cause or matter. No. of ~~19~~).

~~Ledger account~~

~~(if the same as the cause, state as above).~~

I (name and address of applicant) solemnly and sincerely declare that I am the (degree of relationship) and next or one of the next of kin of (name of deceased) and that I am entitled to take out administration to his estate and to receive the sum of \$ directed to be paid to him by the order dated the ~~19~~.

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been ~~paid~~:paid; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance ~~(Cap. 11), Chapter 11~~.

(Signature of applicant)

Declared at

Before me this day of ~~19~~.

(Signature)

~~Notary public,  
or other authorized officer.~~Person authorized by law to take and receive the  
declaration under the Oaths and Declarations Ordinance (Cap. 11)

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## Proposed Lands Tribunal (Suitors' Funds) Rules

(Made by the Chief Justice after consulting the President of the Lands Tribunal under section 10AA of the Lands Tribunal Ordinance (Cap. 17))

### 1. Commencement

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

### 2. Interpretation

In these Rules—

*funds* (儲存金) means any money or securities, or movable property or any part of it, standing in or to be placed to the registrar's account and includes boxes and other effects;

*ledger account* (分類帳帳目) means any separate account that bears the title of a cause or matter opened or to be opened under an order or otherwise in the books of the registrar to which any funds are credited or to be credited;

*lodge* (交存) means pay, transfer or deposit;

*order* (命令) means an order of the Tribunal and includes a judgment or decree, and any schedule to an order;

*registrar* (司法常務官) includes a deputy registrar or assistant registrar of the Tribunal.

### 3. Lodgment of funds

- (1) All funds to be lodged in the Tribunal on any ledger account must, unless required by any law to be dealt with in any particular way, be lodged with the registrar.
- (2) The registrar must establish and maintain at such bank as the Director of Accounting Services directs an account called in English the "Lands Tribunal Suitors' Funds Account" and in Chinese "土地審裁處訴訟人儲存金帳戶", and must pay into it any funds lodged that are money.

#### **4. Receipt to be given by registrar**

- (1) The registrar must give to a person who makes a lodgment a receipt in respect of the lodgment.
- (2) If any securities, movable property, boxes or other effects are proposed to be lodged in the Tribunal, the registrar may, before giving a receipt under subrule (1), make such inspection of the lodgment as the registrar thinks fit.
- (3) Subject to subrule (4), every receipt given in respect of any lodgment must—
  - (a) be headed with the title of the cause or matter to which the lodgment is referable;
  - (b) contain adequate particulars of the lodgment; and
  - (c) be in Form 1 in the Schedule.
- (4) If money is lodged in the Tribunal as funds, the receipt given in respect of the lodgment must—
  - (a) specify the amount of money received;
  - (b) specify the Tribunal action number to which the lodgment is referable;
  - (c) specify the date of any order directing the lodgment;
  - (d) specify the party making the lodgment;
  - (e) specify the method of the lodgment;
  - (f) contain a general description of the purposes of the lodgment; and
  - (g) be in Form 2 in the Schedule.

#### **5. Keeping of accounts and register**

- (1) The registrar must—
  - (a) keep appropriate ledger accounts to which all funds lodged in the Tribunal that are money or securities must be credited, and to which any such funds withdrawn or transferred from the accounts must be debited;
  - (b) enter into the accounts in an appropriate manner the investment of any such funds; and
  - (c) enter into the accounts in an appropriate manner any dealing, other than by way of lodgment, withdrawal, transfer or investment, of such funds as the circumstances of the case require.

- (2) The registrar must—
  - (a) keep a register of all funds lodged in the Tribunal that are not money or securities;
  - (b) enter in the register any lodgment, withdrawal, transfer, investment or other dealings of such funds; and
  - (c) for each entry in the register, make a memorandum in an appropriate manner in the ledger accounts.

## **6. Annual statement of accounts**

- (1) The registrar must cause to be prepared for every period of 12 months ending on 31 March in each year a statement of the accounts kept under rule 5(1).
- (2) The statement must—
  - (a) include a receipts and payments account and a statement of assets and liabilities; and
  - (b) be signed by the registrar.

## **7. Securities**

- (1) All kinds of securities may be lodged in the Tribunal.
- (2) Securities that are issued by companies or corporations constituted under the laws of Hong Kong and are fully paid up and free from all liability may be transferred to the registrar by the name of office of the registrar.
- (3) Other securities may be placed in a box or packet and lodged with the registrar, who must, before taking custody of the box or packet, ensure that it is properly marked and secured and must inspect the contents of it in the presence of the person lodging it.
- (4) When securities are to be transferred into the name of office of the registrar, the person lodging the securities must—
  - (a) execute a transfer and obtain from the registrar an authority that must be in Form 3 in the Schedule; and
  - (b) submit the transfer together with the authority at the office of the company or corporation in whose books the securities are to be transferred.
- (5) A company or corporation at the office of which a transfer and authority

under subrule (4) have been submitted must, after registering the transfer—

- (a) if the securities are not listed on a recognized stock market, lodge in the Tribunal a certificate in Form 4 in the Schedule, stating that the securities have been transferred as authorized; or
- (b) if the securities are listed on a recognized stock market, lodge in the Tribunal the certificate of the securities issued in the name of office of the registrar.

(6) On receiving a certificate under subrule (5), the registrar must give to the person making the lodgment a receipt referred to in rule 4(3) in respect of the lodgment.

(7) In this rule—

*recognized stock market* (認可證券市場) has the meaning given by section 1 of Part 1 of Schedule 1 to the Securities and Futures Ordinance (Cap. 571).

## **8. Principal money and dividends in respect of or on securities to be placed in registrar's books**

- (1) Any principal money or dividends received by the registrar in respect of or on securities lodged in the Tribunal must be placed in the registrar's books.
- (2) For principal money, it is to be placed to the credit of the account in which the securities giving rise to the money are standing at the time of receipt of the money.
- (3) For dividends, they are to be placed to the credit of the account in which the securities accruing the dividends are standing at the time of closing of the transfer books of the securities, before the dividends become due.

## **9. Payment out of money lodged in Tribunal**

- (1) Any money lodged in the Tribunal may be paid out—
  - (a) if the amount does not exceed \$250, in cash or by cheque;
  - (b) if the amount exceeds \$250, by cheque; or
  - (c) in respect of any amount, by payments made by the transfer of funds from the bank account of the Tribunal.
- (2) Any cheque or instructions to a bank for a transfer of funds must be signed by 2 persons as may from time to time be authorized in writing by the

registrar.

- (3) Payment out in cash or by cheque must be made at the Tribunal on any day that is neither a Saturday nor a general holiday and during the opening hours of the accounts office of the Tribunal.

#### **10. Payment out to be ascertained by certificate of registrar**

- (1) If an order directs any sum to be ascertained by a certificate of the registrar and to be afterwards paid in accordance with the certificate, the certificate must be in Form 5 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the registrar must pay the sum in accordance with rule 9.

#### **11. Payment of costs**

- (1) If an order directs payment out of the funds of any costs directed to be taxed, the registrar must state in a certificate of the registrar the name and address of the person to whom the costs are payable, and the certificate must be in Form 6 in the Schedule.
- (2) On the request of a person entitled to payment under subrule (1), the registrar must pay the costs in accordance with rule 9.

#### **12. Payment out, transfer, etc. of funds to personal representatives of persons entitled to payment**

- (1) This rule applies if—
  - (a) an order directs funds to be paid, transferred or delivered out to any person named or described in the order or in a certificate of the registrar; and
  - (b) the order or certificate does not express the person to be entitled to the funds as trustee, executor or administrator, or otherwise than in the person's own right or for the person's own use.
- (2) The funds referred to in subrule (1)(a) (or any portion of them remaining unpaid, untransferred or undelivered) may, unless the order otherwise directs, be paid, transferred or delivered out to the legal personal representative of the person on proof of the death of the person—



- (a) (if payment is directed to be made to the person as a creditor) before the date of the order; or
  - (b) (in any other case) whether on or after the date of the order.
- (3) If—
- (a) no administration has been taken out to the deceased who has died intestate; and
  - (b) the assets of the deceased do not exceed \$5,000 in value, including the amount of the funds directed to be paid, transferred or delivered to the deceased,
- the funds may be paid, transferred or delivered out to the person who being widower, widow, child, father, mother, brother or sister of the deceased would be entitled to take out the administration to the estate of the deceased, on making a declaration in Form 7 in the Schedule.
- (4) If an order directs funds to be paid, transferred or delivered out to 2 or more persons as legal personal representatives, the funds (or any portion of them remaining unpaid, untransferred or undelivered) may be paid, transferred or delivered out to the surviving representative, on proof of the death of any representative whether on or after the date of the order.
- (5) No funds are to be paid, transferred or delivered out of the Tribunal under this rule to the legal personal representative of any person under any probate or letters of administration purporting to be granted at any time after the expiry of 2 years—
- (a) from the date of the order directing the payment, transfer or delivery; or
  - (b) (if the funds consist of interest or dividend) from the date of the last receipt of the interest or dividend.

**13. Order directing payment out, transfer, etc. of funds to describe persons entitled to payment etc.**

- (1) An order directing funds to be paid, transferred or delivered out must—
- (a) set out in full the name of every person to whom the payment, transfer or delivery is to be made, unless the name is to be stated in a certificate of the registrar; or
  - (b) (for payment, transfer or delivery to a firm) state the business name of the firm.

- (2) If an order directs money lodged in the Tribunal to be paid to 2 or more persons described in the order or in a certificate of the registrar as co-partners, the money may be paid out to any one or more of the co-partners or to the surviving co-partners.

#### **14. Order directing investment of money lodged in Tribunal**

- (1) If an order directs money lodged in the Tribunal to be invested, the party having the carriage of the order must lodge with the registrar a request in writing for the investment to be effected.
- (2) On receiving the request, the registrar must then procure the investment of the money in the manner directed by the order.
- (3) An order directing investment of money lodged in the Tribunal must set out the name or the name of office of the person in whose name the money is directed to be invested.

#### **15. Order directing other dealings with money lodged in the Tribunal**

- (1) If an order directs money lodged in the Tribunal to be dealt with otherwise than by lodgment, withdrawal, transfer or investment, the party having the carriage of the order must lodge with the registrar a request in writing for the money to be dealt with in the terms of the order.
- (2) On receiving the request, the registrar must act in accordance with the order.

#### **16. Carrying over of funds to separate account**

If funds are ordered to be carried over to a separate account, the title of the account to be opened for the purpose must state the title of the cause or matter to which the funds relate.

## **17. Power of registrar to invest money**

- (1) The registrar may, unless an order directs otherwise—
  - (a) invest any money lodged in the Tribunal that is standing to the credit of any ledger account in such manner as the registrar thinks fit; and
  - (b) vary the investment at any time.
- (2) Subject to subrule (3), if the registrar invests any money lodged in the Tribunal that is standing to the credit of any ledger account, any interest or dividend or any principal money the registrar receives on or in respect of the investment must be—
  - (a) paid into the Lands Tribunal Suitors' Funds Account; and
  - (b) placed in the registrar's books to the credit of the account in which the investment was standing when the interest or dividend became due or when the principal money was received.
- (3) Unless an order directs otherwise and subject to subrules (4), (5) and (6), no interest is to be credited to any money lodged in the Tribunal that is standing to the credit of any ledger account if—
  - (a) the money is paid into the Tribunal as security for costs or by way of satisfaction or amends or in compliance with an order giving leave to defend on payment of the money;
  - (b) the amount is less than \$2,500;
  - (c) the money is paid into the Tribunal for payment of expenses including but not limited to watchmen's fees, caretakers' fees and witness expenses;
  - (d) the money is paid into the Tribunal as the proceeds of sale; or
  - (e) the money is paid into the Tribunal by way of satisfaction of a judgment debt.
- (4) If money is paid into the Tribunal for any purpose referred to in subrule (3)(a), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 3rd business day after the day on which the money is paid into the Tribunal.
- (5) Despite subrule (4), if the money paid into the Tribunal for any purpose referred to in subrule (3)(a) is a sanctioned payment within the meaning of Order 22 of the Rules of the High Court (Cap. 4 sub. leg. A), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 28th day after the day on which the money is paid into the Tribunal.

- (6) Despite subrule (4), if the money paid into the Tribunal for any purpose referred to in subrule (3)(a) is a sanctioned payment within the meaning of Order 62A of the Rules of the High Court (Cap. 4 sub. leg. A), interest must be credited to the ledger account for the relevant cause or matter, beginning on the 14th day after the day on which the money is paid into the Tribunal.
- (7) Interest on any money lodged in the Tribunal is not to be computed on a fraction of \$1.
- (8) The registrar is not required to apportion any amount of interest payable on money lodged in the Tribunal that is standing to the credit of any ledger account.
- (9) In this rule—  
*business day* (工作日) means any day other than—
  - (a) a general holiday;
  - (b) a Saturday; or
  - (c) a gale warning day or black rainstorm warning day as defined in section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1).

## **18. Surplus income**

- (1) The registrar must pay into the Treasury as soon as is practicable after the end of each financial year any sum standing in the Lands Tribunal Suitors' Funds Account over and above the amounts required by these Rules to be credited to the various accounts.
- (2) The sum referred to in subrule (1) must be transferred to the general revenue.

## **19. Cost of administering Lands Tribunal Suitors' Funds Account**

The cost of administering the various accounts required to be kept under these Rules is to be defrayed out of the general revenue.

## **20. Evidence by affidavit of life or of fulfilment of condition**

If a person is entitled under an order to receive dividends or other periodical payments, and the registrar requires evidence of life or of the fulfilment of any condition before payment to the person can be made, the evidence must be

given by an affidavit.

## **21. Evidence by affidavit or statutory declaration of other matters**

- (1) If, in carrying into effect any direction of an order, the registrar requires evidence for any purposes other than those specified in rule 20, the registrar may receive and act on an affidavit or a statutory declaration.
- (2) An affidavit or a statutory declaration referred to in subrule (1) must be filed in the Tribunal when the registrar considers it necessary.

## **22. Certificate of amount and description of funds**

- (1) On a request signed by or on behalf of a person claiming to be interested in any funds standing to the credit of an account specified in the request, the registrar must, unless there is good reason for refusing, issue a certificate of the amount and description of the funds.
- (2) A certificate issued under subrule (1) must refer to the state of the account at the beginning of the day of the date of the certificate, and must not include the transactions of that day.
- (3) A certificate issued under subrule (1) must state—
  - (a) the date of any charging order affecting, or of any order restraining, the transfer, sale, payment, delivery out of, or other dealing with, the funds standing to the credit of the account specified in the certificate, in respect of the order the registrar receives notice;
  - (b) whether the charging or restraining order affects the principal, interest or dividend that comprises the funds; and
  - (c) the names of the persons to whom the certificate is to be issued or in whose favour the charging or restraining order is made.
- (4) The registrar may redate a certificate issued under subrule (1) if no alteration in the amount or description of funds has been made since the issue of the certificate.

## **23. Transcript of accounts in registrar's books**

On a request signed by or on behalf of a person claiming to be interested in any funds, the registrar must, unless there is good reason for refusing—

- (a) issue a transcript of the account in the registrar's books specified in the request; and

- (b) supply other information or issue certificates with respect to any transaction or dealing with the funds as may from time to time be required in a particular case.

#### **24. Transfer of unclaimed money in Tribunal**

- (1) If any sum of money remains unclaimed in the Tribunal for a period of 5 years, the Chief Justice may, on application by the registrar, order the sum to be transferred to the general revenue.
- (2) Before making an order under subrule (1), the Chief Justice may direct that such notice as the Chief Justice thinks necessary must be given, and to such party as the Chief Justice thinks fit.

#### **25. Funds in Tribunal immediately before commencement**

- (1) The registrar must transfer the funds that are money in the Tribunal immediately before the commencement of these Rules to the Lands Tribunal Suitors' Funds Account on such commencement.
- (2) For the purposes of these Rules, the funds in the Tribunal immediately before the commencement of these Rules are—
  - (a) treated on such commencement as lodged in the Tribunal; and
  - (b) to avoid doubt, treated as lodged for the same purposes for and subject to the same conditions and restrictions (if any) under which they were paid, transferred or deposited before such commencement.

**Schedule**

**Forms**

Form 1 [r. 4(3)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

*Receipt*

IN THE LANDS TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

*(Title of cause or matter. No. of )*

Received from

\*the following securities (*insert particulars here*) / a packet marked purporting to contain (*insert list of contents here*) / the following movable property (*insert particulars here*).

\*Delete as appropriate.

(Signature)

Registrar

Dated this day of , .  
\_\_\_\_\_

Form 2 [r. 4(4)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

*Receipt*

IN THE LANDS TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

*(Title of cause or matter. No. of )*

Receipt no. Amount received

Date of receipt





The securities Nos. \_\_\_\_\_ of (*name of company or corporation*) have this day been transferred to the Registrar of the District Court as authorized.

(Signature)

Secretary of

, Limited

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Form 5

[r. 10(1)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

*Certificate of ascertained sums*

IN THE LANDS TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(*Title of cause or matter*. No. \_\_\_\_\_ of \_\_\_\_\_)

I certify that under order dated \_\_\_\_\_, \_\_\_\_\_, the sums stated in the schedule to this certificate amounting in the whole to \$ \_\_\_\_\_ have been ascertained to be the sums payable under the above order to the persons respectively named in respect of (*state purpose of payment*).

(Signature)

Registrar

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**Schedule**

Name	Address (if ascertained)	Amount to be paid

Form 6

[r. 11(1)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES

*Certificate of taxed costs*

IN THE LANDS TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(*Title of cause or matter.* No.            of    )

I certify that I have taxed the bill of costs of (*name of party*) against (*name of party*) on (*date of taxation*) pursuant to an order by (*name of judge*) dated            ,            , and allow as follows:

(*Basis of costs*)

Solicitors' profit costs	\$
Disbursements	\$
Costs of taxation	\$
Taxing fees	\$
Allowed at	\$

The above taxed costs and fees are payable to (*name of payee*) of (*address of payee*) out of the funds in the Tribunal.

(Signature)

Registrar

Dated this    day of            ,    .

\_\_\_\_\_

Form 7

[r. 12(3)]

LANDS TRIBUNAL (SUITORS' FUNDS) RULES  
*Declaration*

IN THE LANDS TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(*Title of cause or matter.* No.            of    )

I (*name and address of applicant*) solemnly and sincerely declare that I am the (*degree of relationship*) and next or one of the next of kin of (*name of deceased*) and that I am entitled to take out administration to his or her estate and to receive the sum of \$            directed to be paid to him or her by the order dated            ,            .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5,000, and I certify that the death-bed and funeral

expenses of the deceased have been paid.

I make this solemn declaration conscientiously believing it to be true and by virtue of the provisions of the Oaths and Declarations Ordinance (Cap. 11).

(Signature of applicant)

Declared at

Before me this     day of     ,     .

(Signature)

Person authorized by law to take and receive the  
declaration under the Oaths and Declarations  
Ordinance (Cap. 11)

### **Explanatory Note**

These Rules relate to the administration of the suitors funds kept by the Lands Tribunal (*Tribunal*) established under the Lands Tribunal Ordinance (Cap. 17).

2. Rule 1 provides for commencement.
3. Rule 2 contains the definitions used in these Rules.
4. Rule 3 requires all funds to be lodged with the Registrar and the Registrar to maintain an account called the “Lands Tribunal Suitors’ Funds Account” (*Account*).
5. Rule 4 requires the Registrar to issue a receipt for a lodgment. The rule also provides for the requirements of the receipt.
6. Rule 5 provides that the Registrar must keep records of all funds lodged in the Tribunal, including records of their investment, withdrawal, transfer, etc.
7. Rule 6 requires the Registrar to prepare an annual statement of the accounts kept under rule 5.
8. Rule 7 allows securities to be lodged in the Tribunal. The rule also covers the procedures relating to their transfer.
9. Rule 8 requires any principal money or dividends received for securities lodged in the Tribunal to be entered in the Registrar’s books.
10. Rule 9 prescribes the means of paying out the money lodged in the Tribunal and the time for the payment.
11. Rule 10 deals with the case where outgoing payments are ascertained by a certificate of the Registrar.
12. Rule 11 prescribes the details that a certificate of the Registrar must contain where payment of costs has to be taxed.
13. Rule 12 provides for the circumstances in which funds may be paid, transferred, etc. to the personal representatives of the persons entitled to the payment.

14. Rule 13 requires an order directing the payment, transfer, etc. of funds to name the persons entitled to the payment.
15. Rule 14 covers the procedures following the making of an order directing the investment of the money lodged in the Tribunal.
16. Rule 15 covers the procedures following the making of an order directing other dealings with the money lodged in the Tribunal.
17. Rule 16 provides for the carrying over of funds to a separate account.
18. Rule 17 empowers the Registrar to invest the money lodged in the Tribunal. The rule also provides for the accrual of interest on the investment.
19. Rule 18 requires any surplus in the Account to be transferred to the general revenue.
20. Rule 19 provides that the cost of administering the accounts kept under these Rules is to be paid out of the general revenue.
21. Rule 20 requires evidence of life or fulfilment of condition to be given by an affidavit. Rule 21 allows evidence of other matters to be given by an affidavit or a statutory declaration.
22. Rule 22 provides that the Registrar must, on request, issue a certificate of the amount and description of the funds specified in the request. The rule also sets out the requirements of the certificate.
23. Rule 23 provides that the Registrar must, on request, issue a transcript of the account specified in the request.
24. Rule 24 provides for the transfer of unclaimed money in the Tribunal to the general revenue.
25. Rule 25 provides for the treatment of funds in the Tribunal immediately before the commencement of these Rules.
26. The Schedule specifies the forms to be used under these Rules.

**Proposed Amendments to the Labour Tribunal (Suitors' Funds) Rules  
(Cap. 25 sub. leg. D) in Marked-up Mode**

**Rule 2 Interpretation**

In these rules, unless the context otherwise requires-

~~"funds" (儲存金) means money standing in or to be placed to the registrar's account;~~ "funds" (儲存金) means any money, or movable property or any part of it, standing in or to be placed to the registrar's account and includes boxes and other effects;

"lodge" (交存) means pay, transfer or deposit;

"order" (命令) means an award or order of the tribunal or, in case of an appeal, of the Court, and includes any allocation by a presiding officer of the amount of an award;

"registrar" (司法常務主任) means the Registrar of the Labour Tribunal;

"tribunal" (審裁處) means the Labour Tribunal.

**Rule 3 ~~Payment into the tribunal~~Lodgment of funds**

- (1) All funds to be ~~paid into the tribunal shall be paid to~~lodged in the tribunal must, unless required by any law to be dealt with in any particular way, be lodged with the registrar.
- (2) Except where the circumstances otherwise require, the registrar ~~shall pay any funds paid into the tribunal~~must pay any funds lodged in the tribunal that are money to an account which may be interest earning or not (to be called the Labour Tribunal Suitors' Funds Account) at such bank as the Director of Accounting Services shall direct.
- (3) The presiding officer may direct that an amount equal to the moneys standing to the credit of a particular person on a particular date as recorded in the accounts kept pursuant to rule 5(1) be transferred from the account referred to in paragraph (2) to a separate interest-bearing account (to be opened in the name of the case) with such bank as the presiding officer shall direct and that presiding officer may, if he considers it appropriate, give a direction regarding the manner in which any interest is to be treated.

**Rule 4 Registrar to give receipt**

- (1) The registrar shall give a receipt to any person by whom funds are ~~paid into the tribunal~~lodged in the tribunal.
- ~~(2) A receipt given under this rule shall be as nearly as may be in Form 1 in the Schedule hereto and shall contain particulars sufficient to identify the payment to which it relates and a statement of such of the following circumstances as may be applicable-~~
  - ~~(a) paid in on behalf of defendant (name of party) in satisfaction of claim of the above-named (name of party);~~
  - ~~(b) paid in under order dated the day of 19;~~
  - ~~(c) paid in to security for costs account on behalf of (name of party).~~
- (2) Subject to paragraph (3), every receipt given in respect of any lodgment must—
  - (a) be headed with the title of the cause or matter to which the lodgment is referable;
  - (b) contain adequate particulars of the lodgment; and

(c) be in Form 1 in the Schedule.

(3) If money is lodged in the tribunal as funds, the receipt given in respect of the lodgment must—

(a) specify the amount of money received;

(b) specify the tribunal action number to which the lodgment is referable;

(c) specify the date of any order directing the lodgment;

(d) specify the party making the lodgment;

(e) specify the method of the lodgment; and

(f) specify a general description of the purposes of the lodgment; and

(g) be in Form 1A in the Schedule.

#### **Rule 5 Registrar to keep accounts and register**

(1) The registrar shall keep appropriate accounts in respect of all funds ~~paid into the tribunal~~ lodged in the tribunal that are money and of all dealings relating thereto.

(2) No account kept by the registrar under this rule shall be credited with any sum by way of interest unless the presiding officer makes a direction under rule 3.

(3) The registrar must keep a register of all funds lodged in the tribunal that are not money and of all dealings relating to them.

#### **Rule 6 Payment out of ~~funds~~ money lodged in the tribunal**

(1) ~~Funds paid into~~ Any money lodged in the tribunal shall not be paid out except by direction of a presiding officer or in pursuance of an order, and every such direction or order shall specify in full the name of every person to whom payment is to be made:

Provided that-

(i) in the case of payment to a firm, it shall be sufficient to state the business name of such firm;

(ii) in the case of payment to partners, payment may be made to any one or more of such partners or to the ~~survivors~~ survivors of them, as the case may be.



- (2) ~~Funds paid into~~Any money lodged in the tribunal may be paid out by cheque or in cash as the registrar may direct and, in the case of payment by cheque, the cheque shall be signed by 2 persons authorized in writing by the Registrar of the High Court from time to time.
- (3) ~~Payment out may be made at the offices of the tribunal on any week day, not being a Saturday or general holiday, between the hours of 10.00 a.m. and 1.00 p.m. and between the hours of 2.00 p.m. and 4.00 p.m.; and on any Saturday (not being a general holiday) between the hours of 10.00 a.m. and 12 noon.~~Payment out must be made at the tribunal on any day that is not a general holiday and during the opening hours of the accounts office of the tribunal.

#### **Rule 9 Transfer of unclaimed ~~fundsmoneys~~ to general revenue**

- (1) Where any ~~fundsmoneys~~ paid into the tribunal in respect of an order remain unclaimed for a period of five years after the date of such order, the Chief Justice may, on application by the registrar, direct that such ~~fundsmoneys~~ shall be paid into the general revenue of Hong Kong.
- (2) Before giving any direction under paragraph (1), the Chief Justice may direct that such notice, if any, as he thinks necessary shall be given in such manner and to such persons as he may so direct.

**Schedule**

FORM 1  
LABOUR TRIBUNAL (SUITORS' FUNDS) RULES

[rule 4(2)]

Receipt

IN THE LABOUR TRIBUNAL IN THE LABOUR TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of ).

~~Ledger account~~

~~(if the same as the cause, state as above).~~

Received from

~~the sum of a packet marked \_\_\_\_\_ purporting to contain (here insert list  
of contents), or the following movable property (here insert particulars).~~

(Signature)

*Registrar*

Dated this day of 19 .

Form 1A

[rule 4(3)]

LABOUR TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE LABOUR TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of )

Receipt no.

Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of lodgment

Lodgment code

Lodgment method

Amount received

---

**FORM 2**

[rule 7]

LABOUR TRIBUNAL (SUITORS' FUNDS) RULES

Declaration

~~IN THE LABOUR TRIBUNAL~~ IN THE LABOUR TRIBUNAL OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of ).

Ledger account

~~(if the same as the cause, state as above).~~

I (name and address of applicant) solemnly and sincerely declare that I am the (degree of relationship) and next or one of the next of kin of (name of deceased) and that I am entitled to take out administration to his estate and to receive the sum of \$ directed to be paid to him by the order dated the 19 .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been ~~paid~~paid; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance, Chapter 11.

(Signature of applicant)

Declared at

Before me this day of ~~19~~.

(Signature)

~~Commissioner for Oaths,  
notary public, or other  
authorized officer~~Person authorized by  
law to take and receive the declaration  
under the Oaths and Declarations  
Ordinance (Cap. 11)

**Proposed Amendments to the Small Claims Tribunal (Suitors' Funds)  
Rules (Cap.338 sub. leg. D) in Marked-up Mode**

**Rule 3 Payment into the tribunal**

- (1) All funds to be paid into the tribunal ~~shall~~must, unless required by any law to be dealt with in any particular way, be paid to the registrar.
- (2) Except where the circumstances otherwise require, the registrar shall pay any funds paid into the tribunal to an account which may be interest earning or not (to be called the Small Claims Tribunal Suitors' Funds Account) at such bank as the Director of Accounting Services shall direct.

**Rule 4 Registrar to give receipt**

- (1) The registrar shall give a receipt to any person by whom funds are paid into the tribunal.
- ~~(2) A receipt given under this rule shall be as nearly as may be in Form 1 in the Schedule hereto and shall contain particulars sufficient to identify the payment to which it relates and a statement of such of the following circumstances as may be applicable—~~
  - ~~(a) paid in on behalf of defendant (name of party) in satisfaction of claim of the above named (name of party);~~
  - ~~(b) paid in under order dated the day of 19;~~
  - ~~(c) paid in to security for costs account on behalf of (name of party).~~
- (2) The receipt must—
  - (a) specify the amount of funds received;
  - (b) specify the tribunal action number to which the payment is referable;
  - (c) specify the date of any order directing the payment;
  - (d) specify the party making the payment;
  - (e) specify the method of the payment;
  - (f) contain a general description of the purposes of the payment; and
  - (g) be in Form 1 in the Schedule.

## **Rule 6 Payment out of funds in the tribunal**

- (1) Funds paid into the tribunal may be paid out by cheque or in cash as the registrar may direct and, in the case of payment by cheque, the cheque shall be signed by 2 persons authorized in writing by the registrar from time to time.
- (2) ~~Payment out may be made at the offices of the tribunal on any week day, not being a Saturday or general holiday, between the hours of 10.00 a.m. and 1.00 p.m. and between the hours of 2.00 p.m. and 4.00 p.m.; and on any Saturday (not being a general holiday) between the hours of 10.00 a.m. and 12 noon.~~ Payment out must be made at the tribunal on any day that is not a general holiday and during the opening hours of the accounts office of the tribunal.

## **Rule 10 Annual statement of accounts and audit**

- (1) The registrar shall in each year cause to be prepared for the period of twelve months ending on the 31st March in that year a statement of the accounts kept by him under rule 5, and such statement shall-
  - (a) include a receipts and payments account and a statement of assets and liabilities; and
  - (b) be signed by the ~~Registrar of the High Court~~registrar.
- (2) (Repealed 32 of 2000 s. 23)

**Schedule**

FORM 1

[rule 4(2)]

SMALL CLAIMS TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE SMALL CLAIMS TRIBUNAL OF

THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No.      of      )

Receipt no.

Amount received

Date of receipt

Action no.

Date of order (if applicable)

Payer

Purposes of payment

Payment code

Payment method

Amount received

FORM 1

[rule 4(2)]

~~SMALL CLAIM TRIBUNAL (SUITORS' FUNDS) RULES~~

Receipt

~~IN THE SMALL CLAIM TRIBUNAL~~

~~(Title of cause or matter. No. of 19 ).~~

Ledger account

~~(if the same as the cause, state as above).~~

Received from the sum of

(Signature)

Registrar.

~~Dated this day of 19.~~

FORM 2

[rule 7]

SMALL CLAIM TRIBUNAL (SUITORS' FUNDS) RULES

Declaration

~~IN THE SMALL CLAIMS TRIBUNAL~~ IN THE SMALL CLAIMS  
TRIBUNAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

(Title of cause or matter. No. of 19 ).

Ledger account

~~(if the same as the cause, state as above).~~

I (name and address of applicant) solemnly and sincerely declare that I am the (degree of relationship) and next or one of the next of kin of (name of deceased)



and that I am entitled to take out administration to his estate and to receive the sum of \$ directed to be paid to him by the order dated the 19 .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been paid; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance, Chapter 11.

(Signature of applicant)

Declared at

Before me this day of 19 .

(Signature)

~~Notary public,~~  
~~or other authorized officer.~~ Person authorized by law to take and receive the declaration under the Oaths and Declarations Ordinance (Cap. 11)