

**For discussion  
on 21 December 2015**

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

**Judiciary (Five-day Week) (Miscellaneous Amendments) Bill**

**PURPOSE**

This paper seeks Members' views on the legislative proposals to implement the final phase of a five-day week in the Judiciary.

**BACKGROUND**

**The Government's Policy Initiative**

2. The Government implemented the five-day week initiative starting from 2006 with the objective of improving the quality of civil servants' family life but without affecting the overall level and efficiency of public services or incurring additional costs to the taxpayers. The Government has to abide by the following four basic principles in their implementation of the five-day week initiative –

- (a) no additional staffing resources;
- (b) no reduction in the conditioned hours of service of individual staff;
- (c) no reduction in emergency services; and
- (d) continued provision of some essential counter services on Saturdays.

**Five-day Week in the Judiciary**

3. In April 2006, having regard to the policy initiative proposed by the Government and that Judiciary Administration staff are essentially civil servants, the then Chief Justice decided in principle to adopt a five-day week for the Judiciary. This has been/will be implemented in a phased manner –

- (a) Phase I commenced on 1 July 2006 : a five-day week generally applies to court sittings<sup>1</sup> and back offices which have no interface with members of the public;
- (b) Phase II commenced on 1 January 2007 : this covers services which have a public interface but the switch to a five-day week entails administrative arrangements rather than legislative amendments, e.g. those provided by the Resource Centre for Unrepresented Litigants as well as Press and Public Relations Office; and
- (c) Phase III : this intends to cover those services which have a public interface and the switch to a five-day week entails legislative amendments. These are mainly the services provided by court offices and include court registries and general offices of Magistrates' Courts, accounts offices, Bailiffs' Offices, Probate Registry as well as Oaths and Declarations Office.

### **Present Position**

4. Since July 2006, Judges and Judicial Officers (“JJOs”) have generally been enjoying a five-day week and not been required to work on Saturdays/alternate Saturdays.

5. As at 30 September 2015, there were about 1,600 full-time support staff in the Judiciary (both civil service and non-civil service staff), of which more than 930 (i.e. 58%) were working on various five-day week patterns. The remaining 670 (i.e. 42%) staff members or so were yet to enjoy a five-day week.

### **PROPOSED IMPLEMENTATION OF FINAL PHASE**

6. During the past years, the Judiciary has been engaging in preparatory work, in particular the preparatory work for amending the relevant legislation in relation to the implementation of the final phase of the five-day week. The Judiciary considers it appropriate at this juncture to pursue the implementation of the final phase. The related policy, operational and legislative implications etc. are set out below.

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<sup>1</sup> Generally, no sittings are listed on Saturdays with the exception of some special hearings and a Saturday sitting roster arrangement has been introduced in the Magistrates' Courts to deal with fresh remand cases.

On the other hand, admission ceremonies continue to be held on Saturday mornings.

### **Policy Implications**

7. The Judiciary's primary consideration is to ensure that essential services will not be affected. Specifically, the proposed implementation of the final phase of a five-day week in the Judiciary will NOT affect the following services –

- (a) fresh remand cases at Magistrates' Courts, which have to be brought before the court in order to satisfy the 48-hour requirement under for example section 52(1) of the Police Force Ordinance (Cap. 232) and section 10A(6) of the Independent Commission Against Corruption Ordinance (Cap. 204);
- (b) urgent applications made to various levels of court<sup>2</sup>, which have to be dealt with outside office hours, including Saturdays;
- (c) urgent applications for enforcement of judgments, which have to be dealt with outside office hours, including Saturdays;
- (d) urgent court sittings, which have to be fixed outside office hours, including Saturdays; and
- (e) admission ceremonies, which will continue to be held on Saturdays.

### **Operational Implications**

8. Generally speaking, the current opening hours of the court offices which are now open on Saturdays are 38 hours per week, i.e. from 09:00 to 13:00 and 14:00 to 17:00 from Mondays to Fridays; and from 09:00 to 12:00 on Saturdays.

9. Under a five-day week pattern, the Judiciary proposes to extend

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<sup>2</sup> Examples are applications for orders to prohibit disposal of assets and to allow entry and search of premises.

the opening hours of the court offices<sup>3</sup> so that they will open from 08:45 to 13:00 and from 14:00 to 17:30 from Mondays to Fridays.

10. Upon implementation of Phase III of a five-day week, the aggregate opening hours of the above offices will be increased from 38 hours by 45 minutes to 38 hours 45 minutes.

11. The Judiciary notes that there are generally not many users for court offices on Saturdays at the moment. That said, in consultation with the legal profession, the Judiciary will put in place some administrative arrangements to facilitate the possible opening of court offices on Saturdays as necessary. The proposed arrangements, to be first tried out for six months after the proposed legislative amendments come into effect and to be refined afterwards as necessary, are as follows –

- (a) For the Court of Final Appeal, High Court and District Court : to cater for any possible bail payments on Saturday mornings after the full implementation of a five-day week, a bail applicant may contact the relevant registry not later than 5:00 pm on a Friday if he/she wants to make a bail payment etc. on the following Saturday morning. Upon receiving such a request, the respective registry and accounts office will make arrangement for staff to be on duty to handle such application, and where necessary, arrangement will also be made for the relevant Registrar/Master to attend urgent matters related to the approval of surety; and
- (b) For Magistrates' Courts : currently, the seven Magistrates' Courts form three groupings to take turn to handle fresh remand cases on Saturdays. This grouping of courts will continue to operate upon full implementation of a five-day week, i.e. three Magistrates' Courts (together with the respective registries and

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<sup>3</sup> The court offices to be affected are as follows -

- (a) Registry and Accounts Office of the Court of Final Appeal;
- (b) High Court Registry;
- (c) Civil & Criminal Registry and Appeals Registry of the Clerk of Court's Office;
- (d) Probate Registry;
- (e) Accounts Office of the High Court;
- (f) Registries and Accounts Offices of the District Court, Family Court, Small Claims Tribunal, Lands Tribunal, Labour Tribunal;
- (g) Registry of the Coroner's Court;
- (h) Registries and Accounts Offices of the Magistrates' Courts;
- (i) General Offices of the Bailiff Section; and
- (j) General Office (Certification and Translation) of the Court Language Section.

accounts offices) would operate on each Saturday morning. Similar to the above proposed arrangements for the High Court and District Court etc., a bail applicant would also be required to contact the relevant staff in advance so that he/she can be told which Magistrates Courts to approach for making payment. Where there is surety which needs to be approved, the Magistrate of the duty Magistrates' Court concerned can approve the surety accordingly.

### **Legislative Implications**

12. It is necessary to amend various primary and subsidiary legislation to allow court offices to switch to a five-day week. A Judiciary (Five-day Week) (Miscellaneous Amendments) Bill ("the Bill") is therefore proposed. The key Ordinances proposed to be amended include the following –

- (a) Interpretation and General Clauses Ordinance (Cap. 1);
- (b) High Court Ordinance (Cap. 4);
- (c) Bankruptcy Ordinance (Cap. 6);
- (d) Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62);
- (e) Buildings Ordinance (Cap. 123); and
- (f) Coroners Ordinance (Cap. 504).

The relevant court procedural rules such as the Hong Kong Court of Final Appeal Rules (Cap. 484A), the Rules of the High Court (Cap. 4A) and the Rules of the District Court (Cap. 336H), which are subsidiary legislation, are also proposed to be amended.

13. The key proposed legislative amendments in the Bill seek to achieve the following –

- (a) Computation of time : to exclude Saturdays in relation to the computation of time for court proceedings, so that, for example, if the last day for filing a claim, initiating prosecution or taking a step in court proceedings falls on a Saturday, the closure of a registry on that day will not deprive a litigant's or the prosecution's right; and

- (b) *Opening days/times of the Court Offices* : certain provisions in the legislation need to be amended so that they will be consistent with the opening days or times of the court offices under a five-day week pattern. Besides, the Judiciary proposes to empower the Chief Justice and the relevant Registrars to open certain court offices on Saturdays and any other days as necessary in order to handle urgent cases etc.

14. A marked-up version of the Bill showing the proposed legislative amendments is at the Annex<sup>4</sup>.

### **Staffing Implications**

15. There would be no change in the total conditioned hours of work of individual staff.

## **CONSULTATION**

16. The Judiciary has consulted various stakeholders, including the Hong Kong Bar Association and the Law Society of Hong Kong. We have taken into account their comments in refining the Bill. They are now generally supportive of the Bill and the related operational arrangements.

## **WAY FORWARD**

17. Subject to Members' views on the legislative proposals, we aim to finalise the Bill with a view to introducing it to the Legislative Council in the 2015-16 legislative session, if possible.

**Administration Wing**  
**Chief Secretary for Administration's Office**

**Judiciary Administration**  
**December 2015**

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<sup>4</sup> The draft provisions at the Annex are included to assist in explaining the proposals in this paper. They are not the final version for the legislative amendments when legislation is formally introduced for giving effect to the proposals.

**Judiciary (Five-day Week) (Miscellaneous Amendments) Bill  
(Marked-up Version)**

**Interpretation and General Clauses Ordinance (Cap. 1)**

**Section 71 Computation of time**

- (1) ~~In~~ Subject to subsection (1A), in computing time for the purposes of any Ordinance-
- (a) a period of days from the happening of any event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
  - (b) if the last day of the period is a public holiday or a gale warning day or black rainstorm warning day the period shall include the next following day, not being a public holiday or a gale warning day or black rainstorm warning day;
  - (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day is a public holiday or a gale warning day or black rainstorm warning day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next following day, not being a public holiday or a gale warning day or black rainstorm warning day;
  - (d) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding 6 days, no public holiday or a gale warning day or black rainstorm warning day shall be reckoned in the computation of that time.

(1A) If the computation mentioned in subsection (1) is in relation to doing an act at a court office, the following provisions apply to the computation to the exclusion of subsection (1)(b), (c) and (d)—

- (a) if the act is directed or allowed to be done within a period of time, and the last day of the period is a closure day for that office, the period includes the next following day, not being a closure day for that office;
- (b) if the act is directed or allowed to be done on a certain day, and that day is a closure day for that office, the act is considered as done in due time

if it is done on the next following day, not being a closure day for that office; and

(c) if the act is directed or allowed to be done within any time not exceeding 7 days, no closure day for that office may be reckoned in the computation of that time.

- (2) In this section-"black rainstorm warning day" (黑色暴雨警告日) means any day throughout or for part of which a black rainstorm warning is in force, and "black rainstorm warning" (黑色暴雨警告) means a warning issued by the Director of the Hong Kong Observatory of a heavy rainstorm in, or in the vicinity of, Hong Kong by the use of the heavy rainstorm signal commonly referred to as Black;

closure day (關閉日), in relation to a court office, means a Saturday, a public holiday, a gale warning day, a black rainstorm warning day, or other day on which that office is closed;

court office (法院辦事處) means an office or registry of the following courts or tribunals of the Judiciary of Hong Kong—

- (a) Court of Final Appeal;
- (b) Court of Appeal;
- (c) Court of First Instance;
- (d) Competition Tribunal;
- (e) District Court;
- (f) Magistrates' Court;
- (g) Lands Tribunal;
- (h) Labour Tribunal;
- (i) Small Claims Tribunal;
- (j) Obscene Articles Tribunal;
- (k) Coroner's Court;

"gale warning day" (烈風警告日) means any day throughout or for part of which a gale warning is in force, and "gale warning" (烈風警告) has the meaning assigned to it by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62).



## High Court Ordinance (Cap. 4)

### Section 30 Business in vacations

- (1) The High Court and the Registries shall be open during any vacation (~~except on general holidays~~) for the purpose of-
- (a) holding criminal trials and determining criminal appeals and the transaction of all business incidental thereto; and
  - (b) the transaction of such other business as may be prescribed by rules of court.

(2)-(3) (Repealed 49 of 1983 s. 6)

(4) Subsection (1) does not require the High Court and the Registries to be open on Saturdays, general holidays, or any other days as directed by the Chief Justice or the Registrar.

(5) In subsection (4)—

Registrar (司法常務官) includes a Senior Deputy Registrar, Deputy Registrar or Assistant Registrar of the High Court.

## Rules of the High Court (Cap. 4 sub. leg. A)

### Order 3 Time

#### Rule 2 Reckoning periods of time

- (1) Any period of time fixed by these rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with the following provisions of this rule.
- (2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.
- (3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

- (4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.
- (5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a ~~Sunday or a general holiday~~day specified in paragraph (6), that day shall be excluded.~~In this paragraph "general holiday" (公眾假期) means a day which is, or is to be observed as, a general holiday under the General Holidays Ordinance (Cap 149).~~
- (6) The day specified for paragraph (5) is—
- (a) a Saturday;
  - (b) a general holiday;
  - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
  - (d) a black rainstorm warning day as defined by that section; or
  - (e) (if the act in question is to be done at an office of the Court) any other day on which that office is closed.

**Rule 4 Time expires on ~~Sunday, etc.~~days on which office is closed**

- (1) Where the time prescribed by these rules, or by any judgment, order or direction, for doing any act at an office of the Court expires on a ~~Sunday or other day on which that office is closed~~day specified in paragraph (2), and by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.
- (2) The day specified for paragraph (1) is—
- (a) a Saturday;
  - (b) a general holiday;
  - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
  - (d) a black rainstorm warning day as defined by that section; or
  - (e) any other day on which the office mentioned in paragraph (1) is closed.

## Order 64 Sittings, Vacations and Office Hours

### Rule 7 High Court Offices: days on which open and office hours

- (1) The offices of the High Court shall be open on every day of the year except—
- ~~(a) Saturdays from 1 p.m.,~~
  - ~~(b) Sundays,~~
  - ~~(c) (ca) (Repealed L.N. 92 of 2012)~~
  - ~~(e) general holidays under the General Holidays Ordinance (Cap 149),~~
  - ~~(f) such other days as the Chief Justice may direct.~~
- Saturdays and general holidays.

(1A) Despite paragraph (1), the Chief Justice or the Registrar may from time to time direct an office of the High Court to be open or closed on any day.

- (2) The hours during which any office of the High Court shall be open to the public shall be such as the Chief Justice or the Registrar may from time to time direct.

## Order 65 Service of Documents

### ~~7. Effect of service after certain hours (O. 65, r. 7)~~

~~Any document (other than a writ of summons or other originating process) service of which is effected under rule 2 or under rule 5(1)(a) between 1 p.m. on a Saturday and midnight on the following day or after four in the afternoon on any other weekday shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on the Monday following that Saturday or on the day following that other weekday, as the case may be.~~

### 7. Effect of service at certain time (O. 65, r. 7)

- (1) This rule applies if a document (other than a writ of summons or other originating process) is served under rule 2 or 5(1)(a)—
- (a) on a day specified in paragraph (3); or
  - (b) after 4 p.m. on any other day.
- (2) For computing any period of time after service of the document, the document is deemed to be served on the next following day, not being a day specified in paragraph (3).

- (3) The day specified for paragraphs (1) and (2) is—
- (a) a Saturday;
  - (b) a general holiday;
  - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
  - (d) a black rainstorm warning day as defined by that section.

## **Bankruptcy Ordinance (Cap. 6)**

### **Section 122 Computation of time**

#### **Miscellaneous**

- (1) Where by this Ordinance any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed.
- ~~(2) Where the limited time so appointed or allowed is less than 6 days, general holidays as defined by the General Holidays Ordinance (Cap 149) shall not be reckoned in the computation of such time.~~
- ~~(3) Where the limited time so appointed or allowed expires on one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which is not one of the days in this section specified.~~
- (2) If that limited time is less than 6 days, a day specified in subsection (3A) is not to be reckoned in the computation of that limited time.
- (3) If that limited time expires on a day specified in subsection (3A), the act or proceeding is considered as done or taken in due time if it is done or taken on the next following day that is not a day specified in subsection (3A).

(3A) The day specified for subsections (2) and (3) is—

(a) a Saturday;

(b) a general holiday;

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

(d) a black rainstorm warning day as defined by that section; or

(e) (if the act or proceeding in question is to be done or taken at an office of the court) any other day on which that office is closed.

(4) The provisions of this section shall take effect notwithstanding anything contained in sections 29, 30 and 31 of the High Court Ordinance (Cap 4).

### **Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg. D)**

#### **Rule 6 Payment out of money lodged in the tribunal<sup>1</sup>**

(1) 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 of them, as the case may be.

(2) 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 must be made at the tribunal on any day that is ~~not~~ neither a Saturday nor a general holiday and during the opening hours of the accounts office of the tribunal.

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<sup>1</sup> The proposed amendments to this rule are marked against the latest version, incorporating changes introduced by L.N. 151 of 2015 which have subsequently been endorsed by the Legislative Council. The changes are yet to be brought into operation.

## **Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62)**

### **Section 2 Interpretation**

In this Ordinance, unless the context otherwise requires-  
"adjourned hearing" (經延期的聆訊) means the resumed hearing of any judicial proceedings adjourned by or under this Ordinance;

"Director" (台長) means the Director of the Hong Kong Observatory;

"gale warning" (烈風警告) means a warning of the occurrence of a tropical cyclone in, or in the vicinity of, Hong Kong by the use of any of the tropical cyclone warning signals referred to in section 5(1)(a)(i);

"judicial proceedings" (司法程序) means any proceedings before a court, tribunal, commission or other person having by law power to receive evidence on oath;

"period of adjournment" (延期期間) means a period during which any judicial proceedings are adjourned by section 3 or 6;

"rainstorm warning" (暴雨警告) means a warning of a heavy rainstorm in, or in the vicinity of, Hong Kong by the use of the heavy rainstorm warning signal referred to in section 5(1)(a)(ii);

"tropical cyclone" (熱帶氣旋) means a tropical depression, a tropical storm, a severe tropical storm and a typhoon;

*working day* (工作日) means a day that is neither a Saturday nor a public holiday.

### **Section 4 Resumption of adjourned judicial proceedings**

Any judicial proceedings adjourned by virtue of section 3 shall be resumed on the next ~~day, which is not a public holiday,~~ working day after the day on which the gale warning or rainstorm warning ceases at the time and place specified for such proceedings on the date of such adjournment under section 3.

## **Section 8 Persons arrested or detained by police**

- (1) Where a person is discharged under section 52(1) of the Police Force Ordinance (Cap 232) upon his entering into a recognizance, with or without sureties, to appear before a magistrate or to surrender for service of a warrant of arrest and detention or for discharge at the time named in the recognizance and such time falls within the duration of a gale warning or a rainstorm warning the time shall be deemed to be extended until the same time on the next ~~day, which is not a public holiday,~~working day after the day on which the gale warning or rainstorm warning ceases.
- (2) Where any person is detained in custody under section 52(1) or (4) of the Police Force Ordinance (Cap 232) during a gale warning or a rainstorm warning and it is not practicable to produce the person before a magistrate within the time limit prescribed in the said subsection (1) or (4), as the case may be, he shall be produced before a magistrate on the next day, which is not a public holiday, after the day on which the gale warning or rainstorm warning ceases.

## **Buildings Ordinance (Cap. 123)**

### **Schedule 7 Penalty Notice**

17. After proceedings have been instituted but not less than 2 days (excluding any Saturday and public holiday) before the day specified in the summons for the person's appearance, the person may pay the fixed penalty of \$1500 and a sum of \$500 by way of costs with the production of the summons at any magistracy to terminate the proceedings.

## **Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237)**

### **Section 20B. Payment of fixed penalty after issue of summons**

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Commissioner of Police in accordance with the notice served on him under section 15(3), that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the

same time the defendant also pays to the court the sum of \$500 by way of costs, the proceedings shall thereupon terminate.

- (2) Payment under subsection (1) shall be made to any magistrate's court not later than 2 clear working days before the day specified in the summons for his appearance; and the summons shall be produced at the time of payment.
- (2A) In subsection (2) the expression "clear working days" (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.
- (3) The Legislative Council may, by resolution, amend the sum specified in subsection (1).

### **Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)**

#### **Section 9 Payment of fixed penalty after issue of summons**

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Commissioner of Police that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2) and, if at the same time the defendant also pays to the court the sum of \$500 by way of costs, the proceedings shall thereupon terminate.
- (2) Payment under subsection (1) shall be made to any magistrate's court not later than 2 clear working days before the day specified in the summons for his appearance; and the summons shall be produced at the time of payment.
- (2A) In subsection (2) the expression "clear working days" (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.
- (3) The Legislative Council may, by resolution, amend the sum specified in subsection (1).



## **Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C)**

### **Section 18 Payment of fixed penalty after issue of summons**

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Director in accordance with the notice served on him under section 8(3), that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the same time the defendant also pays to the court the sum referred to in subsection (3) by way of costs, the proceedings shall thereupon terminate.
- (2) Payment under subsection (1) shall be made to any magistracy not later than 2 clear working days before the day specified in the summons for his appearance, and the summons shall be produced at the time of payment.
- (2A) In subsection (2) the expression "clear working days" (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.
- (3) The sum to be paid by way of costs for the purpose of subsection (1) shall be the same as the sum to be paid by way of costs for the purpose of section 20B of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap 237).

## **Rules of the District Court (Cap. 336 sub. leg. H)**

### **Order 3 Time**

#### **Rule 2 Reckoning periods of time**

- (1) Any period of time fixed by these Rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with this rule.
- (2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.
- (3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.

- (4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.
- (5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a ~~Sunday or a general holiday~~day specified in paragraph (6), that day shall be excluded. ~~In this paragraph, "general holiday" (公眾假期) means a day which is, or is to be observed as, a general holiday under the General Holidays Ordinance (Cap 149).~~
- (6) The day specified for paragraph (5) is—
- (a) a Saturday;
  - (b) a general holiday;
  - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
  - (d) a black rainstorm warning day as defined by that section; or
  - (e) (if the act in question is to be done at an office of the Court) any other day on which that office is closed.

**Rule 4 Time expires on ~~Sunday, etc.~~days on which office is closed**

- (1) Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act at an office of the Court expires on a ~~Sunday or other day on which that office is closed~~day specified in paragraph (2), and by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.
- (2) The day specified for paragraph (1) is—
- (a) a Saturday;
  - (b) a general holiday;
  - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
  - (d) a black rainstorm warning day as defined by that section; or
  - (e) any other day on which the office mentioned in paragraph (1) is closed.

## Order 64 Court Offices

### Rule 1 Days on which Court offices open

(1) The offices of the Court shall be open on every day of the year except-

~~(a) Saturdays from 1 p.m.;~~

~~(b) Sundays;~~

~~(c) (ca) (Repealed L.N. 93 of 2012)~~

~~(d) general holidays under the Holidays Ordinance (Cap 149);~~

~~(f) such other days as the Chief Justice may direct.~~

Saturdays and general holidays.

(2) Despite paragraph (1), the Chief Justice or the Registrar may from time to time direct an office of the Court to be open or closed on any day.

### Rule 2 Hours when Court offices open

The hours during which any office of the Court shall be open to the public shall be such as the Chief Justice or the Registrar may from time to time direct.

## Order 65 Service of Documents

### ~~Rule 7 Effect of service after certain hours~~

~~Any document (other than a writ of summons or other originating process) service of which is effected under rule 2 or under rule 5(1)(a) between 1 p.m. on a Saturday and midnight on the following day or after 4 in the afternoon on any other weekday shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on the Monday following that Saturday or on the day following that other weekday, as the case may be.~~

### 7. Effect of service at certain time (O.65, r.7)

(1) This rule applies if a document (other than a writ of summons or other originating process) is served under rule 2 or 5(1)(a)—

(a) on a day specified in paragraph (3); or

(b) after 4 p.m. on any other day.

- (2) For computing any period of time after service of the document, the document is deemed to be served on the next following day, not being a day specified in paragraph (3).
- (3) The day specified for paragraphs (1) and (2) is—
- (a) a Saturday;
  - (b) a general holiday;
  - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
  - (d) a black rainstorm warning day as defined by that section.

### **Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338 sub. leg. D)**

#### **Rule 6 Payment out of funds in the tribunal<sup>2</sup>**

- (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 must be made at the tribunal on any day that is ~~not~~ neither a Saturday nor a general holiday and during the opening hours of the accounts office of the tribunal.

### **Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A)**

#### **Rule 63 Court Offices: days on which open and office hours**

- (1) The offices of the Court shall be open on every day of the year except—
- ~~(a) Saturdays from 1 p.m.;~~
  - ~~(b) Sundays;~~
  - ~~(c) (d) (Repealed L.N. 91 of 2012)~~
  - ~~(e) general holidays under the General Holidays Ordinance (Cap 149);~~
  - ~~(f) such other days as the Chief Justices may direct.~~

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<sup>2</sup> The proposed amendments to this rule are marked against the latest version, incorporating changes introduced by L.N. 152 of 2015 which have subsequently been endorsed by the Legislative Council. The changes are yet to be brought into operation.

Saturdays and general holidays.

(1A) Despite paragraph (1), the Chief Justice or the Registrar may from time to time direct an office of the Court to be open or closed on any day.

(2) The hours during which any office of the Court shall be open to the public shall be such as the Chief Justice or the Registrar may from time to time direct.

**Coroners Ordinance (Cap. 504)**

**Section 2 Interpretation**

In this Ordinance, unless the context otherwise requires-

"autopsy" (屍體剖驗) means an autopsy ordered to be performed under section 6(1);

"cause" (導致、原因), in relation to the death of a person, includes to precipitate or contribute to, whether directly or indirectly, the death;

"certificate of the cause of death" (死因證明書) means Form 18 in the Second Schedule to the Births and Deaths Registration Ordinance (Cap 174);

"certificate of the fact of death" (死亡事實證明書) means a certificate referred to in section 41(1);

~~"clear day" (整日) means a day other than a public holiday or a gale warning day within the meaning of section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);~~

**Section 22 Summoning of jurors**

(1) The Registrar shall cause a juror whose name is selected under section 21(1) to be served with a summons in the prescribed form requiring his attendance at an inquest at the time and place specified in the summons.

- (2) A summons referred to in subsection (1) shall be served on a juror personally or by leaving it at his residence or place of business, or by sending it by registered post addressed to him at his residence or place of business: Provided that if such a summons is not served personally it shall be served 4 clear days before the day appointed for the holding of the inquest concerned, and, in the case of service by post, an additional 2 clear days shall be allowed for delivery.
- (3) A summons referred to in subsection (1) served by post in accordance with subsection (2) and not returned as undelivered shall, in the absence of evidence to the contrary, be deemed to have been served.
- (4) A juror who, having been served with a summons referred to in subsection (1) in accordance with subsection (2), fails, without reasonable excuse, to attend the inquest concerned pursuant to such summons or at any adjournment of that inquest commits an offence and is liable on conviction to a fine at level 2.
- (5) For the purposes of subsection (2), the following days must not be reckoned in computing the number of clear days—
  - (a) a Saturday;
  - (b) a public holiday;
  - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
  - (d) a black rainstorm warning day as defined by that section.

### **Coroners Rules (Cap. 504 sub. leg. B)**

#### **Rule 9 Inquests not to be held on ~~general holidays or Sundays~~ Saturdays or general holidays**

- (1) No inquest shall be held on a ~~general holiday within the meaning of section 2 of the General Holidays Ordinance (Cap 149)~~ Saturday or a general holiday (other than a Sunday) unless the coroner considers it requisite on grounds of urgency that an inquest be held on such a day.
- (2) No inquest shall be held on a Sunday.

## **Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D)**

### **Section 49 Payment of fixed penalty after issue of summons**

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Corporation in accordance with the notice served on him under section 39(3), that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the same time the defendant also pays to the court the sum referred to in subsection (4) by way of costs, the proceedings shall thereupon terminate.
- (2) Payment under subsection (1) shall be made to any magistracy not later than 2 clear working days before the day specified in the summons for his appearance, and the summons shall be produced at the time of payment.
- (3) In subsection (2) the expression "clear working days" excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.
- (4) The sum to be paid by way of costs for the purpose of subsection (1) shall be the same as the sum to be paid by way of costs for the purpose of section 20B of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap 237).

## **Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)**

### **Section 13 Payment of fixed penalty after issue of summons**

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Authority in accordance with the notice served on him under section 6(1) that he wishes to dispute liability, the person may pay the fixed penalty concerned together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the same time the person also pays the sum of \$500 by way of costs, the proceedings shall thereupon terminate.
- (2) Payment under subsection (1) shall be made at any magistracy not less than 2 days before the day specified in the summons for the person's appearance, and the summons shall be produced at the time of payment.

- (3) ~~No public holiday~~ Neither a Saturday nor a public holiday shall be included in the computation of the 2 days' period mentioned in subsection (2).

### **Fixed Penalty (Smoking Offences) Ordinance (Cap. 600)**

#### **Section 13 Payment of fixed penalty after issue of summons**

- (1) Notwithstanding that proceedings have been taken against a person who has notified the Authority in accordance with a notice under section 6(2) that he wishes to dispute liability for a scheduled offence, if the person pays the full amount of the fixed penalty for the offence together with an additional penalty equal to the amount of the fixed penalty and the sum of \$500 by way of costs in accordance with subsection (2), the proceedings shall then terminate.
- (2) Payment under subsection (1) shall be made at any magistracy not less than 2 days before the day specified in the summons for the person's appearance, and the summons shall be produced at the time of payment.
- (3) ~~No public holiday~~ Neither a Saturday nor a public holiday shall be included in the computation of the 2 days' period mentioned in subsection (2).

### **Product Eco-responsibility Ordinance (Cap. 603)**

#### **Section 28L Dispute of liability for offence**

##### 28L. Dispute of liability for offence

- (1) This section applies if a person—
- (a) has notified the Director in accordance with a demand notice that the person wishes to dispute liability for an offence; or
  - (b) has been given leave to dispute liability for an offence under section 28J(2).
- (2) A summons issued in any proceedings against the person for the offence may be served on the person in accordance with section 8 of the Magistrates Ordinance (Cap. 227).



- (3) If—
  - (a) in consequence of the notification or leave, the person appears in any proceedings in answer to a summons; and
  - (b) the person is convicted of the offence after having offered no defence or a defence that is frivolous or vexatious,the magistrate before whom the proceedings are heard must, in addition to any other penalty and costs, impose an additional penalty equal to the amount of the fixed penalty.
- (4) Any proceedings taken against a person falling within subsection (1)(a) must terminate if the person pays in accordance with subsection (5)—
  - (a) the fixed penalty;
  - (b) an additional penalty equal to the amount of the fixed penalty; and
  - (c) \$500 by way of costs.
- (5) Payment under subsection (4) must be made at any magistracy not less than 2 days before the day specified in the summons for the person's appearance, and the summons must be produced at the time of the payment.
- (6) ~~No~~ Neither a Saturday nor a public holiday may be included in the computation of the 2 days' period mentioned in subsection (5).

## **Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611)**

### **Section 23 Payment of fixed penalty after summons**

- (1) A defendant who has been served with a summons in relation to a complaint may pay the following amounts in accordance with subsection (2)—
  - (a) the fixed penalty;
  - (b) an additional penalty equal to the amount of the fixed penalty; and
  - (c) \$500 by way of costs.
- (2) Payment must be made to a magistrate's court not later than 2 clear working days before the day specified in the summons for the hearing of the complaint and the defendant must produce the summons when making the payment.
- (3) Payment in accordance with this section terminates the proceedings on the complaint.

- (4) The Legislative Council may, by resolution, amend the amount specified in subsection (1)(c).
- (5) In this section—  
*clear working days* (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.

**END**