

Note for the Bills Committee on District Court (Amendment) Bill 1999
New Civil Procedure on “Standard Discovery”

Purpose

The purpose of this note is to respond to Members’ views on the proposed introduction into the District Court of standard discovery of documents.

Background

2. Members noted vide LC Paper No. CB 930/99-00(02) entitled “ New Procedural Framework for the District Court” that under the new District Court Rules, it is proposed that discovery of document will be restricted to “standard discovery” subject to the right for the parties to show cause to extend discovery to all relevant documents. Members sought the views of the Bar Association and the Law Society on the proposal, and considered the Administration’s responses vide LC Paper No. (2) 1003/99-00(01). At the Bills Committee on 1 February 2000, Members asked the Administration to consider introducing such proposal into the District Court after introduction of the relevant rules into the High Court.

The Administration’s Response

3. As explained at previous occasions, the Administration considers that the proposed procedure of “standard discovery” is a good reform and would be able to tackle the problems of the present system of discovery. We also note that the Law Society has expressed agreement with this proposal, though the Society has cautioned that care must be taken when mixing these new rules with the existing statutory rules of the High Court which may cause difficulties.

4. Having considered Members’ views, the Administration has decided not to pursue the introduction of the “standard discovery” procedures into the District Court for the time being. This will allow more time for the Administration to consult all concerned parties on the proposal.