

- (b) appoint experienced judges to take charge of the personal injuries list and land cases;
- (c) enhance civil training for District Court judges;
- (d) re-deploy and train other support staff to assist judges to cope with the increase in workload;
- (e) adopt a new set of District Court Rules modelling on the Rules of the High Court;
- (f) adopt relevant Practice Directions, modelling on those of the High Court; and
- (g) construct additional courtrooms in Wanchai Tower.

We shall inform you of further details in relation to such measures once we have received the same from the Judiciary.

Rules of the District Court

We are now working on a new set of District Court Civil Procedure Rules which is modeled very closely on the Rules of the High Court. It is our intention to present the draft Rules to the LegCo Panel for Administration of Justice and Legal Services for reference. The Rules, once made by the District Court Rules Committee, will also be subject to negative vetting by the Legislative Council. It is also our intention that the Rules and the Bill would commence concurrently.

Clarification of Jurisdiction

We note the Bar Association's concern over section 32(3)(a) with regard to the reference to set off. We have consulted to Judiciary on this point. It is noted that under section 32(3), the amount of the plaintiff's claims means the amount of the plaintiff claims after taking into account (a) any set-off or any debt or demand the defendant claims or may recover from the plaintiff; and (b) any contributory negligence, that the plaintiff admits. It is envisaged that the legal representatives for the plaintiff will determine whether the personal injury action should commence in the Court of First Instance or the District Court based on their assessment of the damages recoverable, except the cut-off is now \$600,000 instead of \$120,000. For example, as and when the Employee Compensation Claims is obtained in the District Court, and upon the set-off being admitted by the plaintiff under section 32(3), the transfer procedure under section 44 will be applicable.

Jurisdiction for recovery of land and where title is in question

As far as the jurisdiction limit for recovery of land and where title is in question is concerned, we agree that the caseload of the District Court will be increased as a result of the proposed increase in the jurisdictional limits. The Judiciary will put in place measures to deploy resources to cope with the increase. We will provide you with further details once we have received the same from the Judiciary.

Clarification between land-related jurisdiction and equity jurisdiction

Concerning the demarcation between land-related jurisdiction and equity jurisdiction, it should be noted that in the existing Ordinance as it is in the Bill, both section 35 and 36, as opposed to section 37(1)(d), have all along had different bases for determining the jurisdictional limits. The different bases are historical. We did not attempt to introduce a different set of limits in the present exercise as this is something that was not covered in the recommendations of the Kempster Working Party, and that requires careful consideration. We have therefore proposed to update the financial jurisdictional limits of section 35, 36 and 37(1)(d) taking into account present day requirements only.

Yours sincerely,

(Ms Rosanna Law)
for Director of Administration