

CSO/ADM CR 8/3221/93 (99)

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20 December 1999

Mr. Anthony Chow, JP
President
Law Society of Hong Kong
3/F, Wing On House,
71 Dex Voeux Road
Hong Kong

Dear Mr. Chow,

District Court (Amendment) Bill 1999

Thank you for your letter of 27 October 1999 on the captioned bill to the Clerk to the Bills Committee which has been forwarded to us. We would like to set out our response to the issues raised in the ensuing paragraphs.

I should first like to take this opportunity to express our gratitude to the Law Society's support of the proposed increase in the District Court's civil jurisdictional limits. The Judiciary will put in place a series of measures to cope with the increase of caseload as a result of the increase of the financial jurisdictional limits.

The Law Society points out that there is a lack of provisions in the Bill to provide for the transfer of cases from the District court to the Small Claims Tribunal or the Labour Tribunal. We have consulted the Judiciary and are advised that as far as the transfer of cases between the District Court and the Small Claims Tribunal is concerned, once a claim was filed with the District Court when it was within the jurisdiction limit of the District Court but not that of the Small Claims Tribunal, the District Court should have

jurisdiction to deal with the claim until conclusion notwithstanding the subsequent increase in the jurisdictional limit of the Small Claims Tribunal. The situation with regard to the Labour Tribunal is not affected by the proposed amendments, as there is no upper limit to the financial jurisdictional limit of the Labour Tribunal.

The Judiciary agreed that the matter should be examined further, and is giving active consideration to the Law Society's suggestion. However, as the main objective of the Bill is to encourage a greater flow of civil work directly into the District Court from the Court of First Instance, it is suggested that the issue be tackled outside the context of the present Bill.

Yours sincerely,

(Ms Rosanna Law)
for Director of Administration