

PRACTICE DIRECTION 25.1

**CHAMBERS HEARINGS IN CIVIL PROCEEDINGS
IN THE HIGH COURT,
THE DISTRICT COURT, THE FAMILY COURT
AND THE LANDS TRIBUNAL**

1. This Practice Direction governs hearings in chambers in civil proceedings in the High Court, the District Court, the Family Court and the Lands Tribunal regulating when such hearings are to be open to the public and when such hearings are not open to the public, as the case may be. A hearing open to the public is one where the hearing is open to the press and the public to attend. A hearing not open to the public is a closed one where the press and the public are excluded from attending.
2. All chambers hearings (interlocutory or otherwise) shall be held in public except in the instances set out in paragraphs 3, 4(a) and 5.
3. Where statutory provision(s) specifically require proceedings to be not open to the public, such as those listed in Schedule 1, such proceedings shall not be open to the public in accordance with the provisions.
4. (a) The proceedings listed in Schedule 2 would usually not be open to the public. In relation to such proceedings, it is considered that having regard to their nature, one or more of the reasons for excluding the press and the public laid down in Article 10 of the Hong Kong Bill of Rights Ordinance, Cap. 383 (“Article 10”) are usually satisfied. Accordingly, such proceedings would usually not be open to the public.

(b) However, if in a particular case, the court is of the view that none of the reasons in Article 10 is satisfied in the circumstances of the case concerned, the court may, whether upon a party's application (as to which see paragraph 7) or on its own motion, order that the hearing be open to the public.

5. At any stage of any proceedings other than those governed by paragraphs 3 and 4 above, where the court is of the view that one or more of the reasons in Article 10 are satisfied, it may, whether upon a party's application (as to which see paragraph 7) or on its own motion, order that a chambers hearing open to the public be closed to the public for the whole or part of the hearing.

6. Where the court has made an order referred to in paragraph 4(b) or paragraph 5, it may subsequently revoke or vary such an order.

7. Any party to an inter partes application who wishes to apply for an order referred to in paragraph 4(b) or paragraph 5 shall, as soon as practicable, and in any case not less than 2 clear days before the hearing apply in writing to the court with grounds in support thereof, giving notice to all other parties to the application. Any party who opposes the application shall state his grounds in opposition which shall reach the court and the party who has applied for the order no later than the day before the hearing. Such application will be dealt with by the court on paper unless the court directs that an oral hearing be held.

8. This Practice Direction is without prejudice to the court's powers to adjourn the hearing of any summons or other application from chambers into court and subsequently from court into chambers

pursuant to Order 32 rule 18 of the Rules of the High Court and Rules of the District Court.

Summons or notice

9. The party filing a summons or notice for hearing in chambers should specify therein, in accordance with this Practice Direction, whether the hearing is to be open to the public or not open to the public.

Daily Cause List

10. Where any chambers hearing is not to be open to the public, such hearing will be listed as “In chambers (not open to the public)”.

Order

11. An order made by the court at a hearing in chambers not open to the public should be so stated expressly therein.

Exceptions

12. For the avoidance of doubt, this Practice Direction does not apply to proceedings under Orders 115 to 119 of the Rules of the High Court.

Rights of Audience

13. The existing rights of audience of solicitors in chambers hearings shall continue to apply, whether the chambers hearings are open to the public or not open to the public.

14. The existing rights of persons entitled to appear before a master in chambers and a taxing master as provided for in Practice Directions PD 14.1 and paragraph 3 of PD 27 shall continue to apply,

whether the chambers hearings are open to the public or not open to the public.

15. This Practice Direction will take effect on 18 July 2005.

Dated this 31st day of May 2005.

Andrew Li
Chief Justice

Sch 1
Sch 2

Schedules to Practice Direction 25.1

Schedule 1

Types of proceedings **required** by legislation to be not open to the public, including the following:

Ordinance/Rules	Provisions	Nature of proceedings
Adoption Rules (Cap 290A)	r.4	On all proceedings under the Adoption Ordinance
Patent Ordinance (Cap 514)	s.130(2)	On all appeals under the Ordinance concerning a patent application which has not been published

Schedule 2

Types of proceedings **usually** not open to the public by reason of their nature, including the following:

(1) *Matters relating to children and applications for financial provisions and ancillary relief*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 54	On applications for writ of <i>habeas corpus and subjiciendum</i> on behalf of a minor
	Order 90	On applications relating to minors
	Order 121	On all applications under the Child Abduction and Custody Ordinance (Cap 512)
Guardianship of Minors Ordinance (Cap 13)	s.23	On all applications under the Ordinance
Separation and Maintenance Orders Ordinance (Cap 16)		On all applications under the Ordinance except judgment summonses

Matrimonial Causes Ordinance (Cap 179)	s.52(3)	On all applications relating to children under the Ordinance On questions of sexual capacity in proceedings for nullity of marriage
Matrimonial Causes Rules (Cap 179A)	r.81	On all applications relating to children under the Rules On applications for ancillary relief or questions arising thereon having been referred or adjourned to a judge
Maintenance Orders (Reciprocal Enforcement) Ordinance (Cap 188)		On all applications under the Ordinance except judgment summonses
Domestic Violence Rules (Cap 189A)	r.8	On all proceedings under the Ordinance
Matrimonial Proceedings and Property Ordinance (Cap 192)	s.2A, s.25	On all applications under the Ordinance except judgment summonses
Rules of the District Court (Cap 336H)	Order 90	On applications relating to minors
Parent and Child Ordinance (Cap 429)	s.8(3)	On applications for declaration of parentage, legitimacy or legitimation
Human Reproductive Technology Ordinance (Cap 561)	s.35(3) and (4)	On questions as to whether a person is or is not the parent of a child

(2) *Matters relating to disability, e.g. mental disability, infancy*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 32 rule 9 Order 80	On applications for leave to institute proceedings under s.69 of the Mental Health Ordinance (Cap 136) On applications relating to persons under disability

Employees' Compensation Ordinance (Cap 282)	s.6A	On applications relating to apportionment of compensation in fatal cases
	s.6H(6)	On applications relating to the disposal of compensation apportioned to dependants, etc
	s.13	On applications relating to distribution of compensation, etc.
Rules of the District Court (Cap 336H)	Order 80	On applications relating to persons under disability

(3) *Matters relating to ex parte applications for injunctions or orders of a restraining or compulsory nature*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 29	On ex parte applications for injunction
	Order 30	On ex parte applications for receiver and injunction
	Order 44A	On ex parte applications for prohibition order and for taking security/attachment of property
	Order 51	On ex parte applications for the appointment of receiver by way of equitable execution
Landlord and Tenant (Consolidation) Ordinance (Cap 7)	s.77, 85 & 91	On ex parte applications for warrant of distress and order to break open outer doors and windows
Rules of the District Court (Cap 336H)	Order 29	On ex parte applications for injunction
	Order 30	On ex parte applications for receiver and injunction
	Order 44A	On ex parte applications for prohibition order

	Order 51	On ex parte applications for the appointment of receiver by way of equitable execution
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(4) *Matters relating to companies winding-up and bankruptcy*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 29	On applications for order restraining presentation or advertisement of winding up petition
Bankruptcy Ordinance (Cap 6)	s.13	On applications to appoint interim receiver for protection of estate
	s.27	On applications to arrest debtor
Bankruptcy Rules (Cap 6A)	r.48	On applications to set aside statutory demands
	r.82A	On applications for public examination of bankrupt pursuant to s.19 of the Ordinance
	r.87B	On applications for inquiry into bankrupt's conduct pursuant to s.29 of the Ordinance
Companies Ordinance (Cap 32)	s.193	On applications for appointment of provisional liquidator
	s.199(1)(e) and (f)	On applications by liquidator to sanction compromise
	s.221(1)	On applications for an order for private examination
	s.224	On applications to arrest absconding contributory or officer
Companies (Winding-up) Rules (Cap 32H)	r.5(2)	On private examinations conducted pursuant to s. 221 of the Ordinance and directed to be held in chambers

	rr.50 and 51	On applications for consideration of report pursuant to s.191(2) and 222 of the Ordinance
	r.58	On summonses returnable in the first instance in chambers for consideration of report in applications pursuant to ss. 168I, 275, 276 and 358(2) of the Ordinance

(5) *Matters relating to intellectual property*

Ordinance/Rules	Provisions	Nature of proceedings
Copyright (Border Measures) Rules (Cap 4F)	s.5	On proceedings under sections 136, 137, 138, 139 and 140 of the Copyright Ordinance (Cap 528) relating to detention and disclosures of information
Trade Mark (Border Measures) Rules (Cap 362F)	r.5	On proceedings under sections 30B, 30C, 30D, 30E and 30F of the Trade Descriptions Ordinance (Cap 362) relating to detention and disclosures of information
Registered Design Ordinance (Cap 522)	s.58(2)	On all appeals under the Ordinance concerning an application for registration of a design

(6) *Matters relating to arbitration*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 73	On all applications under the Arbitration Ordinance (Cap 341)
Arbitration Ordinance (Cap 341)	s.2D	On all proceedings under the Ordinance in the High Court and Court of Appeal

(7) *Matters relating to representation in legal proceedings*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 5 rule 6(3) and Order 12 rule 1(2A)(a) Order 67	On applications by company for leave to be represented by director On applications by solicitors for a declaration of having ceased to act
Legal Aid Ordinance (Cap 91)	s.26	On appeals from decision of Director of Legal Aid to Registrar of High Court
Rules of the District Court (Cap 336H)	Order 67	On applications by solicitors for a declaration of having ceased to act

(8) *Matters relating to trustees*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 85 rule 2	On applications by a trustee for directions, including a Beddoe Order
Trustee Ordinance (Cap 29)	s.4	On applications for investments by trustee other than the specified ones
Administration of Trust Funds Rules (Cap 29A)	r.6	On applications by trustee under the Ordinance relating to administration of funds
Judicial Trustee Rules (Cap 29B)	r.12	On applications to obtain from judicial trustee information or explanation required for properly giving directions, or for the purpose of explaining the nature of the directions

(9) *Matters relating to obtaining evidence for foreign court*

Ordinance/Rules	Provisions	Nature of proceedings
Rules of the High Court (Cap 4A)	Order 70	On applications to obtain evidence for foreign court