

For information

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

**Proposed Opening of Offices of the Courts on
Christmas and Lunar New Year's Eves**

PURPOSE

This paper briefs Members on the Judiciary's legislative proposal to rationalise the logistical arrangement so that the offices of the Court of Final Appeal ("CFA"), the High Court ("HC") and the District Court ("DC") would remain open to serve the public on the afternoons of Christmas and Lunar New Year's Eves.

BACKGROUND

2. At present, except for Sundays and public holidays, the supporting offices¹ of the CFA, HC and DC ("the relevant courts") are generally open to the public from Mondays to Fridays, as well as on Saturday mornings. However, these offices are closed on the afternoons of Christmas and Lunar New Year Eves. The days for these offices to be open are set out in rule 63(1) of the Hong Kong Court of Final Appeal Rules (Cap. 484A); Order 64, rule 7(1) of the Rules of the High Court (Cap. 4A); and Order 64, rule 1(1) of the Rules of the District Court (Cap. 336H).

¹ These supporting offices include :

- (a) CFA
 - (i) Registry;

- (b) HC
 - (i) Registry;
 - (ii) Clerk of Court's Office;
 - (iii) Accounts Office; and
 - (iv) Probate Registry;

- (c) DC
 - (i) Registry and Listing Office;
 - (ii) Accounts Office; and
 - (iii) Family Court Registry.

3. Notwithstanding the provisions in paragraph 2 above, some of these offices continue their public services on the afternoons of these two Eves, on the basis of other legislative provisions, to handle the following matters :

- (a) work related to criminal proceedings (as set out in Order 1, rule 2(3) of the Rules of the High Court (Cap. 4A); and Order 1, rule 2(3) of the Rules of the District Court (Cap. 336H)); and
- (b) payment to court users of money previously lodged in the relevant courts, such as for security against possible default on legal costs (as set out in rule 8(2) of the High Court Suitors' Funds Rules (Cap. 4B) and rule 8(2) of the District Court Suitors' Funds Rules (Cap. 336E)).

PROPOSAL

4. To improve services for court users and to provide consistency, the Judiciary proposes to amend the legislation to make it clear that the offices of the relevant courts would remain open on the afternoons of Christmas and Lunar New Year's Eves, unless the days concerned fall on a Saturday, Sunday or public holiday etc. in a particular year.

5. A marked-up version of the proposed legislative amendments is at **Annex**.

FINANCIAL AND MANPOWER IMPLICATIONS

6. As the proposal involves the full opening of offices for two afternoons only, it will not have significant financial and manpower implications for the Judiciary.

CONSULTATION

7. We have consulted the Hong Kong Bar Association, the Law Society of Hong Kong and the Hong Kong Law Costs Draftsmen Association. They support the proposal.

WAY FORWARD

8. Members are invited to note the content of this paper. We intend to invite the relevant rules committees² to introduce amendments to the rules concerned which will then be tabled at the Legislative Council for negative vetting before the end of this session.

Judiciary Administration
February 2012

² They are the Court of Final Appeal Rules Committee, the Rules Committee of the High Court and the District Court Rules Committee.

**Marked-up Version of the Proposed Amendments to
the Hong Kong Court of Final Appeal Rules,
the Rules of the High Court
and the Rules of the District Court**

**Chapter 484A
HONG KONG COURT OF FINAL APPEAL RULES**

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) Christmas Eve or, if that day is a Sunday, then 23 December, from 1 p.m.;~~
 - ~~(d) Lunar New Year's Eve from 1 p.m.;~~
 - (e) general holidays under the General Holidays Ordinance (Cap. 149); (35 of 1998 s. 5)
 - (f) such other days as the Chief Justice may direct.
- (2) The hours during which any office of the Court shall be open to the public shall be such as the Chief Justice may from time to time direct.
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Chapter 4A THE RULES OF THE HIGH COURT

Order 64 SITTINGS, VACATIONS AND OFFICE HOURS

1. Sittings of the Supreme Court (O. 64, r. 1)

(1) The sittings of the Court of Appeal and of the Court of First Instance shall be three in every year, that is to say – (25 of 1998 s. 2)

- (a) the Winter sittings which shall begin on 4 January and end on the Thursday before Easter Sunday;
- (b) the Spring sittings which shall begin on the second Monday after Easter Sunday and end on 31 July;
- (c) the Autumn sittings which shall begin on 1 September and end on 23 December. (L.N. 404 of 1991)

2. Court of Appeal (O. 64, r. 2)

(1) The Court of Appeal shall sit in vacation on such days as the Chief Justice may, from time to time direct to hear such appeals or applications as require to be immediately or promptly heard and to hear other appeals and applications if the Chief Justice determines that sittings are necessary for that purpose.

(2) Any party to an appeal may at any time apply to the Court of Appeal for an order that the appeal be heard in vacation and, if that Court is satisfied that the appeal requires to be immediately or promptly heard, it may make an order accordingly and fix a date for the hearing.

(3) The Court of Appeal may hear such other appeals in vacation as that Court may direct.

(4) The provisions of O. 59, r. 10(9) shall apply to the powers conferred on the Court of Appeal by this rule.

3. Court of First Instance (O. 64, r. 3)

(1) One or more judges of the Court of First Instance shall sit in vacation on such days as the Chief Justice may, from time to time direct, to hear such causes, matters or applications as require to be immediately or promptly heard and to hear other causes, matters or applications if the Chief Justice determines that sittings are necessary for that purpose.

(2) Any party to a cause or matter may at any time apply to the Court for an order that such cause or matter be heard in vacation and, if the Court is satisfied that the cause or matter requires to be immediately or promptly heard, it may make an order accordingly and fix a date for the hearing.

(3) Any judge of the Court of First Instance may hear such other causes or matters in vacation as the Court may direct.

(25 of 1998 s. 2)

3A. Business in vacation (O. 64, r. 3A)

(HK)(1) Upon application by any party to an action or matter, the Court may, if it thinks fit –

- (a) complete such action or matter in vacation if it is parheard; and
- (b) deliver judgment in such action or matter in vacation.

7. High Court Offices: days on which open and office hours (O. 64, r. 7)

(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) Christmas Eve or, if that day is a Sunday, then 23 December from 1 p.m., (L.N. 403 of 1992)~~
- ~~(ca) Lunar New Year's Eve from 1 p.m., (L.N. 403 of 1992)~~
- (e) general holidays under the General Holidays Ordinance (Cap 149), (35 of 1998 s. 5)
- (f) such other days as the Chief Justice may direct.

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

Chapter 336H
THE RULES OF THE DISTRICT COURT

Order 64 COURT OFFICES

1. Days on which Court offices open (O. 64, r. 1)

(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) Christmas Eve, or, if that day is a Sunday, then 23 December from 1 p.m.;~~
- ~~(ca) Lunar New Year's Eve from 1 p.m.;~~
- (d) general holidays under the Holidays Ordinance (Cap 149);
- (f) such other days as the Chief Justice may direct.

2. Hours when Court offices open (O. 64, r. 2)

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