

## LEGISLATIVE COUNCIL BRIEF

Hong Kong Court of Final Appeal Ordinance  
(Chapter 484)  
High Court Ordinance  
(Chapter 4)  
District Court Ordinance  
(Chapter 336)

### HONG KONG COURT OF FINAL APPEAL (AMENDMENT) RULES 2012

### RULES OF THE HIGH COURT (AMENDMENT) RULES 2012

### RULES OF THE DISTRICT COURT (AMENDMENT) RULES 2012

## INTRODUCTION

On 8 May 2012, the following Amendment Rules were made by their respective rule-making authorities as listed below –

	<b>Amendment Rules</b>	<b>Made by</b>
<u>  A  </u>	Hong Kong Court of Final Appeal (Amendment) Rules 2012 ( <b><u>Annex A</u></b> )	Court of Final Appeal Rules Committee
<u>  B  </u>	Rules of the High Court (Amendment) Rules 2012 ( <b><u>Annex B</u></b> )	Rules Committee of the High Court
<u>  C  </u>	Rules of the District Court (Amendment) Rules 2012 ( <b><u>Annex C</u></b> )	District Court Rules Committee

## JUSTIFICATIONS

2. At present, the supporting offices of the Court of Final Appeal (“CFA”), the High Court (“HC”) and the District Court (“DC”)<sup>1</sup> are not open to the public on the afternoons of a Christmas Eve and a Lunar New Year’s Eve. Details 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) respectively. The rules provide that these offices are open to the public on every day of a year except for –

- (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); and
- (f) such other days as the Chief Justice may direct.

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 –

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<sup>1</sup> These offices include –

- (a) CFA
  - (i) Registry
  - (ii) Accounts Office
- (b) HC
  - (i) Registry and Listing Office
  - (ii) Clerk of Court’s Office and Listing Office
  - (iii) Masters’ Clerks Office
  - (iv) Accounts Office
  - (v) Probate Registry
- (c) DC
  - (i) Registry and Listing Office
  - (ii) Accounts Office
  - (iii) Family Court Registry and Listing Office

- (a) work related to criminal proceedings (as set out in Order 1, rule 2(3) of the Rules of the High Court and Order 1, rule 2(3) of the Rules of the District Court); and
- (b) payment out made in respect of money previously lodged in the court, such as money lodged as 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)).

4. To improve services for court users and provide consistency, the Judiciary proposes to amend the legislation so that the above supporting offices of CFA, HC and DC will stay open to the public on the afternoons of a Christmas Eve and a Lunar New Year's Eve, unless the days concerned fall on a Saturday, Sunday, general holiday under the General Holidays Ordinance or such other day as the Chief Justice may direct.

## **THE AMENDMENT RULES**

A – C

5. The Amendment Rules at Annexes A to C seek to repeal the provisions on “Christmas Eve” and “Lunar New Year's Eve” in rule 63(1) of the Hong Kong Court of Final Appeal Rules, Order 64, rule 7(1) of the Rules of the High Court and Order 64, rule 1(1) of the Rules of the District Court. These would enable the relevant offices to stay open for the whole day on the two Eves as set out in paragraph 4 above.

## **LEGISLATIVE TIMETABLE**

6. The legislative timetable for the Amendment Rules is as follows –

Publication in the Gazette	11 May 2012
Tabling at the Legislative Council (LegCo) for negative vetting	16 May 2012
Commencement	13 July 2012

## **IMPLICATIONS OF THE PROPOSAL**

7. The Amendment Rules are in conformity with the Basic Law, including the provisions concerning human rights. They do not affect the current binding effect of the Hong Kong Court of Final Appeal Ordinance (Cap 484), the High Court Ordinance (Cap 4) and the District Court Ordinance (Cap 336), and their subsidiary legislation. They have no sustainability implications.

8. For financial and staffing implications, as the proposal in the Amendment Rules involves the full opening of offices for two afternoons only, it will not have significant financial and staffing implications for the Judiciary. Any additional resources required under the proposal will be absorbed by the Judiciary.

## **PUBLIC CONSULTATION**

9. 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.

10. We have also kept the LegCo Panel on Administration of Justice and Legal Services informed of the proposal. The Panel has not raised any comments.

## **PUBLICITY**

11. A press release will be issued on 11 May 2012 and a spokesman will be available to handle press enquiries.

## **ENQUIRIES**

12. For enquiries on this brief, please contact Ms Wendy CHEUNG, Assistant Judiciary Administrator (Development), at 2825 4244.

**Judiciary Administration**  
**May 2012**

**Hong Kong Court of Final Appeal (Amendment) Rules  
2012**

(Made by the Court of Final Appeal Rules Committee under section 39 of the Hong Kong Court of Final Appeal Ordinance (Cap. 484))

**1. Commencement**

These Rules come into operation on 13 July 2012.

**2. Hong Kong Court of Final Appeal Rules amended**

The Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A) are amended as set out in rule 3.

**3. Rule 63 amended (Court Offices: days on which open and office hours)**

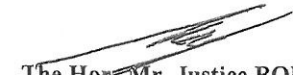
Rule 63(1)—

**Repeal paragraphs (c) and (d).**

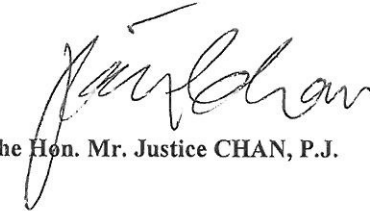
Made this 8th day of May 2012.



The Hon. Chief Justice MA



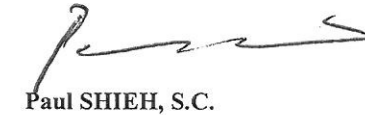
The Hon. Mr. Justice BOKHARY, P.J.



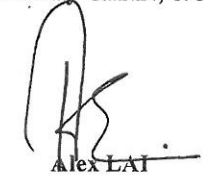
The Hon. Mr. Justice CHAN, P.J.



Anthony CHAN, S.C.



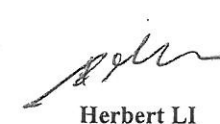
Paul SHIEH, S.C.



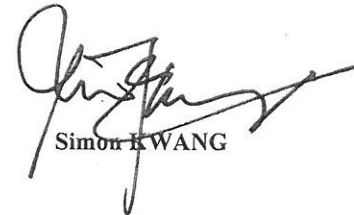
Alex LAI



Brian GILCHRIST



Herbert LI



Simon KWANG

### **Explanatory Note**

The purpose of these Rules is to amend the Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A) so that the offices of the Hong Kong Court of Final Appeal stay open on the afternoons of a Christmas Eve and a Lunar New Year's Eve, if the Christmas Eve or the Lunar New Year's Eve is not a Saturday, a Sunday, a general holiday under the General Holidays Ordinance (Cap. 149) or such other day as the Chief Justice may direct.

**Rules of the High Court (Amendment) Rules 2012**

(Made by the Rules Committee of the High Court under section 54 of the High Court Ordinance (Cap. 4))

**1. Commencement**

These Rules come into operation on 13 July 2012.

**2. Rules of the High Court amended**

The Rules of the High Court (Cap. 4 sub. leg. A) are amended as set out in rule 3.

**3. Order 64, rule 7 amended (High Court Offices: days on which open and office hours)**

Order 64, rule 7(1)—

**Repeal subparagraphs (c) and (ca).**

Made this 8<sup>th</sup> day of **May** 2012.

The Hon. Mr. Justice CHEUNG  
Chief Judge of the High Court

The Hon. Mr. Justice REYES

The Hon. Mr. Justice AU

Rimsky YUEN, S.C.

Liza Jane CRUDEN

Nigel FRANCIS

Thomas SO

Herbert LI

LUNG Kim-wan

**Explanatory Note**

The purpose of these Rules is to amend the Rules of the High Court (Cap. 4 sub. leg. A) so that the offices of the High Court stay open on the afternoons of a Christmas Eve and a Lunar New Year's Eve, if the Christmas Eve or the Lunar New Year's Eve is not a Saturday, a Sunday, a general holiday under the General Holidays Ordinance (Cap. 149) or such other day as the Chief Justice may direct.



**Rules of the District Court (Amendment) Rules 2012**

(Made by the District Court Rules Committee under section 72 of the District Court Ordinance (Cap. 336))

**1. Commencement**

These Rules come into operation on 13 July 2012.

**2. Rules of the District Court amended**

The Rules of the District Court (Cap. 336 sub. leg. H) are amended as set out in rule 3.

**3. Order 64, rule 1 amended (days on which Court offices open)**

Order 64, rule 1(1)—

**Repeal subparagraphs (c) and (ca).**

Made this 8th day of May 2012.

The Hon. Mr. Justice CHEUNG  
Chief Judge of the High Court

H.H. Judge POON

H.H. Judge LOK

H.H. Judge LEUNG

Andrew S.Y. LI

Thomas SO

Clement LEE

### **Explanatory Note**

The purpose of these Rules is to amend the Rules of the District Court (Cap. 336 sub. leg. H) so that the offices of the District Court stay open on the afternoons of a Christmas Eve and a Lunar New Year's Eve, if the Christmas Eve or the Lunar New Year's Eve is not a Saturday, a Sunday, a general holiday under the General Holidays Ordinance (Cap. 149) or such other day as the Chief Justice may direct.