

**L.N. 151 of 2015**

# **Labour Tribunal (Suitors' Funds) (Amendment) Rules 2015**

## **Contents**

<b>Rule</b>		<b>Page</b>
1.	Commencement .....	B2503
2.	Labour Tribunal (Suitors' Funds) Rules amended .....	B2503
3.	Rule 2 amended (interpretation) .....	B2503
4.	Rule 3 amended (payment into the tribunal) .....	B2503
5.	Rule 4 amended (registrar to give receipt) .....	B2505
6.	Rule 5 amended (registrar to keep accounts) .....	B2507
7.	Rule 6 amended (payment out of funds in the tribunal) .....	B2509
8.	Rule 7 amended (payment out on death of person entitled) .....	B2511
9.	Rule 9 amended (transfer of unclaimed funds to general revenue) .....	B2511
10.	Schedule amended .....	B2513

# Labour Tribunal (Suitors' Funds) (Amendment) Rules 2015

(Made by the Chief Justice under section 45 of the Labour Tribunal Ordinance (Cap. 25))

## 1. Commencement

These Rules come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

## 2. Labour Tribunal (Suitors' Funds) Rules amended

The Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg. D) are amended as set out in rules 3 to 10.

## 3. Rule 2 amended (interpretation)

(1) Rule 2—

**Repeal the definition of *funds***

**Substitute**

“*funds* (儲存金) means any money, or movable property or any part of it, standing in or to be placed to the registrar's account and includes boxes and other effects;”.

(2) Rule 2—

**Add in alphabetical order**

“*lodge* (交存) means pay, transfer or deposit;”.

## 4. Rule 3 amended (payment into the tribunal)

(1) Rule 3, heading—

**Repeal**

“Payment into the tribunal”

**Substitute**

“Lodgment of funds”.

- (2) Rule 3(1)—

**Repeal**

“paid into the tribunal shall be paid to”

**Substitute**

“lodged in the tribunal must, unless required by any law to be dealt with in any particular way, be lodged with”.

- (3) Rule 3(2)—

**Repeal**

“shall pay any funds paid into the tribunal”

**Substitute**

“must pay any funds lodged in the tribunal that are money”.

**5. Rule 4 amended (registrar to give receipt)**

- (1) Rule 4(1)—

**Repeal**

“paid into the tribunal”

**Substitute**

“lodged in the tribunal”.

- (2) Rule 4—

**Repeal paragraph (2)**

**Substitute**

- “(2) Subject to paragraph (3), every receipt given in respect of any lodgment must—
- (a) be headed with the title of the cause or matter to which the lodgment is referable;
  - (b) contain adequate particulars of the lodgment; and
  - (c) be in Form 1 in the Schedule.
- (3) If money is lodged in the tribunal as funds, the receipt given in respect of the lodgment must—
- (a) specify the amount of money received;
  - (b) specify the tribunal action number to which the lodgment is referable;
  - (c) specify the date of any order directing the lodgment;
  - (d) specify the party making the lodgment;
  - (e) specify the method of lodgment;
  - (f) contain a general description of the purposes of the lodgment; and
  - (g) be in Form 1A in the Schedule.”.

**6. Rule 5 amended (registrar to keep accounts)**

- (1) Rule 5, heading, after “**accounts**”—

**Add**

“**and register**”.

- (2) Rule 5(1)—

**Repeal**

“paid into the tribunal”

**Substitute**

“lodged in the tribunal that are money”.

- (3) After rule 5(2)—

**Add**

“(3) The registrar must keep a register of all funds lodged in the tribunal that are not money and of all dealings relating to them.”.

**7. Rule 6 amended (payment out of funds in the tribunal)**

- (1) Rule 6, heading—

**Repeal**

“funds”

**Substitute**

“money lodged”.

- (2) Rule 6(1)—

**Repeal**

“Funds paid into”

**Substitute**

“Any money lodged in”.

- (3) Rule 6(1), English text, proviso, paragraph (ii)—

**Repeal**

“survivor”

**Substitute**

“survivors”.

- (4) Rule 6(2)—

**Repeal**

“Funds paid into”

**Substitute**

“Any money lodged in”.

- (5) Rule 6—

**Repeal paragraph (3)**

**Substitute**

“(3) Payment out must be made at the tribunal on any day that is not a general holiday and during the opening hours of the accounts office of the tribunal.”.

**8. Rule 7 amended (payment out on death of person entitled)**

- (1) Rule 7—

**Repeal**

“funds” (wherever appearing)

**Substitute**

“money”.

- (2) Rule 7, Chinese text—

**Repeal**

“從儲存金中”.

**9. Rule 9 amended (transfer of unclaimed funds to general revenue)**

- (1) Rule 9, heading—

**Repeal**

“funds”

**Substitute**

“money”.

- (2) Rule 9(1)—

**Repeal**

“funds” (wherever appearing)

**Substitute**

“money”.

- (3) Rule 9(1), English text—

**Repeal**

“remain”

**Substitute**

“remains”.

**10. Schedule amended**

- (1) The Schedule, Form 1—

**Repeal**

“IN THE LABOUR TRIBUNAL”

**Substitute**

“IN THE LABOUR TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

- (2) The Schedule, Form 1—

**Repeal**





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Payer

Purposes of payment

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Payment code	Payment method	Amount received
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(5) The Schedule, Form 2—

**Repeal**

“IN THE LABOUR TRIBUNAL”

**Substitute**

“IN THE LABOUR TRIBUNAL OF  
THE HONG KONG SPECIAL ADMINISTRATIVE REGION”.

(6) The Schedule, Form 2—

**Repeal**

“Ledger account

(if the same as the cause, state as above).”.

- (7) The Schedule, English text, Form 2—

**Repeal**

“paid:”

**Substitute**

“paid;”.

- (8) The Schedule, English text, Form 2—

**Repeal**

“, Chapter 11”

**Substitute**

“(Cap. 11)”.

- (9) The Schedule, Form 2—

**Repeal**

*“Commissioner for Oaths,  
notary public, or other  
authorized officer”*

**Substitute**

“Person authorized by law  
to take and receive the  
declaration under the  
Oaths and Declarations  
Ordinance (Cap. 11)”.

Labour Tribunal (Suitors' Funds) (Amendment) Rules 2015

L.N. 151 of 2015  
B2521

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Geoffrey MA  
Chief Justice

18 June 2015

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### **Explanatory Note**

These Rules mainly seek to enhance the Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg. D) (*principal Rules*) in the following aspects—

- (a) to provide that all funds to be lodged in the Labour Tribunal (*Tribunal*) must be lodged with the Registrar of the Tribunal, unless the law otherwise requires;
  - (b) to update the contents required for the receipt issued for the funds lodged in the Tribunal; and
  - (c) to require a register of all non-monetary funds and of their dealings to be kept.
2. These Rules also make minor amendments to update the principal Rules, including their accompanying forms.