
Judiciary (Five-day Week) (Miscellaneous Amendments) Ordinance 2016

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HONG KONG SPECIAL ADMINISTRATIVE REGION

ORDINANCE NO. 18 OF 2016



John TSANG
Acting Chief Executive
8 June 2016

An Ordinance to amend various legislation to complete implementation of a five-day week for the Judiciary of Hong Kong; and to revise certain provisions about the computation of time in relation to judicial proceedings or about the opening time of courts or court offices.

[]

Enacted by the Legislative Council.

Part 1

Preliminary

1. Short title and commencement

- (1) This Ordinance may be cited as the Judiciary (Five-day Week) (Miscellaneous Amendments) Ordinance 2016.
- (2) This Ordinance comes into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

2. Enactments amended

The enactments specified in Parts 2 to 23 are amended as set out in those Parts.

Part 2

Amendments to Interpretation and General Clauses Ordinance (Cap. 1)

3. Section 71 amended (computation of time)

(1) After section 71(1)—

Add

“(1A) However, if the computation mentioned in subsection (1) is in relation to the doing of an act or the taking of a proceeding at a court office, the following provisions apply to the computation to the exclusion of subsection (1)(b), (c) and (d)—

- (a) if the act or proceeding is directed or allowed to be done or taken within a period of time, and the last day of the period is a closure day for the office, the period includes the next following day, not being a closure day for the office;
- (b) if the act or proceeding is directed or allowed to be done or taken on a certain day, and that day is a closure day for the office, the act or proceeding is considered as done or taken in due time if it is done or taken on the next following day, not being a closure day for the office;
- (c) if the act or proceeding is directed or allowed to be done or taken within any time not exceeding 7 days, no closure day for the office is reckoned in the computation of that time.”.

- (2) Section 71(2), Chinese text, definition of 黑色暴雨警告
H—

Repeal the full stop

Substitute a semicolon.

- (3) Section 71(2)—

Add in alphabetical order

“*closure day* (關閉日), in relation to a court office, means a Saturday, a public holiday, a gale warning day, a black rainstorm warning day, or another day on which the office is closed;

court office (法院辦事處) means an office or registry of one of the following courts or tribunals of the Judiciary of Hong Kong—

- (a) the Court of Final Appeal;
 - (b) the Court of Appeal;
 - (c) the Court of First Instance;
 - (d) the Competition Tribunal;
 - (e) the District Court;
 - (f) the Magistrates’ Court;
 - (g) the Lands Tribunal;
 - (h) the Labour Tribunal;
 - (i) the Small Claims Tribunal;
 - (j) the Obscene Articles Tribunal;
 - (k) the Coroner’s Court;”.
-

Part 3

Amendments to High Court Ordinance (Cap. 4)

4. Section 30 amended (business in vacations)

(1) Section 30(1)—

Repeal

“(except on general holidays)”.

(2) At the end of section 30—

Add

“(4) However, subsection (1) does not require the High Court or the Registries to be open on Saturdays, general holidays, or other days as directed by the Registrar or the Chief Justice.

(5) In subsection (4)—

Registrar (司法常務官) includes a Senior Deputy Registrar, Deputy Registrar, or Assistant Registrar, of the High Court.”.

Part 4

Amendments to Rules of the High Court (Cap. 4 sub. leg. A)

5. Order 3, rule 2 amended (reckoning periods of time)

(1) Order 3, rule 2(5)—

Repeal

“Sunday or a general holiday”

Substitute

“specified day”.

(2) Order 3, rule 2(5)—

Repeal

everything after “excluded.”.

(3) Order 3, after rule 2(5)—

Add

“(6) In this rule—

specified day (指明日子) means—

- (a) a Saturday;
- (b) a general holiday;
- (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
- (d) a black rainstorm warning day as defined by that section; or
- (e) (if the act in question is required to be done at an office of the Court) another day on which the office is closed.”.

6. Order 3, rule 4 amended (time expires on Sunday, etc.)

(1) Order 3, rule 4, heading—

Repeal

“**Sunday, etc.**”

Substitute

“**day on which office is closed**”.

(2) Order 3—

Re number rule 4 as rule 4(1).

(3) Order 3, rule 4(1)—

Repeal

“**Sunday or other day on which that office is closed**”

Substitute

“**specified day**”.

(4) Order 3, after rule 4(1)—

Add

“(2) In this rule—

specified day (指明日子), in relation to an office of the Court, means—

- (a) a Saturday;
- (b) a general holiday;
- (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
- (d) a black rainstorm warning day as defined by that section; or
- (e) another day on which the office is closed.”.

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

(1) Order 64, rule 7(1)—

Repeal

everything after “except”

Substitute

“Saturdays and general holidays.”

(2) Order 64, after rule 7(1)—

Add

“(1A) However, the Registrar or the Chief Justice may from time to time direct an office of the High Court to be open or closed on any day.”

(3) Order 64, rule 7(2), after “as”—

Add

“the Registrar or”.

8. Order 65, rule 7 substituted

Order 65—

Repeal rule 7

Substitute

“7. Effect of service at certain time (O. 65, r. 7)

(1) This rule applies if a document (other than a writ of summons or other originating process) is served under rule 2 or 5(1)(a)—

(a) on a specified day; or

(b) after 4 p.m. on another day.

- (2) For computing a period of time after service of the document, the document is deemed to be served on the next following day, not being a specified day.
 - (3) In this rule—
specified day (指明日子) means—
 - (a) a Saturday;
 - (b) a general holiday;
 - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
 - (d) a black rainstorm warning day as defined by that section.”.
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Part 5

Amendment to Bankruptcy Ordinance (Cap. 6)

9. Section 122 amended (computation of time)

Section 122—

Repeal subsections (2) and (3)

Substitute

“(2) If the limited time is less than 6 days, a specified day is not to be reckoned in the computation of the limited time.

(3) If the limited time expires on a specified day, the act or proceeding is considered as done or taken in due time if it is done or taken on the next following day, not being a specified day.

(3A) In this section—

specified day (指明日子) means—

- (a) a Saturday;
 - (b) a general holiday;
 - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
 - (d) a black rainstorm warning day as defined by that section; or
 - (e) (if the act or proceeding in question is required to be done or taken at an office of the court) another day on which the office is closed.”.
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Part 6

Amendment to Labour Tribunal (Suitors' Funds) Rules (Cap. 25 sub. leg. D)

10. Rule 6 amended (payment out of money lodged in the tribunal)

Rule 6(3)—

Repeal

“not”

Substitute

“neither a Saturday nor”.

Part 7

Amendments to Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62)

11. Section 2 amended (interpretation)

(1) Section 2, English text, definition of *tropical cyclone*—

Repeal the full stop

Substitute a semicolon.

(2) Section 2—

Add in alphabetical order

“*working day* (工作日) means a day that is neither a Saturday nor a public holiday.”.

12. Section 4 amended (resumption of adjourned judicial proceedings)

Section 4—

Repeal

“day, which is not a public holiday,”

Substitute

“working day”.

13. Section 8 amended (persons arrested or detained by police)

Section 8(1)—

Repeal

“day, which is not a public holiday,”

Substitute

“working day”.

Part 8

Amendment to Buildings Ordinance (Cap. 123)

14. Schedule 7 amended (penalty notice)

Schedule 7, section 17, after “excluding any”—

Add

“Saturday and”.

Part 9

Amendment to Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237)

15. Section 20B amended (payment of fixed penalty after issue of summons)

Section 20B(2A), after “intervening”—

Add

“Saturdays and”.

Part 10

Amendments to Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A)

16. Schedule amended

- (1) The Schedule, Form 1, payment instructions, paragraph 1(e), Chinese version—

Repeal

“上述裁判法院於下列時間收款——

星期一	:	上午 9 時至下午 1 時；
至		及
星期五		下午 2 時至 5 時
星期六	:	上午 9 時至中午 12 時”

Substitute

“如欲查詢裁判法院的辦公時間，請致電 2677 8373 或瀏覽香港司法機構網站 (URL 位址：<http://www.judiciary.gov.hk/tc/others/contactus.htm>)。 ”。

- (2) The Schedule, Form 1, payment instructions, paragraph 1(e), English version—

Repeal

“The above magistracies receive payments during the hours of—

Monday	:	9 a.m. to 1 p.m.;
to		and
Friday		2 p.m. to 5 p.m.
Saturday	:	9 a.m. to 12 noon”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address: <http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

- (3) The Schedule, Form 2, payment instructions, paragraph 1(e), Chinese version—

Repeal

“上述裁判法院於下列時間收款——

星期一 : 上午 9 時至下午 1 時 ;
至 及
星期五 下午 2 時至 5 時
星期六 : 上午 9 時至中午 12 時”

Substitute

“如欲查詢裁判法院的辦公時間，請致電 2677 8373 或瀏覽香港司法機構網站 (URL 位址：<http://www.judiciary.gov.hk/tc/others/contactus.htm>) 。”.

- (4) The Schedule, Form 2, payment instructions, paragraph 1(e), English version—

Repeal

“The above magistracies receive payments during the hours of—

Monday : 9 a.m. to 1 p.m. ;
to and
Friday 2 p.m. to 5 p.m.
Saturday : 9 a.m. to 12 noon”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address: <http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

Part 11

Amendment to Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)

17. **Section 9 amended (payment of fixed penalty after issue of summons)**

Section 9(2A), after “intervening”—

Add

“Saturdays and”.

Part 12

Amendments to Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A)

18. Schedule amended

- (1) The Schedule, Form 1, payment instructions, paragraph 1(e), Chinese version—

Repeal

“上述裁判法院於下列時間收款——

星期一	:	上午 9 時至下午 1 時；
至		及
星期五		下午 2 時至 5 時
星期六	:	上午 9 時至中午 12 時”

Substitute

“如欲查詢裁判法院的辦公時間，請致電 2677 8373 或瀏覽香港司法機構網站 (URL 位址：
<http://www.judiciary.gov.hk/tc/others/contactus.htm>)。 ”。

- (2) The Schedule, Form 1, payment instructions, paragraph 1(e), English version—

Repeal

“The above magistracies receive payments during the hours of—

Monday	:	9 a.m. to 1 p.m.;
to		and
Friday		2 p.m. to 5 p.m.
Saturday	:	9 a.m. to 12 noon”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address: <http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

- (3) The Schedule, Form 2, payment instructions, paragraph 1(e), Chinese version—

Repeal

“上述裁判法院於下列時間收款——

星期一	:	上午 9 時至下午 1 時；
至		及
星期五		下午 2 時至 5 時
星期六	:	上午 9 時至中午 12 時”

Substitute

“如欲查詢裁判法院的辦公時間，請致電 2677 8373 或瀏覽香港司法機構網站 (URL 位址：<http://www.judiciary.gov.hk/tc/others/contactus.htm>)。”.

- (4) The Schedule, Form 2, payment instructions, paragraph 1(e), English version—

Repeal

“The above magistracies receive payments during the hours of—

Monday	:	9 a.m. to 1 p.m.;
to		and
Friday		2 p.m. to 5 p.m.
Saturday	:	9 a.m. to 12 noon”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address: <http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

Part 13

Amendments to Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C)

19. Section 18 amended (payment of fixed penalty after issue of summons)

Section 18(2A), after “intervening”—

Add

“Saturdays and”.

20. Schedule 3 amended (forms)

(1) Schedule 3, Form 1, payment instructions, paragraph 1(e), Chinese version—

Repeal

“上述裁判法院於下列時間收款——

星期一：上午 9 時至下午 1 時；

至 及

星期五 下午 2 時至 5 時

星期六：上午 9 時至中午 12 時”

Substitute

“如欲查詢裁判法院的辦公時間，請致電 2677 8373 或瀏覽香港司法機構網站 (URL 位址：

<http://www.judiciary.gov.hk/tc/others/contactus.htm>)。 ”。

(2) Schedule 3, Form 1, payment instructions, paragraph 1(e), English version—

Repeal

“The above magistracies receive payments during the hours of—

Monday : 9 a.m. to 1 p.m.;
to and
Friday 2 p.m. to 5 p.m.
Saturday : 9 a.m. to 12 noon”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address: <http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

- (3) Schedule 3, Form 2, payment instructions, paragraph 1(e), Chinese version—

Repeal

“上述裁判法院於下列時間收款 —
星期一至星期五 : 上午 9 時至下午 1 時 ; 及
下午 2 時至 5 時
星期六 : 上午 9 時至中午 12 時”

Substitute

“如欲查詢裁判法院的辦公時間，請致電 2677 8373 或瀏覽香港司法機構網站 (URL 位址 : <http://www.judiciary.gov.hk/tc/others/contactus.htm>) 。”.

- (4) Schedule 3, Form 2, payment instructions, paragraph 1(e), English version—

Repeal

“The above magistracies receive payments during the hours of-

Monday to Friday : 9 a.m. to 1 p.m.; and
2 p.m. to 5 p.m.

Saturday : 9 a.m. to 12 noon”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address: <http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

Part 14

Amendments to Rules of the District Court (Cap. 336 sub. leg. H)

21. Order 3, rule 2 amended (reckoning periods of time)

(1) Order 3, rule 2(5)—

Repeal

“Sunday or a general holiday”

Substitute

“specified day”.

(2) Order 3, rule 2(5)—

Repeal

everything after “excluded.”.

(3) Order 3, after rule 2(5)—

Add

“(6) In this rule—

specified day (指明日子) means—

- (a) a Saturday;
- (b) a general holiday;
- (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
- (d) a black rainstorm warning day as defined by that section; or
- (e) (if the act in question is required to be done at an office of the Court) another day on which the office is closed.”.

22. Order 3, rule 4 amended (time expires on Sunday, etc.)

(1) Order 3, rule 4, heading—

Repeal

“**Sunday, etc.**”

Substitute

“**day on which office is closed**”.

(2) Order 3—

Re number rule 4 as rule 4(1).

(3) Order 3, rule 4(1)—

Repeal

“**Sunday or other day on which that office is closed**”

Substitute

“**specified day**”.

(4) Order 3, after rule 4(1)—

Add

“(2) In this rule—

specified day (指明日子), in relation to an office of the Court, means—

- (a) a Saturday;
- (b) a general holiday;
- (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
- (d) a black rainstorm warning day as defined by that section; or
- (e) another day on which the office is closed.”.

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

(1) Order 64, rule 1(1)—

Repeal

everything after “except”

Substitute

“Saturdays and general holidays.”

(2) Order 64, after rule 1(1)—

Add

“(2) However, the Registrar or the Chief Justice may from time to time direct an office of the Court to be open or closed on any day.”

24. Order 64, rule 2 amended (hours when Court offices open)

Order 64, rule 2, after “as”—

Add

“the Registrar or”.

25. Order 65, rule 7 substituted

Order 65—

Repeal rule 7

Substitute

“7. Effect of service at certain time (O. 65, r. 7)

(1) This rule applies if a document (other than a writ of summons or other originating process) is served under rule 2 or 5(1)(a)—

(a) on a specified day; or

(b) after 4 p.m. on another day.

- (2) For computing a period of time after service of the document, the document is deemed to be served on the next following day, not being a specified day.
 - (3) In this rule—
specified day (指明日子) means—
 - (a) a Saturday;
 - (b) a general holiday;
 - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
 - (d) a black rainstorm warning day as defined by that section.”.
-

Part 15

Amendment to Small Claims Tribunal (Suitors' Funds) Rules (Cap. 338 sub. leg. D)

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

Rule 6(2)—

Repeal

“not”

Substitute

“neither a Saturday nor”.

Part 16

Amendments to Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A)

27. **Rule 63 amended (Court Offices: days on which open and office hours)**
- (1) Rule 63(1)—
Repeal
everything after “except”
Substitute
“Saturdays and general holidays.”.
- (2) After rule 63(1)—
Add
“(1A) However, the Chief Justice or the Registrar may from time to time direct an office of the Court to be open or closed on any day.”.
- (3) Rule 63(2), after “Justice”—
Add
“or the Registrar”.
-

Part 17

Amendments to Coroners Ordinance (Cap. 504)

28. Section 2 amended (interpretation)

Section 2—

Repeal the definition of *clear day*.

29. Section 22 amended (summoning of jurors)

After section 22(4)—

Add

- “(5) For the purposes of subsection (2), the following days must not be reckoned in computing the number of clear days—
- (a) a Saturday;
 - (b) a public holiday;
 - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
 - (d) a black rainstorm warning day as defined by that section.”.
-

Part 18

Amendments to Coroners Rules (Cap. 504 sub. leg. B)

- 30. Rule 9 amended (inquests not to be held on general holidays or Sundays)**
- (1) Rule 9, heading—
- Repeal**
“**general holidays or Sundays**”
- Substitute**
“**Saturdays or general holidays**”.
- (2) Rule 9(1)—
- Repeal**
“general holiday within the meaning of section 2 of the General Holidays Ordinance (Cap. 149)”
- Substitute**
“Saturday or a general holiday (other than a Sunday)”.
-

Part 19

Amendments to Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D)

31. Section 49 amended (payment of fixed penalty after issue of summons)

Section 49(3), after “intervening”—

Add

“Saturdays and”.

32. Schedule 3 amended (forms)

(1) Schedule 3, Form 1, payment instructions, paragraph 1(b)—

Repeal

“These offices receive payments during the hours of—

Monday—Friday 9 a.m. to 4 p.m.

(District Offices and Magistracies close 1–2 p.m.)

Saturday 9 a.m. to 12 noon

(District Offices close 11:30 a.m.)”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address:

<http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

(2) Schedule 3, Form 2, payment instructions, paragraph 1(b)—

Repeal

“These offices receive payments during the hours of—

Monday–Friday 9 a.m. to 4 p.m.

(District Offices and Magistracies close 1–2 p.m.)

Saturday 9 a.m. to 12 noon

(District Offices close 11:30 a.m.)”

Substitute

“For the opening hours of the magistrates’ courts, please dial 2677 8373 or visit the web site of the Judiciary of Hong Kong (URL address: <http://www.judiciary.gov.hk/en/others/contactus.htm>).”.

Part 20

**Amendment to Fixed Penalty (Public Cleanliness
Offences) Ordinance (Cap. 570)**

33. **Section 13 amended (payment of fixed penalty after issue of summons)**

Section 13(3)—

Repeal

“No”

Substitute

“Neither a Saturday nor a”.

Part 21

Amendment to Fixed Penalty (Smoking Offences) Ordinance (Cap. 600)

34. Section 13 amended (payment of fixed penalty after issue of summons)

Section 13(3)—

Repeal

“No”

Substitute

“Neither a Saturday nor a”.

Part 22

Amendment to Product Eco-responsibility Ordinance (Cap. 603)

35. Section 28L amended (dispute of liability for offence)

Section 28L(6)—

Repeal

“No”

Substitute

“Neither a Saturday nor a”.

Part 23

Amendment to Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611)

36. **Section 23 amended (payment of fixed penalty after summons)**
Section 23(5), definition of *clear working days*, after
“intervening”—
Add
“Saturdays and”.