

立法會
Legislative Council

LC Paper No. CB(3) 397/17-18

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Tel : 3919 3300

Date : 2 March 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 21 March 2018

**Two proposed resolutions to be moved by
the Chief Secretary for Administration**

The Chief Secretary for Administration will move the attached two proposed resolutions under the following two Ordinances at the above meeting:

- (a) District Court Ordinance (Cap. 336) (**Appendix 1**); and
- (b) Small Claims Tribunal Ordinance (Cap. 338) (**Appendix 2**).

The President has directed that the proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

2. The speeches, in both Chinese and English, which the Chief Secretary for Administration will deliver when moving the two proposed resolutions are in **Appendices 3 and 4** respectively.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

District Court Ordinance

Resolution

(Under section 73A of the District Court Ordinance (Cap. 336))

Resolved that—

- (a) the District Court Ordinance (Cap. 336) be amended as set out in the Schedule; and
- (b) this Resolution is to come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

Schedule

Amendments to District Court Ordinance

1. **Section 32 amended (general jurisdiction in actions of contract, quasi-contract and tort)**
 - (1) Section 32(1)—
Repeal
“\$1,000,000”
Substitute
“\$3,000,000”.
 - (2) Section 32(3)—
Repeal
“\$1,000,000”
Substitute
“\$3,000,000”.
2. **Section 33 amended (money recoverable by enactment)**
Section 33(1)(b)—
Repeal
“\$1,000,000”
Substitute
“\$3,000,000”.
3. **Section 35 amended (jurisdiction for recovery of land)**
Section 35—
Repeal

“\$240,000”

Substitute

“\$320,000”.

4. Section 36 amended (jurisdiction where title in question)

(1) Section 36(a)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

(2) Section 36(b)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

5. Section 37 amended (equity jurisdiction)

(1) Section 37(2)(i)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

(2) Section 37(2)(ii)—

Repeal

“\$1,000,000” (wherever appearing)

Substitute

“\$3,000,000”.

(3) Section 37(2)(iii)—

Repeal

“\$3,000,000”

Substitute

“\$7,000,000”.

(4) Section 37(2)(iv)—

Repeal

“\$3,000,000”

Substitute

“\$7,000,000”.

(5) Section 37(2)(iv)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

(6) Section 37(4)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

6. Section 52 amended (extension of jurisdiction to grant injunctions and to make declarations)

(1) Section 52(1)(a)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

(2) Section 52(1)(c)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

(3) Section 52(1)(d)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

7. **Section 69B amended (relief against forfeiture by re-entry for non-payment of rent)**

Section 69B(1)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

Small Claims Tribunal Ordinance

Resolution

(Under section 6 of the Small Claims Tribunal Ordinance (Cap. 338))

Resolved that—

- (a) the Small Claims Tribunal Ordinance (Cap. 338) be amended as set out in the Schedule; and
- (b) this Resolution is to come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

Schedule

Amendments to Small Claims Tribunal Ordinance

1. Schedule amended (jurisdiction of tribunal)

- (1) The Schedule, paragraph 1—

Repeal

“\$50,000”

Substitute

“\$75,000”.

- (2) The Schedule, paragraph 2(b)—

Repeal

“\$50,000”

Substitute

“\$75,000”.

DRAFT

(Translation)

*(Refer to the final speech to be delivered at the Legislative Council
("LegCo"))*

**Speech by the Chief Secretary for Administration for
Moving of the Motions proposed pursuant to
the District Court Ordinance (Cap. 336)
at the LegCo Meeting on 21 March 2018**

President,

I move that the first motion under my name as printed on the Agenda be passed to increase the civil jurisdictional limits of the District Court ("DC").

2. In 2015-16, the Judiciary conducted a review of the civil jurisdictional limits of the DC and the Small Claims Tribunal ("SCT"). Having analysed the impact of increasing the limits on the workload of the court and the tribunal concerned, changes in economic indicators and views of the stakeholders, the Judiciary proposed increasing the general financial limit of the civil jurisdiction of the DC from \$1 million to \$3 million. As regards the limit for proceedings involving recovery of land or relating to the title to an interest in land, the Judiciary proposed increasing it from \$240,000 to \$320,000 in terms of the annual rent, rateable value or annual value of the land.

3. For the equity jurisdiction of the DC, the Judiciary proposed increasing the limit from \$1 million to \$3 million where the proceedings do not involve land, and from \$3 million to \$7 million where the proceedings involve land. Besides, the Judiciary proposed increasing the civil jurisdictional limit of the SCT from \$50,000 to \$75,000.

4. The Judiciary considered that the proposals above would allow better distribution of cases among the Court of First Instance ("CFI"), the DC and the SCT. They would help ease the pressure of the increasing caseload of civil cases on the CFI, and enable it to concentrate on handling cases of higher claim amounts and greater complexity in nature. In addition, the proposals would also help lower legal costs, thereby enhancing access to justice for the public. The Judiciary has consulted

the Hong Kong Bar Association, the Law Society of Hong Kong and the Panel on Administration of Justice and Legal Services of the Legislative Council (“LegCo”) on the proposals, and obtained their general support.

5. To cope with the increases in caseload at the DC and the SCT after the adjustments of the civil jurisdictional limits, the Judiciary, having carefully assessed the resource requirements, has made available additional court facilities at the court and the tribunal. The Government has also provided the Judiciary with the financial resources for meeting in full the manpower needs. In particular, the Judiciary’s proposal for the creation of new Judge and Judicial Officer posts was approved by the LegCo Finance Committee in December last year. The Judiciary will endeavour to ensure smooth operation of the DC and the SCT, and continue to provide reliable services to court users after the adjustments of the jurisdictional limits.

6. I invite Members to support this motion. Later on, I will move another motion to increase the civil jurisdictional limits of the SCT. Upon passage of the motions, the Judiciary will make consequential amendments to the Small Claims Tribunal (Fees) Rules (Cap. 338B) and table them at LegCo for scrutiny separately. Subject to completion of the scrutiny, the revised civil jurisdictional limits of the DC and the SCT, together with the consequential amendments, are expected to come into effect in mid-2018 at a date to be appointed by the Chief Justice.

7. Thank you, President.

- End -

[Note: Please also refer to the speech for another motion under the Small Claims Tribunal Ordinance (Cap. 338) to be moved at the same LegCo meeting.]

DRAFT

(Translation)

*(Refer to the final speech to be delivered at the Legislative Council
("LegCo"))*

**Speech by the Chief Secretary for Administration for
Moving of the Motions proposed pursuant to
the Small Claims Tribunal Ordinance (Cap. 338)
at the LegCo Meeting on 21 March 2018**

President,

I move that the second motion under my name as printed on the Agenda be passed to increase the civil jurisdictional limits of the Small Claims Tribunal ("SCT") from \$50,000 to \$75,000. The detailed justifications for the increase in the civil jurisdictional limits of the SCT have been set out in my last motion and I will not repeat them here.

2. I invite Members to support the motion.
3. Thank you, President.

- End -

[Note: Please also refer to the speech for another motion under the District Court Ordinance (Cap. 336) to be moved at the same LegCo meeting.]