



司法機構政務處

Judiciary Administration

電話 Tel: 2867 5203

傳真 Fax: 2501 4636

本函檔號 Our Ref.: LM(3) to SC 101/17/16 Pt 7

來函檔號 Your Ref.: LS/R/5/17-18

By Fax : 2877 5029

9 April 2018

Miss Rachel DAI
Assistant Legal Adviser
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Miss Dai,

**Proposed Resolutions under
section 73A of the District Court Ordinance (Cap. 336) and
section 6 of the Small Claims Tribunal Ordinance (Cap. 338)**

Thank you for your letter of 4 April 2018.

2. Transitional issues arising from the implementation of the revised civil jurisdictional limits of the District Court (“DC”) and the Small Claims Tribunal (“SCT”) will be dealt with by the court and tribunal concerned in accordance with the established law. This is in line with the arrangements adopted for previous adjustments of civil jurisdictional limits.

3. As regards the specific circumstances mentioned in your letter, our reply is as follows.

4. For civil cases with claim amount between \$50,001 and \$75,000 which have been filed into the DC before the commencement of the adjustment of the civil jurisdictional limit of the SCT from \$50,000 to \$75,000, they will

continue to be dealt with by the DC. However, should the plaintiff now wish to have the case heard in the SCT, he may consider discontinuing the claim in the DC and lodge a new claim in the SCT, subject to considerations such as limitation¹ and costs.

5. As regards applications under section 41(1) of the District Court Ordinance (Cap. 336) which are still pending before the implementation of the jurisdictional rise of the DC, they will be dealt with at the DC subject to the discretion of the presiding judge / master, as the case may be.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'D. Lau', written over a large, loopy oval shape.

(David Lau)
for Judiciary Administrator

c.c. Administration Wing (Attn: Ms Christine WAI)
Department of Justice (Attn: Miss Annet LAI)

¹ For example, actions founded on simple contract or on tort shall not be brought after the expiration of 6 years from the date on which the cause of action accrued under section 4 of the Limitation Ordinance (Cap. 347).