**Legislative Council Subcommittee on Proposed Resolutions
under the District Court Ordinance (Cap. 336) and
the Small Claims Tribunal Ordinance (Cap. 338)**

**Proposed Inclusion of the Amendment to the
Civil Jurisdictional Limit of the District Court for
Costs-only Proceedings in the Proposed Resolution under
<u>the District Court Ordinance (Cap. 336)</u>**

Introduction

Following the passage of the Statute Law (Miscellaneous Provision) Bill 2017 ("the Omnibus Bill") on 11 April 2018, the Judiciary proposes to include the amendment to the civil jurisdictional limit of the District Court ("DC") for costs-only proceedings stipulated in section 53A(5) of the District Court Ordinance (Cap. 336) in the proposed Resolution under section 73A of Cap. 336 being considered by the Legislative Council Subcommittee on Proposed Resolutions under the District Court Ordinance and the Small Claims Tribunal Ordinance ("the Subcommittee") at the moment.

Background

2.   As set out in the Legislative Council Brief on the Resolutions of the Legislative Council on Jurisdictional Limits of the District Court and the Small Claims Tribunal issued by the Administration Wing of the Chief Secretary for Administration's Office and the Judiciary Administration on 28 February 2018 ("the LegCo Brief"), the Judiciary proposed, amongst others, to increase the civil jurisdictional limit of the DC stipulated in section 53A(5) of Cap. 336 from $1 million in terms of the costs involved in the party's claim to $3 million, in line with the proposed increase of the

general civil jurisdictional limit of the DC from $1 million to $3 million being pursued in the current exercise[1].

3.   Previously, section 53A(5) of Cap. 336 was not covered by section 73A of Cap. 336 which provided that certain civil jurisdictional limits of the DC could be amended by way of resolution of the Legislative Council ("LegCo")[2]. As such, the limit of the DC for costs-only proceeding could not be amended by resolution of LegCo.

4.   It was the Judiciary's original proposal to proceed with the amendments to the jurisdictional limits of the DC and the Small Claims Tribunal ("SCT") which could be made by resolution of LegCo under section 73A of Cap. 336 and section 6 of Cap. 338 first owing to the following reasons –

(a) the Judiciary would wish to take forward the implementation of the proposed revision to the other jurisdictional limits of the DC and the SCT as early as practicable, thereby allowing better distribution of cases among the Court of First Instance of the High Court, the DC and the SCT, and enhancing access to justice for the public at the earliest juncture; and

(b) the number of costs-only proceedings conducted at the DC has been small in recent years[3].

For the jurisdictional limit of the DC for costs-only proceedings, the Judiciary's original plan was to amend it at an opportune juncture after passage of the Omnibus Bill, which, amongst others, sought to add a reference to section 53A(5) of Cap. 336 in section

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[1] Paragraph 26 of the LegCo Brief refers.
[2] Paragraph 27 of the LegCo Brief refers.
[3] For reference, no such case was filed in 2016.

73A of Cap. 336, thereby allowing the jurisdictional limit for costs-only proceedings to be amended by way of resolution of LegCo[4] as well.

Proposed Inclusion of the Amendment to the DC's Jurisdictional Limit for Costs-only Proceedings in the Proposed Resolution under Cap. 336

5.   During the Subcommittee's consideration of the proposed Resolution under section 73A of Cap. 336, the Omnibus Bill was passed at LegCo on 11 April 2018, with the part relating to the addition of reference to section 53A(5) of Cap. 336 in section 73A of Cap. 336 coming into effect upon gazettal of the legislation on 20 April 2018. In other words, with effect from 20 April 2018, the jurisdictional limit of the DC for costs-only proceedings as stipulated in section 53A(5) of Cap. 336 can also be amended by way of resolution of LegCo.

6.   In the light of the latest development, the Judiciary proposes to include the amendment to the jurisdictional limit of the DC for costs-only proceedings stipulated in section 53A(5) of Cap. 336 from $1 million to $3 million in the proposed Resolution under section 73A of Cap. 336 being considered by the Subcommittee at the moment. This would tie in with the implementation of the proposed amendment to the general civil jurisdictional limit of the DC from $1 million to $3 million. The proposed resolution incorporating the said amendment is at **Annex**.

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[4] Paragraph 28 of the LegCo Brief refers.

Legislative Timetable

7.   The civil jurisdictional limits of the DC and the SCT are to be amended by LegCo by way of resolution under section 73A of Cap. 336 and section 6 of Cap. 338 respectively. Subject to the support of the Subcommittee to the proposed resolution under Cap. 336 at **<u>Annex</u>** and the other proposed resolution under Cap. 338 being considered by the Subcommittee at the moment, the Chief Secretary for Administration will move the two proposed resolutions for approval by LegCo.

Administration Wing
Chief Secretary for Administration's Office

Judiciary Administration

2 May 2018

District Court Ordinance

Resolution of the Legislative Council

Resolution made and passed by the Legislative Council under section 73A of the District Court Ordinance (Cap. 336) on   2018.

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 53A amended (costs-only proceedings)**

Section 53A(5)—

Repeal

"$1,000,000"

Substitute

"$3,000,000".

~~7~~8.   **Section 69B amended (relief against forfeiture by re-entry for non-payment of rent)**

Section 69B(1)—

Repeal

"$240,000"

Substitute

"$320,000".

Clerk to the Legislative Council

2018 _____

Explanatory Note

This Resolution raises the upper financial limits on the civil jurisdiction of the District Court in certain matters.