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本函檔號 Our Ref.: LM(3) to SC/101/17/16 Pt. 9

來函檔號 Your Ref.: LS/R/5/17-18

By Email : rkt dai@legco.gov.hk

2 May 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 16 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 presiding judge / master through the exercise of judicial discretion, having regard to the specific circumstances of the case concerned and following the established law. As there has not been any issue arising out of previous adjustments to the jurisdictional limits of the DC and the SCT, the Judiciary see no need to provide for specific transitional arrangements by way of legislation or Practice Directions.

3. As set out in the Legislative Council (“LegCo”) Brief issued by the Administration Wing of the Chief Secretary for Administration’s Office and the Judiciary Administration on 28 February 2018, if the two proposed Resolutions under the District Court Ordinance (Cap. 336) and the Small Claims Tribunal Ordinance (Cap. 338) are passed by LegCo, the Chief Justice will appoint a date for commencement of the revised civil jurisdictional limits

of the DC and the SCT. The commencement notice, together with the consequential amendments to the Small Claims Tribunal (Fees) Rules (Cap. 338B), will then be tabled at LegCo for negative vetting.

4. The Judiciary will publicize the intended commencement date of the jurisdictional rise through various means such as press releases, notices at court buildings and on the Judiciary's website. This will facilitate court users to make informed decisions (and to seek legal advice as appropriate) on how their cases, whether pending disposal or involving new claims to be lodged, should proceed at the court and tribunal concerned.

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

6. At present, when plaintiffs commence civil proceedings in the DC, they are required to specify the jurisdictional basis of their claim. Paragraph 4 of Practice Direction 27 on Civil Proceedings in the District Court stipulates that *"All writs and originating summonses should contain a plea that the relief sought do fall within the jurisdiction of the District Court, specifying which section(s) of sections 32 to 39 of the District Court Ordinance (Cap. 336) do apply to the case."*

7. The scenario of having civil cases commenced in the DC with claim amount between \$1 million and \$3 million pending disposal is most likely to occur in cases in which the claim is within the jurisdiction of the DC at the time of commencement, but has subsequently grown out of the original jurisdiction of the DC due to various reasons. The DC will have jurisdiction to hear such pending cases after implementation of the revised civil jurisdictional limits of the DC.

Yours sincerely,



(Desmond Wu)
for Judiciary Administrator

c.c. Administration Wing (Attn: Ms Christine WAI)
Law Draftsman (Attn: Miss Annet LAI)