



司法機構政務長

Judiciary Administrator

27 February 2020

Dr Hon Priscilla Leung, SBS, JP  
Chairman  
Panel on Administration of Justice and Legal Services  
Legislative Council Complex  
1 Legislative Council Road  
Central, Hong Kong

*Dear Chairman -*

**Panel on Administration of Justice and Legal Services  
("AJLS Panel")  
Preparation for Court Resumption**

Further to my letter on 24 February 2020, on the instruction of the Chief Justice, I am writing to provide an update on the Judiciary's latest position regarding the handling of court businesses during the General Adjourned Period ("GAP").

**Preparation for Resumption**

2. As stated in my previous letter, having regard to all relevant considerations, the Judiciary has been pro-actively making preparation for the resumption of court proceedings and re-opening of court registries/offices, subject to prevailing public health situation. As a result of the latest review, the Judiciary will, starting from March 2, adopt a progressive and staggered approach to pave the way for the orderly resumption of proceedings and re-opening of court registries/offices for all levels of courts / tribunals in March, if the prevailing public health situation permits.

3. In working out the detailed arrangements of resumption, the Judiciary has given due consideration for the following :

- (a) an orderly resumption of both registry businesses and court proceedings is of the paramount importance;
- (b) a staggered and progressive approach is to be adopted to ensure orderly resumption; and
- (c) parties concerned, be they legally represented or litigants in person, will be given clear notifications and sufficient lead time for preparation of their cases, regardless of whether the hearings are to be re-fixed or proceed as scheduled.

4. The progressive and staggered resumption approach comprises the following few key stages :

- (a) week of March 2 – while proceedings are continued to be generally adjourned and the registries remain closed, as enhanced measures, filing of certain types of documents which are urgent would be accepted under some special arrangements. Moreover, more urgent and essential hearings, including appeals and trials, will be heard at various levels of courts as appropriate;
- (b) weeks of March 9 and March 16 – while court proceedings will continue to be generally adjourned except for urgent and essential hearings, court registries will be re-opened by batches;
- (c) week of March 23 – expected end of GAP if public health situation permits. In general, an appropriate buffer period would be provided before hearings, particularly trials, are to be resumed.

5. The Judiciary has been working out the resumption arrangements and will make further announcements. The Judiciary will continue to closely liaise with all relevant stakeholders including the Department of Justice, the Bar Association and the Law Society in working out the details. More detailed resumption arrangements will be announced in the near future.

### **Further Enhanced Measures from March 2 to 8**

6. In view of public health considerations, all hearings of the courts/tribunals originally scheduled from March 2 to 8 will generally be adjourned. The courts will however continue to handle urgent and essential hearings and/or matters during this period, together with as appropriate any such hearings and/or matters which were originally fixed to be dealt with during the period from January 29 to March 1.

7. As indicated before, the Judiciary has been constantly reviewing the scope of urgent and essential businesses, and making adjustments on a regular basis, bearing in mind that the longer the general adjournment has become, the more matters may become urgent and essential. As a result of the latest review, an expanded list of urgent and essential matters will be effective from March 2. In particular, more urgent and essential court hearings will be handled and the courts will accept the filing of more documents. Details are set out in the **Annex**.

### **Enhanced prevent measures in Judiciary Premises**

8. Having regard to latest public health considerations, and with more people coming to the court premises, in addition to the preventive measures which have been implemented (as explained in my previous letter), starting from March 2, all court users entering or remaining in Judiciary premises will be required to wear surgical masks at all times, including during court proceedings, unless otherwise as directed by the presiding judges and judicial officers. A court user who does not wear a surgical mask will be refused entry into or directed to leave Judiciary premises.

9. The Judiciary will continue to review the situation and introduce any new or enhanced preventive measures as necessary.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Emma Lau', written in a cursive style.

(Miss Emma Lau)  
Judiciary Administrator

c.c. Ms Teresa Cheng, GBS, SC, JP  
Secretary for Justice

Mr Philip Dykes, SC  
President, Hong Kong Bar Association

Ms Melissa K Pang  
President, the Law Society of Hong Kong

**Urgent and Essential Hearings/Matters to be Handled by the Courts  
from March 2 to 8**

The urgent and essential hearings and/or matters which may be handled from March 2 to 8 include the following :

- (a) For Registries of the High Court (“HC”), District Court (“DC”) and Family Court (“FC”)

Enhanced Measures

Though the registries remain closed, special arrangements will be made to enable parties to file the following urgent documents to the relevant registries :

- (i) for the HC, DC and FC registries : originating documents where the limitation period for a cause of action under the Limitation Ordinance (Cap. 347) may expire during General Adjourned Period (“GAP”);
- (ii) for the HC, DC and FC registries : document(s) filed pursuant to an unless order imposing a time limit that may expire during GAP; and
- (iii) for the HC registry
  - (1) applications to apply for judicial reviews (including but not limited to non-refoulement claims) where the time limit for making the applications provided by Order 53, rule 4(1) of the Rules of the High Court (Cap. 4A) may expire during GAP;
  - (2) urgent non-contentious matters, i.e. urgent application and collection of apostilles and urgent grants of probate; and
  - (3) documents relating to the urgent bankruptcy-related proceedings set out in (c) below; and

(b) For Civil Cases in the HC, DC and FC :

Duty Judge System

- (i) urgent matters or hearings before the HC, the DC and the FC, including those relating to the specialist lists, will continue to be dealt with by the respective Duty Judges (“Duty Judge system”);
- (ii) if a party or his/her legal representative considers that any matter has become urgent because of the court’s continued general adjournment, they may consider using the Duty Judge system to bring such matters to the attention of the court. The party concerned should provide a certificate explaining the urgency of the matter. They should also provide the essential and key documents to enable the court to decide whether the matter is really urgent and essential which should be handled during GAP on an exceptional basis;
- (iii) during GAP, parties or legal representatives may submit documents to the Duty Judges through dedicated email addresses, which will be open until the end of GAP or further notice;

Other Arrangements

- (iv) though no hearings will generally be held during GAP, individual Judges and Judicial Officers (“JJOs”) will, as far as possible, review their cases originally listed to be heard during GAP and the following two weeks, whether represented ones or not, to see if they can be suitably disposed of on paper. These cases are primarily interlocutory applications and substantive applications not involving any witnesses. If paper disposal is possible, the JJO concerned will give case management directions on paper. If not, the case will be re-fixed;

- (v) parties may be asked to lodge documents or submissions with the court to facilitate paper disposal. Special one-way email accounts have been set up to enable electronic submission of documents to the court **for specified purposes** during GAP. The JJOs will not use the email accounts to communicate with parties, which will continue to be through conventional means such as fax;
  - (vi) as generally no hearing will be held during GAP, if any party insists on having an oral hearing, the hearing will have to be re-fixed with listing appointments to be given by the court;
  - (vii) where parties have reached agreement on matters that can be properly dealt with by consent, the court will also make orders by consent;
  - (viii) for decisions or judgments made on paper during GAP, or where it is justified on grounds of urgency, the court may issue sealed orders. Requests for sealed orders may be made to the JJO who makes the order in question. Parties may attach a draft order to their written submission;
- (c) *For Civil Cases at the Court of First Instance of the High Court ("CFI")*: the following urgent bankruptcy-related applications :
- (i) urgent applications under section 30A of the Bankruptcy Ordinance (Cap. 6) by the trustee in bankruptcy or creditor of the bankrupt for the suspension of the bankrupt's discharge from bankruptcy;
  - (ii) urgent objections to discharge applications not yet filed but with imminent dates of discharge of bankruptcy, and urgent applications for non-commencement orders under section 30AB of Cap. 6 not yet filed but with imminent deadlines for filing; and

- (iii) urgent applications under section 42 of Cap. 6 by the debtors for validation orders.
- (d) For Criminal Cases at the Court of Appeal of the HC : urgent bail applications;
- (e) For Criminal Cases at CFI :
  - (i) urgent bail applications and bail reviews;
  - (ii) all cases/matters, excluding new jury trials, originally scheduled to be heard between March 2 and 6; and
  - (iii) some of the cases, e.g. magistracy appeals, adjourned during the GAP, the hearings of which have been re-fixed to take place between March 2 and 5;
- (f) For Criminal Cases at the CFI and DC : urgent cases in which the defendants are remanded in custody pending sentence and the hearings of which fall under either of the following categories :
  - (i) the hearing date falls between March 2 and March 8; or
  - (ii) the case was originally adjourned to a hearing date during the period of January 29 to March 1.
- (g) For the MCs :
  - (i) fresh remand cases; and
  - (ii) person remanded in custody who has the legal rights to appear before a Magistrate to review his or her remand situation and either of the following conditions is met :
    - (1) the return date falls between March 2 and March 8; or
    - (2) the case was originally adjourned to a date during the period of January 29 to March 1.



- (iii) urgent cases relating to sentencing in which the defendants are remanded in custody and the hearings of which fall under either of the following categories :
  - (1) the hearing date falls between March 2 and March 8; or
  - (2) the case was originally adjourned to a hearing date during the period of January 29 to March 1.
  
- (h) For the Juvenile Court : urgent cases concerning care and protection orders with either of the following conditions being met :
  - (i) the return date falls between March 2 and March 8; or
  - (ii) the case was originally adjourned to a date during the period of January 29 to March 1.
  
- (i) For the Coroner's Court : the following categories of urgent matters :
  - (i) paper applications for waivers for autopsy;
  - (ii) issuing urgent certificates of order authorizing burial/cremation of body;
  - (iii) handling urgent cases with pathologist's recommendation for autopsy; and
  - (iv) issuing urgent certificate of the fact of death and documents for the removal of bodies outside jurisdiction.

2. For those hearings to be held during GAP, as usual, the relevant parties will be separately notified.

3. Moreover, the courts will also hand down decisions and judgments that are ready. As usual, the courts will give sufficient notice to the relevant parties of the cases.

**Statutory Duties**

4. For the DC and MCs, the relevant Judges and Magistrates will continue to perform, as appropriate, their statutory duties relating to urgent applications for search warrants and applications under the Mental Health Ordinance.

**Registries and Other Court Offices**

5. Court/tribunal registries and offices will continue to be closed until further notice, except for providing support for the handling of urgent and essential court hearings and/or matters as set out above.