



司法機構政務長

Judiciary Administrator

6 March 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 letters of 24 and 27 February 2020, on the instruction of the Chief Justice, I am writing to provide an update on the Judiciary’s latest position regarding the preparation for court resumption for the information of the AJLS panel.

**General Position**

2. As announced today, the Judiciary is making plans for orderly resumption of court proceedings upon the cessation of the General Adjourned Period (“GAP”) on March 22, if the prevailing public health situation permits, and that court registries will start to re-open stage by stage from next week, the first stage including the Court of Final Appeal Registry, the High Court Registry, the Probate Registry and the Competition Tribunal Registry on March 9.

3. The Judiciary has been making active plans to resume court proceedings and re-open its registries and offices since early March. In working out the detailed arrangements of resumption, the Judiciary has given due consideration to the following:

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

### **Gradual resumption of court proceedings**

4. All hearings of the courts/tribunals originally scheduled between March 9 and March 22 have been generally adjourned. The courts will however continue to handle urgent and essential hearings and/or matters during this period. The updated list of urgent and essential hearings and matters is at **Annex A**.

### **Re-opening of registries and offices**

5. Court registries will be re-opened in stages between March 9 and March 19. Special arrangements will be made during these two weeks for the registries to handle filing and other business in an orderly and effective manner. Details are set out at **Annex B**.

### **Re-opening of other offices of the Judiciary**

6. In view of the need to minimise people flow for public health considerations, a staggered approach will also be adopted for the re-opening of the Judiciary's other offices providing services to court users and the public. Please see **Annex C** for the details. However, the Canteen in the High Court Building ("HCB") and the Tuck Shop in the West Kowloon Law Court Building will remain closed until further notice having regard to public health considerations.

7. As regards offices providing services located in the judiciary premises but are operated by other Government Departments or outside organizations, court users are suggested to enquire with the relevant operators direct for details relating to the re-opening of these offices.


### **Preventive and crowd management measures**

8. Having struck a careful balance between public health considerations and the orderly reopening of registries with effect from March 9, the Judiciary will continue to put in place appropriate preventive and crowd management measures for the health protection of all people who enter and remain in the court premises. Court users are required to have their body temperature taken and wear a surgical mask before they are allowed to enter and remain in the court premises. The Judiciary will constantly review the situation and introduce any new measures as appropriate.

9. It is expected that there will be more court users visiting the courts, in particular the HCB starting from March 9. The Judiciary considers it important to put in place special arrangements to regulate the entry of court users into and inside the court premises. These measures will include queuing, the introduction of a ticketing and triage system to ensure efficient processing of applications, the provision of expanded registry areas (and additional manpower where appropriate) and designated entry and exit points to facilitate orderly people flow, etc. Detailed arrangements for different court registries in different court premises will be provided and uploaded onto the Judiciary website before their re-opening.

10. The Judiciary will continue to post updated information, including Daily Cause Lists, messages related to the Judiciary's arrangements arising from public health considerations, and advice to court users visiting the courts during the GAP, on the Judiciary website.

Yours sincerely,



(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  
for the Weeks of March 9 and 16**

The urgent and essential hearings and/or matters which may be handled from March 9 to 22 include the following :

- (a) For Civil Cases in the High Court (“HC”), District Court (“DC”) and Family Court (“FC”) :

Enhanced Measures

- (i) for the Court of First Instance (“CFI”), urgent pre-trial reviews for trials (especially long trials) starting in the near future will be handled;

Duty Judge System

- (ii) 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”);
- (iii) 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 General Adjourned Period (“GAP”) on an exceptional basis;
- (iv) 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;

Other Arrangements

- (v) 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;
  - (vi) 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;
  - (vii) 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;
  - (viii) where parties have reached agreement on matters that can be properly dealt with by consent, the court will also make orders by consent;
  - (ix) 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;
- (b) For Criminal Cases at the Court of Appeal : urgent bail applications;
- (c) For Criminal Cases at CFI :
- (i) urgent bail applications and bail reviews; and

- (ii) all cases/matters, excluding new jury trials, originally scheduled during this period or which may be adjourned from GAP and re-fixed to be heard during this period;
- (d) 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 9 and March 22; or
  - (ii) the case was originally adjourned to a hearing date during the period of January 29 to March 8.
- (e) For the Magistrates' Courts ("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 9 and March 22; or
    - (2) the case was originally adjourned to a date during the period of January 29 to March 8.
  - (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 9 and March 22; or
    - (2) the case was originally adjourned to a hearing date during the period of January 29 to March 8.

- (f) 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 9 and March 22; or
  - (ii) the case was originally adjourned to a date during the period of January 29 to March 8.
- (g) 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. 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**

3. 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.



**Re-opening of Court / Tribunal Registries**

The registries of the various courts and tribunals will be re-opened according to the following schedule :

<b>Date</b>	<b>Registries</b>
9 March 2020	Registries of Court of Final Appeal / High Court / Competition Tribunal
12 March 2020	Registry of Family Court
13 March 2020	Registry of District Court
17 March 2020	Registries of Lands Tribunal / Magistrates' Courts / Coroner's Court / Obscene Article Tribunal
19 March 2020	Registries of Labour Tribunal / Small Claims Tribunal

**Re-opening of Judiciary offices providing non-court services**

**9 March 2020**

- Court Language Section's Certification Counter in Wanchai Law Courts Building ("WLCB")
- Bailiff Offices' Public Counters at various court premises
- Integrated Mediation Office in WLCB

**17 March 2020**

- The Building Management Mediation Co-ordinator's Office in Lands Tribunal

**23 March 2020**

- High Court Library
- Resource Centre for Unrepresented Litigants at High Court Building ("HCB")
- Small Claims Tribunal Information Centre
- Counter Services of Complaints Office at HCB