

**Urgent and Essential Hearings/Matters
to be Handled by the Courts from 2 to 8 March, 2020**

The urgent and essential hearings and/or matters which may be handled from 2 to 8 March 2020 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 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 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.