

Urgent and Essential Hearings/Matters to be Handled by the Courts for the Weeks of March 9 and 16, 2020

The urgent and essential hearings and/or matters which may be handled from March 9 to 22, 2020 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 the following email addresses, which will be open until the end of GAP or further notice :

(1) For HC : hcdutyjudge@judiciary.hk

(2) For DC : dcdutyjudge@judiciary.hk

(3) For FC: fcdutyjudge@judiciary.hk

Before emailing documents, parties or legal representatives should contact the Duty Judge concerned by telephone. Parties and legal representatives are reminded to refrain from telephoning the Duty Judges after office hours (i.e. from 9 a.m. to 1 p.m. and from 2 p.m. to 5 p.m. from Mondays to Fridays), unless it is really necessary;

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.

These cases are called "eight-day cases" hereafter.

(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 District Court and Magistrates' Courts, 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.