

***Urgent and Essential Hearings/Matters to be Handled by the
Courts for the Weeks of March 23 and 30***

The urgent and essential hearings and/or matters which may be handled from March 23 to April 5 include the following :

(a) *For Civil Cases in the Court of Appeal (“CA”), Court of First Instance (“CFI”), District Court (“DC”) and Family Court (“FC”) :*

- (i) Judges will continue to deal with urgent and essential court businesses, including processing them on paper. Judges may also deal with appeals or applications listed to be heard during the General Adjourned Period (“GAP”) if they are of the view that the proceedings come within the scope of urgent and essential businesses. For these appeals and applications, specific directions will be given to the parties in good time to enable the parties to prepare for the hearings;

Duty Judge System

- (ii) urgent matters or hearings before the HC, the DC and the FC, including those relating to the specialist lists, will be dealt with by the respective Duty Judges (“Duty Judge system”);
- (iii) with the support of duty master(s), the Duty Judge system will also cover the following urgent filing matters :

- (1) urgent applications to file originating documents at these courts where the limitation period for a cause of action under the Limitation Ordinance (Cap. 347) may expire during the adjourned period. For such urgent applications for filing, the handling solicitor shall provide a certificate explaining the need for urgent filing;
 - (2) urgent non-contentious matters, namely, urgent application and collection of apostilles and urgent grants of probate; and
 - (3) filing of documents relating to the urgent bankruptcy-related proceedings set out in (b) below;
- (iv) 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;
- (v) 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

Parties and legal representatives are reminded to :

- (1) contact the Duty Judges concerned by telephone before emailing their documents; and
- (2) 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;

Urgent applications to the CA

- (vi) urgent applications to the CA may be made through the Clerk of Court;
- (vii) documents may be submitted through the email address : hcdutyjudge@judiciary.hk. Parties and legal representatives are reminded to contact the Clerk of Court by telephone before emailing their documents;

Other Arrangements

- (viii) 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;

- (ix) the special one-way “no-reply” email accounts to enable electronic submission of documents to the court for specified purposes, including lodging documents, submissions and authorities etc. with the court to facilitate paper disposal, will continue to be available for use until further notice. Parties and legal representatives are reminded that JJOs will not use the email accounts to communicate with parties, which will continue to be through conventional means such as fax;
- (x) 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;
- (xi) where parties have reached agreement on matters that can be properly dealt with by consent, the court will also make orders by consent;
- (xii) 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 Civil Cases in the 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;
- (c) For Criminal Cases in the CA :
urgent bail applications;
- (d) For Criminal Cases in the CFI :
 - (i) urgent bail applications and bail reviews; and
 - (ii) part-heard jury proceedings as directed by the presiding Judge.
- (e) For Criminal Cases in 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 23 and April 3;
or

- (ii) the case was originally adjourned to a hearing date during the period of January 29 to March 22.

(f) *For the Magistrates' Courts ("MCs") :*

- (i) fresh remand cases;
- (ii) person remanded in custody who has the legal rights to appear before a Magistrate to review his/her remand situation and either of the following conditions is met (referred to as "eight-day cases" hereafter) :
 - (1) the return date falls between March 23 and April 3; or
 - (2) the case was originally adjourned to a date during the period of January 29 to March 20;
- (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 23 and April 3; or
 - (2) the case was originally adjourned to a hearing date during the period of January 29 to March 20; and
- (iv) urgent and essential trials as directed by the presiding Magistrate.

(g) *For the Juvenile Court* :

- (i) urgent cases concerning care and protection orders with either of the following conditions being met :
 - (1) the return date falls between March 23 and April 3; or
 - (2) the case was originally adjourned to a date during the period of January 29 to March 20.
- (ii) urgent and essential trials as directed by the presiding Magistrate.

(h) *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;
- (iv) issuing urgent certificate of the fact of death and documents for the removal of bodies outside jurisdiction; and
- (v) urgent and essential proceedings as directed by the presiding Coroner.

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.

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 (Cap. 136).