

**Urgent and Essential Hearings/Matters to be Handled by the
Courts for the Weeks of March 30 and April 6**

(position as at 28 March 2020)

The urgent and essential hearings and/or matters which may be handled from March 30 to April 13 include the following :

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

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

(1) originating document where the limitation period for a cause of action under the Limitation Ordinance (Cap. 347) may expire during General Adjourned Period (“GAP”);

(2) document(s) filed pursuant to an unless order imposing a time limit that may expire during GAP;

(3) for the HC registries

(A) application for leave to apply for judicial reviews (including but not limited to non-refoulement claim) where the time limit for making the application provided by Order 53, rule 4(1) of the Rules of the High Court (Cap. 4A) may expire during GAP;

(B) application and collection of apostilles and urgent grant of probate and its amendment;

(C) documents relating to the urgent winding up and bankruptcy-related proceedings set out in sub-paragraph (c)(i) below; and

(D) indictments for cases committed to the Court of First Instance (“CFI”); and

(ii) the registries will continue to process ex parte applications that had been filed with the court in the period up to March 20, and may issue sealed orders for these ex-parte applications upon the request of the parties;

(b) For Civil Cases in the Court of Appeal (“CA”), CFI, DC and FC :

Duty Judge System

(i) urgent matters or hearings before the HC, DC and FC, including those relating to the specialist lists, will 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) parties or legal representatives may submit documents to the Duty Judges through the following one-way “no-reply” email accounts¹, 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

They may also submit documents through the new e-Lodgement Platform mentioned below.

Parties and legal representatives are reminded to :

- (1) contact the Duty Judges concerned by telephone before sending their documents to the court electronically; 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

- (iv) urgent applications to the CA may be made through the Clerk of Court;

¹ Details of the one-way “no reply” email accounts mentioned in this note, including but not limited to those used for the Duty Judge System, are set out at **Annex A**.

- (v) documents may be submitted through the one-way “no-reply” email account : hcdutyjudge@judiciary.hk, or the e-Lodgement Platform mentioned below. Parties and legal representatives are reminded to contact the Clerk of Court by telephone before sending their documents to the court electronically;

Other Arrangements

- (vi) Judges will continue to deal with urgent and essential court business, including processing them on paper. Judges may also deal with appeals or applications listed to be heard during GAP if they are of the view that the proceedings come within the scope of urgent and essential business. 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;
- (vii) 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;
- (viii) 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;

- (ix) where parties have reached agreement on matters that can be properly dealt with by consent, the court will also make orders by consent;
- (x) 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; and

e-Lodgement Platform

- (xi) as from April 1, in addition to the one-way “no-reply” email accounts, an additional electronic means for lodging documents with the court, called the “e-Lodgement Platform”, will be available for parties and legal representatives to lodge with the HC, DC and FC² their submissions, authorities, hearing bundles and other documents as directed by the court. Details are at **Annex B**;

(c) For Civil Cases in the CFI

- (i) The following winding up and bankruptcy-related proceedings :

- (1) urgent applications under section 30A of the Bankruptcy Ordinance (Cap. 6) by the trustee in

² The e-Lodgement Platform will be extended to Lands Tribunal slightly later. We will keep the stakeholders posted.

bankruptcy or creditor of the bankrupt for the suspension of the bankrupt's discharge from bankruptcy;

- (2) 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;
 - (3) urgent applications under section 42 of Cap. 6 by the debtors for validation orders; and
 - (4) hearings for winding up and bankruptcy petitions adjourned from GAP and directed to be heard before a Judge or a Master in the weeks of March 30 and April 6; and
- (ii) summons relating to injunctions returnable before a Judge on Fridays;

(d) For Civil Cases in the DC

- (i) Employees' Compensation List on April 2 (Thursday), April 3 (Friday) and April 9 (Thursday) will proceed as scheduled;
- (ii) summons relating to injunctions returnable before a judge on Fridays; and
- (iii) documents relating to the above hearings may be submitted through the special one-way "no-reply"

email account: dcrec@judiciary.hk, or the e-Lodgement Platform mentioned above;

(e) For Cases in the FC

Pronouncement of decree nisi of divorce or decree of judicial separation by a Judge in open court under rule 47A(2) of the Matrimonial Causes Rules (Cap. 179A);

(f) For Cases in the Lands Tribunal (“LandsT”)

- (i) the arrangements mentioned in sub-paragraphs (b)(vi) to (x) above apply; and
- (ii) documents to facilitate paper disposal or related to the above matters may be submitted through the special one-way "no-reply" email account: ltr@judiciary.hk;

(g) For Criminal Cases in the CA

- (i) single Judge leave applications against conviction or sentence as directed by the CA;
- (ii) appeals against conviction where leave to appeal has been given and the defendant is remanded in custody;
- (iii) other appeals against conviction and appeals against sentence as directed by the CA;
- (iv) applications for review of sentence;
- (v) applications for bail pending appeal; and

- (vi) parties or legal representatives directed by the court to lodge documents or submissions with the court may do so through the special one-way “no-reply” email account with address: carcriminal@judiciary.hk or the new e-Lodgement Platform mentioned above;

(h) For Criminal Cases in the CFI

- (i) bail applications and bail reviews;
- (ii) part-heard jury proceedings as directed by the presiding Judge;
- (iii) all cases/matters, excluding new jury trials, which either :
 - (1) were originally scheduled to be heard between March 23 and 27 and which have been re-fixed to take place between March 30 and April 9; or
 - (2) have been scheduled to take place between March 30 and April 9 and the hearings of which have been re-confirmed with the parties; and
- (iv) parties or legal representatives directed by the court to lodge documents or submissions may do so through the special one-way “no-reply” email account with address: cficriminalr@judiciary.hk or the new e-Lodgement Platform mentioned above;

(i) **For Criminal Cases in the DC**

- (i) Plea Day on March 31 (Tuesday), April 2 (Thursday), April 7 (Tuesday) and April 9 (Thursday) will proceed as scheduled;
- (ii) cases set down on a Plea Day during GAP (except those that already dealt with on the papers) and have been re-listed for hearing between March 30 and April 9 will proceed as scheduled;
- (iii) all cases/matters, excluding new trials, which either:
 - (1) were originally scheduled to be heard between March 23 and 28 and have been re-fixed for hearing between March 30 and April 9; or
 - (2) have been listed for hearing between March 30 and April 9 and the hearing has been re-confirmed with the parties; and
- (iv) parties or legal representatives directed by the court to lodge documents or submissions with the court may do so through the special one-way “no-reply” email account with address : dcr@judiciary.hk or the new e-Lodgement Platform mentioned above.

In particular, for plea cases, documents may be sent to the dedicated email account with address : dcrplea@judiciary.hk;

(j) **For Cases in 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 30 and April 9;
or
 - (2) the case was originally adjourned to a date falling within the period of January 29 to March 27;
- (iii) urgent cases relating to sentencing in which the defendants are remanded in custody and the hearing of which comes within either of the following categories :
 - (1) the hearing date falls between March 30 and April 9; or
 - (2) the case was originally adjourned to a date falling within the period between January 29 and March 27;
- (iv) urgent and essential trials as directed by the presiding Magistrate;
- (v) cases in which the defendants are remanded in custody and the hearing of which comes within either of the following categories :

- (1) the hearing date falls between January 29 and March 20; or
- (2) the case is originally scheduled to be heard on the special court sitting day of the respective MCs; and
- (vi) committal proceedings involving defendant(s) who is(are) remanded in custody and the hearing of which falls within the period between January 29 and March 20;

(k) 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 within the period between March 30 and April 9; or
 - (2) the case was originally adjourned to a date that falls within the period between January 29 and March 27; and
- (ii) urgent and essential trials as directed by the presiding Magistrate;

(l) For the Coroner's Court

- (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 in both civil and criminal cases that are ready. As usual, the courts will give sufficient notice to the relevant parties of the cases.

3. Applications for admission as a barrister or solicitor originally scheduled to be heard between January 29 and March 28 will be heard in the week of March 30.

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 (Cap. 136).

**Special Email Accounts for Lodging of Documents with the
Court during the General Adjourned Period**

1. Purposes

- 1.1 Special email accounts are being set up to enable, on an exceptional basis, electronic submission of documents to the courts during the General Adjourned Period (“GAP”) for the purposes to be specified by the courts from time to time.
- 1.2 From April 1, parties may also lodge documents electronically to the High Court, District Court or Family Court if so directed by the court using an e-Lodgement Platform (“Platform”). Unless the presiding Judge or Judicial Officer (“JJO”) directs otherwise, submitting parties may normally choose whether they wish to submit their documents to the court by the Platform or the special email accounts.
- 1.3 At this stage, the email accounts are exclusively for receiving documents for the purposes as specified by the courts and for remote paper submissions to the Duty Judges. Submissions of documents other than those specifically invited or permitted by the court through such email accounts will not be read.

2. General Arrangements

- 2.1 The special email accounts are “no-reply” accounts. They only allow the submission of documents to the courts. The courts will not use them to send any documents or replies to the parties.
- 2.2 Save and except with specific order/direction of the court for sending such documents via these emails,

submission of the documents via these special email accounts should not be regarded as filing or lodging the same under applicable legislative provision(s), relevant Practice Direction(s) (“PDs”) and/or the court’s directions. Further, the lodging of such documents via these emails shall be followed by the lodging/filing of the hard copies of such documents after the end of GAP as directed by the court.

- 2.3 The submitting party of the documents should ensure that the contents of the electronic documents submitted via these special email accounts and any hard copy of the documents to be filed/lodged afterwards as necessary should be identical.
- 2.4 Submitting parties should observe any applicable legislative provisions, PDs and/or any direction of the courts.
- 2.5 Submitting parties should observe the time for submission as directed by the JJO where appropriate. Documents received by the courts after 5 pm will normally be processed on the next day.

3. **Technical Requirements**

- 3.1 Documents submitted should be prepared by using common word processing software (e.g. Microsoft Word 2007 or above, Pages 6.0 or above, etc). The file format (or the “save as type”) of the documents should be “txt”, “rtf”, “doc”, “docx” or “pdf”.
- 3.2 The maximum size of an electronic submission, with all the attachments, is 50MB per email. Resolution of PDF image file shall be 300 dpi and in black and white or in 24-bit colour depth at a minimum to optimize image quality and file size.

3.3 The documents should not contain any computer instructions such as those as follows:

- (a) computer viruses/malware; and
- (b) macros, scripts, links and fields that depend on the execution environment and the execution of which will cause changes to the document itself.

4. **Submission Procedures and Requirements**

4.1 Lodging of documents for specified purposes to facilitate case management and paper disposal

4.1.1 With the direction of individual JJO, parties may lodge the relevant documents to the courts for specified purposes to the email address as advised by the court.

4.1.2 To facilitate the court's matching of the email and the relevant case, the following information/documents should be set out in/attached to the email :

- a. Case number and name of parties;
- b. Full name of contact person, contact number and name of solicitors' firm (if applicable); and
- c. Relevant documents as directed by JJOs.

4.2 Lodging of applications/documents under the Duty Judge System

4.2.1 In line with the existing arrangements under the Duty Judge System, the party concerned

should alert the Duty Judge concerned by phone before submitting any documents by email.

4.2.2 To facilitate consideration of the matters by the Duty Judges, the following information/documents should be set out in/attached to the email:

- a. Subject matters;
- b. Case number (if applicable);
- c. Full name of contact person, contact number and name of solicitors' firm (if applicable);
- d. A Certificate of Urgency explaining the urgency of the matter, together with essential and key supporting documents; and/or
- e. Any other relevant documents as directed by the Duty Judge.

5. **Disclaimer**

- 5.1 These email accounts are only for use during GAP, unless the court specifies otherwise.
- 5.2 The Judiciary will not reply to the emails. If the emails received are not for the purposes specified by the courts, such as enquiries, the courts will not process them.
- 5.3 Under no circumstances will the Judiciary accept any liability or responsibility, for any loss or damage arising out of or in connection with the use of these email accounts.

- 5.4 By using these email accounts, the submitting parties are deemed to unconditionally agree to the terms of this Disclaimer as may be modified and/or supplemented from time to time by the Judiciary without prior notice.
- 5.5 The Judiciary further reserves the rights to deal with any documents received via these email accounts, and to take proper measures, without further notice, to prevent, stop or otherwise remedy any abusive use of these email accounts.

Judiciary Administration
March 2020

**E-Lodgement Platform for
Electronic Lodging of Documents with the Court**

1. Purposes

- 1.1 The e-Lodgement Platform (“Platform”) will be extended from the District Court to the High Court and Family Court, with enhancements, from April 1 to facilitate parties and legal representatives to lodge to the court submissions, authorities, hearing bundles and any other documents as directed by the court during the General Adjourned Period (“GAP”) or until further notice.
- 1.2 In comparison with the special email accounts created during GAP, the Platform provides a more secure and structured platform for submission of documents to the court. Moreover, unless the presiding Judge or Judicial Officer (“JJO”) directs otherwise, submitting parties may normally choose whether they wish to submit their documents to the court by the Platform or the email accounts.
- 1.3 At this stage, the Platform is exclusively for remote submission of documents as directed by the presiding JJO. Submissions of documents in the absence of directions from the court through the Platform will not be read.

2. General Arrangements

- 2.1 No pre-registration is required for using the Platform. When entering the Platform, there are introductory notes for reference by the submitting parties. On-line guidance will also be provided to assist submitting parties in lodging documents to the court.
- 2.2 Submission of the documents and bundles via this Platform should not be construed as having satisfied the requirement(s) for lodging the same under applicable legislative provision(s) and/or relevant Practice Direction(s) save and except with specific order/direction of the court either on its own motion or upon application.
- 2.3 Submitting parties should observe the time for submission as directed by the presiding JJO where appropriate. Documents received by the courts after 5 pm will normally be processed on the next day.

3. Technical requirements

- 3.1 Documents submitted should be prepared by using common word processing software (e.g. Microsoft Word 2007 or above, Pages 6.0 or above, etc). The file format (or the “save as type”) of the documents should be “doc”, “docx” or “pdf”.
- 3.2 The maximum size of an electronic submission, with all the attachments, is 50MB per submission. For submission at a size larger than 50MB, submitters will have to split the submission into batches. Resolution of PDF image file shall be 300 dpi and in black and white

or in 8-bit colour depth at a minimum to optimize image quality and file size.

3.3 The documents should not contain any computer instructions such as those as follows:

- (a) computer viruses/malware; and
- (b) macros, scripts, links and fields that depend on the execution environment and the execution of which will cause changes to the document itself.

4. Submission Procedures and Requirements

4.1 With the direction of the presiding JJO, parties may lodge the relevant documents to the courts for specified purposes through the Platform. Hyperlink for the Platform will be provided when the presiding JJO makes such direction for submission of documents.

4.2 When submitting documents, parties are required to accept the terms of use and fill up a form to provide basic information to facilitate the court's matching of the relevant case:

- a. Case number and name of parties;
- b. Name of presiding JJO and hearing date;
- c. Full name of contact person, contact number and name of solicitors' firm (if applicable); and
- d. Relevant documents as directed by JJO.

5. Disclaimer

5.1 Similar disclaimers as those for the use of the special email accounts will also be provided for the Platform.

Such details will be set out at the outset when one uses the Platform.

Judiciary Administration
March 2020