

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE

General Reference for (ex-parte) Application to the Court of First Instance for Leave to Appeal

(from Award / Order of the Small Claims Tribunal / Labour Tribunal / Minor Employment Claims Adjudication Board)

Application Documents

1. The sample forms are available at the “Resource Centre for Unrepresented Litigants” on Lower Ground Floor 1 (LG1), High Court Building, or at Counter 1, Clerk of Court’s Office, Ground Floor, High Court Building :-
 - (Small Claims Tribunal (SCTC)) (Form 9)
 - (Small Claims Tribunal (SCTC)) (Transfer Order) (Form 7)
 - (Labour Tribunal(LBTC)) (Form 14)
 - (Minor Employment Claims Adjudication Board) (MECAB) (Form 13)

The photocopies of the following should be attached to the application:-

- (a) the Award/Order appealed against; and / or
- (b) the reasons for the decision of the Award/Order (if any); and
- (c) the personal particulars of the Applicant.

Preliminary Submission of Documents

2. The application documents should be handed to the staff for checking at Counter 1, Clerk of Court’s Office, Ground Floor, High Court Building.

Payment of Fee (please also see item 10 below)

3. Pay fee at the Accounts Office, Lower Ground Floor 2 (LG2), High Court Building, bringing along with the original copies of the application. The paid amount will be stamped on the document. The respective court fees are as follows:-
 - (a) Small Claims Tribunal case (SCTC) - \$61
 - (b) Small Claims Tribunal case (SCTC) (Transfer Order) - \$61
 - (c) Labour Tribunal (LBTC) - \$45
 - (d) Minor Employment Claims Adjudication Board (MECAB) - \$45

Photocopying Service

4. Make 2 copies of each of the application documents (with one copy for own retention). The charge for self-service photocopying is \$0.50 per sheet. Only Octopus Card can be used. The photocopying service is available at:-
 - (a) the Clerk of Court’s Office on Ground Floor (G/F), High Court Building
 - (b) the High Court Registry on Lower Ground Floor 1 (LG1), High Court Building
 - (c) the “Resource Centre for Unrepresented Litigants” at Room LG105, Lower Ground Floor 1, High Court Building

Filing of Documents and Listing for Hearing

5. Return to Counter 1 at the Clerk of Court’s Office, Ground Floor, High Court Building, bringing together all the documents for filing, getting case number and hearing date.
6. A Notice of Hearing will be sent to the Applicant by the High Court in about one week confirming the hearing date of the application for leave to appeal.
7. The Applicant should attend court on time on the date of hearing. It is recommended that the applicant arrives 15 minutes before the scheduled hearing start time. (On the day of hearing, the applicants should confirm the courtroom that has been assigned by referring to the Daily Cause List posted on the notice board on Ground Floor (G/F), or Lower Ground Floor 4 (LG 4) of the High Court Building.)

Hearing Result

8. After the hearing, the court may give judgment/decision immediately, or reserve judgment to a date to be fixed.

Granting of Leave to Appeal

9. When leave to appeal is granted, the Applicant should file a Notice of Originating Motion with payment \$1,045. Both parties involved would be informed subsequently by court to attend before Deputy Clerk of Court (Civil) at Room G32, Ground Floor, Clerk of Court’s Office, High Court, 38 Queensway, Hong Kong for an appointment for fixing the appeal before a judge of the Court of First Instance. For the appeal procedures, please refer to the “General Reference for Application to the Court of First Instance for Appeal (from Award/Order of the Small Claims Tribunal/Labour Tribunal/Minor Employment Claims Adjudication Board)”

Refusal of Leave to Appeal

10. When leave to appeal is refused by a Judge of the Court of First Instance, it will be the **Final Decision** pursuant to Section 31(3) of the Minor Employment Claims Adjudication Board Ordinance, Cap 453; Section 28(3) of the Small Claims Tribunal Ordinance, Cap. 338 and Section 32(3) of the Labour Tribunal Ordinance, Cap. 25 of the Laws of Hong Kong.