

FAQs of Small Claims Tribunal

有關小額錢債審裁處的常見提問

1. Claim amount at or below \$75,000 申索數額不多於 75,000 元	Question: 問:	How can I file a claim for a sum of \$75,000 in Small Claims Tribunal against a buyer who failed to pay for the goods delivered? 如何在小額錢債審裁處向交貨後不付款的買家追討 75,000 元?
	Answer: 答:	<p>You have to fill in Forms 1 and 2 if you want to file a claim in the Small Claims Tribunal. The forms can be obtained at our Information Centre or Registry; downloaded from the Judiciary website https://www.judiciary.hk/en/crt_services/forms/sc.htm ; or obtained by fax via the Interactive Voice Recording System of the Tribunal.</p> <p>在小額錢債審裁處提交申索時，必須填寫表格 1 和表格 2。這些表格可以向審裁處的資訊中心或登記處索取，也可以從司法機構的網站 https://www.judiciary.hk/tc/crt_services/forms/sc.htm 下載，或通過審裁處的互動音頻電話錄音系統經由傳真取得。</p> <p>Filing of a claim has to be made in person at the Registry of the Small Claims Tribunal during office hours. It cannot be filed by any other means such as post, fax or email. The claimant may appoint a representative to file the claim on his behalf. When the claim is filed, the claimant is required to pay the prescribed filing fee.</p> <p>提交申索必須於辦公時間內在小額錢債審裁處的登記處當面辦理，不可以用郵遞、傳真或電郵等其他方式提交。不過，申索人可委派代表代為提交申索。申索人在提交申索時，須繳付法例訂明的費用。</p>
2. Claim amount over \$75,000 申索數額超過 75,000 元	Question: 問:	Please advise how to file a case for sum of \$100,000 in Small Claims Tribunal against an individual for non-payment of temporary loan. 如何小額錢債審裁處向貸款 100,000 元的借款人提出申索?
	Answer: 答:	<p>The Small Claims Tribunal can hear any monetary claim founded in contract, quasi-contract and tort where the</p>

		<p>amount claimed is not more than HK\$75,000. The usual type of claims handled by the Tribunal are debts, service charges, damage to property, goods sold and consumer claims. The Tribunal does not handle wages, possession of land, alimony, libel and slander.</p> <p>小額錢債審裁處可聆訊任何就合約、準合約或侵權行為提出而申索款額不超過 75,000 元的金錢申索。審裁處經常處理的申索類別有債務、服務費、財產損毀、已售出之貨物及消費者提出的申索，但不處理工資、收回土地管有權、贍養費、誹謗的申索。</p> <p>If your claim exceeds \$75,000, you are not allowed to divide it to bring it within the Tribunal's jurisdiction; however, you can abandon that part of your claim above \$75,000 in order to bring a claim in the Tribunal.</p> <p>申索人不可為了使申索款額不超越審裁處的司法管轄權範圍，而把超過 75,000 元的申索分割辦理。不過，申索人可以放棄超過 75,000 元以上的申索款額，以符合在審裁處提出申索的條件。</p>
<p>3. Claimant outside Hong Kong</p> <p>申索人不在香港</p>	<p>Question: 問:</p>	<p>How would I go about making a small claim against a foreign owned company, or companies that have not paid us for our services? We are an offshore company and not located in HK so I was wondering if your court would have jurisdiction over the situation.</p> <p>如何向外資公司追討應支付的服務費？若申索人是一間並非位於香港的離岸公司，小額錢債審裁處對案件是否具有司法管轄權？</p>
	<p>Answer: 答:</p>	<p>The jurisdiction of the Small Claims Tribunal is set out under Section 5 of the Small Claims Tribunal Ordinance, Chapter 338 of the Laws of Hong Kong. The Small Claims Tribunal will hear any monetary claim founded in contract, quasi-contract and tort where the amount claimed is not more than <u>HK\$75,000</u>. However, we are not in a position to give you any legal advice.</p> <p>小額錢債審裁處的司法管轄權列明於香港法例第 338 章《小額錢債審裁處條例》第 5 條之下。小額錢債審裁處聆訊任何就合約、準合約或侵權行為提出而申索款額不超過港幣 <u>75,000 元</u> 的金錢申索。不過，審裁處不能提供任何法律意見。</p>

		<p>You may visit the Hong Kong e-Legislation of the Department of Justice's Website at https://www.elegislation.gov.hk/ should you want to have the full text of the Ordinance.</p> <p>有關條例的全文可見於以下律政司「電子版香港法例」的網址： https://www.elegislation.gov.hk/</p> <p>The filing of a claim has to be made by attending in person at the Registry of the Small Claims Tribunal. You may consider the appointment of a representative in Hong Kong to file the claim on your behalf. Please take note that you have to fill in your Hong Kong address as well as the Defendant's Hong Kong address in the claim form.</p> <p>如要提交申索，必須在小額錢債審裁處的登記處當面辦理，也可考慮委派一位在港的代表代為提交申索。請注意：申索人必須在申索表格上填寫其香港地址及被告人在香港的地址。</p>
<p>4. Defendant outside Hong Kong</p> <p>被告人不在香港</p>	<p>Question: 問：</p>	<p>I am writing to enquire as to whether it is possible to file a small claim against the defendant who is based overseas.</p> <p>向總部位於海外的被告人提出小額錢債的申索是否可行。</p>
	<p>Answer: 答：</p>	<p>Pursuant to Section 13 of the Small Claims Tribunal Ordinance, Chapter 338 of the Laws of Hong Kong, the name and address of each defendant is to be supplied by the Claimant and put on the claim documents (Form 1) and then the Tribunal shall cause a copy of the written claim and a notice of hearing to be served on every defendant at the given address/addresses. Therefore, you have to fill in your Hong Kong address as well as the Defendant's Hong Kong address in Form 1.</p> <p>根據香港法例第 338 章《小額錢債審裁處條例》第 13 條，申索人必須提供每名被告人的姓名及地址，並填寫在申索文件（表格 1）上，然後審裁處會安排將申索書副本連同聆訊通知書，送達申索人提供的被告人地址，給予每名被告人。因此，表格 1 上必須填上申索人的香港地址及被告人在香港的地址。</p>
<p>5. Defendant untraceable</p>	<p>Question: 問：</p>	<p>I only have the mobile number of the defendant, which nobody answered every time I call. I have reported my</p>

<p>未能追查得到被告人</p>		<p>case to the police, but they cannot help me because it is not a criminal case. Therefore, both the Police and Small Claims Tribunal cannot help me charge the person and claim for my loss? So the person takes all the advantage from me, just like borrow money from me and go away. Please advise what can I do?</p> <p>若只有被告人的手提電話號碼，但每次致電皆無人接聽。警方又說因不屬刑事事件，故不能提供協助。在此情況下，是否警方及小額錢債審裁處均不能協助受害人控告該人及取回損失？難道那人在掏盡好處（即借錢）後，卻可逃之夭夭？</p>
	<p>Answer: 答：</p>	<p>The court is not in a position to assist any party to make search or collect evidence in any civil claim. Claimant has to comply with the requirements of filling the statutory Form 1 and Form 2 before filing a claim. Pursuant to Section 13 of the Small Claims Tribunal Ordinance, Chapter 338 of the Laws of Hong Kong, the name and address of each defendant must be supplied by the Claimant.</p> <p>法院不能協助任何民事申索中的任何一方尋找或搜集證據。申索人必須遵照規定，在提交申索前填寫法定表格 1 及表格 2。根據香港法例第 338 章《小額錢債審裁處條例》第 13 條，申索人必須提供每名被告人的名字及地址。</p> <p>Furthermore, we are not in a position to give you any legal advice. You may consider making use of the Duty Lawyer Service's free legal advice service. You can make an appointment to see a lawyer at the District Office. For enquiries, please call the Central Telephone Enquiry Centre of the Home Affairs Department during office hours at 2835 2500. Or you may visit their website at http://www.dutylawyer.org.hk/en/free/free.asp for further details.</p> <p>此外，審裁處不能提供任何法律意見。如需要法律意見，可考慮向「當值律師服務」尋求免費法律諮詢的服務，也可在民政事務處約見律師。如有查詢，請於辦公時間內致電民政事務總署的中央電話諮詢中心（電話：2835 2500）。也可以瀏覽他們的網址 http://www.dutylawyer.org.hk/ch/free/free.asp 進一步參閱詳情。</p>

<p>6. Authorized signature 經授權的簽名</p>	<p>Question: 問:</p>	<p>We would like to confirm that any officer working for the claimant company can sign under the signature of claimant for form 2. It is not mandatory the signature has to be the director of the claimant company, is that correct? Kindly advice. 表格 2 上「申索人簽署」一欄是否可以由申索人公司的任何職員簽署，而並非強制規定必須由申索人公司的董事簽署？</p>
	<p>Answer: 答:</p>	<p>A director, company secretary or other authorised officer must sign the claim form if the claim is made by a limited company. 如果一間有限公司提出申索，便應該由一名董事、公司秘書或其他獲授權的任何職員簽署申索書。</p>
<p>7. Claimant/Defendant company's name 申索人被告人公司的名字</p>	<p>Question: 問:</p>	<p>We are a company operated by a limited company, what document should we produce to prove our trade name? 由有限公司經營的公司應該提供什麼文件來證明其商號名稱？</p>
	<p>Answer: 答:</p>	<p>Either the claimant or the defendant is a corporation trading in a 'trade name' (e.g. XYZ Company limited trading as ABC Company), the claimant should obtain the most updated information about its registered office at the Companies Registry to fill in its registered office AND 'Business Registration Application' at Business Registration Office to verify its trade name. 若申索人或被告人是一個由法團經營的「商號」（例如：XYZ 有限公司，商號名稱為 ABC 公司 / XYZ 有限公司以 ABC 公司之名經營），申索人應該先向公司註冊處索取這間有限公司的註冊辦事處最新資料，用以填寫該有限公司的註冊辦事處，並向商業登記署索取這間商號的「商業登記申請書」，用以核實該商號的名稱。</p>
<p>8. Representative for filing claim 由代表提交申索</p>	<p>Question: 問:</p>	<p>I am too busy and cannot file a claim in person. Can I appoint a representative to file a claim? 若因太忙碌而不能親自提交申索，可否委派代表</p>

		<p>提交申索？</p>
	<p>Answer: 答：</p>	<p>Forms 1 and 2 have to be filed at the Tribunal Registry in person. They cannot be filed by any other means such as post, fax or email. The claimant may appoint a representative to file the claim on his behalf. No appointment letter is need for a representative to file a claim.</p> <p>提交表格 1 和表格 2 必須在審裁處的登記處當面辦理，不可以用郵遞、傳真電郵等其他方式提交。不過申索人可委派代表代為提交申索，而委派代表提交申索無需委任書。</p>
<p>9. Assistance on merits of cases</p> <p>就案件的是非曲直加以協助</p>	<p>Question: 問：</p>	<p>I would like to ask about the merits of my case during the preliminary enquiries? What assistance can the tribunal provide to me?</p> <p>若申索人想在初步偵訊階段查問案件的是非曲直，審裁處可提供什麼協助？</p>
	<p>Answer: 答：</p>	<p>Comment on the merit of the case may involve issues of law. In order to maintain the impartiality of the Judiciary, court staff cannot give legal advice to anyone. Tribunal Officers would only help parties to bring about a settlement on a voluntary basis and identify the main issues in dispute if a settlement is not reached.</p> <p>評論案件的是非曲直可能涉及法律問題，為了維持司法機構的公正，法院職員不能向任何人提供法律意見。調查主任只會協助雙方自願達成和解，以及如未能達成和解，則協助找出雙方的主要爭議點。</p> <p>Although the court staff cannot make comment on the merit of the case, the presiding Adjudicator would attempt to mediate the dispute at the call-over and mention hearings during which the pros and cons of proceeding with litigation, the important points of law involved in the case and the key matters relevant to the issues of disputes would be explained to the parties.</p> <p>雖然法院職員不能就案件的是非曲直作出評論，主審的審裁官會在簡短提訊及提訊中，向雙方解</p>

		釋繼續進行法律程序的利弊、案中涉及的重要法律觀點、與爭議點相關的重要事宜，以嘗試調解有關糾紛。
	Question: 問:	<p>本人有朋友受到樓上單位滲水滋擾，但未能與樓上業主達成共識。他希望採取法律行動要求樓上進行維修，但他想知道是那個法院受理有關案件？</p> <p>A friend of mine is disturbed by nuisance caused by water leaked from the unit on the floor above but has not been able to reach an agreement with its owner. He wants to take legal action to request that unit to carry out repair work and wants to know which court would deal with the case.</p>
	Answer: 答:	<p>處理因滲水而導致滋擾或破壞財產的侵權行為，受害人可考慮向小額錢債審裁處、區域法院或高等法院入稟向侵權人索贖；小額錢債審裁處 / 區域法院處理的申索，所涉的金額必須分別不多於七萬五千元及三百萬元。</p> <p>In respect of tortious act of nuisance or damage to property caused by water leakage, the victim may consider filing a claim to the Small Claims Tribunal, District Court or High Court against the tortfeasor for damages. The Small Claims Tribunal and the District Court deal with claims not exceeding \$75,000 and \$3,000,000 respectively.</p> <p>要求法院頒予賠償或其他濟助，可能涉及複雜的法律觀點，故此你的朋友應考慮尋求法律意見，才作進一步行動。</p> <p>Requesting the court to award damages or other reliefs may involve complicated legal points. Hence, your friend should consider seeking legal advice before taking any further action.</p>
	Question: 問:	<p>如果有間公司開出二張不能兌現之支票，不同月份，一張四萬，另一張二萬，我可否當作二個個案處理？</p> <p>Can two dishonoured cheques issued by a company in different months in the amounts of \$40,000 and</p>

		\$20,000 respectively be treated as two cases?
	<p>Answer: 答:</p>	<p>抱歉本機構是不會對任何人提供法律意見。你可考慮透過免費法律諮詢計劃約見義務律師，尋求法律意見。也可參閱有關計劃的網頁-</p> <p>http://www.dutylawyer.org.hk/ch/free/free.asp</p> <p>We regret that Judiciary would not give any legal advice to anyone. You may consider making an appointment to meet a duty lawyer through the Duty Lawyer Scheme to seek legal advice, and may also refer to the following webpage of the Scheme:</p> <p>http://www.dutylawyer.org.hk/en/free/free.asp</p> <p><u>小額錢債審裁處 Small Claims Tribunal.</u></p> <p>一般而言，審裁處處理不超過 75,000 元的申索。任何申索，不得單為使每筆申索款額不超越審裁處的司法管轄權範圍而被分拆或分割為多宗申索，在小額錢債審裁處分開追討。但你可放棄對超過限額的部份，以便獲得小額錢債審裁處受理。你可參考小額錢債審裁處條例 (香港法例第338章第8條及第9條)。有關的法例，請參閱以下的網頁。 https://www.elegislation.gov.hk/</p> <p>Generally speaking, the Tribunal deals with claims not exceeding \$75,000. No claim may be subdivided or broken down into claims solely for being brought within the jurisdiction of the Tribunal. However, you can abandon that part of the claim above \$75,000 in order to bring a claim in the Tribunal. Reference may also be made to the Small Claims Tribunal Ordinance (Cap 338, Laws of Hong Kong, sections 8 and 9) which may be found in the following webpage:</p> <p>https://www.elegislation.gov.hk/</p>
<p>10. Non-disclosure of particulars of claimant</p> <p>不披露申索人的資料</p>	<p>Question: 問:</p>	<p>I was told that the Form 1 and Form 2 would be served to the Defendants. Can my name and address not to be disclosed to the Defendant?</p> <p>可以不向被告披露申索人的姓名及地址嗎?</p>
	<p>Answer: 答:</p>	<p>Pursuant to Section 14 of the Ordinance, the registrar shall cause a copy of the written claim and a notice of</p>

		<p>hearing to be served on every defendant at the given address/addresses. You may apply in writing with reasons for the Tribunal to consider and applicant would be notified of the outcome as soon as possible.</p> <p>根據《小額錢債審裁處條例》第 14 條，司法常務官須安排將申索書的副本連同聆訊通知書，送達申索人提供的每名被告人地址。你可以書面提出申請，並列明理由，讓本審裁處考慮，而申請人會盡快獲通知有關結果。</p>
11. Representative claim 由代表進行申索	Question: 問：	My father is a creditor but he is not familiar with legal action. May I sue on his behalf? 不熟悉法律訴訟事宜的債權人可由他人代表進行起訴嗎？
	Answer: 答：	<p>Your father should write to the Tribunal, specifying the reasons, and seek the prior approval of the Adjudicator to have an authorized person to attend the court hearings and conduct the case on his behalf. The court may refuse to accept an application to have a party represented by another authorized person in conducting the case, including the first hearing and subsequent hearings.</p> <p>在此情況下，申索人應以書面向審裁處述明原因，事先要求審裁官批准由一名獲授權人士代表出席法庭聆訊及處理案件。法庭可能拒絕接受由獲授權人士代表一方處理案件的申請，包括首次聆訊及往後的聆訊。</p>
12. Time limit for lodging claim 提出申索的時限	Question: 問：	I would like to know if there is any limitation period for lodging a claim in the Small Claims Tribunal? I would like to delay a claim until after 2-3 years. Will that be a problem? 向小額錢債審裁處提出申索是否有時限？可延遲 2 至 3 年才提出申索嗎？
	Answer: 答：	<p>The time limit for bringing claims differs according to the nature and subject matter of the claim, and that the Limitation Ordinance Cap. 347 contains provisions on time limits for bringing claims.</p> <p>提出申索的時限因應有關申索的性質及標的事宜而有所不同，第 347 章《時效時例》對此有條文規定。</p>

		<p>The application and interpretation of the Ordinance involves complicated issues of law. It is in your own interest to seek legal advice or make use of the Duty Lawyer Service's free legal advice service. You can make an appointment to see a lawyer at the District Office. For enquiries, please call the Central Telephone Enquiry Centre of the Home Affairs Department during office hours at 2835 2500 or you may visit the website at http://www.dutylawyer.org.hk/en/free/free.asp for further details.</p> <p>應用及詮釋有關條例牽涉複雜的法律問題。為了本身的利益着想，應尋求法律意見，或使用「當值律師服務」的免費法律諮詢的服務，也可在民政事務處約見律師。如有查詢，可於辦公時間內致電民政事務總署的中央電話諮詢中心（電話：2835 2500）或瀏覽以下網站 http://www.dutylawyer.org.hk/ch/free/free.asp 參閱進一步資料。</p>
<p>13. Call-over hearing</p> <p>簡短提訊</p>	<p>Question: 問:</p>	<p>When will be the 1st hearing date after the claim is filed?</p> <p>提交申索後的第一個聆訊日期將會在何時？</p>
	<p>Answer: 答:</p>	<p>As a statutory requirement, the date of first hearing will be arranged within 60 days from the date of filing. You can enquire about the first hearing date which fixed by a computer, with the counter staff or with our hotline at 2877 4068.</p> <p>法例規定，首次聆訊須安排在提交申索日期後的60天內進行。首次聆訊的日期由電腦編定，可向櫃位職員或致電本審裁處熱線 2877 4068 查詢。</p>
<p>14. 誰支付訟費</p> <p>Who pays the costs</p>	<p>Question: 問:</p>	<p>本人想問有關小額錢債案，如果被告人敗訴，申索人在申索過程中所需的費用，可要求被告人負責嗎？</p> <p>If a defendant loses the case, can the claimant request the defendant to pay for the expenses incurred in the course of the claim?</p>
	<p>Answer: 答:</p>	<p>一般而言，勝訴一方，可要求審裁官判對方繳付訟費，補償因該申索而支付的合理開支。至於是否會判給訟費及金額多少，當由審裁官酌情決定。</p> <p>Generally speaking, the winning party may ask the Adjudicator to award costs for any reasonable expenses paid because of the claim. It is at the Adjudicator's discretion as to whether costs will be awarded and how</p>

		<p>much it will be.</p> <p>有關訟費問題，請參考小額錢債審裁處條例（即香港法例第 338 章）第 24 條</p> <p>"（1）在符合第（2）款的規定下，審裁處可裁斷任何一方獲償訟費及開支，而該等訟費及開支可包括—</p> <ul style="list-style-type: none">(a) 該一方為出席聆訊而須招致的合理開支及所損失的薪金或工資；及(b) 已付給證人的合理款項，以補償證人為出席聆訊而須招致的開支及所損失的薪金或工資。 <p>（2）審裁處根據本條就訟費作出裁斷時，亦須就有責任繳付訟費的每一方所須付的款額作出指示。</p> <p>（3）訟費的裁斷可強制執行，方式與強制執行審裁處的其他裁斷的方式相同。</p> <p>In relation to costs, please refer to the Small Claims Tribunal Ordinance (Cap 338, Laws of Hong Kong), section 24</p> <p>“(1) Subject to subsection (2), the tribunal may award to a party costs and expenses, which may include-</p> <ul style="list-style-type: none">(a) any reasonable expenses necessarily incurred and any loss of salary or wages suffered by that party; and(b) any reasonable sum paid to a witness for expenses necessarily incurred and any loss of salary or wages suffered by him, <p>in attending the hearing.</p> <p>(2) In making an award of costs under this section, the tribunal shall include a direction as to the amount to be paid by each party who is liable to pay costs.</p> <p>(3) An award of costs shall be enforceable in the same manner as any other award of the tribunal.”</p>
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<p>15. Representation 代表</p>	<p>Question: 問:</p>	<p>I am not available to attend the hearing. Can I appoint a representative to attend as scheduled? 如未能出席聆訊，可委派代表如期出席嗎？</p>
	<p>Answer: 答:</p>	<p>If the party is a corporation, an officer of the corporation properly authorised by a letter signed by the director or company secretary and affixed with company chop may attend. If the party is a sole proprietor or a partnership, the sole proprietor or all partners should attend.</p> <p>如果訴訟人是一個法團，應該由法團的董事或公司秘書簽署授權書，並蓋上公司印章，妥為授權一名法團的高級人員出席聆訊。如果訴訟人是一家獨資或合夥經營的商號，則其獨資東主或所有合夥人均應出席聆訊。</p> <p>If the party is an individual and wishes his representative (other than counsel or solicitor) to attend the hearing, the party should apply for permission from the Tribunal specifying the reasons why he cannot conduct the hearing by himself. Unless the application is supported by good justified reasons and evidence, the Tribunal may not allow such application. Unless the party has the Tribunal's permission, the party should attend the hearing in person. If the application is granted, party has to issue a letter of authorization to his representative when attending court, provided that the representative must know the facts of the case.</p> <p>如果訴訟人以個人名義進行訴訟，並希望由代表（不是大律師或律師）出席聆訊，便應該向審裁官申請許可，註明不能由其本人進行聆訊的原因。此項申請必須具備充分理由和證據，否則審裁官可以駁回申請。如果沒有獲得審裁官的許可，訴訟人便應該親自出席聆訊。如果審裁官批准申請，訴訟人便要發出授權書以授權其代表出席聆訊，而此代表必須了解及知道案件的案情。</p>
<p>16. Adjournment of hearing 押後聆訊</p>	<p>Question: 問:</p>	<p>I am engaged and not able to attend the hearing as scheduled. Can I apply for an adjournment? 如因事不能如期出席聆訊，可否申請押後？</p>
	<p>Answer:</p>	<p>The party should apply in writing to the court concerned</p>

	答:	<p>as soon as possible because the Tribunal needs time to inform the other party if the application is granted. The letter should specify the claim number, the court number, the hearing date, the contact phone number as well as the reasons in support of the application. It is desirable that the application is supported by documentary proof such as a consent letter of the other party.</p> <p>訴訟人應儘早以書面向有關法庭提出申請，因為若申請獲批准的話，審裁處便需要時間通知另一方。該申請書應列明申索編號、法庭號數、聆訊日期、聯絡電話和申請理由。申請人最好能夠提出證明文件，例如另一方的同意書。</p>
<p>17. Amendment of claim form</p> <p>修改申索書</p>	Question: 問:	<p>I have made a mistake on the claim form. How can I amend it?</p> <p>如何修改申索書上的錯誤?</p>
	Answer: 答:	<p>A party should first write out his proposed amendment and then send a copy to the Tribunal. The Adjudicator will then decide whether the proposed amendment will be allowed with or without holding a hearing. If permission to amend is granted, the party must attend the Tribunal Registry to amend his claim in person and pay the prescribed fee each time he amends his claim. Amendment to the claim cannot be made by any other means such as post, fax or email.</p> <p>訴訟人應該首先把他打算在申索書作出的修改寫出來，然後送交本審裁處。審裁官可以進行聆訊，以決定是否批准有關的修改，也可以無須進行聆訊而作出決定。在得到批准作出修改後，訴訟人必須親自到本審裁處的登記處修改他的申索書，並在每次作出修改時繳付法例訂明的費用。申索書不能夠透過郵遞、傳真或電郵等其他方式修改。</p>
<p>18. Extension of time for filing</p> <p>延長提交文件的期</p>	Question: 問:	<p>I am very busy recently and unable to comply with the directions made by the Adjudicator. I would like to seek more time to comply with the directions. Please advise what can I do?</p>

限		如何要求更多時間來遵行審裁處發出的指示？
	<p>Answer: 答：</p>	<p>To ensure the mention hearing is constructive, both parties should be familiar with the latest development of the case and comply with the Adjudicator's directions. If the directions are not complied with, the claim may be dismissed or a judgment entered against the Defendant without trial. Costs may also be ordered against a party in default.</p> <p>為了確保提訊有成效，訴訟雙方都應該熟悉案件的最新發展，並遵行審裁官的指示。若不遵行有關指示，審裁官可以撤銷申索，或可以無須進行審訊而判被告人敗訴。此外，審裁官也可以判不遵行指示的一方支付訟費。</p> <p>You may apply in writing for further time to comply with the Adjudicator's directions, with valid justifications, before the mention hearing or in open court at the mention hearing. If your application is granted, there may be a further mention hearing before trial for the presiding Adjudicator to review the matter further.</p> <p>若需要更多時間，可在提訊前在有效理據下，以書面申請延長遵行審裁官指示的時限，或於提訊時在法庭提出申請。若申請獲得批准，便可能在審訊前再有一次提訊，以便審裁官進一步覆核有關事宜。</p>
<p>19. Absence of claimant or defendant</p> <p>申索人或被告人缺席</p>	<p>Question: 問：</p>	<p>What would the Tribunal do if either the claimant or defendant is absent in the hearings?</p> <p>若申索人或被告人缺席聆訊，審裁處會如何處理？</p>
	<p>Answer: 答：</p>	<p>If neither the claimant nor his representative appears in person at the time fixed for the hearing, the claimant's claim may be dismissed.</p> <p>如果申索人或其代表沒有如期出席聆訊，審裁官</p>

		<p>可以撤銷申索。</p> <p>If neither the defendant nor his representative appears in person at the time fixed for the hearing, the claimant may apply to enter judgment against the defendant. In such event, if it appears that the claim forms and notice of hearing have been properly served on the defendant and the claimant can provide sufficient evidence to prove his claim, the Adjudicator may enter default judgment against the defendant.</p> <p>如果被告人或其代表沒有如期出席聆訊，申索人可以申請判被告人敗訴的判決。在此情況下，若申索書和聆訊通知書看來已妥當地送達被告人，而申索人又能提出充分證據來支持他的申索，審裁官便可以在被告人缺席而判他敗訴。</p>
<p>20. Negotiation after call-over hearing</p> <p>簡短提訊後的商議</p>	<p>Question: 問:</p>	<p>Although no settlement can be reached at the call-over hearing, can I still negotiate with the other side subsequently?</p> <p>雖然在簡短提訊中未能達成和解，但其後還可以與對方商議嗎？</p>
	<p>Answer: 答:</p>	<p>At the call-over hearing or at any subsequent stage of the proceedings, parties are at liberty to negotiate a settlement on a voluntary basis. If both parties agree to settle at the hearings, the Tribunal Officer will prepare and submit a written settlement agreement to the presiding Adjudicator for a consent order.</p> <p>在簡短提訊或其後的法律程序的任何階段，雙方可為自願達成和解而進行商議。如果雙方在聆訊中同意和解，調查主任會擬備一份和解協議書，並呈交審裁官，由審裁官作出經雙方同意的命令。</p>

<p>21. 再次入稟 re-filing</p>	<p>Question: 問:</p>	<p>本人想知道就相同的申索因由可否再次入稟貴處向同一被告人提出申索? Can a claim be filed again in the Tribunal against the same defendant for the same cause of action?</p>
	<p>Answer: 答:</p>	<ul style="list-style-type: none"> • 如你在第一次入稟後的任何階段，存檔「申索人中止申索通知書」於本處，那你可以再次入稟本處提出申索。 If a Notice of Discontinuance of Claim has been filed in the Tribunal at any stage after the first filing, the claim may be refiled in the Tribunal. • 如你在第一次入稟後因沒有出席聆訊，而被審裁官將你的申索剔除，你可向本處索取表格8D申請將剔除命令作廢。你亦可考慮重新入稟提出新的申索。 If the claim has been struck out by the Adjudicator because of the claimant's absence after his/her first filing, application may be made for setting aside the striking-out order by using Form 8D, which can be obtained from the Tribunal. You may also consider filing the claim afresh. • 如你的第一次申索，已經由審裁官聆訊及作出裁決，那你便不應入稟以相同的申索因向同一被告人提出申索。If the Adjudicator has heard and decided the first claim, no claim should be filed against the same defendant for the same cause of action.
<p>22. Execution of Award 執行裁決</p>	<p>Question: 問:</p>	<p>I have not received any money from the losing party even after I won the case. I have the award in hand which indicate I am the winning party. What can I do now? 一方取得勝訴後，但仍未收到敗訴一方的款項，應怎樣做？</p>

	<p>Answer: 答:</p>	<p>The winning party may apply at the Tribunal Registry for a Writ of FiFa if the judgment is not complied with. A bailiff is directed to levy execution on the goods and chattels of the judgment debtor (i.e. the losing party) to a sum equal to the judgment plus the incidental expenses of execution. The bailiff will seize and sell the judgment debtor's goods by public auction if payment is not made into court. The proceeds will then be used to pay the money due to the winning party after defraying the necessary court charges.</p> <p>如果敗訴一方沒有遵照判決付款，勝訴一方可以到本審裁處的登記處申請發出封票（扣押債務人財產令狀）。執達主任會按照指示扣押判定債務人（即敗訴一方）的貨物和財物，而被扣押的物品的價值應該相等於判決款項加上執行判決的附帶費用。如果判定債務人沒有把判決款項繳存本審裁處，執達主任便會把被扣押的物品公開拍賣，然後在所得的收入中扣除必要的法庭收費後，把餘款給予勝訴一方。</p>
<p>23. Enforcement of Award outside Hong Kong 在香港以外執行裁決</p>	<p>Question: 問:</p>	<p>Does the Hong Kong Government have covenants in place that would ensure judgments in the Courts of Hong Kong including the Small Claims Tribunal are enforceable internationally?</p> <p>香港政府是否已有任何契諾，確保香港法院（包括小額錢債審裁處）的判決可在國際間執行？</p>
	<p>Answer: 答:</p>	<p>The award/order of the Tribunal is a legal document which carries legal effect in Hong Kong. However, it is not the role of the Tribunal to advise tribunal users whether there is any bilateral treaty or multilateral international convention in force between Hong Kong and any other country on recognition and enforcement of judgments. Please consult your legal adviser for legal advice.</p> <p>本審裁處的裁決/命令是一份法律文件，在香港具有法律效力。然而，就香港與任何其他國家之間在承認及執行判決方面，是否有任何有效的雙邊條約或多邊國際公約，審裁處不能向審裁處使用者給予意見。請向你的法律顧問尋求法律意見。</p>

24. Appeal/review against award 裁決的上訴/覆核	Question: 問:	A party to the proceedings is not satisfied with the Tribunal's decision after hearing. What can he do? 訴訟任何一方在聆訊後對審裁處的決定感到不滿，可以採取甚麼行動？
	Answer: 答:	The party may consider making an application for Review under Section 27A of Cap. 338, or alternatively he may apply for leave to appeal to the Court of First Instance under Section 28 of Cap. 338. 他可考慮根據第 338 章第 27A 條申請覆核，或可根據第 338 章第 28 條向原訟法庭申請上訴。 The differences between making an application for review and for leave to appeal are mentioned in the Small Claims Tribunal pamphlet. 至於為提出覆核申請許可與為提出上訴申請許可的分別，可參閱小額錢債審裁處的相關小冊子。