

**Notification for Stakeholders about General Adjournment of
Court Proceedings
from 24 February 2020 to 1 March 2020
(position as at 21 February 2020)**

(I) General Arrangements

The Judiciary has made a public announcement today (February 21) that in view of public health considerations, all hearings of the courts/tribunals originally scheduled from February 24 to March 1 will generally be adjourned. The courts will however continue to handle urgent and essential hearings and/or matters during this period, together with as appropriate any such hearings and/or matters which were originally fixed to be dealt with during the period from January 29 to February 23.

2. A copy of the press release is at **Annex A**.

Latest Position

3. As the Judiciary has indicated before, the decisions to generally adjourn court proceedings and close court registries/offices and to extend the general adjourned period (“GAP”) until March 1 were made after striking a careful balance between public health considerations on the one hand and the public interest involved in the due administration of justice on the other. For this purpose, court hearings are limited to those which are urgent and essential, and that in conducting such urgent and essential hearings, a whole range of preventive measures are being put in place, including reducing the number of public seats available in courtrooms. At the same time, the Judiciary has continued to deal with other urgent and essential court businesses on paper during the adjournment period as and when required.

4. The general adjournment and its duration are unprecedented. The Judiciary recognizes the impact it has on

the daily operation and businesses of the courts, and the concerns it may have caused for court users and the public. During the past few weeks, the Judiciary has been constantly reviewing the scope of urgent and essential businesses, and making adjustments on a regular basis, bearing in mind that the longer the general adjournment has become, the more matters may become urgent and essential. As a result of the latest review, an updated list of urgent and essential matters will be effective from February 24. Details are set out in paragraph 11 below.

Enhanced measures – An Overview

5. The Judiciary recognizes that as the continued prolongation of GAP, there is a need to enhance various measures so that more urgent and essential matters could be handled effectively. Such measures include the following :

- (a) Judges and Judicial Officers (“JJOs”) will, as far as practicable and as permitted by law, pro-actively manage both civil and criminal cases which have fallen within GAP and cases which are listed in the following two weeks on a rolling basis and to give directions to parties concerned on paper;
- (b) for civil cases :
 - (i) JJOs will strive to deal with court businesses and applications, in particular interlocutory applications, by paper disposal as far as practicable; and
 - (ii) there will be greater use of electronic means (e.g. emails) for receiving documents from parties to facilitate paper disposal and avoid physical attendance at court premises; and

- (c) for criminal cases where the presence of the defendant or an appellant is required under the law, urgent and essential cases will be identified under the proactive case management by the JJOs, and would be suitably handled.

6. In coming up with the enhanced measures, the Judiciary has been in close communication with all relevant external stakeholders, including the Bar Association and the Law Society, and have taken their views and suggestions into account as appropriate. The Judiciary will continue to closely liaise with all stakeholders in working out any further arrangements. Any further enhancement measures will be announced in due course.

7. Some stakeholders have asked if the court registries might be partially opened during GAP. The Judiciary considers it important for court registries to remain closed during GAP having regard to the computation of time during GAP as stipulated in section 71(1A) of the Interpretation and General Clauses Ordinance (Cap. 1). But, special arrangements will be made from 24 February to enable the provision of limited services such as sealing of court orders without opening the registries.

8. Some other stakeholders have suggested the courts to explore more non-conventional modes for handling court businesses, e.g. hearings by video conferencing. However, the Judiciary is advised that under the existing law, that may not be permissible.

Preparation for Resumption

9. The Judiciary is also actively preparing for the resumption of proceedings and re-opening of court registries/offices for all levels of courts / tribunals when the public health situation permits. In working out the detailed arrangements, the following principles would be adopted :

- (a) an orderly resumption of both registry businesses and court proceedings is of the paramount importance;
- (b) a staggered and progressive approach is to be adopted to ensure orderly resumption; and
- (c) parties concerned, be they legally represented or litigants in person, will be given clear notifications and sufficient lead time for preparation of their cases, regardless of whether the hearings are to be re-fixed or proceed as scheduled.

10. In working out the detailed resumption arrangements, the Judiciary will continue to closely liaise with all relevant stakeholders. Once the arrangements are ready, public announcement(s) will be made at the appropriate time(s).

(II) Urgent and Essential Hearings/Matters Handled by the Courts

11. The urgent and essential hearings and/or matters which may be handled from February 24 to March 1 include the following :

- (a) For Civil Cases at the HC, the District Court (“DC”) and the Family Court (“FC”) :

Enhanced Measures

- (i) though no hearings will generally be held during GAP, individual 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;

- (ii) parties may be asked to lodge documents or submissions with the court to facilitate paper disposal. Special one-way email accounts are being 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. Please see **Annex** for details;
- (iii) 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;
- (iv) where parties have reached agreement on matters that can be properly dealt with by consent, the court will also make orders by consent;
- (v) 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;
- (vi) 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.

When submitting documents through the above email addresses, parties and legal representatives are required to follow the details, including technical specifications, at **Annex** as appropriate.

Other Measures

- (vii) 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”);
- (viii) the Duty Judge system has been expanded (with the support of duty master(s) as necessary), to 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, i.e. urgent application and collection of apostilles and urgent grants of probate; and
 - (3) documents relating to the urgent bankruptcy-related proceedings set out in (b) below; and
- (ix) 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 the adjourned period on an exceptional basis.

(b) *For Civil Cases at the Court of First Instance of the High Court ("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 at the Court of Appeal of the HC : urgent bail applications;
- (d) For Criminal Cases at CFI : urgent bail applications and bail reviews;
- (e) 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 February 24 and March 1; or
 - (ii) the case was originally adjourned to a hearing date during the period of January 29 to February 23.
- (f) For the 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 February 24 and March 1; or

- (2) the case was originally adjourned to a date during the period of January 29 to February 23.

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 February 24 and March 1; or
- (2) the case was originally adjourned to a hearing date during the period of January 29 to February 23.

- (g) 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 February 24 and March 1; or
- (ii) the case was originally adjourned to a date during the period of January 29 to February 23.

- (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; and
- (iv) issuing urgent certificate of the fact of death and documents for the removal of bodies outside jurisdiction.

12. Moreover, the courts may also continue to hand down judgments for cases with urgency or great public importance as appropriate. As usual, the courts will give sufficient notice to the relevant parties of the cases.

(IV) Statutory Duties

13. 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.

(V) Detailed Arrangements for the MCs

14. The MCs will continue to adopt basically the Holiday or Saturday sitting arrangement in the light of caseload and other factors. They will handle fresh remand cases and eight-day cases etc. The detailed arrangements are as follows :

- (a) 24 Feb (Monday) : Fanling Magistrates' Courts will open;
- (b) 25 Feb (Tuesday) : No Magistrates' Courts will open;
- (c) 26 Feb (Wednesday) : Eastern Magistrates' Courts will open;
- (d) 27 Feb (Thursday) : No Magistrates' Courts will open;

- (e) 28 Feb (Friday) : Tuen Mun Magistrates' Courts will open;
- (f) 29 Feb (Saturday) : the usual Saturday sitting will be adopted, i.e. Eastern Magistrates' Courts, Kowloon City Magistrates' Courts and Shatin Magistrates' Courts will open; and
- (g) 1 Mar (Sunday) : No Magistrates' Courts will open.

(VI) Registries and Other Court Offices

15. Court/tribunal registries and offices will continue to be closed until further notice, except for providing support for the handling of urgent and essential court hearings and/or matters as set out above.

(VII) Contacts

16. If stakeholders have any questions about the detailed arrangements for the above matters, particularly those relating to the urgent and essential court businesses, please contact the following officers for the respective courts during the office hours :

(a) High Court

For urgent and essential apostilles and bankruptcy (objections to discharge applications) related matters

- Ms Catherine Li, Chief Judicial Clerk (High Court Registry) at 2825 4571
- Mr Kenneth Tsang, Senior Judicial Clerk I (Resource Centre) at 2825 0571
- Mr Larry Ngan, Senior Judicial Clerk II (High Court Registry) at 2825 0401

For urgent civil business for the Court of Appeal, urgent and essential criminal matters including bail-related hearings, and bankruptcy (non-commencement orders) related matters

- Ms Terri Tang, Clerk of Court at 2825 4383
- Miss Cynthia Leung, Judicial Clerk (Civil) at 2825 4672

For urgent grants of probate

- Ms Memory Wong, Chief Probate Officer at 2825 0619

(b) District Court

- Ms Clare Tsang, Chief Judicial Clerk (Courts) at 2582 4000
- Ms Anny Tam, Chief Judicial Clerk (Registry) at 2582 4200
- Mr Wing Lau, Senior Judicial Clerk II (Registry)1 at 2582 5368
- Miss Jenny Kwok, Senior Judicial Clerk II (Registry)2 at 2504 0766

(c) Family Court

- Ms Jolly Lam, Chief Judicial Clerk (Family Court) at 2582 5370

(d) Magistrates' Courts

- Ms Pauline Kwok, Senior Judiciary Executive (Magistracies) at 3916 6389

(VIII) Further Updates

17. The Judiciary will keep in view developments. If the Judiciary decides to introduce any further changes, we will continue to keep the stakeholders posted as soon as practicable.

18. Besides, the Judiciary will continue to post updated information, including Daily Cause Lists, messages related to the Judiciary's arrangements arising from public health considerations and advice to court users visiting the courts during this period, on the Judiciary website (www.judiciary.hk). Stakeholders are advised to check the website for updated information as necessary.

19. In particular, for the Bar Association and the Law Society, we should be grateful if you would continue to advise your members to check the website for updated information.

Judiciary Administration
21 February 2020