

Consultation Paper on the Draft Provisions in the Judiciary (Five-day Week) (Miscellaneous Amendments) Bill

PURPOSE

The purpose of this paper is to invite comments on the draft provisions in the Judiciary (Five-day Week) (Miscellaneous Amendments) Bill.

BACKGROUND

The Government's Policy Initiative

2. In January 2006, the then Chief Executive announced the setting up of a working group to examine the proposal and implementation details of introducing a five-day week in the Government with effect from 1 July 2006. To ensure that quality services will continue to be delivered to the community, this policy initiative is governed by four basic principles –

- (a) no additional staffing resources;
- (b) no reduction in the conditioned hours of service of individual staff;
- (c) no reduction in emergency services; and
- (d) while in general all offices will cease operation on Saturdays, a limited number of essential counter services may continue to be provided on Saturday.

Five-day Week in the Judiciary

3. In April 2006, having regard to the policy initiative proposed by the Government and that Judiciary Administration staff are essentially civil servants, the then Chief Justice decided in principle to adopt a five-day week for the Judiciary. This has been/will be implemented in a phased manner –

- (a) Phase I commenced on 1 July 2006 : A five-day week applies to court sittings (generally no sittings are listed on Saturdays with the exception of some special hearings and a Saturday sitting

roster arrangement has been introduced in the magistrates' courts to deal with fresh remand cases) and back offices which have no interface with members of the public;

- (b) Phase II commenced on 1 January 2007 : The services covered are those which have a public interface but the switch to a five-day week entails administrative arrangements rather than legislative amendments, e.g. Resource Centre for Unrepresented Litigants, Press and Public Relations Office, Libraries in the Court of Final Appeal and the District Court. The original intention was to close the High Court Library on Saturdays (the average usage was about 40 users on Saturdays), but having regard to the views of the Bar Association and the Law Society, the High Court Library has been kept open; and
- (c) Phase III covers services with a public interface where the implementation of a five-day week will require legislative amendments to primary and/or subsidiary legislation. These include Court Registries and general offices of Magistrates' Courts; Accounts Offices; Bailiffs' Offices; Probate Registry; and Oaths and Declarations Office.

Present Position

4. Since July 2006, Judges and Judicial Officers have generally been enjoying a five-day week and not been required to work on alternate Saturdays.

5. As at 1 January 2015, there were about 1,560 full-time support staff in the Judiciary (both civil service and non-civil service staff), of which close to 930 (i.e. 60%) were working on various five-day week patterns. The remaining 630 (i.e. 40%) staff members or so were yet to enjoy a five-day week.

PROPOSED IMPLEMENTATION OF PHASE III

6. The Judiciary considers it appropriate at this juncture to pursue the implementation of Phase III, the implications of which fall within three areas, namely, policy, operations and legal. In April 2013, the Judiciary

consulted various stakeholders on the proposed implementation and there was general support. The Judiciary now intends to seek the stakeholders' comments on the provisions in the Judiciary (Five-day Week) (Miscellaneous Amendments) Bill before consulting the Legislative Council.

Policy Implications

7. The implementation of Phase III is in line with the Judiciary's policy to implement a five-day week for the Judiciary in a phased manner. A five-day week for the Judiciary, however, should not affect the following services –

- (a) fresh remand cases at Magistrates' Courts, which have to be brought before the court in order to satisfy the 48-hour requirement under s.52(1) of the Police Force Ordinance (Cap. 232);
- (b) urgent applications made to various levels of court, which have to be dealt with outside office hours including Saturdays;
- (c) urgent applications for enforcement of judgments, which have to be dealt with outside office hours including Saturdays;
- (d) urgent court sittings, which have to be fixed outside office hours including Saturdays; and
- (e) admission ceremonies, which should continue to be held on Saturdays.

Operational Implications

8. Generally speaking, the current opening hours of those offices which are now open on Saturdays are 38 hours per week, i.e. from 09:00 to 13:00 and 14:00 to 17:00 from Mondays to Fridays; and from 09:00 to 12:00 on Saturdays.

9. Under a five-day week pattern, the Judiciary proposes to revise the opening hours of court registries, account offices and other offices providing services to court users and members of the public, i.e. from 08:45 to

13:00 and 14:00 to 17:30 from Mondays to Fridays. The offices affected are as follows -

- (a) Registry and Accounts Office of the Court of Final Appeal;
- (b) High Court Registry;
- (c) Civil & Criminal Registry and Appeals Registry of the Clerk of Court's Office;
- (d) Probate Registry;
- (e) Accounts Office of the High Court;
- (f) Registry and Accounts Office of the District Court;
- (g) Registry and Accounts Office of the Family Court;
- (h) Registry and Accounts Office of the Small Claims Tribunal ;
- (i) Registry and Accounts Office of the Lands Tribunal;
- (j) Registry and Accounts Office of the Labour Tribunal;
- (k) Registry of the Obscene Articles Tribunal;
- (l) Registry of the Coroner's Court;
- (m) Registries and Accounts Offices of the Magistrates' Courts;
- (n) General Offices of the Bailiff Section; and
- (o) General Office (Certification and Translation) of the Court Language Section.

10. Upon implementation of Phase III of a five-day week, the aggregate opening hours of the above offices will be increased from 38 hours by 45 minutes to 38 hours 45 minutes.

Staffing Implications

11. There would be no reduction in the conditioned hours of service of individual staff.

Legal Implications

12. To implement Phase III, it is necessary to amend various primary and subsidiary legislation to allow those offices of the Judiciary with a public interface (such as the court registries, general offices of magistrates' courts and accounts offices) to switch to a five-day week. The position is set out below. A marked-up version showing the proposed legislative amendments is at the **Annex**.

(a) Interpretation and General Clauses Ordinance (Cap. 1)

12. Section 71 of Cap. 1 provides for the computation of time for the purposes of any ordinance. In gist, the computation of time should not include a public holiday or a gale warning day or black rainstorm warning day. Some Ordinances govern the filing of civil claims or initiating prosecution in criminal courts, or prescribe the time for taking steps in court proceedings. The Judiciary **proposes** to amend the law to exclude Saturdays in relation to the computation of time for court proceedings, so that if the last day for filing a claim, initiating prosecution or taking a step in court proceedings falls on a Saturday, the closure of a registry on that day will not deprive a litigant's or the prosecution's right.

(b) High Court Ordinance (Cap. 4)

13. Section 30(1) of Cap. 4 provides that the High Court and its Registries shall be open during any vacation, except on general holidays. The Judiciary **proposes** to amend the law to exclude also Saturdays and any other day as directed by the Chief Justice (the latter for alignment with Order 64, rule 7 of the Rules of the High Court (Cap. 4A)).

(c) Bankruptcy Ordinance (Cap. 6)

14. Section 122 of Cap. 6 provides for the computation of time for the purposes of Cap. 6 and Saturdays are not excluded in relation to the

computation. For alignment with Cap. 1 and Cap. 4, the Judiciary **proposes** to amend the law to exclude, among others, Saturdays as well.

(d) Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62)

15. Section 3(1) of Cap. 62 provides that all judicial proceedings, part-heard or otherwise, which are set down for hearing or are being conducted at a time which falls within the duration of a gale warning or a rainstorm warning shall stand and remain adjourned until resumed in accordance with section 4 of Cap. 62, which provides that any such adjourned judicial proceedings shall be resumed on the next day, which is not a public holiday, after the day on which the gale warning or rainstorm warning ceases. The Judiciary **proposes** to amend the law to exclude Saturdays in relation to the resumption day as well. Similar amendments should also be made to section 8(1) of Cap. 62.

(e) Coroners Ordinance (Cap. 504)

16. Section 22 of Cap. 504 provides for the time at which a summons is to be served on a juror. The Judiciary **proposes** to amend the law to exclude, among others, Saturdays in relation to the computation of that time.

(f) Coroners Rules (Cap. 504B)

17. Rule 9 of Cap. 504B provides that no inquest shall be held on a general holiday under the General Holidays Ordinance (Cap. 149) unless the coroner considers it requisite on grounds of urgency that an inquest be held on such a day. And no inquest shall be held on a Sunday. The Judiciary **proposes** to amend the law to provide that no inquest shall be held on a Saturday.

(g) Other Amendments

18. The Judiciary **proposes** to amend the following Rules mainly because of the change in the opening hours of registries and accounts office –

- (a) Hong Kong Court of Final Appeal Rules (Cap. 484A), rule 63;

- (b) Cap. 4A, Order 3, rule 2; Order 3, rule 4; Order 64, rule 7 and Order 65, rule 7; and
- (c) Rules of the District Court¹ (Cap. 336H), Order 3, rule 2; Order 3, rule 4; Order 64, rule 1 and Order 65, rule 7.

19. The Judiciary also **proposes** to amend the following provisions to exclude Saturdays in relation to the computations of time under those provisions –

- (a) section 17 of Schedule 7 to the Buildings Ordinance (Cap. 123) provides that after proceedings have been instituted but not less than 2 days (excluding any public holiday) before the day specified in a summons for the person's appearance, the person may pay a fixed penalty to terminate the proceedings;
- (b) section 13(3) of the Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570) provides that "no public holidays shall be included in the computation" relating to the payment of a fixed penalty after the issue of a summons;
- (c) section 13(3) of the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) provides that "no public holidays shall be included in the computation" relating to the payment of a fixed penalty after the issue of a summons;
- (d) section 28L(6) of the Product Eco-responsibility Ordinance (Cap. 603) provides that "no public holiday may be included in the computation" relating to the payment of a fixed penalty after the issue of a summons;
- (e) section 20B(2A) of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237), section 9(2A) of the Fixed Penalty

¹ Section 75A of the District Court Ordinance (Cap. 336) provides for a prescribed period for the accused in any criminal proceedings to give notice of particulars of an alibi and Section 75A(9) of Cap. 336 provides that the prescribed period shall disregard any day which is a general holiday under the General Holidays Ordinance (Cap. 149). It is confirmed that such provisions are not affected by the proposed implementation of Phase III.

(Criminal Proceedings) Ordinance (Cap. 240), section 18(2A) of the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283C), section 49 of the Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556D) and section 23 of the Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611) provide that the expression “clear working days” excludes the day specified in a summons for the appearance of the defendant and the intervening public holidays; and

- (f) the Schedule to the Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240A), Schedule 3 to the Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556D), Schedule 3 to the Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283C), and the Schedule to the Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237A) mention the opening hours of the Magistrates' Courts.

20. The Judiciary **proposes** to take the opportunity to update the names and addresses of some Magistrates' Courts and delete references to sub-treasuries and District Offices (which no longer receive payments) in the relevant provision or forms in the following –

- (a) Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237A);
- (b) Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240A);
- (c) Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283C); and
- (d) Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556D).

(h) Practice Directions

21. The Judiciary also **proposes** that for the sake of clarity, the Practice Directions should be amended to make clear that skeleton submissions and authorities should reach the courts on Fridays instead of Saturdays.

WAY FORWARD

22. The Judiciary would be grateful for your views on the draft provisions in the Judiciary (Five-day Week) (Miscellaneous Amendments) Bill at the Annex by 8 May 2015. Unless otherwise specified, your comments will be treated as public information and may be published in the future.

Judiciary Administration
April 2015

**Judiciary (Five-day Week) (Miscellaneous Amendments) Bill
(Marked-up Version)**

Interpretation and General Clauses Ordinance (Cap. 1)

Section 71 computation of time

- (1) ~~In~~ Subject to subsection (1A), in computing time for the purposes of any Ordinance-
- (a) a period of days from the happening of any event or the doing of any act or thing shall be deemed to be exclusive of the day on which the event happens or the act or thing is done;
 - (b) if the last day of the period is a public holiday or a gale warning day or black rainstorm warning day the period shall include the next following day, not being a public holiday or a gale warning day or black rainstorm warning day;
 - (c) where any act or proceeding is directed or allowed to be done or taken on a certain day, then if that day is a public holiday or a gale warning day or black rainstorm warning day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next following day, not being a public holiday or a gale warning day or black rainstorm warning day;
 - (d) where an act or proceeding is directed or allowed to be done or taken within any time not exceeding 6 days, no public holiday or a gale warning day or black rainstorm warning day shall be reckoned in the computation of that time.

(1A) If the computation of time is in relation to doing an act at a court office, the following provisions apply to the computation to the exclusion of subsection (1)(b), (c) and (d)—

- (a) if the act is directed or allowed to be done within a period of time, and the last day of the period is a closure day for that office, the period includes the next following day, not being a closure day for that office;
- (b) if the act is directed or allowed to be done on a certain day, and that day is a closure day for that office, the act is considered as done in due time

if it is done on the next following day, not being a closure day for that office; and

(c) if the act is directed or allowed to be done within any time not exceeding 7 days, no closure day for that office may be reckoned in the computation of that time.

- (2) In this section-"black rainstorm warning day" (黑色暴雨警告日) means any day throughout or for part of which a black rainstorm warning is in force, and "black rainstorm warning" (黑色暴雨警告) means a warning issued by the Director of the Hong Kong Observatory of a heavy rainstorm in, or in the vicinity of, Hong Kong by the use of the heavy rainstorm signal commonly referred to as Black;

closure day (關閉日), in relation to a court office, means a Saturday, a public holiday, a gale warning day, a black rainstorm warning day, or other day on which that office is closed;

court office (法院辦事處) means an office or registry of the following courts or tribunals of the Judiciary of Hong Kong—

- (a) Court of Final Appeal;
- (b) Court of Appeal;
- (c) Court of First Instance;
- (d) Competition Tribunal;
- (e) District Court;
- (f) Magistrates' Court;
- (g) Lands Tribunal;
- (h) Labour Tribunal;
- (i) Small Claims Tribunal;
- (j) Obscene Articles Tribunal;
- (k) Coroner's Court;

"gale warning day" (烈風警告日) means any day throughout or for part of which a gale warning is in force, and "gale warning" (烈風警告) has the meaning assigned to it by section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62).

High Court Ordinance (Cap. 4)

Section 30 business in vacations

- (1) The High Court and the Registries shall be open during any vacation (~~except on general holidays~~) for the purpose of-
 - (a) holding criminal trials and determining criminal appeals and the transaction of all business incidental thereto; and
 - (b) the transaction of such other business as may be prescribed by rules of court.

(2)-(3) (Repealed 49 of 1983 s. 6)

- (4) Subsection (1) does not require the High Court and the Registries to be open on Saturdays, general holidays, or any other days as directed by the Chief Justice.

Rules of the High Court (Cap. 4 sub. leg. A)

Order 3 Time

Rule 2 Reckoning periods of time

- (1) Any period of time fixed by these rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with the following provisions of this rule.
- (2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.
- (3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.
- (4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.
- (5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a Sunday or a general holiday day specified in

~~paragraph (6), that day shall be excluded. In this paragraph "general holiday" (公眾假期) means a day which is, or is to be observed as, a general holiday under the General Holidays Ordinance (Cap 149).~~

(6) The day specified for paragraph (5) is—

- (a) a Saturday;
- (b) a general holiday;
- (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
- (d) a black rainstorm warning day as defined by that section; or
- (e) (if the act in question is to be done at an office of the Court) any other day on which that office is closed.

Rule 4 time expires on Sunday, etc. days on which office is closed

(1) Where the time prescribed by these rules, or by any judgment, order or direction, for doing any act at an office of the Court expires on a ~~Sunday or other day on which that office is closed~~ day specified in paragraph (2), and by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.

(2) The day specified for paragraph (1) is—

- (a) a Saturday;
- (b) a general holiday;
- (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
- (d) a black rainstorm warning day as defined by that section; or
- (e) any other day on which the office mentioned in paragraph (1) is closed.

Order 64 SITTINGS, VACATIONS AND OFFICE HOURS

Rule 7 High Court Offices: days on which open and office hours

- (1) The offices of the High Court shall be open on every day of the year except—
 - (a) Saturdays ~~from 1 p.m.;~~
 - ~~(b) Sundays,~~
 - (c)-(ca) (Repealed L.N. 92 of 2012)
 - (e) general holidays ~~under the General Holidays Ordinance (Cap 149);~~
 - (f) such other days as the Chief Justice may direct.

- (2) The hours during which any office of the High Court shall be open to the public shall be such as the Chief Justice may from time to time direct.

Order 65 Service of Documents

~~7. Effect of service after certain hours (O. 65, r. 7)~~

~~Any document (other than a writ of summons or other originating process) service of which is effected under rule 2 or under rule 5(1)(a) between 1 p.m. on a Saturday and midnight on the following day or after four in the afternoon on any other weekday shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on the Monday following that Saturday or on the day following that other weekday, as the case may be.~~

7. Effect of service at certain time (O. 65, r. 7)

- (1) This rule applies if a document (other than a writ of summons or other originating process) is served under rule 2 or 5(1)(a)—
 - (a) on a day specified in paragraph (3); or
 - (b) after 4 p.m. on any other day.
- (2) For computing any period of time after service of the document, the document is deemed to be served on the next following day, not being a day specified in paragraph (3).
- (3) The day specified for paragraphs (1) and (2) is—
 - (a) a Saturday;
 - (b) a general holiday;
 - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
 - (d) a black rainstorm warning day as defined by that section.

Bankruptcy Ordinance (Cap. 6)

Section 122 computation of time

Miscellaneous

- (1) Where by this Ordinance any limited time from or after any date or event is appointed or allowed for the doing of any act or the taking of any proceeding, then in the computation of that limited time the same shall be taken as exclusive of the day of that date or of the happening of that event, and as commencing at the beginning of the next following day; and the act or proceeding shall be done or taken at latest on the last day of that limited time as so computed.
- ~~(2) Where the limited time so appointed or allowed is less than 6 days, general holidays as defined by the General Holidays Ordinance (Cap 149) shall not be reckoned in the computation of such time.~~
- ~~(3) Where the limited time so appointed or allowed expires on one of the days in this section specified, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards which is not one of the days in this section specified.~~
- ~~(2) If that limited time is less than 6 days, a day specified in subsection (3A) is not to be reckoned in the computation of that limited time.~~
- ~~(3) If that limited time expires on a day specified in subsection (3A), the act or proceeding is considered as done or taken in due time if it is done or taken on the next following day that is not a day specified in subsection (3A).~~
- ~~(3A) The day specified for subsections (2) and (3) is—~~
 - ~~(a) a Saturday;~~
 - ~~(b) a general holiday;~~
 - ~~(c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);~~
 - ~~(d) a black rainstorm warning day as defined by that section; or~~
 - ~~(e) (if the act or proceeding in question is to be done or taken at an office of the court) any other day on which that office is closed.~~

- (4) The provisions of this section shall take effect notwithstanding anything contained in sections 29, 30 and 31 of the High Court Ordinance (Cap 4).

Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap. 62)

Section 2 Interpretation

In this Ordinance, unless the context otherwise requires-

"adjourned hearing" (經延期的聆訊) means the resumed hearing of any judicial proceedings adjourned by or under this Ordinance;

"Director" (台長) means the Director of the Hong Kong Observatory;

"gale warning" (烈風警告) means a warning of the occurrence of a tropical cyclone in, or in the vicinity of, Hong Kong by the use of any of the tropical cyclone warning signals referred to in section 5(1)(a)(i);

"judicial proceedings" (司法程序) means any proceedings before a court, tribunal, commission or other person having by law power to receive evidence on oath;

"period of adjournment" (延期期間) means a period during which any judicial proceedings are adjourned by section 3 or 6;

"rainstorm warning" (暴雨警告) means a warning of a heavy rainstorm in, or in the vicinity of, Hong Kong by the use of the heavy rainstorm warning signal referred to in section 5(1)(a)(ii);

"tropical cyclone" (熱帶氣旋) means a tropical depression, a tropical storm, a severe tropical storm and a typhoon;

working day (工作日) means a day that is neither a Saturday nor a public holiday.

Section 4 Resumption of adjourned judicial proceedings

Any judicial proceedings adjourned by virtue of section 3 shall be resumed on the next ~~day, which is not a public holiday,~~ working day after the day on which the gale

warning or rainstorm warning ceases at the time and place specified for such proceedings on the date of such adjournment under section 3.

Section 8 Persons arrested or detained by police

- (1) Where a person is discharged under section 52(1) of the Police Force Ordinance (Cap 232) upon his entering into a recognizance, with or without sureties, to appear before a magistrate or to surrender for service of a warrant of arrest and detention or for discharge at the time named in the recognizance and such time falls within the duration of a gale warning or a rainstorm warning the time shall be deemed to be extended until the same time on the next ~~day, which is not a public holiday,~~working day after the day on which the gale warning or rainstorm warning ceases.
- (2) Where any person is detained in custody under section 52(1) or (4) of the Police Force Ordinance (Cap 232) during a gale warning or a rainstorm warning and it is not practicable to produce the person before a magistrate within the time limit prescribed in the said subsection (1) or (4), as the case may be, he shall be produced before a magistrate on the next day, which is not a public holiday, after the day on which the gale warning or rainstorm warning ceases.

Buildings Ordinance (Cap. 123)

Schedule 7 Penalty Notice

17. After proceedings have been instituted but not less than 2 days (excluding any Saturday and public holiday) before the day specified in the summons for the person's appearance, the person may pay the fixed penalty of \$1500 and a sum of \$500 by way of costs with the production of the summons at any magistracy to terminate the proceedings.

Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237)

Section 20B. Payment of fixed penalty after issue of summons

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Commissioner of Police in accordance with the notice served on him under section 15(3), that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the same time the defendant also pays to the court the sum of \$500 by way of costs, the proceedings shall thereupon terminate.
- (2) Payment under subsection (1) shall be made to any magistrate's court not later than 2 clear working days before the day specified in the summons for his appearance; and the summons shall be produced at the time of payment.
- (2A) In subsection (2) the expression "clear working days" (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.
- (3) The Legislative Council may, by resolution, amend the sum specified in subsection (1).

Fixed Penalty (Traffic Contraventions) Regulations (Cap. 237 sub. leg. A)

Schedule, Forms 1 and 2, Payment Instructions

(e) 親自繳款

親自或由代理人往下列辦事處繳付—

- (i) 任何郵政局(郵政局信箱及流動郵政局除外)。如欲查詢有關地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽其網站(URL 位址：<http://www.hongkongpost.com>)；

(e) In Person

Payment may be made personally or by an agent at any of the following offices-

- (i) Any Post Office other than a post office letter box or a mobile post office. For addresses and opening hours, please call the Hongkong Post Hotline: 2921 2222 or visit their web site (URL address: <http://www.hongkongpost.com>);

港島

Hong Kong Island

(ii) (由 2005 年第 158 號法律公告廢除)

(iii) 西灣河太安街 29 號東區法院大樓東區裁判法院；

九龍

(iv) 亞皆老街 147 號 M 九龍城裁判法院大樓九龍城裁判法院；

(v) 觀塘鯉魚門道 10 號觀塘法院大樓觀塘裁判法院；

(vi) (由 2005 年第 158 號法律公告廢除)

新界

(vii) 粉嶺璧峰路 1 號粉嶺法院大樓粉嶺裁判法院；

(viii) 荃灣大河道 70 號荃灣法院大樓荃灣裁判法院；

(ix) 沙田宜正里 1 號沙田法院大樓沙田裁判法院；

(x) 屯門屯喜路 1 號屯門法院大樓屯門裁判法院。

上述裁判法院於下列時間收款—

星期一：上午 9:45 時至下午 1 時；

(ii) (Repealed L.N. 158 of 2005)

(iii) Eastern ~~Magistraey~~ Magistrates' Courts, Eastern Law Courts Building, 29 Tai On Street, Sai Wan Ho;

Kowloon

(iv) Kowloon City Magistrates' Courts, Kowloon City Law Courts Building, 147M Argyle Street;

(v) Kwun Tong ~~Magistraey~~ Magistrates' Courts, Kwun Tong Law Courts Building, 10 Lei Yue Mun Road, Kwun Tong;

(vi) (Repealed L.N. 158 of 2005)

New Territories

(vii) Fanling Magistrates' Courts, Fanling Law Courts Building, 1 Pik Fung Road, Fanling;

(viii) Tsuen Wan ~~Magistraey~~ Magistrates' Courts, Tsuen Wan Law Courts Building, 70 Tai Ho Road, Tsuen Wan;

(ix) Shatin ~~Magistraey~~ Magistrates' Courts, Shatin Law Courts Building, 1 Yi Ching Lane, Shatin;

(x) Tuen Mun ~~Magistraey~~ Magistrates' Courts, Tuen Mun Law Courts Building, 1 Tuen Hi Road, Tuen Mun.

The above magistracies receive payments during the hours of-
Monday : 9:45 a.m. to 1 p.m.;
to and
Friday 2 p.m. to 5:30 p.m.

至 及

~~Saturday : 9 a.m. to 12 noon~~

星期五 下午 2 時至 5 時 30 分

This notice must be kept intact and produced at the time of payment.

~~星期六 : 上午 9 時至中午 12 時~~

本通知書必須保持完整並於繳款時出示。

Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240)

Section 9 Payment of fixed penalty after issue of summons

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Commissioner of Police that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2) and, if at the same time the defendant also pays to the court the sum of \$500 by way of costs, the proceedings shall thereupon terminate.
- (2) Payment under subsection (1) shall be made to any magistrate's court not later than 2 clear working days before the day specified in the summons for his appearance; and the summons shall be produced at the time of payment.
- (2A) In subsection (2) the expression "clear working days" (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.
- (3) The Legislative Council may, by resolution, amend the sum specified in subsection (1).

Fixed Penalty (Criminal Proceedings) Regulations (Cap. 240 sub. leg. A)

Schedule, Forms 1 and 2, Payment Instructions

(e) **親自繳款**

親自或由代理人往下列辦事處繳付—

(e) **In Person**

Payment may be made personally or by an agent at any of the following offices-

(i) 任何郵政局(郵政局信箱及流動郵政局除外)。如欲查詢有關地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽其網站(URL 位址：<http://www.hongkongpost.com>)；

港島

(ii) (由 2005 年第 158 號法律公告廢除)
(iii) 西灣河太安街 29 號東區法院大樓東區裁判法院；

九龍

(iv) 亞皆老街 147 號 M 九龍城裁判法院大樓九龍城裁判法院；
(v) 觀塘鯉魚門道 10 號觀塘法院大樓觀塘裁判法院；
(vi) (由 2005 年第 158 號法律公告廢除)

新界

(vii) 粉嶺璧峰路 1 號粉嶺法院大樓粉嶺裁判法院；
(viii) 荃灣大河道 70 號荃灣法院大樓荃灣裁判法院；
(ix) 沙田宜正里 1 號沙田法院大樓沙田裁判法院；

(i) Any Post Office other than a post office letter box or a mobile post office. For addresses and opening hours, please call the Hongkong Post Hotline: 2921 2222 or visit their web site (URL address: <http://www.hongkongpost.com>);

Hong Kong Island

(ii) (Repealed L.N. 158 of 2005)
(iii) Eastern ~~Magistracy~~ Magistrates' Courts, Eastern Law Courts Building, 29 Tai On Street, Sai Wan Ho;

Kowloon

(iv) Kowloon City Magistrates' Courts, Kowloon City Law Courts Building, 147M Argyle Street;
(v) Kwun Tong ~~Magistracy~~ Magistrates' Courts, Kwun Tong Law Courts Building, 10 Lei Yue Mun Road, Kwun Tong;
(vi) (Repealed L.N. 158 of 2005)

New Territories

(vii) Fanling Magistrates' Courts, Fanling Law Courts Building, 1 Pik Fung Road, Fanling;
(viii) Tsuen Wan ~~Magistracy~~ Magistrates' Courts, Tsuen Wan Law Courts Building, 70 Tai Ho Road, Tsuen Wan;
(ix) Shatin ~~Magistracy~~ Magistrates' Courts, Shatin Law Courts Building, 1

(x) 屯門屯喜路 1 號 屯門法院大樓 屯門裁判法院。

Yi Ching Lane, Shatin;
(x) Tuen Mun ~~Magistracy Magistrates'~~ Courts, Tuen Mun Law Courts Building, 1 Tuen Hi Road, Tuen Mun.

上述裁判法院於下列時間收款—

星期一：上午 9 時 45 分 至下午 1 時；

至及

星期五 下午 2 時至 5 時 30 分

~~星期六：上午 9 時至中午 12 時~~

The above magistracies receive payments during the hours of-
Monday : 9:45 a.m. to 1 p.m.;

to and

Friday 2 p.m. to 5:30 p.m.

~~Saturday : 9 a.m. to 12 noon~~

This notice must be kept intact and produced at the time of payment.

本通知書必須保持完整並於繳款時出示。

Housing (Traffic Contraventions) (Fixed Penalty) Bylaw (Cap. 283 sub. leg. C)

Section 18 Payment of fixed penalty after issue of summons

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Director in accordance with the notice served on him under section 8(3), that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the same time the defendant also pays to the court the sum referred to in subsection (3) by way of costs, the proceedings shall thereupon terminate.
- (2) Payment under subsection (1) shall be made to any magistracy not later than 2 clear working days before the day specified in the summons for his appearance, and the summons shall be produced at the time of payment.
- (2A) In subsection (2) the expression "clear working days" (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.

- (3) The sum to be paid by way of costs for the purpose of subsection (1) shall be the same as the sum to be paid by way of costs for the purpose of section 20B of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap 237).

Schedule 3, Form 1 and 2, Payment Instructions

(e) 親自繳款

親自或由代理人往下列辦事處繳付—

- (i) 任何郵政局(郵政局信箱及流動郵政局除外)。如欲查詢有關地址及辦公時間，請致電香港郵政熱線：2921 2222 或瀏覽其網站(URL 位址：<http://www.hongkongpost.com>)；

港島

- ~~(ii) 薄扶林道 2 號 A 西區裁判法院~~
(iii) 西灣河太安街 29 號東區法院大樓東區裁判法院；

九龍

- (iv) 亞皆老街 147 號 M 九龍城裁判法院大樓九龍城裁判法院；
(v) 觀塘鯉魚門道 10 號觀塘法院大樓觀塘裁判法院；
~~(vi) 大埔道 292 號北九龍裁判法院；~~

新界

- (vii) 粉嶺璧峰路 1 號粉嶺法院大樓粉嶺裁判法院；
(viii) 荃灣大河道 70 號荃灣法院大樓

(e) In Person

Payment may be made personally or by an agent at any of the following offices-

- (i) Any Post Office other than a post office letter box or a mobile post office. For addresses and opening hours, please call the Hongkong Post Hotline: 2921 2222 or visit their web site (URL address: <http://www.hongkongpost.com>);

Hong Kong Island

- ~~(ii) Western Magistracy, 2A Pok Fu Lam Road;~~
(iii) Eastern ~~Magistracy~~ Magistrates' Courts, Eastern Law Courts Building, 29 Tai On Street, Sai Wan Ho;

Kowloon

- (iv) Kowloon City Magistrates' Courts, Kowloon City Law Courts Building, 147M Argyle Street;
(v) Kwun Tong ~~Magistracy~~ Magistrates' Courts, Kwun Tong Law Courts Building, 10 Lei Yue Mun Road, Kwun Tong;
~~(vi) North Kowloon Magistracy, 292 Tai Po Road;~~

New Territories

- (vii) Fanling Magistrates' Courts, Fanling Law Courts Building, 1No. 1, Pik Fung Road, Fanling ;
(viii) Tsuen Wan ~~Magistracy~~ Magistrates' Courts, Tsuen Wan Law

荃灣裁判法院；

(ix) 沙田宜正里 1 號沙田法院大樓沙田裁判法院；

(x) 屯門屯喜路 1 號屯門法院大樓屯門裁判法院。

Courts Building, 70 Tai Ho Road, Tsuen Wan;

(ix) Shatin Magistraey Magistrates' Courts, Shatin Law Courts Building, 1 Yi Ching Lane, Shatin;

(x) Tuen Mun Magistraey Magistrates' Courts, Tuen Mun Law Courts Building, 1 Tuen Hi Road, Tuen Mun.

上述裁判法院於下列時間收款—

星期一：上午 ~~9~~8時45分至下午1時；
至及

星期五 下午2時至5時30分

~~星期六：上午9時至中午12時~~

The above magistracies receive payments during the hours of-
Monday : ~~9-8~~8:45 a.m. to 1 p.m.;

to and
Friday 2 p.m. to 5:30 p.m.

~~Saturday : 9 a.m. to 12 noon~~

This notice must be kept intact and produced at the time of payment.

本通知書必須保持完整並於繳款時出示。

Rules of the District Court (Cap. 336 sub. leg. H)

Order 3 Time

Rule 2 Reckoning periods of time

- (1) Any period of time fixed by these Rules or by any judgment, order or direction for doing any act shall be reckoned in accordance with this rule.
- (2) Where the act is required to be done within a specified period after or from a specified date, the period begins immediately after that date.
- (3) Where the act is required to be done within or not less than a specified period before a specified date, the period ends immediately before that date.
- (4) Where the act is required to be done a specified number of clear days before or after a specified date, at least that number of days must intervene between the day on which the act is done and that date.

(5) Where, apart from this paragraph, the period in question, being a period of 7 days or less, would include a ~~Sunday or a general holiday~~day specified in paragraph (6), that day shall be excluded. ~~In this paragraph, "general holiday" (公眾假期) means a day which is, or is to be observed as, a general holiday under the General Holidays Ordinance (Cap 149).~~

(6) The day specified for paragraph (5) is—

(a) a Saturday;

(b) a general holiday;

(c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

(d) a black rainstorm warning day as defined by that section; or

(e) (if the act in question is to be done at an office of the Court) any other day on which that office is closed.

Rule 4 Time expires on ~~Sunday, etc.~~days on which office is closed

(1) Where the time prescribed by these Rules, or by any judgment, order or direction, for doing any act at an office of the Court expires on a ~~Sunday or other day on which that office is closed~~day specified in paragraph (2), and by reason thereof that act cannot be done on that day, the act shall be in time if done on the next day on which that office is open.

(2) The day specified for paragraph (1) is—

(a) a Saturday;

(b) a general holiday;

(c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);

(d) a black rainstorm warning day as defined by that section; or

(e) any other day on which the office mentioned in paragraph (1) is closed.

Order 64 Court Offices

Rule 1 Days on which Court offices open

(1) The offices of the Court shall be open on every day of the year except-

(a) Saturdays ~~from 1 p.m.;~~

~~(b) Sundays;~~

(c)-(ca) (Repealed L.N. 93 of 2012)

(d) general holidays ~~under the Holidays Ordinance (Cap 149);~~

- (f) such other days as the Chief Justice may direct.

Order 65 Service of Documents

~~Rule 7 Effect of service after certain hours~~

~~Any document (other than a writ of summons or other originating process) service of which is effected under rule 2 or under rule 5(1)(a) between 1 p.m. on a Saturday and midnight on the following day or after 4 in the afternoon on any other weekday shall, for the purpose of computing any period of time after service of that document, be deemed to have been served on the Monday following that Saturday or on the day following that other weekday, as the case may be.~~

7. Effect of service at certain time (O.65, r.7)

- (1) This rule applies if a document (other than a writ of summons or other originating process) is served under rule 2 or 5(1)(a)—
- (a) on a day specified in paragraph (3); or
 - (b) after 4 p.m. on any other day.
- (2) For computing any period of time after service of the document, the document is deemed to be served on the next following day, not being a day specified in paragraph (3).
- (3) The day specified for paragraphs (1) and (2) is—
- (a) a Saturday;
 - (b) a general holiday;
 - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1); or
 - (d) a black rainstorm warning day as defined by that section.

Hong Kong Court of Final Appeal Rules (Cap. 484 sub. leg. A)

Rule 63 Court Offices: days on which open and office hours

- (1) The offices of the Court shall be open on every day of the year except—
- (a) Saturdays ~~from 1 p.m.~~;
 - (b) ~~Sundays~~;
 - (c)-(d) (Repealed L.N. 91 of 2012)
 - (e) general holidays ~~under the General Holidays Ordinance (Cap 149)~~;

- (f) such other days as the Chief Justice may direct.
- (2) The hours during which any office of the Court shall be open to the public shall be such as the Chief Justice may from time to time direct.

Coroners Ordinance (Cap. 504)

Section 2 Interpretation

In this Ordinance, unless the context otherwise requires-

"autopsy" (屍體剖驗) means an autopsy ordered to be performed under section 6(1);

"cause" (導致、原因), in relation to the death of a person, includes to precipitate or contribute to, whether directly or indirectly, the death;

"certificate of the cause of death" (死因證明書) means Form 18 in the Second Schedule to the Births and Deaths Registration Ordinance (Cap 174);

"certificate of the fact of death" (死亡事實證明書) means a certificate referred to in section 41(1);

~~"clear day" (整日) means a day other than a public holiday or a gale warning day within the meaning of section 2 of the Judicial Proceedings (Adjournment During Gale Warnings) Ordinance (Cap 62);~~

Section 22 Summoning of jurors

- (1) The Registrar shall cause a juror whose name is selected under section 21(1) to be served with a summons in the prescribed form requiring his attendance at an inquest at the time and place specified in the summons.
- (2) A summons referred to in subsection (1) shall be served on a juror personally or by leaving it at his residence or place of business, or by sending it by registered post addressed to him at his residence or place of business: Provided that if such a summons is not served personally it shall be served 4 clear days before the day appointed for the holding of the inquest concerned,

and, in the case of service by post, an additional 2 clear days shall be allowed for delivery.

- (3) A summons referred to in subsection (1) served by post in accordance with subsection (2) and not returned as undelivered shall, in the absence of evidence to the contrary, be deemed to have been served.
- (4) A juror who, having been served with a summons referred to in subsection (1) in accordance with subsection (2), fails, without reasonable excuse, to attend the inquest concerned pursuant to such summons or at any adjournment of that inquest commits an offence and is liable on conviction to a fine at level 2.
- (5) For the purposes of subsection (2), the following days must not be reckoned in computing the number of clear days—
 - (a) a Saturday;
 - (b) a public holiday;
 - (c) a gale warning day as defined by section 71(2) of the Interpretation and General Clauses Ordinance (Cap. 1);
 - (d) a black rainstorm warning day as defined by that section.

Coroners Rules (Cap. 504 sub. leg. B)

Rule 9 Inquests not to be held on ~~general holidays or Sundays~~ Saturdays or general holidays

- (1) No inquest shall be held on a ~~general holiday within the meaning of section 2 of the General Holidays Ordinance (Cap. 149)~~ Saturday or a general holiday (other than a Sunday) unless the coroner considers it requisite on grounds of urgency that an inquest be held on such a day.
- (2) No inquest shall be held on a Sunday.

Mass Transit Railway (Transport Interchange) Bylaw (Cap. 556 sub. leg. D)

Section 40 Payment of fixed penalty

- (1) A person who receives a notice in Form 1 or 2 of Schedule 3 may pay the fixed penalty within the period of time stated in the notice-

- (a) by post, to the Director of Accounting Services, the Treasury, Immigration Tower, 7 Gloucester Road; or
 - (b) personally or through his ~~agent-~~
 - ~~(i) at the Revenue Branch of the Treasury or at any sub-treasury;~~
 - ~~(ii) at any magistracy; or~~
 - ~~(iii) at any District Office,~~
specified in the notice.agent at any magistrate's court specified in the notice.
- (2) A person who wishes to pay the fixed penalty in accordance with subsection (1) shall deliver the notice to which the payment relates together with the payment.
 - (3) When any payment is made in accordance with this section, it shall be of the amount specified in the notice or, where payment is made in respect of more than 1 notice, of the total amounts specified in the notices.
 - (4) A payment under subsection (1) shall not include, or form part of, an amount in respect of a matter other than a matter specified in the notice or notices.
 - (5) Where any amount is paid otherwise than in accordance with this section, the Director of Accounting Services may return it to the payer.
 - (6) Subject to subsection (5), the Director of Accounting Services shall, whenever practicable to do so, send to the person paying a fixed penalty a receipt for the payment.
 - (7) Subject to section 49, no payment shall be accepted after the time prescribed in the notice served under section 39.

Section 49 Payment of fixed penalty after issue of summons

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Corporation in accordance with the notice served on him under section 39(3), that he wishes to dispute liability, the defendant may pay the fixed penalty together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the same time the defendant also pays to the court the sum referred to in subsection (4) by way of costs, the proceedings shall thereupon terminate.

- (2) Payment under subsection (1) shall be made to any magistracy not later than 2 clear working days before the day specified in the summons for his appearance, and the summons shall be produced at the time of payment.
- (3) In subsection (2) the expression "clear working days" excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.
- (4) The sum to be paid by way of costs for the purpose of subsection (1) shall be the same as the sum to be paid by way of costs for the purpose of section 20B of the Fixed Penalty (Traffic Contraventions) Ordinance (Cap 237).

Schedule 3, Form 1 and 2, Payment Instructions

PAYMENT INSTRUCTIONS

1. Payment may be made:-

- (a) By Post Addressed to the Director of Accounting Services, P.O. Box 8000, General Post Office, HongKong; or
- (b) Personally or By an Agent at any of the following offices:-

Hong Kong Island

- ~~(i) The Treasury Headquarters, Collection and Payment Office, Immigration Tower, 1st floor, 7 Gloucester Road;~~
- ~~(ii) The Central Sub-Treasury, Central Government Offices, West Wing, 1st floor, 11 Ice House Street (side entrance to the building in Ice House Street);~~
- ~~(iii) The North Point Sub-Treasury, Max Share Centre, 1st floor, 373 King's Road;~~
- ~~(iv) The Sai Wan Ho Sub-Treasury, Eastern Law Courts Building, Ground floor, 29 Tai On Street;~~
- ~~(v) The Western Magistracy, 2A Pok Fu Lam Road;~~
- (vi) The Eastern Magistracy Magistrates' Courts, Eastern Law Courts Building, 7th floor, 29 Tai On Street, Sai Wan Ho.

Kowloon

- ~~(vii) The Yaumati Sub-Treasury, 4th floor, Kowloon Government Offices, 405 Nathan Road (Market Street entrance);~~
- ~~(viii) The Kowloon City Sub-Treasury, Man Sang Commercial Building, 1st floor, 348-352 Prince Edward Road (corner of Prince Edward Road and Junction Road);~~

- ~~(ix) The San Po Kong Magistracy, 690 Prince Edward Road East;~~
~~(x) The South Kowloon Magistracy, 38 Gaseoigne Road;~~
(xa) The Kowloon City Magistrates' Courts, Kowloon City Law Courts Building, 147M Argyle Street;
(xi) The Kwun Tong ~~Magistracy~~ Magistrates' Courts, Kwun Tong Law Courts Building, 10 Lei Yue Mun Road, Kwun Tong;
~~(xii) The North Kowloon Magistracy, 292 Tai Po Road, New Territories~~
(xiii) The Fanling ~~Magistracy~~ Magistrates' Courts, Fanling Law Courts Building, 302 Jockey Club Road 1 Pik Fund Road, Fanling;
(xiv) The Tsuen Wan Magistrates' Courts ~~Magistracy~~, Tsuen Wan Law Courts Building, 70 Tai Ho Road, Tsuen Wan;
(xv) The Shatin ~~Magistracy~~ Magistrates' Courts, Shatin Law Courts Building, 1 Yi Ching Lane, Shatin;
(xvi) The Tuen Mun ~~Magistracy~~ Magistrates' Courts, Tuen Mun Law Courts Building, 1 Tuen Hi Road, Tuen Mun.;
- ~~(xvii) The District Offices at Sai Kung, Sha Tin, Tai Po, North Yuen Long, Tuen Mun, Tsuen Wan or Kwai Tsing.~~

These offices receive payments during the hours of-

Monday-Friday ~~9:45~~ a.m. to ~~4-1~~ p.m. and 2 p.m. to 5:30 p.m.

~~(District Offices and Magistracies close 1-2 p.m.)~~

Saturday 9 a.m. to 12 noon

~~(District Offices close 11:30 a.m.)~~

Fixed Penalty (Public Cleanliness Offences) Ordinance (Cap. 570)

Section 13 Payment of fixed penalty after issue of summons

- (1) Notwithstanding that proceedings have been instituted against a person who has notified the Authority in accordance with the notice served on him under section 6(1) that he wishes to dispute liability, the person may pay the fixed penalty concerned together with an additional penalty equal to the amount of the fixed penalty in accordance with subsection (2), and, if at the same time the person also pays the sum of \$500 by way of costs, the proceedings shall thereupon terminate.

- (2) Payment under subsection (1) shall be made at any magistracy not less than 2 days before the day specified in the summons for the person's appearance, and the summons shall be produced at the time of payment.
- (3) ~~No public holiday~~ Neither a Saturday nor a public holiday shall be included in the computation of the 2 days' period mentioned in subsection (2).

Fixed Penalty (Smoking Offences) Ordinance (Cap. 600)

Section 13 Payment of fixed penalty after issue of summons

- (1) Notwithstanding that proceedings have been taken against a person who has notified the Authority in accordance with a notice under section 6(2) that he wishes to dispute liability for a scheduled offence, if the person pays the full amount of the fixed penalty for the offence together with an additional penalty equal to the amount of the fixed penalty and the sum of \$500 by way of costs in accordance with subsection (2), the proceedings shall then terminate.
- (2) Payment under subsection (1) shall be made at any magistracy not less than 2 days before the day specified in the summons for the person's appearance, and the summons shall be produced at the time of payment.
- (3) ~~No public holiday~~ Neither a Saturday nor a public holiday shall be included in the computation of the 2 days' period mentioned in subsection (2).

Product Eco-responsibility Ordinance (Cap. 603)

Section 28L Dispute of liability for offence

28L. Dispute of liability for offence

- (1) This section applies if a person—
 - (a) has notified the Director in accordance with a demand notice that the person wishes to dispute liability for an offence; or
 - (b) has been given leave to dispute liability for an offence under section 28J(2).

- (2) A summons issued in any proceedings against the person for the offence may be served on the person in accordance with section 8 of the Magistrates Ordinance (Cap. 227).
- (3) If—
 - (a) in consequence of the notification or leave, the person appears in any proceedings in answer to a summons; and
 - (b) the person is convicted of the offence after having offered no defence or a defence that is frivolous or vexatious,

the magistrate before whom the proceedings are heard must, in addition to any other penalty and costs, impose an additional penalty equal to the amount of the fixed penalty.

- (4) Any proceedings taken against a person falling within subsection (1)(a) must terminate if the person pays in accordance with subsection (5)—
 - (a) the fixed penalty;
 - (b) an additional penalty equal to the amount of the fixed penalty; and
 - (c) \$500 by way of costs.
- (5) Payment under subsection (4) must be made at any magistracy not less than 2 days before the day specified in the summons for the person's appearance, and the summons must be produced at the time of the payment.
- (6) ~~No~~ Neither a Saturday nor a public holiday may be included in the computation of the 2 days' period mentioned in subsection (5).

Motor Vehicle Idling (Fixed Penalty) Ordinance (Cap. 611)

Section 23 Payment of fixed penalty after summons

- (1) A defendant who has been served with a summons in relation to a complaint may pay the following amounts in accordance with subsection (2)—
 - (a) the fixed penalty;
 - (b) an additional penalty equal to the amount of the fixed penalty; and
 - (c) \$500 by way of costs.

- (2) Payment must be made to a magistrate's court not later than 2 clear working days before the day specified in the summons for the hearing of the complaint and the defendant must produce the summons when making the payment.
- (3) Payment in accordance with this section terminates the proceedings on the complaint.
- (4) The Legislative Council may, by resolution, amend the amount specified in subsection (1)(c).
- (5) In this section—
clear working days (整個工作天) excludes the day specified in the summons for the appearance of the defendant and intervening Saturdays and public holidays.

END