

**Notification for Stakeholders about General Adjournment of
Court Proceedings
from 2 March 2020 to 8 March 2020
(position as at 27 February 2020)**

(I) Preparation for Court Resumption

The Judiciary has made a public announcement today (February 27) that it will, starting from March 2, adopt a progressive and staggered approach to pave the way for the orderly resumption of proceedings and re-opening of court registries/offices for all levels of courts / tribunals in March, if the prevailing public health situation permits.

2. In working out the detailed arrangements of resumption, the Judiciary has given due consideration for the following :

- (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.

3. The progressive and staggered resumption approach comprises the following few key stages :

- (a) week of March 2 – while proceedings are continued to be generally adjourned and the registries remain closed, as enhanced measures, filing of certain types of documents which are urgent would be accepted under some special arrangements. Moreover, more urgent and

essential hearings, including appeals and trials, will be heard at various levels of courts as appropriate;

- (b) weeks of March 9 and March 16 – while court proceedings will continue to be generally adjourned except urgent and essential hearings will be held, court registries will be re-opened by batches; and
- (c) week of March 23 – expected end of GAP if public health situation permits. In general, an appropriate buffer period would be provided before hearings, particularly trials, are to be resumed.

4. The Judiciary has been working out the resumption arrangements and will make further announcements. The Judiciary will continue to closely liaise with all relevant stakeholders including the Department of Justice, the Bar Association and the Law Society in working out the details. More detailed resumption arrangements will be announced in the near future. The Judiciary will also arrange a briefing for all stakeholders, tentatively to be held on March 5 (Thursday).

(II) Further Enhanced Measures from March 2 to 8

5. In view of public health considerations, all hearings of the courts/tribunals originally scheduled from March 2 to 8 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 March 1.

6. As indicated before, 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 expanded list of urgent and essential matters will be effective from March 2. In particular, more urgent and essential court hearings will be listed and the courts will accept the filing of more documents. Details are set out in paragraph 8 below.

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

(III) *Urgent and Essential Hearings/Matters to be Handled by the Courts from March 2 to 8*

8. The urgent and essential hearings and/or matters which may be handled from March 2 to 8 include the following :

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

Enhanced Measures

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

(i) for the HC, DC and FC registries : originating documents where the limitation period for a cause of action under the Limitation Ordinance (Cap. 347) may expire during GAP;

(ii) for the HC, DC and FC registries : document(s) filed pursuant to an unless order imposing a time limit that may expire during GAP; and

(iii) for the HC registry

(1) applications to apply for judicial reviews (including but not limited to non-refoulement claims) where the time limit for

making the applications provided by Order 53, rule 4(1) of the Rules of the High Court (Cap. 4A) may expire during GAP;

- (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 (c) below; and

(b) For Civil Cases in the HC, DC and FC :

Duty Judge System

- (i) 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”);
- (ii) if a party or his/her legal representative considers that any matter has become urgent because of the court’s continued general adjournment, they may consider using the Duty Judge system to bring such matters to the attention of the court. The party concerned should provide a certificate explaining the urgency of the matter. They should also provide the essential and key documents to enable the court to decide whether the matter is really urgent and essential which should be handled during GAP on an exceptional basis;
- (iii) 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 : dcjudge@judiciary.hk
- (3) For FC: fcjudge@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;

Other Arrangements

- (iv) though no hearings will generally be held during GAP, individual Judges and Judicial Officers (“JJOs”) will, as far as possible, review their cases originally listed to be heard during GAP and the following two weeks, whether represented ones or not, to see if they can be suitably disposed of on paper. These cases are primarily interlocutory applications and substantive applications not involving any witnesses. If paper disposal is possible, the JJO concerned will give case management directions on paper. If not, the case will be re-fixed;
- (v) parties may be asked to lodge documents or submissions with the court to facilitate paper disposal. Special one-way email accounts have been 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;

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

(c) *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.
- (d) For Criminal Cases at the Court of Appeal of the HC : urgent bail applications;
- (e) For Criminal Cases at CFI :
 - (i) urgent bail applications and bail reviews;
 - (ii) all cases/matters, excluding jury trials, originally scheduled to be heard between March 2 and 6; and
 - (iii) some of the cases, e.g. magistracy appeals, adjourned during the GAP, the hearings of which have been re-fixed to take place between March 2 and 5;
- (f) 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 March 2 and March 8; or
 - (ii) the case was originally adjourned to a hearing date during the period of January 29 to March 1.
- (g) 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 March 2 and March 8; or
- (2) the case was originally adjourned to a date during the period of January 29 to March 1.

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 March 2 and March 8; or
 - (2) the case was originally adjourned to a hearing date during the period of January 29 to March 1.

(h) *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 March 2 and March 8; or
- (ii) the case was originally adjourned to a date during the period of January 29 to March 1.

(i) *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.

9. For those hearings to be held during GAP, as usual, the relevant parties will be separately notified.

10. Moreover, the courts will also hand down decisions and judgments that are ready. As usual, the courts will give sufficient notice to the relevant parties of the cases.

(IV) Statutory Duties

11. 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

12. 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) 2 Mar (Monday) : West Kowloon Magistrates' Courts will open;
- (b) 3 Mar (Tuesday) : No Magistrates' Courts will open;

- (c) 4 Mar (Wednesday) : Kwun Tong Magistrates' Courts will open;
- (d) 5 Mar (Thursday) : No Magistrates' Courts will open;
- (e) 6 Mar (Friday) : Fanling Magistrates' Courts will open;
- (f) 7 Mar (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) 8 Mar (Sunday) : No Magistrates' Courts will open.

(VI) Registries and Other Court Offices

13. 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

14. 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 applications for judicial reviews, unless order, 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 and magistracy appeals 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) *Enhanced Preventive Measures in Judiciary Premises*

15. Having regard to latest public health considerations, in addition to the preventive measures which have been implemented earlier, starting from March 2, court users entering or remaining in Judiciary premises will be required to wear surgical masks at all times, including during court proceedings, unless otherwise as directed by the presiding JJO. A court user who does not wear a surgical mask will be denied entry into or directed to leave Judiciary premises.

16. Relevant stakeholders are requested to ensure that their members/staff/clients etc. are wearing masks before they turn up at the Judiciary premises.

17. The Judiciary will continue to review the situation and introduce any new or enhanced preventive measures as necessary.

(IX) *Further Updates*

18. 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.

19. 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). A dedicated webpage has also been set up with all the information relevant to GAP and resumption matters. Stakeholders are advised to check the website for updated information as necessary.

20. 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
27 February 2020

Annex A

Announcement by Judiciary

The following is issued on behalf of the Judiciary:

Preparation for Court Resumption

The Judiciary announced today (February 27) that it will, starting from March 2, adopt a progressive and staggered approach to pave the way for the orderly resumption of proceedings and re-opening of court registries/offices for all levels of courts / tribunals in March, if the prevailing public health situation permits.

In view of public health considerations, which are considerable and not to be underestimated, the Judiciary has generally adjourned court proceedings and closed court registries/offices since 29 January 2020, but urgent and essential court hearings and business were and will continue to be dealt with. During the General Adjourned Period (“GAP”), the Judiciary has been expanding the scope of urgent and essential court businesses, after striking a careful balance between public health considerations and the due administration of justice. The Judiciary wishes to stress that at all times, it is the public interest that is paramount.

Having regard to all relevant considerations, the Judiciary has been pro-actively making preparation for the resumption of court proceedings and re-opening of court registries/offices, subject to prevailing public health situation. In working out the detailed arrangements of resumption, the Judiciary has given due consideration for the following:

- (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.

The progressive and staggered resumption approach comprises the following few key stages :

- (a) week of March 2 – while proceedings are continued to be generally adjourned and the registries remain closed, as enhanced measures, filing of certain types of documents which are urgent would be accepted under some special arrangements. Moreover, more urgent and essential hearings, including appeals and trials, will be heard at various levels of courts as appropriate;
- (b) weeks of March 9 and March 16 – while court proceedings will continue to be generally adjourned except for urgent and essential hearings, court registries will be re-opened by batches; and
- (c) week of March 23 – expected end of GAP if public health situation permits. In general, an appropriate buffer period would be provided before hearings, particularly trials, are to be resumed.

The Judiciary has been working out the resumption arrangements and will make further announcements. The Judiciary will continue to closely liaise with all relevant stakeholders including the Department of Justice, the Bar Association and the Law Society in working out the details. More detailed resumption arrangements will be announced in the near future.

Arrangements for March 2 to March 8 : Further Enhanced Measures

Having regard to the prevailing public health situation, all hearings of the courts/tribunals originally scheduled from March 2 to March 8 will generally be adjourned. The courts will however continue to handle urgent and essential hearings and/or matters during this period, such as fresh remand cases, urgent and essential criminal matters (including bail-related and sentencing hearings), handing down of decisions and judgments that are ready, urgent and essential oral hearings (including appeals and magistracy appeals) and other urgent applications to the courts.

As indicated before, 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 expanded list of urgent and essential matters will be effective from March 2. In particular, more urgent and essential court hearings, including appeals, hearings and trials, will be handled. Moreover, special arrangements will be made to accept the filing of more documents while the registries remain closed.

Enhanced preventive measures in Judiciary premises

Having regard to latest public health considerations, and with more people coming to the court premises, in addition to the preventive measures which have been implemented earlier, starting from March 2, all court users entering or remaining in Judiciary premises will be required to wear surgical masks at all times, including during court proceedings, unless otherwise as directed by the presiding judges and judicial officers. A court user who does not wear a surgical mask will be refused entry into or directed to leave Judiciary premises.

The Judiciary will continue to review the situation and introduce any new or enhanced preventive measures as necessary.

Enquiries and information update

For enquiries regarding general arrangements on the court businesses, the following hotlines are being operated from Monday to Friday 10am to 1pm and 2pm to 4pm:

- General Information: 2869 0869
- Court of Final Appeal: 2123 0123
- High Court: 2523 2212
- Probate: 2840 1683
- District Court: 2845 5696
- Family Court: 2840 1218
- Lands Tribunal: 2771 3034
- Labour Tribunal: 2625 0020
- Small Claims Tribunal: 2877 4068
- Magistrates' Courts: 2677 8373

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 the general adjournment period, on the Judiciary website (www.judiciary.hk). Court users are advised to check the website for updated information as necessary.

司法機構公布

為恢復法庭程序作準備

司法機構今日（二月二十七日）宣布，司法機構將由三月二日開始採取循序漸進和分批進行方式，為在三月內有序恢復各級法院／審裁處的法庭程序及重開法院登記處／辦事處作出準備，但這須視乎當時最新的公共衛生情況是否許可。

因應重大和不能低估的公共衛生考慮，司法機構自二〇二〇年一月二十九日起把法庭程序一般延期，並關閉法院登記處／辦事處，但仍繼續處理緊急和必要的聆訊及／或事宜。在一般延期期間，司法機構慎重地在公共衛生考慮與妥善執行司法工作之間取得平衡後，一直擴大緊急和必要法庭事務的範圍。司法機構強調，在任何時間，公眾利益都至關重要。

司法機構在考慮所有相關因素後，正主動為恢復法庭程序和重開法院登記處／辦事處作出準備，並須視乎新的公共衛生情況或作出合適的調整。司法機構在制定恢復運作的安排細節時，就以下因素作出適當考慮：

- (一) 有秩序恢復登記處的事務及法庭程序至關重要；
- (二) 將會採取分批進行和循序漸進方式，以確保有秩序恢復運作；及

(三) 不論案件是重訂聆訊日期或如期進行聆訊，相關訴訟各方（不論有否法律代表）都會收到清晰的通知，也會有足夠的時間為其案件作準備。

就循序漸進及分批恢復各級法院／審裁處的法庭程序及重開法院登記處／辦事處，包括以下數個主要階段：

(一) 三月二日起的一週 - 雖然法庭程序一般繼續延期及登記處仍然關閉，但作為一項加強措施，特定種類的緊急文件將透過特別安排，予以接納存檔。此外，在適當情況下，更多緊急和必要的聆訊（包括上訴及審訊）將於各級法院進行；

(二) 三月九日及十六日的兩週 - 雖然除緊急和必要聆訊外，法庭程序將一般繼續延期，但登記處將分批重開；及

(三) 三月二十三日起的一週 - 如公共衛生情況許可，預期一般延期將結束。一般情況下，法庭將在聆訊（尤其是審訊）恢復前，給予適當的緩衝期。

司法機構正在制定恢復運作的安排，並會作進一步公布。司法機構將繼續與持份者，包括律政司、香港大律師公會和香港律師會保持密切聯繫，以制定細節。關於恢復運作的更詳細安排將於短期內公布。

三月二日至三月八日的安排：進一步的加強措施

考慮到當前的公共衛生情況，原訂由三月二日至三月八日於法院／審裁處進行的所有聆訊一般將延期。在此期間，法庭仍會繼續處理緊急和必要的聆訊及／或事宜，例如新羈押案件、緊急和必要的刑事事宜（包括保釋相關聆訊及判刑聆訊）、頒佈已擬備好的判決或判案書、緊急和必要的口頭聆訊（包括上訴案件及裁判法院上訴案件）及其他向法庭提交的緊急申請。

正如司法機構之前表示，司法機構不斷檢討緊急和必要事宜的範圍，並定期作出調整。考慮到一般延期的安排持續越久，緊急和必要事宜所涵蓋的範圍可能變得越廣。按照最新檢討的結果，緊急和必要事宜的擴大清單將於三月二日起生效。其中將有更多緊急及必要的法庭聆訊（包括上訴、聆訊和審訊）進行。此外，雖然登記處仍然關閉，司法機構將作出特別安排以接納更多的文件存檔。

加強法院大樓的預防措施

考慮到公共衛生情況的最新發展和有更多人前往法院大樓，除了較早前已實行的預防措施，從三月二日起，法庭使用者在進入或逗留在法院大樓時，無論在任何時候（包括法庭聆訊期間），必須佩戴外科口罩，除非主審法官或司法人員另有指示。沒有佩戴外科口罩的法庭使用者會被拒絕進入，或被指令離開法院大樓。

司法機構將繼續檢討相關情況，並在有需要時推出新的預防措施或加強現有的預防措施。

查詢及資訊更新

有關法庭事務一般安排的查詢，可於星期一至五上午十時至下午一時及下午二時至下午四時致電以下熱線：

- 一般查詢：2869 0869
- 終審法院：2123 0123
- 高等法院：2523 2212
- 遺產承辦：2840 1683
- 區域法院：2845 5696
- 家事法庭：2840 1218
- 土地審裁處：2771 3034
- 勞資審裁處：2625 0020
- 小額錢債審裁處：2877 4068
- 裁判法院：2677 8373

司法機構會繼續把最新資訊上載至司法機構網頁（www.judiciary.hk），包括審訊案件表、司法機構因應公共衛生考慮所作安排的信息和法庭使用者在這期間到訪法院大樓應注意的事項。法庭使用者請按需要參閱網頁資訊。