

Chinese Translation**PRACTICE DIRECTION – 27****CIVIL PROCEEDINGS IN THE DISTRICT COURT**

1. The following Practice Directions shall apply with suitable adaptations to civil proceedings in the District Court.

A Mediation

2. Practice Direction 31 on Mediation shall, upon the date on which it comes into effect, apply with suitable adaptations to the District Court.

B Pleadings

3. Practice Direction 19.1 relating to pleadings applies with suitable adaptations to the pleadings filed in the District Court. “Registry” referred to in the said Practice Direction shall mean the Registry of the District Court.

4. All writs and originating summonses should contain a plea that the relief sought do fall within the jurisdiction of the District Court, specifying which section(s) of sections 32 to 39 of the District Court Ordinance (Cap. 336) do apply to the case.

C Sealing of Writ of Summons, Newspaper Advertisements, Filing of Documents and Endorsements on Court Documents

5. Practice Directions 24.1 and 24.2 relating to: (1) sealing of writ of summons, newspaper advertisements and filing of documents; and (2) endorsements in the Chinese language to be made on court documents, apply with suitable adaptations to the civil proceedings in the District Court. The reference to the Second Schedule to the District Court Civil Procedure (Forms) Rules shall be replaced by Appendix A to the Rules of the District Court.

D Right of Audience Before a Judge or a Master of the District Court

6. Apart from those persons who are specified in paragraphs 7, 8, 8A and 9 below, or those who have been granted leave by a Judge or a Master pursuant to section 15 of the District Court Ordinance, only barristers and solicitors admitted in Hong Kong may appear before a Judge or a Master in the District Court.

7. The following persons employed by or under the supervision of a person having the rights, by virtue of any ordinance, of a solicitor may appear before a Judge or a Master in chambers on an uncontested application or on an application listed for a 3-minute hearing:

- (1) a trainee solicitor, including a trainee solicitor on secondment to a solicitor in Hong Kong

from a firm of solicitors in England and Wales;

(2) a legal executive, who has successfully completed the Hong Kong Polytechnic University Legal Executive Course;

(3) a holder of Associate Degree of Legal Studies or the Higher Diploma in Legal Studies from the City University of Hong Kong provided that a holder of the Associate Degree must have at least 3 years' legal work experience;

(4) a holder of Diploma in Legal Studies from the School of Professional and Continuing Education of the University of Hong Kong provided that he must have at least 3 years' legal work experience;

(5) a member of the English Institute of Legal Executives;

(6) a legal executive, who is a holder of the Higher Diploma in Legal and Administrative Studies from the Hong Kong Institute of Vocational Education (Tuen Mun), provided that the holder must have at least 3 years' legal work experience;

(7) a legal executive, who is a holder of the Higher Diploma for Legal Executives from the University of Hong Kong School of Professional and Continuing Education, provided that the holder must have at least 3 years' legal work experience;

(8) a legal executive, who is a holder of the Professional Diploma for Legal Executives from the Hong Kong Institute of Vocational Education (Tuen Mun), provided that the holder must have at least 3 years' legal work experience; and

(9) a legal executive, who is a holder of the Higher Diploma in Law and Administration from the Hong Kong Institute of Vocational Education, provided that the holder must have at least 3 years' legal work experience.

8. In addition to those persons mentioned in paragraph 7 above, the following may appear before a Master in the District Court on the taxation of a bill of costs:

(1) a costs clerk employed by or under the supervision of a person having the rights, by virtue of any ordinance, of a solicitor;

(2) a law costs draftsman, approved as such by the Law Society, who may appear on behalf of a solicitor; and

(3) subject to paragraph 8A below, a trainee solicitor.

8A. A trainee solicitor in the last 12 months of his trainee solicitor contract may appear before a taxing master on the taxation of a bill of costs listed for not more than 3.5 hours provided that:

(1) he has had not less than 6 months' training in litigation; and

(2) he has been trained in taxation through drafting bills, drafting lists of objections and sitting in on taxation hearings; and

(3) the principal or the handling solicitor has ensured that the trainee solicitor is fit to handle

that taxation.

9. A trainee solicitor, during the last 12 months of his / her trainee solicitor contract, may appear for a plaintiff or a defendant before a Judge or a Master in chambers on:

(1) applications for judgment pursuant to Order 14, Rules of the District Court, where the hearing is listed for not longer than 15 minutes;

(2) applications pursuant to Order 88, Rules of the District Court, where the hearing is listed for not longer than 15 minutes; and

(3) applications pursuant to Order 83A, rule 4, Rules of the District Court, where the hearing is listed for not longer than 15 minutes.

E Proceedings Before Masters in the District Court

10. Practice Direction 14.2 relating to proceedings before Masters applies with suitable adaptations to the District Court.

F Preparation of Summons for Hearing

11. Practice Direction 5.4 relating to preparation of interlocutory summonses and appeals to Judge in chambers for hearing applies with suitable adaptations to the District Court.

G Submission of Authorities

12. Practice Direction 5.5 relating to submission of authorities applies with suitable adaptations to the District Court.

H Case Management

13. Practice Direction 5.2 relating to case management applies with suitable adaptations to the District Court.

14. In cases involving litigants in person, a hearing will be fixed for giving case management directions unless otherwise directed by the Court.

I Documents for Use at Trial

15. Practice Direction 5.6 relating to documents for use at trial applies with suitable adaptations to the District Court.

J Running and Fixture Lists in the District Court

(1) Cases Covered by the Running List

16. There will be a Running List for the trial of the following types of cases in the District Court:

(1) cases in the Personal Injuries List;

(2) claims under the Employees' Compensation Ordinance (Cap. 282); and

(3) claims for compensation resulting from damage to a vehicle involved in a traffic accident.

17. A case falling into any of these three categories may be excluded from the Running List if:

- (1) the estimated length of the trial is more than 3 days; or
- (2) any of the parties involved in the case is unrepresented.

18. An action which satisfies the criteria mentioned above will only be assigned to the Fixture List where the Court is satisfied that there is good cause for doing so when setting down or giving leave to set down the action / application for trial. Such good cause shall be shown by affidavit.

(2) Change of Circumstances After Leave is Granted to Set Down or Setting Down a Case in the Running List

19. If any of the parties becomes unrepresented after leave is granted to set down or setting down the action / application in the Running List, the case will continue to be kept in that List and the trial will be listed for hearing accordingly. Solicitors who apply to cease to act under such circumstances have the duty to explain to their clients the operation of the Running List.

20. Any party to an action may, at any time after leave to set down is given or setting down, apply to transfer the action from one list to the other, to fix a date or particular date for the hearing of the action or to vary a date already fixed. Such application shall be made by summons with not less than one clear day's notice to all other parties to the action. The summons shall be supported by an affidavit setting out the matters on which the party making the application will seek to rely. No order will be made under this paragraph in respect of an action already listed in the Warned List unless there are exceptional circumstances.

(3) Operation of the Running List

21. On the last day of each month, those actions which are expected to be tried during the next succeeding month will be listed on the notice board on the ground floor of the District Court next to the daily cause list (and on the 6th Floor of the District Court in the notice board outside the Registry) ("the Pending List").

22. On each Wednesday, those actions on the Pending List which are expected to be tried during the next succeeding week will be similarly listed ("the Warned List").

23. Actions will be taken for hearing in the order in which they appear on the Warned List in so far as this is possible having regard to the estimated length of trial and to the availability of Judges.

24. Copies of the Warned List will be sent by post on the day the list is published to the parties or their solicitors on the record in each action listed thereon, but it shall be the duty of every party or his solicitor instructed in any action in the Running List to keep note of its position and the date of trial therein and to be ready for trial in due course.

25. Solicitors with a case in the Running List will be notified that their case will be heard not later than 2:30 p.m. on the day preceding the first day of the hearing. The case(s) marked to be heard the following day will be listed on the daily notice boards on the ground floor and the 6th floor of the District Court. To facilitate notification, parties should leave with the Registry their contact telephone number upon becoming

unrepresented.

(4) The Fixture List

26. In case leave is granted to set down the case for trial in the Fixture List, the parties should make an appointment before the Listing Officer to fix the dates for trial.

K Personal Injuries Cases

27. Practice Direction 18.1 relating to the Personal Injuries List shall apply with suitable adaptations to the personal injuries cases in the District Court.

L Originating Summonses Set Down for Hearing in the District Court

28. Save that the first hearing of originating summons will not necessarily be fixed for hearing on Tuesday mornings, Practice Directions 5.8 and [14.2](#) (except paragraphs 5(2), 5(4) and 7) relating to hearing of originating summonses apply with suitable adaptations to the District Court.

M Affidavit Evidence and Chinese Translations

29. Practice Directions 10.1 and 10.2 relating to affidavit evidence and Chinese translations apply with suitable adaptations to all the civil proceedings in the District Court. "Registry" referred to in the said Practice Directions shall mean the Registry of the District Court.

N Ex Parte, Interim and Interlocutory Applications for Relief (Including Injunctive Relief)

30. Practice Directions 11.1 and 11.2 relating to *ex parte*, interim and interlocutory applications for relief (including injunctive relief), Mareva injunctions and Anton Piller Orders apply with suitable adaptations to such kind of proceedings in the District Court. The function of the Clerk of Court will be discharged by the Listing Officer in the District Court.

O Warrants of Arrest of Judgment Debtors

31. Practice Direction 12.1 relating to warrants of arrest of judgment debtors applies with suitable adaptations to the warrants of arrest issued under Order 49B, Rules of the District Court.

P Taxation Proceedings in the District Court

32. Practice Direction 14.3 relating to taxation proceedings applies with suitable adaptations to such kind of proceedings in the District Court.

Q Judgment, Execution of Judgment and Peremptory Orders

33. Practice Directions 16.1 to 16.5 relating to: (1) settling draft orders and judgments; (2) judgments expressed in foreign currency; (3) interest on judgment; (4) execution to enforce judgment for possession of immovable property; and (5) peremptory orders, do apply with suitable adaptations to civil proceedings in the District Court.

R Wasted Costs Order

34. Practice Direction 14.5 relating to wasted costs orders shall apply with suitable adaptations to civil

proceedings in the District Court.

S Miscellaneous Provisions

35. For the avoidance of doubt, Practice Directions 5.3 (Listing and Hearing of Summons for Interlocutory Orders and Injunctions), 5.7 (Long Cases) and 7.1 (Action by Writ – Running and Fixture Lists) do not apply to the proceedings in the District Court.

T Commencement Date

36. This Practice Direction supersedes the previous Practice Direction 27 on Civil Proceedings in the District Court dated 10 July 2012.

37. This Practice Direction shall come into effect on 14 July 2014.

Dated this 9th day of July 2014

(Geoffrey Ma)
Chief Justice