



Update on Court closures and future proceedings by technology.

The Chief Justice on 25 March 2020 responded to concerns about the continuing general adjournment of legal proceedings (known as “GAP”) during this public health crisis by foreshadowing the greater use of technology. The use of technology can prevent both the unnecessary gathering of crowds, and also assist in managing the significant backlog of cases arising from the general adjournment of courts. As the Chief Justice observed¹:

...we have nevertheless been urgently exploring further ways to increase court services during this time without compromising the health and safety of court users, our staff and judges. For example, many judges have been proactively managing cases (for example by giving appropriate directions) and making determinations on paper (thus avoiding the need to have parties physically present in court). Further, as far as hearings are concerned, the judiciary is actively considering expanding the scope of hearings (beyond just urgent or essential matters) by hearing submissions by telephone, by video-conferencing or similar means of visual aid and generally making use of technology. The greater use of technology has been urged on the Judiciary and generally I agree with this approach.”

In that regard, a judgment of Hon. Coleman J handed down on 28 January 2020² directly addressed the lawful procedures required for holding a hearing by telephone conference which was ultimately successful. Meanwhile, in a Bar circular issued by the Council of the Hong Kong Bar Association, counsel are also encouraged to use video conferencing facilities.

Gilt Chambers fully supports these initiatives and indeed, we have [members](#) who are qualified and practise in jurisdictions where the use of technology is common practice. Please [contact our secretarial staff](#) to enquire as to whether video conferencing can be arranged for potential future conferences.

Meanwhile, Gilt Chambers will be **closed** on Saturday, 28 March 2020, while a revised roster for our secretarial support has been implemented to support the policy of social distancing.

GAP has been extended until 5 April 2020. Details of Court arrangements can be found in the judiciary announcement below. Please pay attention to future announcements or make enquiries with your legal representatives.

¹ His full statement can be found here:

<https://www.info.gov.hk/gia/general/202003/25/P2020032500594.htm>

² *Remedy Asia Limited, v Patrick Tong Hing Chi & ors* [2020] HKCFI 347

https://legalref.judiciary.hk/lrs/common/search/search_result_detail_frame.jsp?DIS=126927&QS=%28telephone%29%7C%28%7Bcoleman%7D+%25coram%29&TP=JU



Announcement by Judiciary

The Judiciary today (March 22) announced that in view of latest developments in the public health situation, the General Adjourned Period (“GAP”), which has been in effect since January 29, will be extended for two weeks from March 23 (Monday) until April 5 (Sunday), and be subject to review having regard to the prevailing public health situation. This announcement supersedes the one made on March 20.

Court Proceedings

No court hearings will be held on March 23 (Monday) except for fresh remand cases at the Magistrates' Courts. However, the courts may continue to deal with cases on paper if the presiding Judge or Judicial Officer considers them to be urgent and essential court business.

For court hearings originally scheduled for March 24 (Tuesday) to April 5 (Sunday), they will generally be adjourned and will not be held unless they are urgent and essential as directed by the court. Parties will be notified if their hearings will be held as scheduled during these two weeks.

Other urgent and essential hearings will continue to be handled in accordance with the established mechanisms, including the Duty Judge system. The updated list of urgent and essential hearings and matters is uploaded onto the Judiciary website for reference of court users and the public.

The Magistrates' Courts will adopt basically the Holiday or Saturday sitting arrangement in the light of caseload and other factors. They will handle urgent and essential cases, including fresh remand cases and eight-day cases. The detailed arrangements are as follows:

March 23 (Monday)	Tuen Mun Magistrates' Courts will open
March 24 (Tuesday)	No Magistrates' Courts will open
March 25 (Wednesday)	West Kowloon Magistrates' Court will open
March 26 (Thursday)	No Magistrates' Courts will open



March 27 (Friday)	Kwun Tong Magistrates' Courts will open
March 28 (Saturday)	The usual Saturday sitting will be adopted, i.e. Eastern Magistrates' Courts, Kowloon City Magistrates' Courts and Shatin Magistrates' Courts will open
March 29 (Sunday)	No Magistrates' Courts will open
March 30 (Monday)	Fanling Magistrates' Courts will open
March 31 (Tuesday)	No Magistrates' Courts will open
April 1 (Wednesday)	Eastern Magistrates' Courts will open
April 2 (Thursday)	No Magistrates' Courts will open
April 3 (Friday)	Tuen Mun Magistrates' Courts will open
April 4 (Saturday)	The usual Holiday sitting will be adopted, i.e. Shatin Magistrates' Courts will open
April 5 (Sunday)	No Magistrates' Courts will open

Registries and Offices

Court/tribunal registries and offices will generally be closed during this period. The registries and offices will only provide support for the handling of the above urgent and essential court hearings/matters through the Duty Judge and Duty Master systems. The Judiciary will continue to review the scope of business and make suitable announcement as appropriate.

Preventive and crowd management measures

The Judiciary will continue to put in place appropriate preventive and crowd management measures for the health protection of all people who are required to enter and remain in the court premises for urgent and essential business. Court users are required to have their body temperature taken and wear a surgical mask before they are allowed to enter and remain in the court premises.

To support the above arrangements, necessary queuing and other crowd management measures, as well as security controls to limit the number of court users entering and remaining in the Judiciary premises, will be put in place as appropriate. To maintain social distancing, the seating capacity of courtrooms and lobbies are reduced by about 50 per cent. In addition, capacity limits are set for confined areas such as registries and offices to avoid crowding of users

Parties, legal representatives and other court users are reminded that they should not come to the Judiciary premises to attend court proceedings or conduct businesses at court registry/office if they are subject to quarantine requirement or medical surveillance of the Government. Court users who are subject to any quarantine requirement or medical surveillance of the Government should as soon as practicable apply to the court for permission of absence or inform the court



with reasons for absence as appropriate.

Information on the detailed arrangements will be provided and uploaded onto the Judiciary website. Court users are strongly advised to check the updated information on the Judiciary website, and follow the advice of the Judiciary staff and security personnel when they attend court premises for court business.

For enquiries regarding general arrangements on the court businesses during the period, 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, on the Judiciary website (www.judiciary.hk). Court users are advised to check the website for updated information as necessary.