

Rules of the District Court (Amendment) Rules 2008

The Rules of the District Court (Cap. 336H)

Order 1 – CITATION, ETC., APPLICATION, INTERPRETATION AND FORMS

Remarks

1. Citation (O. 1, r. 1)

(1) These Rules may be cited as the Rules of the District Court.

(2) – (3) (Omitted as spent)

2. Application (O. 1, r. 2)

(1) Subject to this rule, these Rules shall have effect in relation to all proceedings in the Court.

(2) These Rules shall not have effect in relation to proceedings of the kinds specified in column 1 of the following Table (being proceedings in respect of which rules may be made under the enactments specified in column 2 of that Table).

TABLE

	Proceedings	Enactments	
1.	(Repealed L.N. 221 of 2001)		
2.	Adoption proceedings.	Adoption Ordinance (Cap. 290), section 12.	
3.	Proceedings in respect of domestic violence.	Domestic Violence Ordinance (Cap. 189), section 8.	Rule 154 Consequential amendment
4.	(Repealed L.N. 221 of 2001)		
5.	Proceedings under the Business Registration Ordinance (Cap. 310).	Business Registration Ordinance (Cap. 310), section 17.	Rule 154 obsolete
(2A)	These Rules Subject to paragraph (2B), these Rules shall not have effect in relation to –		Rule 154 Consequential amendment
(a)	proceedings under Part III of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7);		
(b)	matrimonial proceedings (except for an appeal against any		

Remarks

judgment, order or ~~determination~~ decision of a judge to which Order 58 shall apply);

(ba) domestic violence proceedings (except for an appeal against any judgment, order or decision of a judge to which Order 58 applies);

- (c) proceedings –
- (i) for the recovery of employees' compensation; and
 - (ii) in respect of which rules are made under section 50 of the Employees' Compensation Ordinance (Cap. 282). (L.N. 221 of 2001)

Rule 154
Consequential
Amendment

(2B) Subject to section 85(1) of the Landlord and Tenant (Consolidation) Ordinance (Cap. 7), Order 58 has effect in relation to an appeal against a judgment, order or decision of the Court made under Part III of that Ordinance.

Rule 154
Consequential
Amendment

(3) These Rules shall not have effect in relation to any criminal proceedings other than any criminal proceedings to which Order 62 applies.

(4) In the case of the proceedings mentioned in paragraphs (2), (2A) and (3), nothing in those paragraphs shall be taken as affecting any provision of any rules (whether made under the Ordinance or any other Ordinance) by virtue of which the Rules of the District Court or any provision thereof is applied in relation to any of those proceedings.

3. Application of Interpretation and General Clauses Ordinance (O. 1, r. 3)

The Interpretation and General Clauses Ordinance (Cap. 1) shall apply to the interpretation of these Rules as it applies to subsidiary legislation made after the commencement of that Ordinance.

4. Definitions (O. 1, r. 4)

(1) In these Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely –

“action for personal injuries” (就人身傷害而提出的訴訟) means an action in which there is a claim for damages in respect of personal injuries to the plaintiff or any other person or in respect of a person’s death, and “personal injuries” (人身傷害) includes any disease and any impairment of a person’s physical or mental condition;

Rule 155
Alignment with RHC

“aided person” (受助人) means an aided person within the meaning of the Legal Aid Ordinance (Cap. 91);

Rule 60
Rec 38, 39, 41-43

“Amendment Rules 2008” (《2008年修訂規則》) means the Rules of the District Court (Amendment) Rules 2008 (L.N. 153 of 2008);

“bailiff” (執達主任) means a bailiff of the High Court and any person lawfully authorized to execute the process of the Court;

“cause book” (訟案登記冊) means the book or any computer record kept in the Registry in which the letter and number of, and other details relating to, a cause or matter are entered;

“judgment rate” (判定利率) means the rate of interest determined by the Chief Justice under section 50(1)(b) of the Ordinance; (18 of 2003 s. 22)

“master” (聆案官) means a master of the Court and includes the Registrar, and deputy and assistant registrars;

“money lender’s action” (放債人訴訟) has the meaning assigned to it by Order 83A;

“notice of intention to defend” (擬抗辯通知書) means an acknowledgment of service containing a statement to the effect that the person by whom or on whose behalf it is signed intends to contest the proceedings to which the acknowledgment relates;

“officer” (人員) means an officer of the Court;

“the Ordinance” (本條例) means the District Court Ordinance (Cap. 336);

“originating summons” (原訴傳票) means every summons other than a summons in a pending cause or matter;

“pleading” (狀書) does not include a summons or preliminary act;

“practice direction” (實務指示) means –

(a) a direction issued by the Chief Justice as to the practice and procedure of the Court; or

(b) a direction issued by a specialist judge for his specialist list;

Rule 2
Alignment with RHC

“receiver” (接管人) includes a manager and consignee;

“Registrar” (司法常務官) means the Registrar of the Court; and includes a deputy registrar or an assistant registrar;

“Registry” (登記處) means the Registry of the Court;

“writ” (令狀) means a writ of summons;

“written law” (成文法) (成文法律) includes “Ordinance” and “enactment” as defined in section 3 of the Interpretation and General Clauses Ordinance (Cap. 1).

(2) In these Rules, unless the context otherwise requires, “the Court” (區域法院) means the District Court or any judge thereof whether sitting in court or in chambers or the Registrar or any master but the foregoing provision shall not be taken as affecting any provision of these Rules and, in particular, Order 32, rule 16 by virtue of which the authority and jurisdiction of the Registrar is defined and regulated.

(3) In these Rules, unless the context otherwise requires, any reference to acknowledging service of a document or giving notice of intention to defend any proceedings is a reference to lodging in the Registry an acknowledgment of service of that document or, as the case may be, a notice of intention to defend those proceedings.

(4) For the purposes of the definition “cause book”, the book kept in the Registry may be in written form or in such other form or medium which can be reproduced in written form.

5. Construction of references to Orders, rules, etc. (O. 1, r. 5)

(1) Unless the context otherwise requires, any reference in these Rules to a specified Order, rule or Appendix is a reference to that Order or rule of, or that Appendix to, these Rules and any reference to a specified rule, paragraph or subparagraph is a reference to that rule of the Order, that paragraph of the rule or that subparagraph of the paragraph in which the reference occurs.

(2) Any reference in these Rules to anything done under a rule of these Rules includes a reference to the same thing done under a rule of these Rules before the commencement of that rule under any corresponding rule of court ceasing to have effect on the commencement of that rule.

(3) Except where the context otherwise requires, any reference in these Rules to any written law shall be construed as a reference to that written law as amended, extended or applied by or under any other written law.

6. Construction of references to action, etc., for possession of land (O. 1, r. 6)

Except where the context otherwise requires, references in these Rules to an action or claim for the possession of land shall be construed as including references to proceedings against the Government for an order declaring that the plaintiff is entitled as against the Government to the land or to the

Remarks

possession thereof.

6A. Construction of references to Registrar (O. 1, r. 6A)

Rule 156
Consequential
amendment

Wherever the word “Registrar” appears in these Rules and forms, there may be substituted the word “master” when and where appropriate.

9. Forms (O. 1, r. 9)

The forms in the Appendices shall be used where applicable with such variations as the circumstances of the particular case require.

10. Rules not to exclude conduct of business by post (O. 1, r. 10)

Nothing in these Rules shall prejudice any power to regulate the practice of the Court by giving directions enabling any business or class of business to be conducted by post.