

Rules of the High Court (Amendment) Rules 2008

The Rules of the High Court (Cap. 4A)

Order 118 – (HK) INTERPRETATION AND GENERAL CLAUSES ORDINANCE (CAP. 1)

Remarks:

Adaptation amendments retroactively made – see 25 of 1998 s. 2

Remarks

PART XII – SEARCH AND SEIZURE OF JOURNALISTIC MATERIAL

1. Interpretation (O. 118, r. 1)

In this Order “the Ordinance” (條例) means the Interpretation and General Clauses Ordinance (Cap. 1), and a section referred to by number means the section so numbered in the Ordinance.

(L.N. 242 of 1996)

2. Application (O. 118, r. 2)

This Order applies to proceedings under sections 84, 85 and 87.

(L.N. 242 of 1996)

3. Proceedings under section 84 (O. 118, r. 3)

(1) An application for an order under section 84 ~~shall be~~ may be made by originating summons in the expedited form supported by affidavit.

Rule 80
Rec 12

(2) The affidavit shall contain the evidence relied on to show that the conditions set out in section 84(3) have been fulfilled.

(3) Unless the court otherwise directs, the affidavit may contain statements of information or belief with the sources and grounds of such information or belief.

(4) Notwithstanding Order 28, rule 1A, a copy of the originating summons and affidavit shall be served on the respondent not less than 3 clear days before the date fixed for the hearing of the application.

(L.N. 242 of 1996)

Remarks

4. Proceedings under section 85 (O. 118, r. 4)

Rule 81
Rec 12

- (1) An application for a warrant under section 85 shall be made ex parte by originating summons **in Form No. 11 in Appendix A** supported by affidavit.
- (2) The affidavit shall –
 - (a) state which of the grounds set out in section 85 is relied on;
 - (b) contain the evidence relied on in support of those grounds; and
 - (c) specify the name, rank, title and address of the officer who has approved the making of the application.
- (3) Unless the court otherwise directs, the affidavit may contain statements of information or belief with the sources and grounds of such information or belief.
- (4) All applications under section 85 shall be heard in chambers.

(L.N. 242 of 1996)

5. Proceedings under section 87 (O. 118, r. 5)

- (1) An application for an order under section 87 shall be made by summons which may be supported by affidavit.
- (2) The summons shall set out the grounds on which the applicant relies.
- (3) A copy of the summons and affidavit (if any) shall be served on the person named in the warrant pursuant to section 86(1)(a) by delivering it to him not less than 3 clear days before the date fixed for the hearing of the summons.
- (4) Unless the court otherwise directs, a party wishing to adduce evidence shall do so by affidavit, and such affidavit may contain statements of information or belief with the sources and grounds of such information or belief.

(L.N. 242 of 1996)