

Rules of the High Court (Amendment) Rules 2008

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

Order 119 – (HK) PREVENTION OF BRIBERY ORDINANCE (CAP. 201)

Remarks:

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

Remarks

PART III – POWERS OF INVESTIGATION

1. Interpretation (O.119, r. 1)

(1) In this Order “the Ordinance” (條例) means the Prevention of Bribery Ordinance (Cap. 201), and a section referred to by number means the section so numbered in the Ordinance.

(2) Expressions used in this Order which are used in the Ordinance have the same meanings in this Order as in the Ordinance.

2. Application of this Order (O. 119, r. 2)

This Order applies to an application made to the Court under Part III of the Ordinance.

3. Assignment of proceedings (O. 119, r. 3)

An application to which this Order applies shall be heard by a judge in chambers.

4. Form of application (O. 119, r. 4)

Subject to rule 6, an application to which this Order applies shall be made ~~by ex parte notice of motion in Form 109~~ **ex parte by originating summons in Form No. 11 in Appendix A** and, except for an application made under section 14D of the Ordinance, be supported by affidavit.

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5. Restrictions on access to documents, etc. (O. 119, r. 5)

(1) The ~~notice of motion~~ **originating summons**, affidavit, if any, information and all other documents relating to the application shall be treated as confidential and shall, immediately on the determination of the application, be

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placed in a packet and sealed by order of the judge by whom the application was heard.

(2) The packet shall be kept in the custody of the Court in a place to which the public has no access or in such other place as the judge may authorize and shall not –

- (a) be opened;
- (b) have its contents removed;
- (c) be copied; or
- (d) be destroyed,

except by order of a judge.

6. Variation or revocation of orders (O. 119, r. 6)

(1) An application made under section 14D of the Ordinance shall be made by summons issued in the proceedings in which the order which it is sought to vary or revoke was made and shall state, so far as the applicant is able, the grounds on which the application is made.

(2) The summons and any affidavit in support shall be served on the Commissioner not less than 3 clear days before the hearing of the application.

(L.N. 222 of 1997)