

Legislative amendments for streamlining procedures at Court of Appeal to take effect next Monday

The following is issued on behalf of the Judiciary:

Legislative amendments to streamline court procedures and facilitate processing of cases at the Court of Appeal will come into operation on January 18 (Monday).

Specifically, Part 2 of the Statute Law (Miscellaneous Provisions) Ordinance 2020 seeks to amend the High Court Ordinance (Cap. 4) as follows –

(a) amend section 34B(4) to extend the use of a 2-Judge bench of the Court of Appeal (i.e. "2-Judge CA") to determine:

(i) applications for leave to appeal to the Court of Final Appeal against the decisions made by the Court of Appeal (CA) consisting of less than 3 Justices of Appeal; and

(ii) appeals against the Court of First Instance (CFI)'s decisions to refuse to grant leave to apply for judicial review or to grant such leave on terms;

(b) amend section 34B(5) so that when the "2-Judge CA" in various types of proceedings cannot reach a unanimous decision, in addition to a party being allowed to apply to re-argue the case before a "3-Judge CA", the Court may also make such an order on its own motion; and

(c) amend sections 4(2) and 5(2) to clarify that an additional judge in the CFI or the CA has the power to dispose of cases on paper without physically "sitting" in court.

To implement the new arrangement for the use of 2-Judge CA to hear the leave applications, the Judiciary has updated "Practice Direction 2.1 – Application for leave to appeal to the Court of Final Appeal filed in the Court of Appeal in Civil cases" to reduce the sets of skeleton submissions required of parties. The updated Practice Direction will also take effect on January 18. It is available at the Judiciary website:

legalref.judiciary.hk/lrs/common/ju/newpds.jsp.