



司法機構
JUDICIARY

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香港特別行政區政府新聞處設計封面
政府物流服務署印

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高等法院

High Court

法庭服務簡介
Guide to Court Services

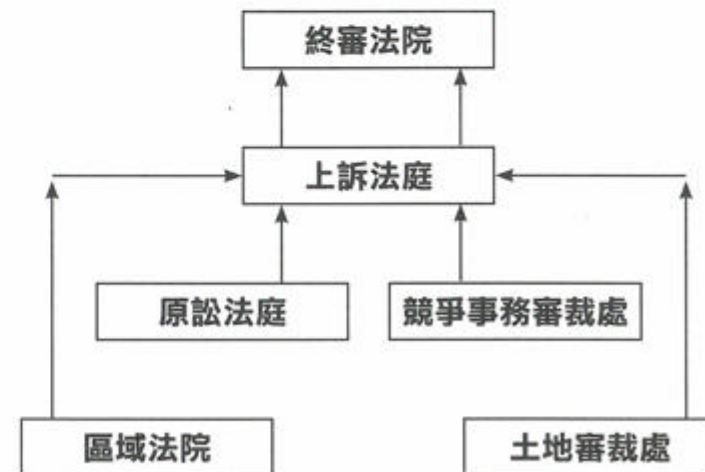


高等法院

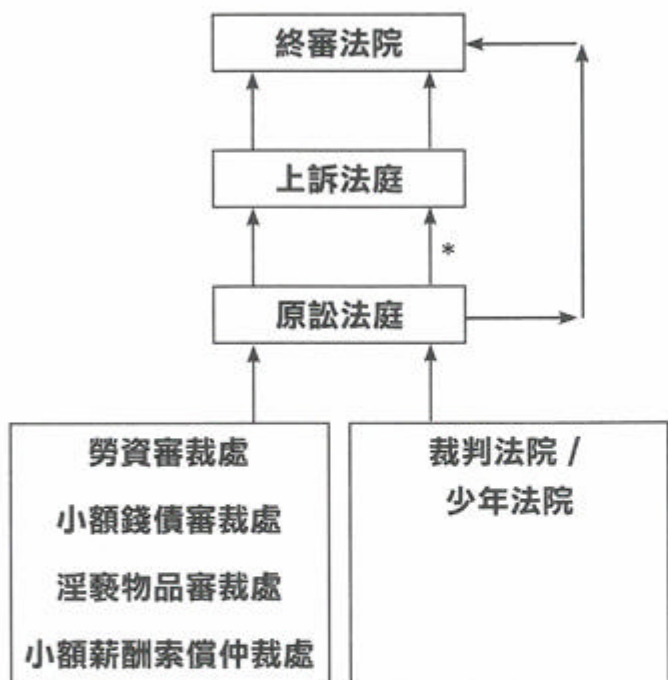
高等法院由上訴法庭及原訟法庭組成，具上訴及原訟司法管轄權，可以審理上訴及初審案件。

上訴權是香港法律制度的重要一環，因為上級法院可藉此覆核下級法院的判決。上訴制度旨在確保任何據稱在法庭聆訊或甚至調查過程中出現的失誤，或與法庭聆訊有關的失誤，都可藉著向上級法院上訴而得以糾正。

高等法院、競爭事務審裁處、區域法院及土地審裁處的上訴機制



裁判法院及審裁處的上訴機制



* 原訟法庭可把上訴或上訴中的任何論點保留以待上訴法庭考慮，亦可指示該項上訴或上訴論點的辯論在上訴法庭進行。

上訴法庭

上訴法庭審理的刑事及民事上訴案件緣自原訟法庭、競爭事務審裁處、區域法院、土地審裁處及由有關條例所指定的審裁處和法定團體。

1) 刑事上訴

刑事案的被告人被定罪後，如不服原訟法庭或區域法院法官的判決，可在定罪/判刑當日起計28天內，向上訴法庭申請上訴許可。被告人如未能在限期內提出上訴，可向上訴法庭申請逾期上訴許可。

被告人可單就定罪或刑罰提出上訴，也可同時就定罪及刑罰提出上訴。被告人須於限期內把列明上訴理由的上訴通知書（表格X1）送交高等法院書記主任辦事處內的上訴登記處存檔。該表格可向高等法院大樓上訴登記處或被告人服刑的院所索取。把上訴通知書存檔無需繳付費用。

初步的上訴文件齊備後，司法常務官會把文件冊寄交案中各方。如某方要求取得其他文件，在上訴案司法常務官或作出指示的法官批准後，司法常務官會把文件備妥及寄交有關的各方。

處理上訴的法官可進行提訊以確定案件已準備就緒，已準備好的案件會獲編定聆訊上訴許可申請的日期。

上訴法庭可透過審閱呈交的文件或在進行聆訊後決定拒絕給予或給予上訴許可。其後，由兩名或三名上訴法庭法官組成的上訴法庭可以口頭宣告上訴駁回或上訴得直，及/或另定日期發下或宣讀判決書。

關乎刑罰的上訴如果成功，刑期可獲縮減；但如上訴失敗，則上訴法庭可以提高刑罰，或下令上訴人的羈押時間不得計算在刑期之內。

2) 民事上訴

一般來說，上訴人可針對原訟法庭或競爭事務審裁處法官就最終事宜作出的決定向上訴法庭提出上訴，這是一項當然權利；不過，上訴人不可以針對下列各項在民事案中作出的決定提出上訴：

- (a) 區域法院法官作出的決定（除非已獲得上訴許可）；
- (b) 原訟法庭法官就非正審事宜作出的決定（除非已獲得上訴許可）；

- (c) 原訟法庭法官單就訟費問題作出的決定（除非已獲得上訴許可）；
- (d) 競爭事務審裁處法官就非正審事宜作出的決定（除非已獲得上訴許可）；
- (e) 競爭事務審裁處法官單就訟費問題作出的決定（除非已獲得上訴許可）；
- (f) 土地審裁處的決定（除非關乎法律論點及已獲得上訴許可）

上訴許可的申請應向各法院作出有關決定的法官或聆案官提出。

關於(a)及(f)項，如有關的決定屬非正審決定，申請人應在決定作出後14天內申請上訴許可；如不屬非正審決定，則應在28天內申請。

關於(b)、(c)、(d)及(e)項，申請人應在有關決定作出後14天內申請上訴許可。

如法官拒絕給予上訴許可，申請人可在被拒絕當日起計14天內再向上訴法庭申請上訴許可。上訴法庭可在給予上訴許可時施加其認為合適的關乎訟費、保證金等的條款。無論是否

給予許可，上訴法庭的決定是最終及不可以上訴的命令。獲得上訴許可後，上訴人應在7天內把上訴通知書送達答辯人和下級法院。

如無須申請上訴許可，除其他條例或規則另有規定外，上訴人應在上訴所針對的決定作出後28天內，把上訴通知書送達答辯人和下級法院。

完成上訴通知書的送達程序後，上訴人應在7天內把上訴所針對的判決書或命令的蓋印文本、一份書面判決理由及兩份上訴通知書呈交司法常務官。其中一份上訴通知書須註明已繳付的法庭費用，另一份則註明通知書送達另一方的日期。

排期聆訊通知書必須在上訴排期後4天內送交獲送達上訴通知書的各方。

上訴案中各方必須根據相關的法庭《實務指示》準備上訴，而無律師代表的上訴人也須根據民事上訴案司法常務官作出的特定指示準備上訴，然後才可把編定上訴聆訊日期申請書送交法庭存檔。民事上訴案司法常務官可以書面方式或在口頭聆訊中作出指示。

上訴人應把編定上訴聆訊日期申請書送交高等法院大樓書記主任辦事處內的上訴登記處存檔。申請表及如何準備上訴的

資料可向高等法院大樓無律師代表訴訟人資源中心索取。

民事上訴案司法常務官發出排期聆訊指示後，排期主任會按指示編定聆訊日期。上訴法庭審理上訴時，通常由三名上訴法庭法官會審，但有時則由兩名法官會審。

如某一方是有限公司，則除非該公司已提出申請並獲得高等法院司法常務官的許可，可以由公司董事作為代表，否則必須延聘律師代表公司。

語文

上訴可以採用中文或英文這兩種法定語文的其中一種。除非上訴人向上訴法庭申請採用另一法定語文，否則上訴通常以原審時所採用的語文進行。上訴法庭可批准或拒絕使用另一法定語文的申請，而且所作決定是最終的決定。

進一步上訴

任何一方如不服上訴法庭的判決，可以申請向終審法院上訴的許可。請參閱“終審法院”這本小冊子以了解有關詳情。

原訟法庭

如上文所述，原訟法庭具有上訴及原訟司法管轄權，涵蓋範圍包括刑事及民事案件。

1) 上訴司法管轄權

緣自裁判法院的上訴案件

原訟法庭負責審理緣自裁判法院的刑事上訴案件。

被告人如不服裁判官的決定，可在裁判官作出有關決定後14天內向原訟法庭提出上訴。

被告人須把上訴通知書送交原審裁判法院的書記長存檔。

- 表格101：不服定罪上訴通知書
- 表格102：不服刑罰上訴通知書
- 表格103：逾期上訴通知書

上述表格可向裁判法院、被告人服刑的院所或高等法院大樓書記主任辦事處內的上訴登記處(只適用於表格103)索取。把通知書存檔無需繳付費用。

上訴登記處收到裁判法院交來的上訴文件冊後，會把文件冊的副本寄交案中各方。如某方要求取得其他文件，在司法常務官或作出指示的法官批准後，上訴登記處會把文件備妥及寄交有關各方。排期主任會按照指示編定上訴聆訊日期，並把聆訊通知書寄交案中各方。

緣自審裁處的上訴案件

原訟法庭負責審理緣自勞資審裁處、小額錢債審裁處、淫褻物品審裁處及小額薪酬索償仲裁處的上訴案件。

上訴人應在有關條例所訂明的限期內，把上訴許可申請書送交高等法院書記主任辦事處內的法院登記處存檔。申請表格可向高等法院大樓無律師代表訴訟人資源中心、書記主任辦事處或有關的審裁處/仲裁處的登記處索取。

上訴許可申請會由原訟法庭法官處理。法庭如批准上訴許可申請，便會向案中申請一方發出書面通知。上訴人收到通知後，須把一份原訴動議通知書送交法院存檔及繳付訂明的費用。案中各方並須到書記主任辦事處擇定上訴聆訊日期。只有涉及法律觀點的案件才會獲得上訴許可。

原訟法庭法官拒絕給予上訴許可的決定是最終的決定。

上訴人可向高等法院司法常務官申請延展送交存檔上訴許可申請的時限。司法常務官的決定是最終的決定。

緣自聆案官的決定的上訴案件

不服聆案官的決定的人亦有權向原訟法庭法官提出上訴。然而，除非基於特別理由，否則法庭不會在上訴聆訊中接納進一步的證據（除非證據所關乎的事宜是在有關的決定作出後才發生）。

2) 原訟司法管轄權

1) 刑事司法管轄權

原訟法庭審理最嚴重的刑事罪行，例如謀殺、誤殺、強姦、持械行劫、販運大量危險藥物及複雜的商業詐騙等。這些案件大多在裁判法院完成交付審判程序後移交原訟法庭。

案件通常由一名原訟法庭法官連同由七人（或由法官下令增至九人）組成的陪審團在公開法庭進行審訊。檢控工作則由香港特別行政區律政司負責。

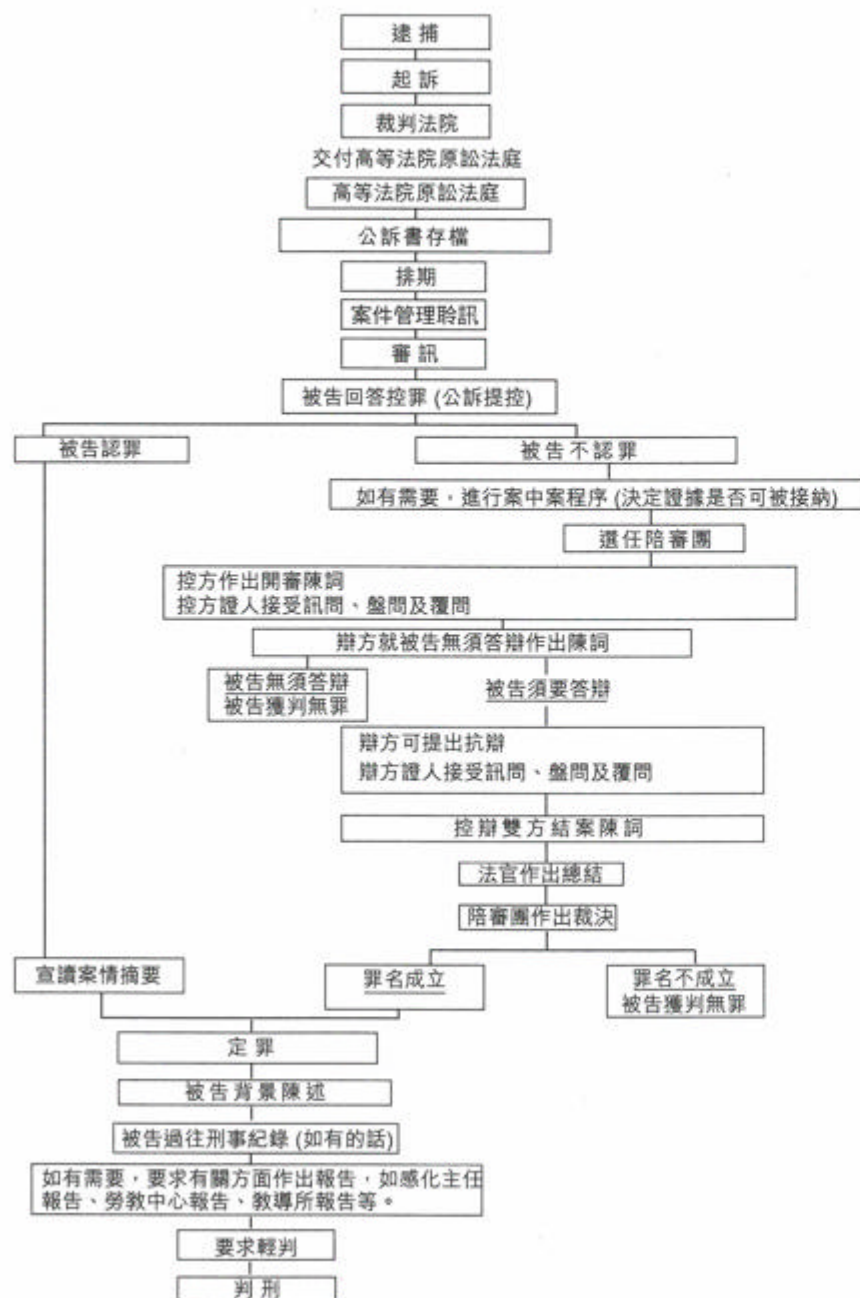
刑事案件排期法官在收到辯方的排期要求後21天內，會為案

件排期審訊及定下審訊日期。高等法院司法常務官會以書面通知案中控方及辯方有關審訊日期。

被告人如沒有律師代表，應立即諮詢法律意見，或向法律援助署尋求法律援助。被告人如決定不延聘律師，應在審訊前盡早就答辯作出周詳準備；如打算傳召證人，則應填寫一份“申請證人傳票的資料詳情”，並連同證人傳票送交書記主任辦事處內的法院登記處存檔。法庭會安排執達主任把傳票送達案中其他各方。

案件管理聆訊將編定在不早於案件管理問卷（定期審訊表）存檔之後14天在刑事案件排期法官或主審法官席前進行。法庭會作出必要的指示，以恰當和有效地處理案件。

刑事案件審訊程序流程表



語文

審訊可採用中文或英文進行。某一方如要求採用中文，應在排期法官編定審訊日期時提出。如申請獲准，法庭會安排一名雙語法官審理該案。排期法官有權准許或拒絕申請。

上訴

被告人如不服法庭的決定，可向上訴法庭提出上訴。請參閱本小冊子第3至第4頁以了解有關詳情。

II) 民事司法管轄權

原訟法庭的民事司法管轄權並無限制，可處理所有民事事宜。原訟法庭處理的民事訴訟通常包括下列類別：

- 海事
- 破產
- 違約
- 侵權
- 公司清盤
- 建造仲裁

- 婚姻法律程序中的子女管養權及附屬濟助
- 租購
- 禁制令
- 知識產權
- 司法覆核
- 按揭
- 人身傷害
- 遺囑認證及遺產管理

請注意，如申索的數額稍微超過300萬元，可考慮放棄超出之數，使案件可由區域法院審理，因為在一般情況下，區域法院的訟費會較原訟法庭為低。

怎樣在原訟法庭展開民事訴訟？

在民事法律程序中，一方（原告人）向另一方（被告人）展開民事訴訟時，可採用下列其中一種方式：

- 延聘律師

- 向法律援助署尋求協助
- 親自展開訴訟

訴訟如涉及某類人士如未成年人和智障人士等，以及死者的遺產，都必須由代表人展開。原訟法庭訴訟中的任何一方（不論是原告人還是被告人）如果是有限公司，則除非已得到法庭特別准許由一名公司董事作為代表，否則便必須聘請律師代表公司出庭。

展開訴訟的方式

原告人可採取下列其中一種方式在原訟法庭展開民事訴訟：

- 傳訊令狀
- 原訴傳票

上述方式的有關表格載於香港法例第4章《高等法院規則》附錄A。

以傳訊令狀方式展開訴訟最為普遍，現概述如下。

傳訊令狀

傳訊令狀（表格1）及送達認收書（表格14）可向高等法院登記處索取。關於合約、侵權、詐騙、人身傷/亡的損害賠償和違反責任造成財產損毀等訴訟，以及概括而言所有可能涉及事實爭議的訴訟，都必須藉傳訊令狀展開。

如你唯一的申索是要求對方付款，你應在令狀附上表格16（適用於經算定的申索，例如一筆債項）或16C（適用於未經算定的申索，例如違約或人身傷害的損害賠償），讓對方可就你的申索作出承認。

把傳訊令狀送交法院存檔

原告人可使用中文或英文填寫表格1作為申索陳述書，扼要地陳述申索性質，所依據的事實，以及所要求的濟助和補償。《高等法院規則》第41A號命令規定，申索陳述書必須以屬實申述核實。

把傳訊令狀送交法院存檔時，原告人須前往高等法院會計部繳付令狀的存檔費用，並於繳費後把已填妥的表格交回登記處。登記處會給予原告人一份表格的副本作為參考。

原告人必須把令狀、送達認收書及表格16或16C（如適用的話）以面交、掛號郵件或投入信箱的方式送達被告人（或如送達的對象是法團，則送達法團的註冊地址），因此必須確定被告人的地址正確無誤。在收回土地/物業管有權的訴訟中，原告人亦必須把一份令狀的副本張貼在有關處所的入口處。請參閱“執達事務組”這本小冊子以了解有關詳情。

被告人把送達認收書送交法院存檔

被告人在獲送達令狀（表格1）及送達認收書（表格14）後，必須填寫表格14以表明是否想提出抗辯，並在14天內（包括送達文件當日）把送達認收書送交登記處存檔。

被告人須在限期14天內把送達認收書送交法院存檔；如令狀是面交送達的，則由令狀送交被告人當天起計算該14天限期；如令狀是以掛號郵件或投入被告人的信箱送達的，則於投寄或投入信箱後第7天開始計算。

被告人把抗辯書送交法院存檔及送達對方

所有抗辯書必須在送達認收限期屆滿後28天內送交法院存檔及送達原告人。抗辯書須說明被告人基於甚麼理由反對原告人的申索，並可包括針對原告人的反申索。

《高等法院規則》第41A號命令規定，抗辯書必須以屬實申述核實。

如被告人沒有把送達認收書或抗辯書送交法院存檔，會有甚麼後果？

如被告人沒有在限期內把表格14或抗辯書送交法院存檔，原告人可向法庭申請作出判決。在這情況下，案件便無須經過全面審訊。如原告人的申索關乎債項或經算定的損害賠償（即申索的數額是固定和可以確定的，例如關乎支票的訴訟），原告人便可要求法庭就申索數額及訟費登錄判決。

如申索關乎未經算定的損害賠償，例如利潤損失、人身傷害或財物損毀的損害賠償，原告人可要求法庭就法律責任登錄非正審判決。在這情況下，原告人須要求聆案官或法官評定他所應得的損害賠償數額。

根據《高等法院規則》第13A號命令，如原告人的申索只是要求被告人付款，被告人可將表格16或16C（視乎何者適用而定）送交法院存檔及送達原告人，以作出承認及/或就付款的條件提出建議。原告人可將一份要求法庭作出判決的請求書或答覆書送交法院存檔（見表格16A, 16B, 16D及16E），以表明是否接納被告人所提出的建議及付款條件。如原告人接

納建議但不同意付款條件，可要求聆案官就付款條件作出裁定。

不過，如原告人沒有在獲送達被告人作出承認的表格後14天內，將一份要求法庭作出判決的請求書或答覆書送交法院存檔，有關的申索便會被擱置，直至他將請求書或答覆書送交法院存檔為止。

如被告人把抗辯書/反申索書送交法院存檔，會有甚麼後果？

原告人可在獲送達抗辯書後28天內，把答覆書送交法院存檔及送達被告人，原告人也可在答覆書中列出補充事實，以回應被告人的抗辯。如被告人把反申索書送交法院存檔，而原告人又想提出爭議，原告人便須於獲送達反申索書後28天內，把反申索的抗辯書送交法院存檔及送達被告人。原告人如未能在限期內完成上述程序，被告人便可就反申索缺乏抗辯而向法庭要求登錄判決。原告人會成為反申索中的被告人。

用以回應反申索的答覆書或抗辯書並沒有訂明的格式，但原告人應把任何對反申索的答覆及抗辯於同一份文件中一併列出。《高等法院規則》第41A號命令規定，有關文件須以屬實

申述核實。

文件透露

提交狀書的程序至此便告完成，接著下來的是“文件透露”的程序。案中每一方均須向另一方透露自己管有哪些與案有關的文件。在以清單形式（見表格26及27）透露文件後，雙方必須容許另一方查閱有關的文件。

調解

訴訟各方應考慮透過訴訟以外的其他方法，例如調解或私下進行協商以解決爭議，而到最後才將爭議訴諸法院。調解是一個過程，調解員會在過程中協助訴訟各方就彼此的爭議達成和解。過去經驗顯示，調解所耗用的費用較少，可以較迅速、有效地解決爭議。司法機構已發出“實務指示31”，以便訴訟各方循調解途徑解決爭議。

訴訟各方把下述“設定時間表的問卷”存檔及送達時，須同時存檔及送達一份“調解證明書”，藉此表明他們是否有意循調解途徑解決爭議。任何一方如決定不參與調解，必須述明原因，以供主審法官考慮其決定是否合理。

主審法官在審訊後，會考慮訴訟人提出的原因，如認為訴訟人無理拒絕參與調解，可以作出對其不利的訟費令。

訴訟各方若同意調解，應按照“實務指示”內訂明的步驟進行。

有律師代表的訴訟人應徵詢其律師的意見，而親自行事的訴訟人如有疑問，則可以到灣仔政府大樓一樓113室綜合調解辦事處查詢。如需查詢一般事項，請參閱下文“如何聯絡我們？”

設定時間表的問卷

案中每一方均須於提交狀書的程序完成後28天內，把一份“設定時間表的問卷”送交法院存檔及送達案中其他各方。你應嘗試與另一方（或其他各方）就應尋求哪些指示以準備審訊達成共識。

案件管理傳票

原告人必須在收到來自另一方（或其他各方）的設定時間表的問卷後14天內，或在設定時間表的問卷送交法院存檔及送達的期限屆滿後14天內，發出案件管理傳票，要求法庭就案件管理作出指示。

法庭會就須採取的步驟編定時間表，並可能會編定進度指標日期進行案件管理會議、審訊前的覆核及/或審訊。你應遵從有關的指示，因為除非有充分的理由，否則你可能不會獲准延期。此外，你應在進度指標日期出庭應訊，否則你的申索會被剔除。

排期審訊

在法庭作出排期審訊的指示後，原告人應把排期審訊申請書及排期審訊通知書送交法院存檔。原告人須於存檔時支付訂明的費用，並須提交有關的文件冊。

如案件被編入定期審訊表內，訴訟雙方均須在排期日到排期主任席前排期，排期主任屆時會根據排期聆案官的指示編定審訊日期。排期完畢後，審訊前的程序便告完成。訴訟各方應記著審訊日期和等候審訊。

如案件被編入流動審訊表內，則最初會放進待審案件表，後來則放進審訊預告表。案件編入審訊表後，如預計審訊會在下一個月內進行，則待審案件表的下端會列出訴訟標題和訴訟編號。案件一般會依照待審案件表的次序輪候，逐一交由可以騰出時間的法官審理。案中各方須於每月的最後一天查閱待審案件表，以確定自己的案件是否已列入表內。而當案

件已列入待審案件表後，案中各方便須於每個星期三查閱審訊預告表；因為法院逢星期三會從待審案件表中選出一些有機會在下週傳喚及審訊的案件，另外列於審訊預告表內。案件一旦被列入審訊預告表內，案中各方便須每天查閱該表，以得知案件是否編排於翌日審訊。

待審案件表會張貼在高等法院大樓地下書記主任辦事處接待處的告示板上，而審訊預告表則張貼在書記主任辦事處外的告示板上。審訊預告表亦可於司法機構的網頁查閱。排期主任會在每天下午二時三十分在審訊預告表上標明翌日審訊的案件，並詳列審訊地點和日期。案中各方有責任確保自己準時應訊。

如案中任何一方打算傳召證人，便必須事先作好安排，以確保證人能出庭作證，必要時可能需要發出傳召出庭令狀，即證人傳票（見香港法例第4章《高等法院規則》附錄A表格28或29）。高等法院登記處負責發出傳召出庭令狀。每份令狀發出時均須繳存一筆款項，以支付證人的合理開支。

審訊

案中各方必須在審訊當天準時應訊，證人亦應出席。如有需要，亦應帶同有關文件的正本及複印本，以供法官及另一方

查閱。法院地下大堂的告示板會顯示有關案件在哪個法庭審訊。

在審訊中，法官會聆聽證人的證供及訴訟各方的陳詞。如需要其他資料及/或證據，法官或會把案件押後至另一日期繼續審訊。審訊完結時，法官可於當天宣告判決，或於稍後的日期宣讀/發下判決書。

如案中各方願意和解，法官會按照和解協議作出法庭命令。如你與另一方在審訊開始前達成和解協議，則可以把一份終止訴訟通知書送交法院存檔，或把一份列出協議條款的同意令送交法院存檔。此外，你亦可在審訊中向法官申請按照你們的和解協議條款作出命令。

法律代表

無論是刑事或民事訴訟，被告人、訴訟各方及上訴人均可親自進行訴訟或延聘律師代表他們進行訴訟。如你負擔得來，可聘請私人執業的律師，否則可申請法律援助。請參閱“怎樣申請民事訴訟的法律援助”這本小冊子以了解有關詳情。上述小冊子可向各法院、法律援助署及各區民政事務諮詢服務中心免費索取。民事訴訟的任何一方均可直接向法律援助

署署長提出申請，地址是香港金鐘道66號金鐘道政府合署二十四樓（電話：2537 7677）。受羈押的被告人如想申請法律援助，應與有關院所的福利主任聯絡。

選擇親自進行訴訟的被告人或訴訟人應在聆訊開始前作好周詳的準備。

執行判決

如案中其中一方已取得判決，但判定債務人卻沒有遵從法官的判決，則判定債權人可向法庭申請強制執行判決，由執達主任藉扣押被告人的財產執行判決，以追討判定款項。如你需要執達主任的服務，可向高等法院登記處查詢或參閱“執達事務組”這本小冊子。上述小冊子可向高等法院登記處或執達事務組索取。

服務承諾

上訴法庭案件聆訊輪候時間

- 刑事案件：由上訴排期之日起計50天內。
- 民事案件：由申請排期之日起計90天內。

原訟法庭案件聆訊輪候時間

- 定期審訊表內的刑事案件：#
- 速辦審訊表內的刑事案件：#

#新訂的“實務指示9.3 - 原訟法庭的刑事訴訟程序”於2017年6月12日起生效後，司法機構將會檢討及訂定“定期審訊表內的刑事案件”及“速辦審訊表內的刑事案件”的目標輪候時間。

- 定期審訊表內的民事案件：由申請排期之日起計180天內。
- 流動審訊表內的民事案件：由預告審訊可予進行之日起計30天內。

- 來自裁判法院的上訴案件：由呈交上訴通知書之日起計90天內。

(請注意，以上聆訊輪候時間是司法機構希望達到的目標，但有可能按每年的特殊情況而變動。)

- 司法機構會盡可能立即回覆公眾人士的來信，無論如何，我們會於收到信件後10天內作出臨時回覆，並於30天內作出詳盡回覆。如我們未能在30天內作出詳盡答覆，則會發出進一步的臨時回覆解釋原因。
- 為使服務更完善，我們歡迎任何意見及建議，來信可寄香港金鐘道38號高等法院大樓司法機構政務長收。

如何聯絡我們?

高等法院登記處

地址：香港金鐘道38號高等法院大樓低層一樓

電話：2523 2212

傳真：2524 9725

高等法院書記主任辦事處

地址：香港金鐘道38號高等法院大樓地下

電話：2825 4672

傳真：2530 3512

聆案官書記辦事處

地址：香港金鐘道38號高等法院大樓低層一樓115室

電話：2825 4673

傳真：2524 2034

會計部

地址：香港金鐘道38號高等法院大樓低層二樓

電話：2825 4275

傳真：2596 0512

無律師代表訴訟人資源中心

地址：香港金鐘道38號高等法院大樓低層一樓LG105室

電話：2825 0586

傳真：2825 0588

電子郵箱：inquiryrc@judiciary.hk

網頁：<http://rcul.judiciary.hk>

辦公時間：星期一至星期五 上午八時四十五分至下午一時
下午二時至下午六時

綜合調解辦事處

辦公時間：星期一至星期五 上午九時至下午一時
下午二時至下午六時

地址：香港灣仔港灣道12號灣仔政府大樓一樓113室

電話：2180 8066

傳真：2180 8052

電子郵箱：mediation@judiciary.hk

網頁：<http://mediation.judiciary.hk>

不提供法律意見

司法機構必須保持公正中立，因此上述資源中心、綜合調解辦事處或櫃檯的職員不會提供任何法律意見，或就個別案件的進行或勝訴機會作出評論。如祇需查詢一般法庭程序事宜，請聯絡位於低層1樓105室“無律師代表訴訟人資源中心”的職員，或瀏覽網頁<http://rcul.judiciary.hk>。

如需要法律意見或援助，請聯絡律師或向提供免費法律諮詢服務的機構尋求協助。

辦公時間

星期一至星期五 上午八時四十五分至下午一時
下午二時至下午五時三十分

*（星期六、日及公眾假日休息）

如果天氣惡劣，高等法院有甚麼安排？

請參閱司法機構網頁：颱風及暴雨警告的安排(http://www.judiciary.hk/tc/crt_services/business_hours_typhoon.htm)或留意電台/電視台的相關報導。

考慮法律訴訟前請注意

法律程序應被視為最後的解決辦法，你應當盡量以協議方式解決糾紛。

即使未能與另一方達成協議，也未必值得訴諸法院，以下事宜是你必須衡量的：訴訟必然會挑起的敵意，你的敗訴機會，訴訟所花的時間，訴訟必然帶來的精神和體力上的負擔，訟費，以及（即使你勝訴）被告人可能沒有足夠能力支付判定款項等。

此外，在許多案件中所需進行的法律程序遠較這本只供一般參考的小冊子中所述的基本程序複雜，因此，最好還是透過法律援助或其他方法向合資格的法律執業者尋求協助。

司法機構

二〇一八年十二月

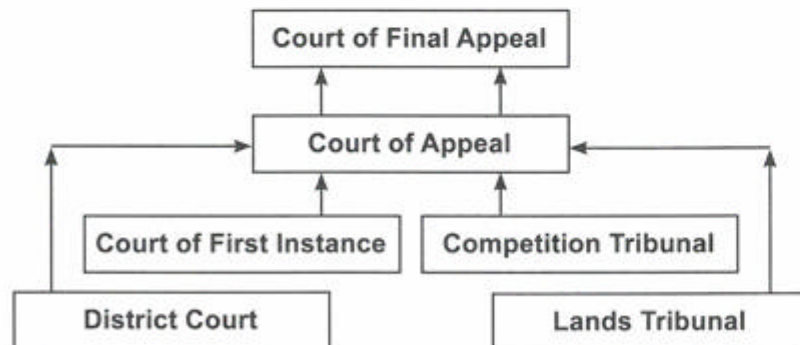
(第十版)

THE HIGH COURT

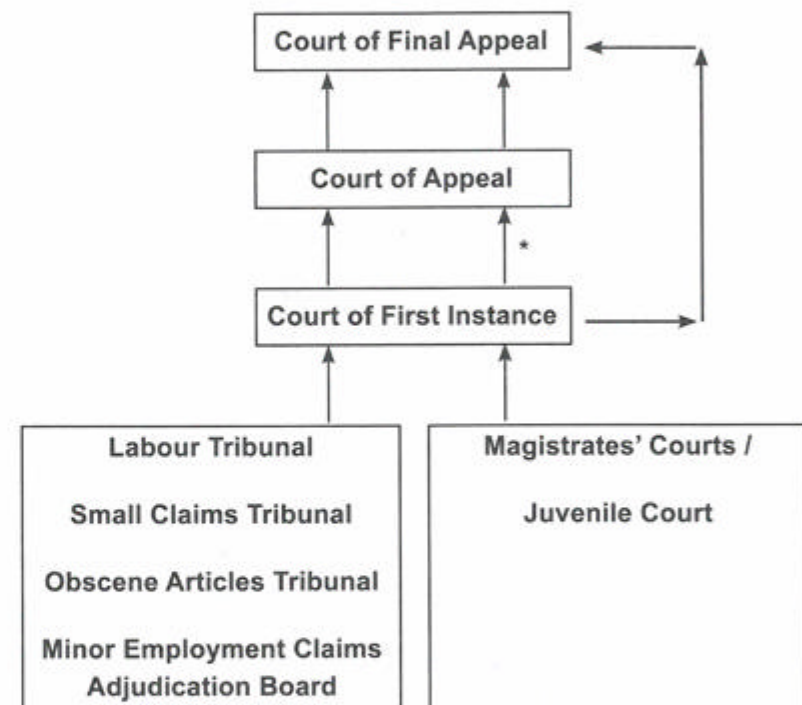
The High Court is made up of the Court of Appeal and the Court of First Instance. It has both appellate and original jurisdiction, i.e. it can both hear appeals sent to it and try cases first taken to it.

The right of appeal is an important part of Hong Kong's legal system, for it allows a higher court to review the judgment of a lower court. The appeal system seeks to ensure that any failures or mistakes claimed to have been made in or in relation to a court hearing, or indeed during an investigation, can be corrected by way of appeal to a higher court.

Appeal Structure of the High Court, Competition Tribunal, District Court and Lands Tribunal



Appeal Structure of Magistrates' Courts and Tribunals



* The Court of First Instance may reserve the appeal, or any point in the appeal for the consideration of the Court of Appeal, or may direct that the appeal, or a point in the appeal, is to be argued before the Court of Appeal.

COURT OF APPEAL

The Court of Appeal hears appeals on criminal and civil matters from the Court of First Instance, the Competition Tribunal, the District Court, the Lands Tribunal and various Tribunals and statutory bodies by virtue of the Ordinance.

1) Criminal Appeals

When an accused in a criminal case is convicted and not satisfied with a decision made by the Court of First Instance or the District Court, he or she may lodge an application for leave to appeal with the Court of Appeal within 28 days from the day of conviction/sentence. If he or she does not lodge an application within time, he or she may apply to the Court of Appeal for leave to appeal out of time.

An accused may appeal against his or her conviction, sentence, or against both conviction and sentence by filing a Notice of Appeal (Form XI) with the Appeals Registry situated at the Clerk of Court's Office within the time limit. This Notice sets out the grounds of appeal. Form XI is available from the Appeals Registry of the High Court Building or the institution where sentence is being served. No filing fee is required.

The Registrar will send an initial appeal bundle to all parties concerned when it is ready. Further papers will be prepared and sent to the parties concerned on request and upon approval by the directions judge or Registrar of Appeals.

An appeal judge may conduct "for mention" hearings to ensure the case is ready. When it is ready, a date will be fixed for hearing the leave to appeal.

The Court of Appeal may refuse or grant the leave to appeal on paper or after hearing. Thereafter, the Court of Appeal, comprising two or three Justices of Appeal, may dismiss or allow an appeal orally and / or reserve written judgment to be handed down or delivered on a date to be fixed.

If an appeal relating to sentence succeeds the term of imprisonment may be reduced, but if not successful, the Court of Appeal may increase the sentence or order loss of time already served.

2) Civil Appeals

Generally, an appeal lies as of right from a decision on a final matter from a Court of First Instance or Competition Tribunal Judge to the Court of Appeal. However, no appeal against the following decisions in a civil case can be made:

- (a) A decision of a Judge in the District Court, unless leave to appeal has been granted;
- (b) A decision of a Judge of the Court of First Instance in an interlocutory matter, unless leave to appeal has been granted;
- (c) An appeal against the decision of a Court of First Instance Judge solely on the question of costs, unless leave to appeal has been

granted;

- (d) A decision of a Judge of the Competition Tribunal in an interlocutory matter, unless leave to appeal has been granted;
- (e) An appeal against the decision of a Competition Tribunal Judge solely on the question of costs, unless leave to appeal has been granted;
- (f) A decision of the Lands Tribunal, unless on a point of law and leave to appeal has been granted

An application for leave to appeal should be made to the judge or master of the respective court who gave that decision.

With regard to (a) and (f), an application for leave should be made within 14 days from the date of an interlocutory decision, or within 28 days for non-interlocutory ones.

With regard to (b), (c), (d) and (e), an application for leave should be made within 14 days of the decision.

If the Judge refuses to grant leave, the party may further apply to the Court of Appeal for leave to appeal within 14 days from the date of such refusal. The Court of Appeal may give leave on such terms as to costs, security, etc. as it thinks fit. The decision of the Court of Appeal on whether to grant or refuse leave is final and not appealable. After leave is granted, the appellant should serve a notice of appeal on the respondent and the court below within 7 days.

Where leave to appeal is not required, except as otherwise provided by other ordinances or rules, the appellant should serve a notice of appeal on the respondent and the court below within 28 days of the decision appealed against.

After service of the notice of appeal, the appellant should within 7 days lodge with the Registrar a sealed copy of the judgment or order appealed against, a copy of the written reasons for judgment and two copies of the notice of appeal, one of which shall be endorsed with the amount of the fee paid, and the other endorsed with a date of service of the notice.

Notice of setting down must be given to all parties on whom the notice of appeal was served within 4 days after an appeal has been set down.

The parties must prepare the appeal in accordance with the relevant Practice Direction of the Court and, in the case of an appellant acting in person, the specific directions given by the Registrar of Civil Appeals, before an application may be filed to fix a date for the hearing of the appeal. The Registrar of Civil Appeals may give directions either on paper or in an oral directions hearing.

The application to fix a date for the hearing of an appeal should be filed with the Appeals Registry at the Clerk of Court's Office of the High Court Building. Application forms and information about the preparation of an appeal are available from the Resource Centre for Unrepresented Litigants at the High Court Building.

Once listing directions have been obtained from the Registrar of Civil Appeals, the listing officer will fix a date in accordance with those directions. Appeals are heard by the Court of Appeal, comprising normally three, sometimes two, Justices of Appeal.

If a party is a limited company, it must engage a solicitor to act on its behalf unless it has applied for and obtained leave to act by its director from the Registrar of the High Court.

Language

Cases can be conducted in one of the two official languages, Chinese or English. The language used in the appeal is usually the same as that used in the trial hearing unless the appellant applies to the Court of Appeal to use the other language. The Court may allow or refuse the application and its decision is final.

Further Appeal

If the party is not satisfied with the decision of the Court of Appeal, he or she may lodge an application for leave to appeal to the Court of Final Appeal. For details, please refer to the "Court of Final Appeal" booklet.

COURT OF FIRST INSTANCE

As already noted, the Court of First Instance has both appellate and original jurisdiction and this extends to both criminal and civil matters.

1) Appellate Jurisdiction

Magistrates' Courts Appeals

The Court of First Instance functions as an appeal court for criminal cases heard in the Magistrates' Courts.

An accused who is not satisfied with the decision of the Magistrate may lodge an appeal to the Court of First Instance within 14 days after the decision of the Magistrate.

A Notice of Appeal should be filed with the First Clerk of the Magistrates' Courts where the trial was conducted.

- Form No. 101: Notice of Appeal against conviction
- Form No. 102: Notice of Appeal against sentence
- Form No. 103: Notice of Appeal out of time

These forms are available from the Magistrates' Courts, the institution where the accused is serving sentence and the Appeals Registry situated at the Clerk of Court's Office of the High Court Building (Form 103 only). No filing fee is required.

Upon receipt of the appeal bundle from the Magistrates' Courts, the Appeals Registry will send a copy of the appeal bundle to the parties concerned. Further papers will be prepared and sent to the parties concerned on request and upon approval by the directions judge or the Registrar. The Listing Officer will follow the directions to fix a date for the hearing of the appeal and a notice of hearing will be sent to the parties concerned.

Tribunal Appeals

The Court of First Instance functions as an appeal court for cases heard in the Labour Tribunal, the Small Claims Tribunal, the Obscene Articles Tribunal and the Minor Employment Claims Adjudication Board.

The party concerned should file an Application for Leave to Appeal with the court registry situated at the Clerk of Court's Office within the time limit specified in the respective Ordinances. The form is available from the Resource Centre for Unrepresented Litigants situated at the High Court Building, Clerk of Court's Office or from the Registries of the respective Tribunals/Board.

The hearing will be fixed before a Judge of the Court of First Instance. If leave is granted, the applicant will be informed in writing. The party will then need to file a Notice of Originating Motion with a prescribed fee to be paid. They will be invited to the Clerk of Court's Office to fix a date for hearing the appeal. Leave will be granted only for cases involving points of law.

The refusal of a Judge of the Court of First Instance to grant leave to appeal is final.

A party may apply to the Registrar of the High Court for extension of time for filing the application for leave to appeal. The decision of the Registrar is final.

Appeal from Decision of Master

There is also a right of appeal from the decision of the Master to the Judge of the Court of First Instance. However, no further evidence (other than evidence as to matters which have occurred after the date on which the decision was given or made) may be received on the hearing of that appeal except on special grounds.

2) Original Jurisdiction

i) Criminal Jurisdiction

The Court of First Instance tries the most serious criminal offences, such as murder, manslaughter, rape, armed robbery, or trafficking in large quantities of dangerous drugs and complex commercial frauds. Most of such cases are transferred from the Magistrates' Courts after the committal proceedings. Cases are tried, normally in open court, by a Judge of the Court of First Instance, sitting with a jury of seven, or, when a Judge so orders, nine. The prosecution is conducted by the Department of Justice of the Hong Kong Special

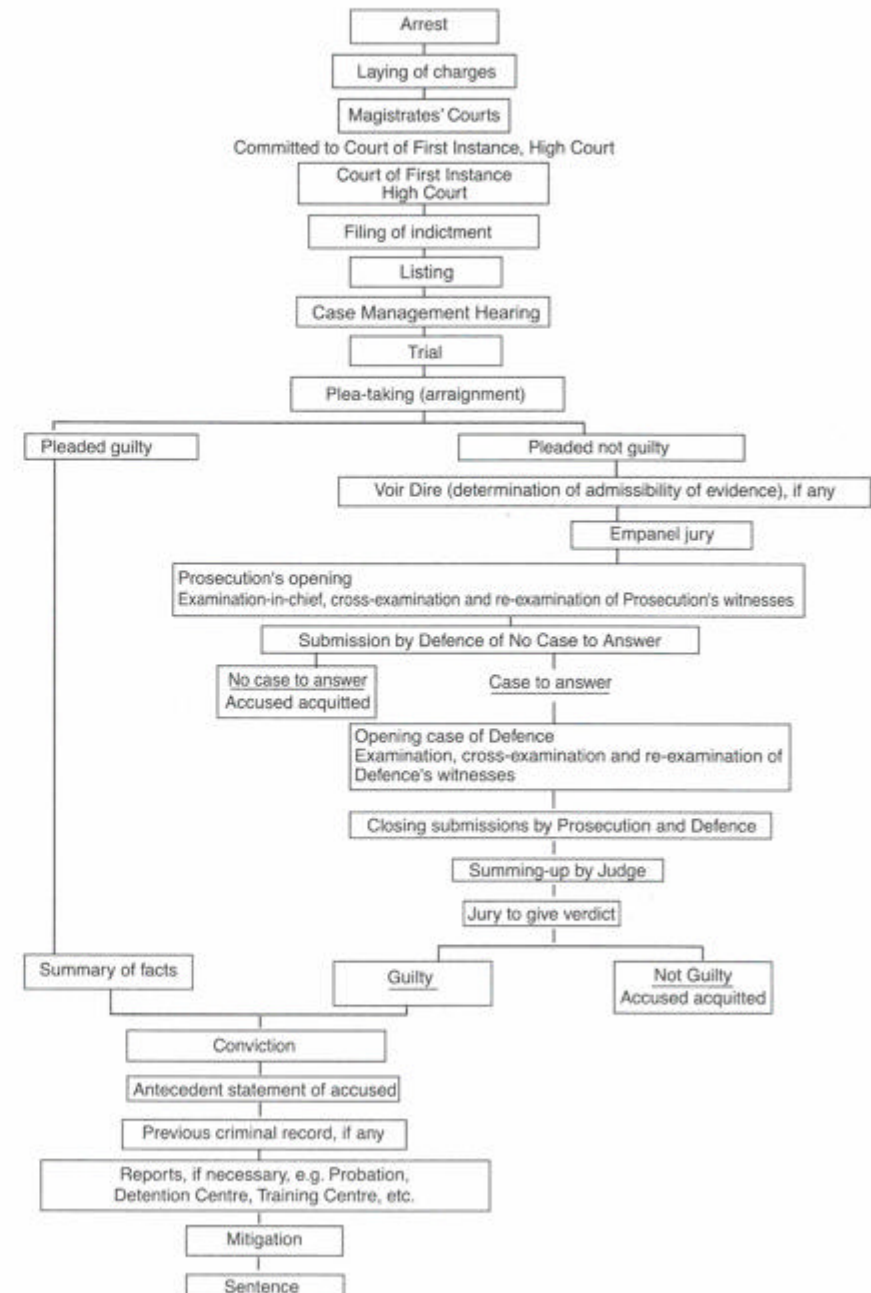
Administrative Region.

Within 21 days after receiving the defence's request for listing, the Criminal Listing Judge will list the case for trial with trial dates given. Written notification of trial dates will be given to the prosecution and the defence by the Registrar.

An accused who is acting in person should seek legal advice immediately and may seek legal assistance from the Legal Aid Department. If he or she chooses not to engage a lawyer, the case for the defence should be very carefully prepared well before trial. If it is intended to summon witnesses, an Information and Request for a Summons to a Witness together with a Summons to a Witness should be completed and filed with the court registry situated at the Clerk of Court's Office. The Court will arrange for the bailiff to serve the Summons.

A Case Management Hearing will be fixed before the Criminal Listing Judge or the Trial Judge not earlier than 14 days after the filing of the Case Management Questionnaire (Fixture List). The court will give such directions as may be necessary for the proper and effective disposal of the case.

Flowchat for criminal procedure



Language

Cases can be conducted in either Chinese or English. If a party chooses Chinese, he or she should make this request to the Listing Judge at the date fixing session. If approval is granted, a bilingual Judge will be arranged to conduct the trial. The Listing Judge may allow or refuse the request.

Appeal

If the accused is not satisfied with the decision of the Court, he can appeal to the Court of Appeal. Please see page 34 and 35.

ii) Civil Jurisdiction

The Court of First Instance has unlimited jurisdiction over all civil matters. Common types of civil proceedings in the Court of First Instance include:

- admiralty
- bankruptcy
- breach of contract
- tort
- company winding-up
- construction and arbitration

- custody and ancillary relief in matrimonial proceedings
- hire-purchase
- injunction
- intellectual property
- judicial review
- mortgage
- personal injury
- probate and administration

Note that if a claim is for an amount slightly in excess of \$3 million, the excess can be abandoned to bring the claim within the jurisdiction of the District Court, since costs there are generally lower than those of the Court of First Instance.

How to Start a Civil Action in the Court of First Instance?

In civil proceedings, one party - the plaintiff - starts a civil action against another party - the defendant - in one of three ways. As plaintiff, you may:

- engage a lawyer
- seek the help of the Legal Aid Department
- start the action yourself

Certain types of individual, for example, infants, mentally disabled persons and the estate of a deceased person, can only commence an action by a representative. A limited company must engage a solicitor to act on its behalf in the Court of First Instance whether as plaintiff or defendant unless special permission is obtained from the Court for it to be represented by a director.

Mode of starting an action

As plaintiff, you can commence a civil action in the Court of First Instance in one of the following modes:

- Writ of summons
- Originating summons

Forms for all these modes can be found in Appendix A of the Rules of the High Court, Chapter 4 of the Laws of Hong Kong.

Since the most common mode for commencing an action is the Writ of Summons, it is outlined below.

Writ of Summons

You can obtain a Writ of Summons (Form No. 1) and the accompanying acknowledgement of service (Form No. 14) from the High Court Registry. A Writ of Summons must always be used to commence an action based on contract, tort, fraud, damages for personal injuries or death, damages to property arising out of

a breach of duty, and generally for all actions likely to involve a substantial dispute of facts.

If the only claim that you are making is for payment of money, a Form 16 (for a liquidated claim, e.g. a debt) or Form 16C (for an unliquidated claim, e.g. damages for breach of contract or personal injuries) for admission of your claim should accompany your writ.

Filing of Writ of Summons

As plaintiff, you will set out on Form No. 1 in Chinese or English a statement of claim, i.e. a concise statement of your claim together with the facts you rely on and the relief and remedy you claim. You have to verify the statement of claim with a statement of truth in accordance with Order 41A of the Rules of the High Court.

Pay a filing fee at the Accounts Office of the High Court upon filing the Writ. After you have paid this fee, return the completed forms to the Registry. One copy of the form will be returned to you for reference.

You must serve the writ, acknowledgement of service and Form 16 or 16C (if applicable) on the defendant. This can be done by personal service, registered mail, or insertion through the letter box (or, in the case of a corporation, on the registered address). Make sure the defendant's address is accurate. In an action for recovery of possession of land/property, you must also post up a copy of the writ at the entrance of the premises in question (You may see the

“Bailiff’s Section” booklet for details).

Filing of Acknowledgement of Service by the Defendant

When the defendant is served with the writ (Form No. 1) and the acknowledgement of service (Form No. 14), he or she must fill in Form No. 14 to indicate if he or she wishes to defend the action and file it with the Registry within 14 days after service of the Writ (including the day of service).

For the purpose of calculating the period of 14 days for filing acknowledgement of service by an individual defendant, a Writ served on the defendant personally is treated as having been served on the day it was delivered to him and a Writ served by post or by insertion through the defendant’s letter box is treated as having been served on the seventh day after the date of posting or insertion.

Filing and serving of defence by the Defendant

Any defence must be filed with the court and served on you within 28 days after the time limit for acknowledgement of service expires. The defence must explain why the defendant is disputing your claim and may include a counterclaim against you.

The defence must be verified by a statement of truth in accordance with Order 41A of the Rules of the High Court.

What happens if the defendant does not file acknowledgement of service or a defence?

If a defendant does not file Form No. 14 or a defence within the time allowed, you can apply to the Court for judgment. In such a case, a full trial is not required. You may enter judgment for the amount claimed and costs, if the claim is for debt or for liquidated damages, i.e. where the amount of the claim is fixed and ascertainable, for example, action on a cheque.

Interlocutory judgment on liability may be entered instead if you are claiming for unliquidated damages, for example, for loss of profits or damages for injury to person or property. In this case you will have to ask a master or a judge to assess the amount of damages you are entitled to.

Under Order 13A of the Rules of High Court, if you are only claiming for the payment of money, the defendant may make an admission and/or propose terms of payment by filing in Court a Form 16 or Form 16C as may be appropriate and serve a copy of the same on you. You may file a request for judgment or reply (see Forms 16A, 16B, 16D and 16E) to indicate if you accept the offer and the terms of payment as proposed by the defendant. If you accept the offer but do not agree to the terms of payment, you may request a master to determine the terms of payment.

However, if you do not file a request for judgment or reply within 14 days after a copy of the admission form served on you, the claim is stayed until you file the request or reply.

What happens if the defendant files a defence/ counterclaim?

As plaintiff, you may file with the court and serve on the defendant a reply to any defence filed by him within 28 days after service on you of the defence, and set out additional facts in answer to it.

If the defendant files a counterclaim, you will have to file and serve a defence to it within 28 days after the service on you of the counterclaim if you wish to dispute it. The defendant can enter judgment in default of defence to the counterclaim if you fail to do so within time. As far as the counterclaim is concerned, you have become a defendant.

There are no prescribed forms for a reply or defence to a counterclaim, but you should combine the reply and any defence to the counterclaim in one single document. The document has to be verified by a statement of truth in accordance with Order 41A of the Rules of the High Court.

Discovery of Documents

The pleadings stage will then be complete. Next comes "discovery", when each side must disclose to the other the documents he possesses that relate to the case. After disclosing the documents in the form of a list (Forms No. 26 and 27), both sides must allow the other side to inspect the actual documents.

Mediation

The parties should consider using other ways such as private negotiation or mediation to settle their disputes, using litigation as the last resort. Mediation is a process through which a mediator will assist the parties to reach settlement for their disputes. Experience has shown that this is a cheaper, effective and faster process for resolution of disputes. The Judiciary has issued a Practice Direction No.31 for the parties to have mediation to resolve their disputes.

The parties shall file and serve a Mediation Certificate indicating whether they intend to have mediation to resolve their disputes at the time when they file the Timetabling Questionnaire as described below. The party who does not intend to mediate will have to state the reasons for such a decision so that the trial judge may consider whether it is reasonable for such a decision.

After trial, if the trial Judge, after considering the reasons, decides that it is unreasonable for the party to refuse mediation, he may impose adverse costs order against the party.

If the parties agree to mediate, they should follow the steps set out in the Practice Direction.

The parties who are represented should seek advice from their legal representatives. Those acting in person may obtain advice from the Integrated Mediation Office at Room 113, 1/F, Wanchai Tower. For general enquiry, please see "How to contact us" below.

Timetabling Questionnaire

Each party shall file and serve a timetabling questionnaire within 28 days after the pleadings stage is complete. You should try to agree with the other party (parties) on what directions to seek to prepare a case for trial.

Case Management Summons

As plaintiff, you must, within 14 days after receiving the timetabling questionnaire from the other party (parties) or within 14 days upon expiry of the period for filing and serving a timetabling questionnaire, issue a case management summons for the court to give directions relating to the management of the case.

The court will fix a timetable for the steps to be taken and may fix a milestone date for a case management conference, pre-trial review and/or the trial. You should comply with the directions as you may not be able to get extensions of time without sufficient grounds. In addition, you should attend court on the milestone dates, otherwise your claim will be struck out.

Listing for Trial

After the Court has given directions for setting down, you should file with the Court an application to set a case down for trial and a notification of setting down. In so doing, you have to pay a prescribed fee. Besides, a bundle of documents has to be lodged.

For cases in the Fixture List both parties should attend before the Listing Officer on the date scheduled for date fixing. The Listing Officer will then list the case for trial in accordance with the directions given by the Listing Master. After date fixing, the pre-trial procedure is then complete and parties should bear the trial date in mind and wait for trial.

For cases set down in the Running List, they will be placed initially on the Pending List and then Warned List. Once a case has been set down the title of the action and its action number will appear at the bottom of the Pending List if it is expected to be tried during the next succeeding month. The cases will be tried by judges who are found available to try them one after another generally in accordance with the order set out in the Pending List. Parties have to check the Pending List on the last day of each month to see if their case has been listed on it. Once the case is listed on the Pending List, they have to check the Warned List every Wednesday. This is because every Wednesday a number of cases from the Pending List will be warned that they will likely to be called and tried in the next week and they are put in a separate list called the Warned List. Once a case is listed on the Warned List, parties are required to check the Warned List every day whether their case is fixed to be tried the next day.

The Pending List is posted on the notice board in the reception area of the Clerk of Court's Office on the Ground Floor of the High Court Building. The Warned List is posted on the notice board outside the Clerk of Court's Office. The Warned List is also accessible at the

Judiciary Website. At 2:30 p.m. in every afternoon the Listing Officer will mark on the Warned List those cases that will be tried the next day specifying the venue and date of trial. It is the responsibility of the parties to ensure that they will attend the trial on time.

If either party intends to call witnesses, their attendance at the trial must be secured well in advance. It may be necessary to issue a writ of subpoena, i.e. a witness summons. (See Form No. 28 or 29 in Appendix A of the Rules of the High Court, Chapter 4 of the Laws of Hong Kong.) The appropriate office for issuing such a writ is the Registry of the High Court. Every writ of subpoena should be accompanied by a deposit to cover the witness's reasonable expenses.

Trial Hearing

Both parties should attend court punctually on the trial date, bringing relevant original documents and photocopies for the Judge and for the other party if necessary. Your witnesses should come with you. The ground floor lobby notice board will show which court is hearing your case.

At the trial, the Court will hear the evidence of witnesses and the submissions of the parties. The Court may adjourn the case to another date if further information and/or evidence are needed. The Court may deliver judgment at the end of the trial or deliver/hand down the judgment at a later date.

If parties are willing to settle, the Court will make the settlement an order of the Court. If you and the other party settle the case amicably before the trial, you may file a notice to discontinue the case, or file a consent order setting out your agreement. You may also apply to the Court at the trial to have the terms of settlement made an order of the Court.

Legal Representation

The accused, parties and appellants in both criminal and civil proceedings can act in person or engage a lawyer to act on their behalf. If they can afford to do so, they can employ a legal practitioner in private practice, if not, they can apply for legal aid. For details, please refer to the free pamphlet "How to Apply for Legal Aid in Civil Cases" available at all courts, the Legal Aid Department and Public Enquiry Service Centres of District Offices. A party in a civil action may apply direct to the Director of Legal Aid at 24/F, Queensway Government Offices, 66 Queensway, Hong Kong (Tel: 2537 7677). An accused in custody who wishes to apply for legal aid should approach the Welfare Officer in the custodial institution concerned.

An accused or party who chooses to act in person should prepare the case very carefully before the hearing.

Execution of Judgment

If a party has obtained a judgment but the judgment debtor fails to obey the order, the judgment creditor may apply to the Court to enforce the judgment. The bailiff will levy execution on the property of the defendant in order to recover judgment. You may contact the High Court Registry for information if the bailiff's service is required. For details, please refer to the "Bailiff Section" booklet available from the High Court Registry or the Bailiff Section.

Performance Pledge

Waiting time in the Court of Appeal for a hearing date:

- Criminal cases: 50 days from setting down of an appeal
- Civil cases: 90 days from application to fix date

Waiting time in the Court of First Instance for a hearing date:

- Criminal fixture list: #
- Criminal expedited list: #

Upon the taking effect of the new Practice Direction 9.3 on Criminal Proceedings in the Court of First Instance on 12 June 2017, target waiting times of "Criminal Fixture List" and "Criminal Expedited List" will be reviewed and determined.

- Civil fixture list: 180 days from application to fix date
- Civil running list: 30 days from not-to-be-warned date
- Appeals from Magistrates' Courts: 90 days from lodging of Notice of Appeal

Please note that the above waiting times are targets that the Judiciary strives to achieve, and may fluctuate according to the year's particular circumstances.

- Wherever possible, the Judiciary will reply at once to correspondence from members of the public. In any case, we will give you an interim reply within 10 days and a full response within 30 days of receiving a letter. If a full response cannot be given within 30 days, we will give you a further interim reply with a brief explanation.
- We welcome all comments and suggestions for improving our services. Please send them to the Judiciary Administrator at the High Court, 38 Queensway, Hong Kong.

How to contact us?

High Court Registry

Address: LG 1, High Court Building, 38 Queensway, Hong Kong

Telephone: 2523 2212

Facsimile: 2524 9725

Clerk of Court's Office

Address: G/F, High Court Building, 38 Queensway, Hong Kong

Telephone: 2825 4672

Facsimile: 2530 3512

Masters' Clerks Office

Address: LG 115, High Court Building, 38 Queensway, Hong Kong

Telephone: 2825 4673

Facsimile: 2524 2034

Accounts Office

Address: LG 2, High Court Building, 38 Queensway, Hong Kong

Telephone: 2825 4275

Facsimile: 2596 0512

Resource Centre for Unrepresented Litigants

Address: Rm LG 105, LG1, High Court Building, 38 Queensway,
Hong Kong

Telephone: 2825 0586

Facsimile: 2825 0588

E-mail: inquiryrc@judiciary.hk

Webpage: <http://rcul.judiciary.hk>

Opening hours: Monday – Friday 8:45 a.m. - 1:00 p.m.
2:00 p.m. - 6:00 p.m.

Integrated Mediation Office

Monday to Friday: 9:00 am - 1:00 pm

2:00 pm – 6:00 pm

Address: Room 113, 1/F, Wanchai Tower, 12 Harbour Road,
Wanchai, Hong Kong

Telephone: 2180 8066

Fax: 2180 8052

Email: mediation@judiciary.hk

Webpage: <http://mediation.judiciary.hk>

No Legal Advice

In order to maintain the impartial role of the Judiciary, our staff at the Resource Centre or the Integration Mediation Office or at the counters will not provide any legal advice or offer any comment on the conduct or merits of specific court cases and proceedings. For general information on court procedures only, you may approach the Resource Centre for Unrepresented Litigants at Room LG105 or visit its website at: <http://rcul.judiciary.hk>

Please note that you should consult a legal practitioner or approach free legal advisory bodies for assistance if you require legal advice or assistance.

Business Hours

Monday to Friday 8:45 a.m. to 1:00 p.m.

2:00 p.m. to 5:30 p.m.

*(Closed on Saturdays, Sundays and Public Holidays)

What are the arrangements of the High Court in case of bad weather?

Please refer to Typhoon and Rainstorm Warning Arrangements in the Judiciary website (http://www.judiciary.hk/en/crt_services/business_hours_typhoon.htm) or radio/television announcements of the same.

Before You Consider Legal Proceedings

Legal proceedings should always be thought of as a last resort. It is advisable to make every effort to settle a dispute by agreement.

Even where you cannot reach agreement, it may still not be worth your while to begin an action. Always consider the unavoidable element of hostility; the chance that your action may not succeed; the time consumed; the inevitable mental and physical strain; the legal costs; and whether the defendant has sufficient assets to pay

you if you do win the case.

You should also note that in many cases, legal procedures will be needed that are considerably more complicated than the basic procedures described in this general reference booklet. It is thus always advisable to seek the help of a qualified legal practitioner, whether through legal aid or otherwise.

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