



香港司法機構  
終審法院首席法官政務助理

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1 August 2003

Mr Ip Shing-hing  
President  
The Law Society of Hong Kong  
3/F Wing On House  
71 Des Voeux Road Central  
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AUG 6 10.50

*Dear President,*

**Rules of the High Court (Amendment) Rules (Repeal Rules) 2003**

I am writing to inform you that the Rules of the High Court (Amendment) Rules (Repeal Rules) 2003 (“Repeal Rules”) (**Annex A**) are gazetted today and take immediate effect. The purpose of the Repeal Rules is to repeal the Rules of the High Court (Amendment) Rules 2003 (L.N. 157 of 2003) (**Annex B**).

Thank you for your kind attention.

Yours sincerely,

(Miss Emma Lau)  
for Judiciary Administrator



RULES OF THE HIGH COURT (AMENDMENT) RULES 2003 (REPEAL) RULES

(Made by the Rules Committee of the High Court under section  
54 of the High Court Ordinance (Cap. 4))

1. Repeal

The Rules of the High Court (Amendment) Rules 2003 (L.N. 157 of 2003)  
are hereby repealed.

Made this 28th day of July 2003.

Andrew LI  
The Hon. Chief Justice

The Hon. Mr. Justice MA  
Chief Judge of the High Court

The Hon. Mr. Justice  
ROGERS, V.P.

Mr. MOK Yeuk Chi

Mr. Godfrey LAM

Mr. Nicholas HUNSWORTH

Mr. Jeremy S.C. POON  
Secretary

**Explanatory Note**

The purpose of these Rules is to repeal the Rules of the High Court (Amendment) Rules 2003 (L.N. 157 of 2003).

## Annex B

### RULES OF THE HIGH COURT (AMENDMENT) RULES 2003

(Made by the Rules Committee of the High Court under section  
54 of the High Court Ordinance (Cap. 4))

#### 1. Discovery by parties without order

Order 24, rule 2(1) of the Rules of the High Court (Cap. 4 sub. leg. A) is amended by repealing "of rule 4" and substituting "of rules 4 and 11B".

#### 2. Order for discovery

Order 24, rule 3(1) is amended by repealing "and 8" and substituting ", 8 and 11B".

#### 3. Order for discovery of particular documents

Order 24, rule 7(1) is amended by repealing "rule 8" and substituting "rules 8 and 11B".

#### 4. Rule added

Order 24 is amended by adding -

"11B. Disclosure of records of proceedings or  
their transcripts (O. 24, r. 11B)

(1) Where a party to any proceedings has a record of those proceedings or a transcript of such a record prepared (whether by shorthand, mechanical, electronic or any other means) for that party's use, that party shall not be required, whether by a court order or otherwise, to make discovery of or to produce that record or transcript, or a copy of that record or transcript, to any other party for the purpose of those proceedings.

(2) A record, transcript or copy referred to in paragraph (1) may be produced to and for the use of the Court, but only if all the parties to the proceedings consent to such production.

(3) Where a record or transcript, or a copy of a record or transcript, is produced to the Court under paragraph (2), the Court shall order such record or transcript, or a copy of such record or transcript, to be also supplied to all the other parties to the proceedings subject to the payment of reasonable charges which include the costs of procuring or commissioning the production of such record or transcript or a fair and reasonable proportion of such costs."

**5. Order for production to Court**

Order 24, rule 12 is amended -

- (a) by renumbering it as Order 24, rule 12(1);
- (b) by adding -

"(2) This rule does not apply in relation to a document referred to in rule 11B(1)."

Made this 11th day of June 2003.

**Explanatory Note**

These Rules add a new rule 11B to Order 24 of the Rules of the High Court (Cap. 4 sub. leg. A).

2. The effect of the new rule 11B is as follows -

- (a) if a party to any proceedings before the Court (Note: The expression "the Court" is defined in Order 1, rule 4(2) of the Rules of the High Court (Cap. 4 sub. leg. A)) has a record of the proceedings or a transcript of that record prepared for his own use, the party shall not be required to make discovery of or to produce that record or transcript (or a copy of that record or transcript) to the other parties to the proceedings;
- (b) the record or transcript, or a copy of the record or transcript, may be produced to and for the use of the Court if all the parties to the proceedings agree;
- (c) if the record or transcript, or a copy of the record or transcript, is produced to the Court, the Court shall order such record or transcript, or a copy of such record or transcript, to be also supplied to all the other parties to the proceedings subject to the payment of reasonable charges which include the costs of procuring or commissioning the production of such record or transcript or a fair and reasonable proportion of such costs.

3. In view of the making of the new rule 11B, some other provisions of Order 24 also need to be amended. Rule 2(1) (which requires the parties to an action to make, within 14 days after the pleadings in the action

are deemed to be closed, discovery of documents and lists of such documents relating to a matter in question in the action which are or have been in the possession, custody or power of the parties), rule 3(1) (which enables the Court to, amongst other things, order the making of a list of the documents relating to a cause or matter, which are or have been in the possession, custody or power of a party to the proceedings), rule 7(1) (which empowers the Court to order the making of an affidavit stating whether any document or class of document specified or described in the application is, or has at any time been, in the possession, custody or power of a party to the proceedings) and rule 12 (which enables the Court to order the production of any document relating to a cause or matter in the possession, custody or power of a party to the proceedings) are now amended to the effect that these rules do not apply to a record or transcript, or a copy of the record or transcript, referred to in the new rule 11B.