

香港高等法院
司法常務官內庭用箋



REGISTRAR'S CHAMBERS
HIGH COURT
HONG KONG

THE LAW SOCIETY OF H.K.

Our Ref.: SC 144/3/120

23 AUG 03 11: 04

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21 August 2003

Mr. IP Shing Hing
The President
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road Central
Hong Kong

Dear Sir,

Re: Sub-Committee for Civil Court Registry Users

I wish to inform you that the Sub-Committee for Civil Court Registry Users has held its 1st meeting. The following matters have been discussed and decided. Will you please bring them to the attention of your members:

(A) Indemnity to be given by practitioners

- (1) The Sub-Committee notes that there has been an existing practice of indemnity arrangement relating to enforcement of certain judgment. It was a result arising out of the complaints in 1999 that a lot of time was spent by the bailiff visiting a deserted premises three times before a writ of possession was executed. It has been agreed between the Bailiff Office and the Law Society that in case of possession of a deserted premises, the bailiff agrees to dispense with the 3 attendances provided that the premises is a deserted premises and the enforcement is for writ of possession. A copy of the specimen indemnity agreed between them is annexed for reference.
- (2) The Sub-Committee has further considered that whether such indemnity arrangement should be extended to other cases e.g. writ of fi fa alone. In a recent case where the judgment creditor in an action wishes to enforce a judgment by writ of fi fa against the judgment debtor at his business place, at the time when

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execution is about to be levied, a third party produces evidence that the goods belong to him and not the judgment debtor. The bailiff refuses to execute notwithstanding the solicitor for the judgment creditor is prepared to give an indemnity similar to the one annexed. The Sub-Committee considers it not appropriate to give any comment on a pending case. But, the Sub-Committee wants to confirm that the indemnity system has very limited application: it only applies to those cases mentioned in (A)(i) above i.e. enforcement of writ of possession of a deserted premises.

(B) Saving Paper – making more use of Order 41 rule 1(2) and (3) of the Rules of High Court and the Rules of District Court

(1) Very often in cases commenced by way of Originating Summons, Petitions or Motions, the titles sometimes run into pages. The same titles are repeated in the affidavits and exhibit sheets. It wastes a lot of paper and serves no meaningful purposes.

(2) Order 41(2) and (3) state as follows:

“(2) Where a cause or matter is entitled in more than one matter, it shall be sufficient to state the first matter followed by the words “and other matters”, and where a cause or matter is entitled in a matter or matters and between parties, that part of the title which consists of the matter or matters may be omitted.

(3) Where there are more plaintiffs than one, it shall be sufficient to state the full name of the first followed by the words “and others”, and similarly with respect to defendants.”

(3) The Sub-Committee is of the view that practitioners should make more use of them and it will save a lot of paper.

(C) Use of Technology Court

The Technology Court has been in operation since 7 April 2003. Concern has been expressed that practitioners are not familiar with the

modern technology and avoid using it if possible. Please note that though it is called Technology Court it does not mean that the Court is only used for IT cases and the like. It provides various facilities which can be used in other cases. Some of the facilities are listed below:

- (a) A video conferencing system (VCF), to be used in conjunction with services provided by a commercial service provider, permitting evidence to be taken from witnesses outside the court room, including witnesses at home, hospital or abroad.
- (b) Facilities for multi-media presentations, enabling evidence to be presented in audio, video, graphics, text, film and computer animation form, generated by various types of equipment and displayed on screens and broadcast on a sound system installed in court.
- (c) An electronic Documentation and Exhibits Handling System (DEHS), which is an information retrieval system, enabling large volumes of documents to be indexed and stored on the court's computer, with common documents retrieved and displayed simultaneously on computer monitors for use in the course of a hearing. The system also allows the judge and each of the parties to make private notes relating to particular documents, excluding other users of the system from access to such notes.

For a full list of facilities provided please refer to Appendix A to Practice Direction 29.

Yours faithfully,



(Christopher C. Chan)
Registrar

Encl.