

## **Amendment to Practice Direction - 27**

1. The following practice direction will be inserted after paragraph 7.17 of Practice Direction 27.

### **“PART V – RUNNING AND FIXTURE LISTS IN THE DISTRICT COURT**

7.18 In the relevant pre-trial review or checklist review hearing or call-over/listing hearing, if the Listing Judge/Master or the Judge in charge of the Personal Injuries List is satisfied that the case is ready for trial, the action/application shall be set down for trial in either the Running List or the Fixture List.

#### **Cases covered by the Running List**

7.19 There will be a Running List for the trial of the following types of cases in the District Court:

- (i) cases in the Personal Injuries List;
- (ii) claims under the Employees’ Compensation Ordinance, Cap. 282; and
- (iii) claims for compensation resulting from damage to a vehicle involved in a traffic accident.

7.20 A case falling into any of these three categories may be excluded from the Running List if:

- (i) the Listing Judge/Master or the Judge in charge of the Personal Injuries List is satisfied that the estimate of the length of the trial is more than 3 days; or
- (ii) any of the party involved in the case is unrepresented.

7.21 An action which satisfies the criteria mentioned above will only be assigned to the Fixture List where the Listing Judge/Master or the Judge in charge of the Personal Injuries List is satisfied that there is good cause for doing so. Such good cause shall be shown by affidavit served at any time before the relevant pre-trial review hearing, checklist review hearing or call-over/listing hearing.

7.22 In addition to the various ways of setting down a case for trial as referred to in paragraph 7.14 above, the Listing Judge/Master or the Judge in charge of the Personal Injuries List may grant leave to set down a case for trial in the Running List.

**Change of circumstances after leave is granted to set down a case in the Running List**

7.23 If any of the parties becomes unrepresented after leave is granted to set down in the Running List, the case will continue to be kept in that List and the trial will be listed for hearing accordingly. Solicitors who apply to cease to act under such circumstances have the duty to explain to their clients the operation of the Running List.

7.24 Any party to an action may, at any time after leave to set down is given, apply to transfer the action from one list to the other, to fix a date or particular date for the hearing of the action or to vary a date already fixed. Such application shall be made by summons to the Listing Master/Judge or the Judge in charge of the Personal Injuries List with not less than one clear day's notice to any other party to the action. The summons shall be supported by an affidavit setting out the matters on which the party making the application will seek to rely. No order will be made under this paragraph in respect of an action already listed in the Warned List unless there are exceptional circumstances.

## **Operation of the Running List**

7.25 On the last day of each month, those actions which are expected to be tried during the next succeeding month will be listed on the notice board on the ground floor of the District Court next to the daily cause list (and on the 6<sup>th</sup> Floor of the District Court in the notice board outside the Registry) (“the Pending List”).

7.26 On each Wednesday, those actions on the Pending List which are expected to be tried during the next succeeding week will be similarly listed (“the Warned List”).

7.27 Actions will be taken for hearing in the order in which they appear on the Warned List in so far as this is possible having regard to the estimated length of trial and to the availability of judges.

7.28 Copies of the Warned List will be sent by post on the day the list is published to the parties or their solicitors on the record in each action listed thereon, but it shall be the duty of every party or his solicitor instructed in any action in the Running List to keep note of its position and the date of trial therein and to be ready for trial in due course.

7.29 Solicitors with a case in the Running List will be notified that their case will be heard not later than 2:30 p.m. on the day preceding the first day of the hearing. The case(s) marked to be heard the following day will be listed on the daily notice boards on the ground floor and the 6<sup>th</sup> floor of the District Court. To facilitate notification, parties should leave with the Registry their contact telephone number upon becoming unrepresented.

## **The Fixture List**

7.30 In case leave is granted to set down the case for trial in the Fixture List, the Listing Judge/Master or the Judge in charge of the Personal Injuries List will fix the dates for trial in the relevant hearing. If the pre-trial review is conducted without an oral hearing, the parties should make an appointment before the Listing Officer to fix the dates for trial after obtaining the leave to set down in the Fixture List.

7.31 It may be necessary, on good cause being shown, to vacate the dates allocated for the trial of a particular action/application. However, such application must be made before the Listing Judge/Master or the Judge in charge of the Personal Injuries List or the trial judge. No new dates should be arranged directly with the Listing Officer.”

2. To cope with the operation of the Running List, the checklist for the pre-trial review is revised with the inclusion of the new question no. 19. The checklist in Appendix C to Practice Direction 27 is therefore replaced by the new checklist annexed hereto.

“APPENDIX C (Checklist)

*(To be inserted after Question No. 18)*

19. Does the present action fall into any of the categories of cases suitable for hearing in the Running List pursuant to Practice Direction No. 27.7.18 (i.e. personal injuries claim, employees’ compensation claim and traffic accident claim)? Yes \_\_\_ No \_\_\_

If yes:

(i) specify the type of claim; \_\_\_\_\_

(ii) is there any application to fix the case for trial in the Fixture List? Yes \_\_\_ No \_\_\_

*(The existing Question Nos. 19 and 20 will be re-numbered 20 and 21.)*”

3. To reduce the number of unnecessary documents in the bundle for pre-trial review, Practice Direction Nos. 7.7 and 7.8 are deleted and

substituted by the following:

“7.7. To comply with the obligation under O. 34, r. 3(4), RDC, the applicant for pre-trial review should, when filing the notice of application, lodge in the Registry a bundle consisting of one copy of each of the documents referred to in the said rule. Documents which have already been filed in the Registry need not be included in the bundle.

7.8 The said bundle must be bound up in the proper chronological order.”

4. This amendment to the Practice Direction shall take effect on 1 December 2003.

Dated this 20th day of November 2003

Andrew Li  
Chief Justice