

PRACTICE DIRECTION - 36

Handing Down of Reserved Judgments in the High Court

1. This Practice Direction is aimed at ensuring that reserved judgments are handed down as expeditiously as is reasonably practicable having regard to the circumstances of the case, including its nature and complexity, and the other commitments of the court. It applies to all cases before the Court of Appeal, the Court of First Instance and the Masters, except non-refoulement claims and related matters.
2. For present purposes, judgments and reserved judgments include judgments reserved after oral hearings and reasons for judgment, and judgments for paper applications.
3. With effect from 6 June 2022, all reserved judgments will be handed down within the timeframes set out below.

A. Court of Appeal

A1. Civil appeals

4. For all oral hearings, judgment will be handed down within 6 months after the conclusion of the hearing.
5. For all paper applications, judgment will be handed down within 6 months from the date that a judge is assigned to handle the case. The clerk of the handling judge will notify the parties in writing that the judge has been assigned to handle the case as at the date stated.
6. For applications for leave to appeal to the Court of Final Appeal, judgment will be handed down within 3 months after the close of the parties' submissions or where there is an oral hearing, within 3 months after the conclusion of the hearing.

A2. Criminal appeals

7. For all oral hearings before a single judge, judgment will be handed down within 3 months after the conclusion of the hearing.
8. For all oral hearings before the full bench (including a two-member court), judgment will be handed down within 6 months after the conclusion of the hearing.
9. For bail applications, the court should ordinarily be able to deliver judgment at the conclusion of the hearing. If the court reserves judgment or gives judgment with reasons for judgment to be handed down, judgment or reasons for judgment will be handed down within 14 days after the conclusion of the hearing.
10. For applications for leave to appeal to the Court of Final Appeal or other miscellaneous applications, judgment will be handed down within 3 months after the close of the parties' submissions or where there is an oral hearing, 3 months after the conclusion of the hearing.

B. Court of First Instance

B1. Civil cases

11. For trials and substantive applications, such as the substantive hearing of an originating summons, judicial reviews and tribunal appeals, which last for less than 15 days, judgment will be handed down within 6 months after the conclusion of the hearing.
12. For trials and substantive applications which last for 15 days or more, judgment will be handed down within 9 months after the conclusion of the hearing.

13. For interlocutory applications, judgment will be handed down within 3 months after the conclusion of the hearing.

14. For paper applications, judgment will be handed down within 3 months after the close of the parties' submissions.

B2. Criminal cases

15. For magistracy appeals and all other applications (other than bail), judgment will be handed down within 3 months after the close of the parties' submissions or where there is an oral hearing, within 3 months after the conclusion of the hearing.

16. For bail applications, paragraph 9 above applies.

C. Masters

17. While masters are expected to be able to deliver judgment at the conclusion of the hearing for a contested matter, in the event that judgment has to be reserved, the judgment will be handed down within 3 months after the conclusion of the hearing.

18. For assessment of damages, judgment will be handed down within 6 months of the conclusion of the hearing.

D. Fixing the handing down date

19. When reserving judgment after an oral hearing, the court must at the same time fix the actual handing down date of the judgment in accordance with the timeframes set out above.

20. For paper applications or disposals, the court will notify the parties in writing of the actual handing down date once a judge has been assigned to handle the matter or immediately after the close of the parties' submissions, as the case may be.

Dated this 20th day of May 2022.

(Andrew Cheung)

Chief Justice