

Civil Justice (Miscellaneous Amendments) Ordinance 2008

Amendments to High Court Ordinance (Cap. 4)

Remarks

12F. Transfer of proceedings to the Lands Tribunal

Section 43
Lands Tribunal

The Court of First Instance may, either of its own motion or on the application of any party, order at any stage the transfer to the Lands Tribunal of all or part of any action or proceedings before it which are within the jurisdiction of the Lands Tribunal.

14. Appeals in civil matters

(1) Subject to subsection (3) and section 14AA, an appeal shall lie as of right to the Court of Appeal from every judgment or order of the Court of First Instance in any civil cause or matter. (Amended 25 of 1998 s. 2)

Section 24
Rec 110 – 113,
& 115

(2) (Repealed 52 of 1987 s. 10)

(3) No appeal shall lie –

- (a) from an order of the Court of First Instance allowing an extension of time for appealing from a judgment or order; (Amended 25 of 1998 s. 2) [cf. 1925 c. 49 s. 31 U.K.]
- (b) (Repealed 52 of 1987 s. 10)
- (c) from a judgment or order of the Court of First Instance, where it is provided by any Ordinance or by rules of court that the same is to be final; (Amended 25 of 1998 s. 2)
- (d) from an order absolute for the dissolution or nullity of marriage in favour of any party who, having had time and opportunity to appeal from the decree nisi on which the order was founded, has not appealed from that decree;
- (e) without the leave of the court or tribunal in question or of the Court of Appeal, from an order of the Court of First Instance or any other court or tribunal made with the consent of the parties or relating only to costs which are by law left to the discretion of the court or tribunal; (Replaced 52 of 1987 s. 10. Amended 25 of 1998 s. 2) [cf. 1981 c. 54 s. 18 U.K.]
- (ea) except as provided by the Arbitration Ordinance (Cap. 341), from any decision of the Court of First Instance – (Amended 25 of 1998 s. 2)
 - (i) on an appeal under section 23 of that Ordinance on a question of law arising out of an arbitration award; or
 - (ii) under section 23A of that Ordinance on a question of law arising in the course of a reference; (Added 52 of 1987 s. 10)
- (eb) from a decision of the Court of First Instance in respect of which a

certificate is granted under section 27C of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) and leave to appeal is granted under section 27D of that Ordinance in any proceedings; (Added 11 of 2002 s. 6)

- (f) without the leave of the Court of First Instance or the Court of Appeal, from a judgment or order of the Court of First Instance given or made in summarily determining under rules of court any question at issue in interpleader proceedings: (Amended 25 of 1998 s. 2)

Provided that this paragraph shall have no effect in relation to any interpleader issue which is tried by a judge whether with or without a jury; (Amended 21 of 2001 s. 48)

- (g) from a determination, judgment or order of the Court of First Instance referred to in section 22(1)(c) of the Hong Kong Court of Final Appeal Ordinance (Cap. 484). (Added 21 of 2001 s. 48)

(4) Rules of court made under section 54 may provide for orders or judgments of any prescribed description to be treated for any prescribed purpose connected with appeals to the Court of Appeal as final or as interlocutory. (Added 52 of 1987 s. 10) [cf. 1981 c. 54 s. 60 U.K.]

(5) No appeal shall lie from a decision of the Court of Appeal as to whether a judgment or order is, for any purpose connected with an appeal to that court, final or interlocutory. (Added 52 of 1987 s. 10)

14AA. Leave to appeal required for interlocutory appeals

Section 25
Rec 110 – 113,
& 115

(1) Except as provided by rules of court, no appeal lies to the Court of Appeal from an interlocutory judgment or order of the Court of First Instance in any civil cause or matter unless leave to appeal has been granted by the Court of First Instance or the Court of Appeal.

(2) Rules of court may specify a judgment or order of any prescribed description to which subsection (1) does not apply and accordingly an appeal lies as of right from the judgment or order.

(3) Leave to appeal for the purpose of subsection (1) may be granted –

(a) in respect of a particular issue arising out of the interlocutory judgment or order; and

(b) subject to such conditions as the court hearing the application for leave considers necessary in order to secure the just, expeditious and economical disposal of the appeal.

(4) Leave to appeal for the purpose of subsection (1) shall not be granted unless the court hearing the application for leave is satisfied that –

(a) the appeal has a reasonable prospect of success; or

(b) there is some other reason in the interests of justice why the appeal should be heard.

(5) This section does not apply in relation to an interlocutory judgment or order of the Court of First Instance made before the commencement of this section.

14AB. Decision on leave to appeal final

Section 25
Rec 110 – 113,
& 115

No appeal lies from a decision of the Court of Appeal as to whether or not leave to appeal to it should be granted.

21L. Injunction and receiver

Remarks:

Adaptation amendments retroactively made – see 25 of 1998 s. 2

(1) The Court of First Instance may by order (whether interlocutory or final) grant an injunction or appoint a receiver in all cases in which it appears to the Court of First Instance to be just or convenient to do so.

(2) Any such order may be made either unconditionally or on such terms and conditions as the Court thinks just.

(3) The power of the Court of First Instance under subsection (1) or section 21M to grant an interlocutory injunction restraining a party to any proceedings from removing from the jurisdiction of the Court of First Instance, or otherwise dealing with, assets located within that jurisdiction shall be exercisable in cases where that party is, as well as in cases where he is not, domiciled or resident or present within that jurisdiction.

Section 9
Rec 45 – 48

(4) If, whether before, or at, or after the hearing of any cause or matter, an application is made for an injunction to prevent any threatened or apprehended waste or trespass, the injunction may be granted, if the Court of First Instance thinks fit, whether –

- (a) the person against whom the injunction is sought is or is not in possession under any claim of title or otherwise, or (if out of possession) does or does not claim a right to do the act sought to be restrained under any colour of title; and
- (b) the estates claimed by both or by either of the parties are legal or equitable.

(5) The power of the Court of First Instance to appoint a receiver by way of equitable execution shall operate in relation to all legal estates and interests in land; and that power –

- (a) may be exercised in relation to an estate or interest in land whether or not a charge has been imposed on that land under section 20 for the purpose of enforcing the judgment, order, decree or award in question; and

(b) shall be in addition to, and not in derogation of, any power of any court to appoint a receiver in proceedings for enforcing such a charge.

(6) Where an order under section 20 imposing a charge for the purpose of enforcing a judgment, order, decree or award has been registered under section 2 of the Land Registration Ordinance (Cap. 128), section 3(2) of that Ordinance shall not apply to an order appointing a receiver made either –

- (a) in proceedings for enforcing the charge; or
- (b) by way of equitable execution of the judgment, order, decree or award or, as the case may be, of so much of it as required payment of moneys secured by the charge.

(Added 52 of 1987 s. 18. Amended 25 of 1998 s. 2)
[cf. 1981 c. 54 s. 37 U.K.]

21M. Interim relief in the absence of substantive proceedings

Section 10
Rec 45 – 48

(1) Without prejudice to section 21L(1), the Court of First Instance may by order appoint a receiver or grant other interim relief in relation to proceedings which –

- (a) have been or are to be commenced in a place outside Hong Kong; and**
- (b) are capable of giving rise to a judgment which may be enforced in Hong Kong under any Ordinance or at common law.**

(2) An order under subsection (1) may be made either unconditionally or on such terms and conditions as the Court of First Instance thinks just.

(3) Subsection (1) applies notwithstanding that –

- (a) the subject matter of those proceedings would not, apart from this section, give rise to a cause of action over which the Court of First Instance would have jurisdiction; or**
- (b) the appointment of the receiver or the interim relief sought is not ancillary or incidental to any proceedings in Hong Kong.**

(4) The Court of First Instance may refuse an application for appointment of a receiver or interim relief under subsection (1) if, in the opinion of the Court, the fact that the Court has no jurisdiction apart from this section in relation to the subject matter of the proceedings concerned makes it unjust or inconvenient for the Court to grant the application.

(5) The power to make rules of court under section 54 includes power to make rules of court for –

- (a) the making of an application for appointment of a receiver or interim relief under subsection (1); and**
- (b) the service out of the jurisdiction of an application or order for the appointment of a receiver or for interim relief.**

(6) Any rules made by virtue of this section may include such incidental,

supplementary and consequential provisions as the Rules Committee considers necessary or expedient.

(7) In this section, “interim relief” (臨時濟助) includes an interlocutory injunction referred to in section 21L(3).

21N. Supplementary provisions as to interim relief in the absence of substantive proceedings

Section 10
Rec 45 – 48

(1) In exercising the power under section 21M(1), the Court of First Instance shall have regard to the fact that the power is –

- (a) ancillary to proceedings that have been or are to be commenced in a place outside Hong Kong; and
- (b) for the purpose of facilitating the process of a court outside Hong Kong that has primary jurisdiction over such proceedings.

(2) The Court of First Instance has the same power to make any incidental order or direction for the purpose of ensuring the effectiveness of an order granted under section 21M as if the order were granted under section 21L in relation to proceedings commenced in Hong Kong.

~~27. Vexatious litigants~~

Section 13
Rec 67 & 68

Remarks:

~~Adaptation amendments retroactively made—see 25 of 1998 s. 2~~

~~(1) If, on an application made by the Secretary for Justice under this section, the Court of First Instance is satisfied that any person has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the Court of First Instance or in any inferior court, and whether against the same person or against different persons, the Court of First Instance may, after hearing that person or giving him an opportunity of being heard, order that no legal proceedings shall without the leave of the Court of First Instance be instituted by him in any court and that any proceedings instituted by him in any court before the making of the order shall not be continued by him without such leave and such leave shall not be given unless the Court of First Instance is satisfied that the proceedings are not an abuse of the process of the Court and that there is prima facie ground for the proceedings. (Amended L.N. 362 of 1997; 25 of 1998 s. 2)~~

~~(2) A copy of any order made under subsection (1) shall be published in the Gazette. (Added 52 of 1987 s. 21)~~

~~[cf. 1925 c. 49 s. 51 U.K.]~~

27. Restriction of vexatious legal proceedings

(1) The Court of First Instance may, on the application of the Secretary for Justice or an affected person, make an order that –

- (a) no legal proceedings shall without the leave of the Court of First Instance be instituted by the person against whom the order is made; and
- (b) any legal proceedings instituted by that person in any court before the making of the order shall not be continued by him without the leave of the Court of First Instance.

(2) The Court of First Instance may not make an order under subsection (1) unless –

- (a) it is satisfied that the person against whom the order is to be made has habitually and persistently and without any reasonable ground instituted vexatious legal proceedings, whether in the High Court or in any inferior court, and whether against the same person or against different persons; and
- (b) it has heard the person against whom the order is to be made or given him an opportunity of being heard.

(3) An order made under subsection (1) –

- (a) may be made on such terms and conditions as the Court of First Instance thinks just; and
- (b) may provide that it is to cease to have effect at the end of a specified period, but shall otherwise remain in force indefinitely.

(4) A copy of an order made under subsection (1) shall be published in the Gazette.

(5) In subsection (1), “affected person” (受影響的人) means a person who –

- (a) is or has been a party to any of the vexatious legal proceedings; or
- (b) has directly suffered adverse consequences resulting from such proceedings.

27A. Leave to institute or continue proceedings

Section 13
Rec 67 & 68

(1) Leave for the institution or continuance of any legal proceedings by a person who is the subject of an order for the time being in force under section 27(1) shall not be given unless the Court of First Instance is satisfied that –

- (a) the proceedings are not an abuse of the process of the court in question; and
- (b) there are reasonable grounds for the proceedings.

(2) No appeal lies from a decision of the Court of First Instance granting or refusing leave required under this section, unless leave to appeal has been granted by the Court of First Instance.

34B. Composition of Court of Appeal in Its Civil Jurisdiction

Remarks:

Adaptation amendments retroactively made – see 25 of 1998 s. 2

- (1) This section relates to the Court of Appeal in the exercise of its civil jurisdiction; and in this section “Court” (法庭) means the Court of Appeal exercising such jurisdiction.
- (2) The Court shall be duly constituted for the purpose of exercising any of its jurisdiction if it consists of an uneven number of Justices of Appeal not less than 3.
- (3) Where –
 - (a) part of any proceedings before the Court has been heard by an uneven number of Justices of Appeal greater than 3; and
 - (b) one or more members of the Court is or are unable to continue,the Court shall remain duly constituted for the purpose of those proceedings so long as the number of members (whether even or uneven) is not reduced to less than 3.
- (4) The Court shall, if it consists of 2 Justices of Appeal, be duly constituted for the purpose of –
 - (a) ~~hearing and determining~~ **hearing or determining** any appeal against an interlocutory order or interlocutory judgment; Section 26
Rec 110 – 113
& 115
 - (aa) hearing or determining any application for leave to appeal (except an application for leave to appeal to the Court of Final Appeal);** Section 26
Rec 110 – 113
& 115
 - (ab) hearing or determining any interlocutory application in relation to a cause or matter pending before it;** Section 30
Rec 120
 - (b) ~~hearing and determining~~ **hearing or determining** any appeal against a decision of a single Justice of Appeal acting by virtue of section 35(1);
 - (c) ~~hearing and determining~~ **hearing or determining** any appeal where all the parties have before the hearing filed a consent to the appeal being heard and determined by 2 Justices of Appeal;
 - (d) hearing the remainder of, and determining, any appeal where part of it has been heard by 3 or more Justices of Appeal of whom one or more are unable to continue and all the parties have consented to the remainder of the appeal being heard, and the appeal being determined, by 2 remaining Justices of Appeal; or
 - (e) ~~hearing and determining~~ **hearing or determining** an appeal of any such description or in any such circumstances not covered by paragraphs (a) to (d) as may be prescribed for the purposes of this subsection by an order made by the Chief Justice.
- (5) Where –
 - (a) an appeal has been heard by the Court consisting of an even number of Justices of Appeal; and

(b) the members of the Court are equally divided, the case shall, on the application of any party to the appeal, be re-argued before and determined by an uneven number of Justices of Appeal not less than 3, before any appeal to the Court of Final Appeal. (Amended 79 of 1995 s. 50)

(6) In any cause or matter pending before the Court a single Justice of Appeal may at any time during any vacation make an interim order to prevent prejudice to the claims of any parties pending an appeal.

(7) Section 53 shall apply in relation to causes and matters before the Court as it applies in relation to causes and matters before the Court of First Instance.

(Added 52 of 1987 s. 27. Amended 25 of 1998 s. 2)
[cf. 1981 c. 54 s. 54 U.K.]

35. Powers of single judge in Court of Appeal

(1) Subject to subsection (3), in pursuance of the civil jurisdiction of the Court of Appeal, any order or direction not involving the determination of ~~the appeal~~ **an appeal to the Court of Appeal (including an order or direction giving leave to appeal to the Court of Appeal)** may be made or given by a single judge sitting in court or in chambers, and a single judge may likewise make any interim order which he may think fit to prevent prejudice to the claims of any party pending an appeal.

Section 27
Rec 110 – 113
& 115

(2) (Repealed 52 of 1987 s. 28)

(3) Every order or direction made or given by a single judge under subsection (1) may be discharged or varied by the Court of Appeal.

(4) (Repealed 52 of 1987 s. 28)

41. Power of Court of First Instance to order disclosure, etc. of documents before commencement of proceedings

(1) On the application, in accordance with rules of court, of a person who appears to the Court of First Instance to be likely to be a party to subsequent proceedings in that Court in which a claim ~~in respect of personal injuries to a person or in respect of a person's death~~ is likely to be made, the Court of First Instance shall, in such circumstances as may be specified in the rules, have power to order a person who appears to the Court of First Instance to be likely to be a party to the proceedings and to be likely to have or to have had in his possession, custody or power any documents which are **directly** relevant to an issue arising or likely to arise out of that claim- (Amended 25 of 1998 s. 2)

Section 14
Rec 75 & 77

(a) to disclose whether those documents are in his possession, custody or power; and

(b) to produce such of those documents as are in his possession, custody or

power to the applicant or, on such conditions as may be specified in the order –

- (i) to the applicant’s legal advisers;
- (ii) to the applicant’s legal advisers and any medical or other professional adviser of the applicant; or
- (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant. (Replaced 52 of 1987 s. 33) [cf. 1981 c. 54 s. 33 U.K.]

(2) For the purposes of subsection (1), a document is only to be regarded as directly relevant to an issue arising or likely to arise out of a claim in the anticipated proceedings if –

- (a) the document would be likely to be relied on in evidence by any party in the proceedings; or**
- (b) the document supports or adversely affects any party’s case.**

Section 14
Rec 75 & 77

42. Extension of powers of Court of First Instance to order disclosure of documents, inspection of property, etc.

Remarks:

Adaptation amendments retroactively made – see 25 of 1998 s. 2

(1) On the application, in accordance with rules of court, of a party to any proceedings in which a claim ~~in respect of personal injuries to a person or in respect of a person’s death~~ is made, the Court of First Instance shall, in such circumstances as may be specified in the rules, have power to order a person who is not a party to the proceedings and who appears to the Court of First Instance to be likely to have or to have had in his possession, custody or power any documents which are relevant to an issue arising out of that claim –

- (a) to disclose whether those documents are in his possession, custody or power; and
- (b) to produce such of those documents as are in his possession, custody or power to the applicant or, on such conditions as may be specified in the order –
 - (i) to the applicant’s legal advisers;
 - (ii) to the applicant’s legal advisers and any medical or other professional adviser of the applicant; or
 - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant. (Replaced 52 of 1987 s. 34) [cf. 1981 c. 54 s. 34 U.K.]

Section 17
Rec 78

(2) On the application, in accordance with rules of court, of a party to any such proceedings as are referred to in subsection (1), the Court of First Instance shall, in such circumstances as may be specified in the rules, have power to make an order providing for any one or more of the following matters –

- (a) the inspection, photographing, preservation, custody and detention of property which is not the property of, or in the possession of, any party

- to the proceedings but which is the subject matter of the proceedings or as to which any question arises in the proceedings;
- (b) the taking of samples of any such property as is mentioned in paragraph (a) and the carrying out of any experiment on or with any such property.

(3) Subsections (1) and (2) are without prejudice to the exercise by the Court of First Instance of any power to make orders which is exercisable apart from those provisions.

(4) In this section –
“property” (財產) includes any land, chattel or other corporeal property of any description.

(Amended 25 of 1998 s. 2)
[cf. 1970 c. 31 s. 32 U.K.]

43 Provisions supplementary to sections 41 and 42

(1) The power to make rules of court under section 54 shall include power to make rules of court as to the circumstances in which an order under section 41 or 42 can be made; and any such rules may include such incidental, supplementary and consequential provisions as the Rules Committee may consider necessary or expedient.

(2) Without prejudice to the generality of subsection (1), rules of court shall be made for the purpose of ensuring that the costs of and incidental to proceedings for an order under sections 41 and 42 incurred by the person against whom the order is sought shall be awarded to that person unless the Court of First Instance otherwise directs. (Amended 25 of 1998 s. 2)

~~(3) — In sections 41, 42 and 45 —
“personal injuries” (人身傷害) includes any disease and any impairment of a person’s physical or mental condition.~~

Section 18
Rec 78

[cf. 1970 c. 31 s. 33 U.K.]

45 Application to Government of sections 41 to 44

(1) Section 44 shall bind the Government so far as it relates to property (within the meaning of that section) as to which it appears to the Court of First Instance that it may become the subject matters of subsequent proceedings ~~involving a claim in respect of personal injuries to a person or in respect of a person’s death.~~

Section 19
Rec 78

(2) Sections 41, 42 and 43 shall bind the Government.

(3) The Court of First Instance shall not make an order under section 41, 42 or 44 if it considers that compliance with the order, if made, would be likely to be injurious to the public interest.

(Amended 25 of 1998 s. 2; 29 of 1998 s. 105)
[cf. 1970 c. 31 s. 35 U.K.]

52A. Costs in Court of First Instance and Court of Appeal in its civil jurisdiction

Remarks:

Adaptation amendments retroactively made – see 25 of 1998 s. 2

(1) Subject to the provisions of rules of court, the costs of and incidental to all proceedings in the Court of Appeal in its civil jurisdiction and in the Court of First Instance, including the administration of estates and trusts, shall be in the discretion of the Court, and the Court shall have full power to determine by whom and to what extent the costs are to be paid. (Amended 25 of 1998 s. 2)

~~(2) Subject to specific provision made in this or any other Ordinance (other than subsidiary legislation) nothing in subsection (1) shall authorize an award of costs against a person who is not a party to the relevant proceedings.~~

Section 31

(2) Without prejudice to the generality of subsection (1), the Court of Appeal or the Court of First Instance may, in accordance with rules of court, make an order awarding costs against a person who is not a party to the relevant proceedings, if the Court of Appeal or the Court of First Instance, as the case may be, is satisfied that it is in the interests of justice to do so.

(3) Nothing in subsection (1) shall alter the practice in any criminal cause or matter, or in bankruptcy.

(Added 52 of 1987 s. 39)
[cf. 1981 c. 54 s. 51 U.K.]

(4) In any civil proceedings before it, the Court of Appeal or the Court of First Instance may, in accordance with rules of court, by order disallow, or order the legal representative concerned to meet, the whole or any part of any wasted costs.

Section 22
Rec 94 – 97

(5) When determining whether or not to make an order under subsection (4), the Court of Appeal or the Court of First Instance shall, in addition to all other relevant circumstances, take into account the interest that there be fearless advocacy under the adversarial system of justice.

(6) In subsection (4), “wasted costs” (虛耗訟費) means any costs incurred by a party as a result of –

(a) an improper or unreasonable act or omission; or

(b) any undue delay or other misconduct or default,

on the part of any legal representative, whether personally or through an employee or agent of the legal representative.

(7) In this section, “legal representative” (法律代表), in relation to a party

to any proceedings, means a counsel or solicitor conducting litigation on behalf of the party.

52B. Costs-only proceedings

Section 3
Rec 9

(1) This section applies where –

- (a) the parties to a dispute have agreed on all the issues in dispute, including who is to pay the costs of and incidental to the dispute;
- (b) the agreement has been made or confirmed in writing;
- (c) no proceedings relating to the dispute have been commenced; and
- (d) the parties have failed to agree on the amount of the costs of and incidental to the dispute.

(2) Subject to any other Ordinance, either party to the agreement may commence proceedings for an order for the costs of and incidental to the dispute, in accordance with rules of court.

(3) In any proceedings commenced under subsection (2) or transferred to the Court of First Instance under section 53B of the District Court Ordinance (Cap. 336), the Court of First Instance may –

- (a) make an order for the costs of and incidental to the dispute to be taxed or assessed;
- (b) make an order awarding costs to or against any party to the proceedings; and
- (c) make an order awarding costs against a person who is not a party to the proceedings, if it is satisfied that it is in the interests of justice to do so.

(4) A reference to costs in subsection (3)(b) and (c) is a reference to the costs of and incidental to the proceedings commenced under subsection (2) or transferred to the Court of First Instance under section 53B of the District Court Ordinance (Cap. 336).

(5) In subsection (3), “Court of First Instance” (原訟法庭) includes the Registrar and a Master.

52C. Transfer of costs-only proceedings to District Court

Section 3
Rec 9

(1) The Court of First Instance may, either of its own motion or on the application of any party, order the transfer of proceedings commenced under section 52B(2) to the District Court.

(2) An order may be made under this section at any stage of the proceedings.

52D. Scale of costs on which costs awarded under section 52A or 53B are taxed

(1) Where the Court of Appeal or the Court of First Instance has made an award of costs under section 52A(1) or (2) or 52B(3), it may order that those costs be taxed in accordance with –

- (a) the First Schedule and the Second Schedule to Order 62 of the Rules of the High Court (Cap. 4 sub. leg. A); or**
- (b) Schedule 1 and Schedule 2 to Order 62 of the Rules of the District Court (Cap. 336 sub. leg. H).**

(2) Where an award of costs under section 52B(3) is made by the Registrar or a Master, the power of the Court of First Instance under subsection (1) in relation to those costs may be exercised by the Registrar or that Master (as the case may be).

54. Rules of court

Rules

(1) The Rules Committee constituted under section 55 may make rules of court regulating and prescribing the procedure (including the method of pleading) and the practice to be followed in the High Court in all causes and matters whatsoever in or with respect to which the High Court has jurisdiction (including the procedure and practice to be followed in the Registries of the High Court) and any matters incidental to or relating to that procedure or practice. (Amended 25 of 1998 s. 2)

(2) Without prejudice to the generality of subsection (1), rules of court may be made for the following purposes –

- (a) prescribing the procedure in connection with the transfer of proceedings between the Court of First Instance and the District Court, **and between the Court of First Instance and the Lands Tribunal;** (Amended 25 of 1998 s. 2)
- (b) prescribing the jurisdiction of the High Court which may be exercised by the Registrar or a Master (including provision for appeal against decisions in the exercise of such jurisdiction); (Amended 52 of 1987 s. 40; 25 of 1998 s. 2)
- (c) regulating matters relating to the fees and costs of proceedings (including proceedings in connection with the administration of estates and trusts) in the Court of Appeal in its civil jurisdiction and in the Court of First Instance; (Replaced 52 of 1987 s. 40. Amended 25 of 1998 s. 2)
- (d) (Repealed 52 of 1987 s. 40)
- (e) prescribing in what cases persons absent, but having an interest in a cause or matter, shall be bound by any order made therein;
- (f) prescribing in what cases and in what manner there may be submissions and references to special referees, how parties shall be bound thereby,

- and to what extent and with what consequences, and for the appointment, powers and duties of special referees and for proceedings before such special referees;
- (g) regulating the appointment and duties of commissioners for oaths, the revocation of such appointments, and matters incidental thereto;
 - (h) regulating the execution of the process of the High Court, including – (Amended 25 of 1998 s. 2)
 - (i) the prohibition of judgment debtors and persons against whom civil claims are made from leaving Hong Kong and ordering the payment of compensation to them in prescribed circumstances;
 - (ii) ordering the appearance of judgment debtors or officers of corporate judgment debtors for examination and their examination; and
 - (iii) the arrest and imprisonment of judgment debtors; (Amended 1 of 1984 s. 3)
 - (i) regulating matters which could heretofore be or which have heretofore been provided for or regulated by rules of court;
 - (j) prescribing the procedure for the payment of money into the High Court by parties to arbitration proceedings; and without prejudice to the generality of this paragraph prescribing also – (Amended 25 of 1998 s. 2)
 - (i) the effect upon such arbitration proceedings of the acceptance by any party to the arbitration proceedings of such money paid into the High Court; (Amended 25 of 1998 s. 2)
 - (ii) the circumstances in which, following payment into the High Court of money by any party to arbitration proceedings, an arbitrator may amend that part of his award which relates to the payment of the costs of the reference; and (Amended 25 of 1998 s. 2)
 - (iii) such incidental, supplementary and consequential provisions in relation to payment of money into the High Court by parties to arbitration proceedings as the Rules Committee may consider necessary or expedient; (Added 43 of 1982 s. 2. Amended 25 of 1998 s. 2)
 - (k) providing that, in any case where a document filed in, or in the custody of, any Registry is required to be produced to any court or tribunal (including an umpire or arbitrator) sitting elsewhere than at the High Court – (Amended 25 of 1998 s. 2)
 - (i) it shall not be necessary for any officer, whether served with a subpoena in that behalf or not, to attend for the purpose of producing the document; but
 - (ii) the document may be produced to the court or tribunal by sending it to the court or tribunal, in the manner prescribed in the rules, together with a certificate, in the form so prescribed, to the effect that the document has been filed in, or is in the custody of, the Registry,
and any such certificate shall be prima facie evidence of the facts stated in it; and (Added 52 of 1987 s. 40) [cf. 1981 c. 54 s. 136 U.K.]
 - (l) prescribing the procedure in cases where an order of mandamus,

prohibition or certiorari is sought, or proceedings are taken for an injunction under section 21J including a requirement that –

- (i) except in such cases as may be specified in the rules, leave shall be obtained before an application is made for any such order or before any such proceedings are commenced; and
- (ii) where leave is so obtained, no other relief shall be granted and no ground relied upon, except with the leave of the Court, other than the relief and grounds specified when the application for leave was made. (Added 52 of 1987 s. 40)

(2A) Rules providing for the matters referred to in subsection (2)(k) may contain –

- (a) provisions for securing the safe custody and return to the Registry of any document sent to a court or tribunal in pursuance of the rules; and
- (b) such incidental and supplementary provisions as appear to the Rules Committee to be necessary or expedient. (Added 52 of 1987 s. 40) [cf. 1981 c. 54 s. 136 U.K.]

(3) (Repealed 3 of 1989 s. 3)

(4) The power to make rules of court under this section shall include power to make rules as to proceedings by or against the Crown.

(5) Rules of court made under this section shall apply to all proceedings by or against the Crown insofar as they expressly purport so to do.

55D. Rules as to costs and interest

Section 33

(1) Notwithstanding sections 49 and 52A, the power to make rules of court under section 54 includes power to make provision for enabling the Registrar, in such circumstances as may be specified in the rules, to –

- (a) disallow all or part of any costs to be taxed pursuant to a costs order made by the Court of First Instance or the Court of Appeal;**
- (b) disallow all or part of any interest otherwise payable under section 49 on taxed costs, or reduce the period for which such interest is payable or the rate prescribed in section 49 at which such interest is payable; and**
- (c) increase the rate prescribed in section 49 at which interest on taxed costs or costs of taxation is payable.**

(2) Any rules made by virtue of this section may include such incidental, supplementary and consequential provisions as the Rules Committee may consider necessary or expedient