

Civil Justice (Miscellaneous Amendments) Ordinance 2008

Amendments to Small Claims Tribunal Ordinance (Cap. 338)

Remarks

Schedule

JURISDICTION OF TRIBUNAL

1. Any monetary claim founded in contract, quasi-contract or tort where the amount claimed is not more than \$50,000, whether on balance of account or otherwise: (Amended L.N. 81 of 1982; 14 of 1986 s. 11; 49 of 1988 s. 2; 28 of 1999 s. 17)

Provided that the tribunal shall not have jurisdiction to hear and determine –

- (a) any action in respect of –
 - (i) defamation;
 - (ii) – (iii) (Repealed 40 of 1986 s. 6)
- (b) any action or proceeding in respect of a maintenance agreement within the meaning of section 14 of the Matrimonial Proceedings and Property Ordinance (Cap. 192);
- (c) any action by a money lender licensed under the Money Lenders Ordinance (Cap. 163) for the recovery of any money lent, or the enforcement of any agreement or security made or taken in respect of money lent;
- (ca) any action that lies within the jurisdiction of the Minor Employment Claims Adjudication Board established by section 3 of the Minor Employment Claims Adjudication Board Ordinance (Cap. 453); (Added 61 of 1994 s. 56)
- (d) any action that lies within the jurisdiction of the Labour Tribunal established under the Labour Tribunal Ordinance (Cap. 25);
- (e) any action which is submitted to the jurisdiction of the Estate Agents Authority established by section 4 of the Estate Agents Ordinance (Cap. 511) and in respect of which the Estate Agents Authority has not declined jurisdiction, under or pursuant to section 49 of that Ordinance; (Added 48 of 1997 s. 58)
- (f) any action or proceeding for an order for the costs of and incidental to a dispute in relation to which no proceedings have been commenced in the tribunal.**

Section 6
Rec 9

1A. Notwithstanding subparagraph (d) of the proviso to paragraph 1, the tribunal shall have jurisdiction to hear and determine a claim transferred to the tribunal under section 10(2) of the Labour Tribunal Ordinance (Cap. 25). (Added 25 of 1999 s. 19)

Remarks

2. Any claim for the recovery of any penalty, expenses, contribution or other amount which is recoverable by virtue of any enactment and for the recovery of any amount which is declared by any enactment to be recoverable as a civil debt if –

- (a) it is not expressly provided by that or any other enactment that the demand shall be recoverable only in some other court; and
- (b) the amount claimed does not exceed \$50,000. (Amended L.N. 81 of 1982; 14 of 1986 s. 11; 49 of 1988 s. 2; 28 of 1999 s. 17)

For the purposes of this paragraph, “penalty” (罰金) shall not include a fine imposed on the conviction of any person for an offence.