

**L.N. 122 of 2017**

**Rules of the High Court (Amendment) Rules 2017**

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## **Rules of the High Court (Amendment) Rules 2017**

(Made by the Rules Committee of the High Court under section 54 of the High Court Ordinance (Cap. 4))

**1. Commencement**

These Rules come into operation on 1 December 2017.

**2. Rules of the High Court amended**

The Rules of the High Court (Cap. 4 sub. leg. A) are amended as set out in rules 3 to 13.

**3. Order 59, rule 2B amended (application for leave to appeal against interlocutory and other judgments or orders of Court)**

Order 59, after rule 2B(5)—

**Add**

“(6) The Court or the Court of Appeal may extend the period for making an application for leave to appeal before or after the expiry of the period.”.

**4. Order 59, rule 5 amended (setting down appeal)**

Order 59, rule 5(2)—

**Repeal**

everything after “of appeals” and before the full stop.

**5. Order 59, rule 6A added**

Order 59, after rule 6—

**Add**

**“6A. Fixing of date for hearing appeal (O. 59, r. 6A)**

- (1) The Registrar may, at any time after an appeal has been set down under rule 5, direct that a date be fixed for hearing the appeal.
- (2) The Registrar may give the direction—
  - (a) either on the Registrar’s own motion or on the application of a party; and
  - (b) only if the Registrar is satisfied that the matter is ready for determination.
- (3) Despite paragraphs (1) and (2), the Court of Appeal or a single judge may at any time give a direction as to the date for hearing the appeal (including a direction to fix a date for the hearing).”.

**6. Order 59, rule 7 amended (amendment of notice of appeal and respondent’s notice)**

Order 59, rule 7(1)(b)—

**Repeal**

everything after “served”

**Substitute**

“—

- (i) on each of the parties on whom the notice of appeal or respondent’s notice was served; and
- (ii) before the date on which a hearing date of the appeal is fixed in accordance with a direction referred to in rule 6A.”.

**7. Order 59, rule 15 amended (extension of time)**

Order 59, rule 15, after “before”—

**Add**

“or after”.

**8. Order 71B, rule 2 amended (certified copies of judgments)**

Order 71B, Chinese text, rule 2(4)(b)—

**Repeal**

“認收送達”

**Substitute**

“送達認收”.

**9. Order 102, rule 14 amended (certifying lists of creditors entitled to object to reduction)**

Order 102, rule 14(a)—

**Repeal**

“Court,”

**Substitute**

“Court;”.

**10. Order 106, rule 12 amended (title, service, etc. of notice of motion)**

(1) Order 106, rule 12, heading—

**Repeal**

“Title, service, etc.”

**Substitute**

“Service”.

(2) Order 106, rule 12—

**Repeal paragraph (1).**

(3) Order 106, rule 12(2)—

**Repeal**

“the persons to be served with such notice are”

**Substitute**

“the notice of the originating motion by which an appeal is brought must be served on”.

**11. Order 115A, rule 1 amended (interpretation)**

Order 115A, English text, rule 1(1), after ““the Ordinance””—

**Add**

“( 條例)”.

**12. Appendix A amended (forms)**

(1) Appendix A, Chinese text, Form No. 42—

**Repeal**

“今天”

**Substitute**

“今天”.

(2) Appendix A, Chinese text, Form No. 44—

**Repeal**

“今天”

**Substitute**

“今天”.

**13. The expression “(HK)” repealed**

(1) The following provisions—

- (a) Order 1, rules 2(2), 4(1) and 7A;
- (b) Order 10, rule 4(2);
- (c) Order 11, rules 1(4), 6(1) and 7A(1);

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- (d) Order 15, rule 4(3);
  - (e) Order 18, rule 5A, heading;
  - (f) Order 19, rule 8A, heading;
  - (g) Order 25, rule 8(1);
  - (h) Order 32, rules 10 and 22;
  - (i) Order 35, rule 12(1);
  - (j) Order 36, rule 1;
  - (k) Order 37—
    - (i) rule 1(1A);
    - (ii) rule 1A, heading;
  - (l) Order 38, rule 14(5), (6), (7), (8) and (9);
  - (m) Order 41, rule 1(9);
  - (n) Order 42, rules 4(3) and 5B(1);
  - (o) Order 44A, heading;
  - (p) Order 45, rules 1(1), 14(1), 15, 16 and 17(1);
  - (q) Order 47—
    - (i) rule 6(1) and (5);
    - (ii) rule 7, heading;
    - (iii) rule 8, heading;
  - (r) Order 49B, heading;
  - (s) Order 50, rule 10(4);
  - (t) Order 52—
    - (i) rule 2, heading;
    - (ii) rule 2(1), (4), (5), (6) and (7);
  - (u) Order 53, rules 3(4) and 13;

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- (v) Order 55—
  - (i) rule 1(2);
  - (ii) rule 2, heading;
- (w) Order 58, rule 2;
- (x) Order 59, rules 6(3) and 9(1);
- (y) Order 60A, heading;
- (z) Order 62, rules 1(1), 2(1), 13(1) and 34(1);
- (za) Order 63, rule 3A, heading;
- (zb) Order 64, rule 3A(1);
- (zc) Order 67, rule 6A;
- (zd) Order 71, rule 9(3);
- (ze) Order 72, heading;
- (zf) Order 73, rules 10(1) and (6A) and 10A;
- (zg) Order 75, heading;
- (zh) Order 77, rule 4(2);
- (zi) Order 79, rule 1;
- (zj) Order 80, rule 13(3);
- (zk) Order 83A, heading;
- (zl) Order 84A, heading;
- (zm) Order 89, rule 1(1);
- (zn) Order 90, rules 4B, 8 and 10(3A);
- (zo) Order 113, rule 4(1);
- (zp) Order 114—



- (i) heading;
- (ii) rules 1(1) and 2;
- (zq) Order 115, rules 22(1) and 23(1);
- (zr) Order 115A, heading;
- (zs) Order 116, heading;
- (zt) Order 117, heading;
- (zu) Order 118, heading;
- (zv) Order 119, heading;
- (zw) Order 120—
  - (i) heading;
  - (ii) rules 1, 2, 3 and 4—

**Repeal**

“(HK)” (wherever appearing).

- (2) The following provisions—
  - (a) Order 86—
    - (i) rule 8, heading;
    - (ii) rule 9, heading;
  - (b) Order 117A, heading—

**Repeal**

“(HK)” (wherever appearing).

Made this 2nd day of June 2017.

The Hon. Mr. Justice  
Andrew CHEUNG  
Chief Judge of the High Court

The Hon. Mr. Justice Johnson  
LAM V.P.

The Hon. Mr. Justice Thomas AU

Stewart WONG, S.C.

Paul T.K. LAM, S.C.

Denis BROOK

Brian GILCHRIST

Herbert LI

LUNG Kim-wan  
Registrar, High Court

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### Explanatory Note

These Rules amend Order 59 of the Rules of the High Court (Cap. 4 sub. leg. A) (*Rules of the High Court*) to—

- (a) empower the Court of First Instance and the Court of Appeal to extend the time limit for applying for leave to appeal at any time (see rule 3);
  - (b) provide for a clearer framework for fixing the date for hearing an appeal after the appeal has been set down (see rules 4 and 5);
  - (c) amend the time and manner for serving a supplementary notice to amend a notice of appeal or respondent's notice (see rule 6); and
  - (d) provide that an application for extending or abridging the time limit mentioned in rule 15 of that Order may be made before or after the expiry of that period (see rule 7).
2. Under the existing rule 12(1) of Order 106 of the Rules of the High Court, a notice of originating motion, by which an appeal is brought against an order that the Solicitors Disciplinary Tribunal makes after inquiring into and investigating the conduct of a person, is not to name the person in the title. These Rules repeal rule 12(1) of that Order to remove the automatic anonymity, and to remove the other requirements regarding the title of the notice (see rule 10).
3. These Rules also repeal the expression “(HK)” in various provisions of the Rules of the High Court. The expression was first included in the Rules of the High Court to indicate the provisions that were specific to Hong Kong. However, the provisions of the Rules of the High Court have been amended

over the years. It has become less clear which provisions should be considered as specific to Hong Kong. The expression “(HK)” is therefore removed to avoid confusion (see rule 13).

4. These Rules also make certain minor textual amendments (see rules 8, 9, 11 and 12).