

立法會
Legislative Council

LC Paper No. CB(3) 706/17-18

Ref. : CB(3)/M/OR

Tel : 3919 3300

Date : 15 June 2018

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 27 June 2018

**Two proposed resolutions to be moved by
the Chief Secretary for Administration**

The Chief Secretary for Administration will move the attached two proposed resolutions under the following two Ordinances at the above meeting:

- (a) District Court Ordinance (Cap. 336) (**Appendix 1**); and
- (b) Small Claims Tribunal Ordinance (Cap. 338) (**Appendix 2**).

The President has directed that the proposed resolutions be printed in the terms in which they were handed in on the Agenda of the Council.

2. The speeches, in both Chinese and English, which the Chief Secretary for Administration will deliver when moving the two proposed resolutions are in **Appendices 3 and 4** respectively.

(Dora WAI)
for Clerk to the Legislative Council

Encl.

District Court Ordinance

Resolution

(Under section 73A of the District Court Ordinance (Cap. 336))

Resolved that—

- (a) the District Court Ordinance (Cap. 336) be amended as set out in the Schedule; and
- (b) this Resolution is to come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.

Schedule

Amendments to District Court Ordinance

1. **Section 32 amended (general jurisdiction in actions of contract, quasi-contract and tort)**
 - (1) Section 32(1)—
 - Repeal**
 - “\$1,000,000”
 - Substitute**
 - “\$3,000,000”.
 - (2) Section 32(3)—
 - Repeal**
 - “\$1,000,000”
 - Substitute**
 - “\$3,000,000”.
2. **Section 33 amended (money recoverable by enactment)**
 - Section 33(1)(b)—
 - Repeal**
 - “\$1,000,000”
 - Substitute**
 - “\$3,000,000”.
3. **Section 35 amended (jurisdiction for recovery of land)**
 - Section 35—
 - Repeal**

“\$240,000”

Substitute

“\$320,000”.

4. Section 36 amended (jurisdiction where title in question)

(1) Section 36(a)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

(2) Section 36(b)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

5. Section 37 amended (equity jurisdiction)

(1) Section 37(2)(i)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

(2) Section 37(2)(ii)—

Repeal

“\$1,000,000” (wherever appearing)

Substitute

“\$3,000,000”.

(3) Section 37(2)(iii)—

Repeal

“\$3,000,000”

Substitute

“\$7,000,000”.

(4) Section 37(2)(iv)—

Repeal

“\$3,000,000”

Substitute

“\$7,000,000”.

(5) Section 37(2)(iv)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

(6) Section 37(4)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

6. Section 52 amended (extension of jurisdiction to grant injunctions and to make declarations)

(1) Section 52(1)(a)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

(2) Section 52(1)(c)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

(3) Section 52(1)(d)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

7. Section 53A amended (costs-only proceedings)

Section 53A(5)—

Repeal

“\$1,000,000”

Substitute

“\$3,000,000”.

8. Section 69B amended (relief against forfeiture by re-entry for non-payment of rent)

Section 69B(1)—

Repeal

“\$240,000”

Substitute

“\$320,000”.

Small Claims Tribunal Ordinance

Resolution

(Under section 6 of the Small Claims Tribunal Ordinance (Cap. 338))

Resolved that—

- (a) the Small Claims Tribunal Ordinance (Cap. 338) be amended as set out in the Schedule; and
 - (b) this Resolution is to come into operation on a day to be appointed by the Chief Justice by notice published in the Gazette.
-

Schedule

Amendments to Small Claims Tribunal Ordinance

1. **Schedule amended (jurisdiction of tribunal)**
 - (1) The Schedule, paragraph 1—
 - Repeal**
 - “\$50,000”
 - Substitute**
 - “\$75,000”.
 - (2) The Schedule, paragraph 2(b)—
 - Repeal**
 - “\$50,000”
 - Substitute**
 - “\$75,000”.

DRAFT

(Translation)

*(Refer to the final speech to be delivered at the Legislative Council
("LegCo"))*

**Speech by the Chief Secretary for Administration for
Moving of the Motions Proposed Pursuant to
the District Court Ordinance (Cap. 336)
at the LegCo Meeting on 27 June 2018**

President,

I move that the first motion under my name as printed on the Agenda be passed to increase the civil jurisdictional limits of the District Court ("DC").

2. In 2015-16, the Judiciary conducted a review of the civil jurisdictional limits of DC and the Small Claims Tribunal ("SCT"). Having analysed the impact of increasing the limits on the workload of the court and the tribunal concerned, changes in economic indicators and views of the stakeholders, the Judiciary proposed increasing the general financial limit of the civil jurisdiction of DC from \$1 million to \$3 million. As regards the limit for proceedings involving recovery of land or relating to the title to an interest in land, the Judiciary proposed increasing it from \$240,000 to \$320,000 in terms of the annual rent, rateable value or annual value of the land.

3. For the equity jurisdiction of DC, the Judiciary proposed increasing the limit from \$1 million to \$3 million where the proceedings do not involve land, and from \$3 million to \$7 million where the proceedings involve land. Besides, the Judiciary proposed increasing the civil jurisdictional limit of SCT from \$50,000 to \$75,000.

4. The Judiciary considered that the proposals above would allow better distribution of cases among the Court of First Instance ("CFI"), DC and SCT. They would help ease the pressure of the increasing caseload of civil cases on CFI, and enable it to concentrate on handling cases of higher claim amounts and greater complexity in nature. In addition, the proposals would also help lower legal costs, thereby enhancing access to

justice for the public. The Judiciary has consulted the Hong Kong Bar Association, the Law Society of Hong Kong and the Panel on Administration of Justice and Legal Services of the Legislative Council (“LegCo”) on the proposals, and obtained their general support.

5. To cope with the increases in caseload at DC and SCT after the adjustments of the civil jurisdictional limits, the Judiciary, having carefully assessed the resource requirements, has made available additional court facilities at the court and the tribunal. The Government has also provided the Judiciary with the financial resources for meeting in full the manpower needs. In particular, the Judiciary’s proposal for the creation of new Judge and Judicial Officer posts was approved by the LegCo Finance Committee in December last year. The Judiciary will endeavour to ensure smooth operation of DC and SCT, and continue to provide reliable services to court users after the adjustments of the jurisdictional limits.

6. The proposed resolution, together with another resolution concerning the increase of the jurisdictional limit of SCT, have been scrutinised by the Subcommittee on Proposed Resolutions under the District Court Ordinance and the Small Claims Tribunal Ordinance (“Subcommittee”). The Subcommittee held two meetings and supported the Government for moving motions to seek LegCo’s endorsement of the two resolutions. Furthermore, during the Subcommittee’s scrutiny of the proposed resolutions, the Statute Law (Miscellaneous Provision) Bill 2017 was passed at LegCo, thereby enabling the jurisdictional limit of DC for costs-only proceedings to be amended by way of resolution of LegCo as well. We had therefore proposed and obtained the Subcommittee’s support to include the amendment to the jurisdictional limit of DC for costs-only proceedings in the proposed resolution now placed before Members for approval. I would like to take this opportunity to thank the Honourable Holden CHOW Ho-ding, Chairman of the Subcommittee, and other Members of the Subcommittee for their views and support of the proposed increase of the jurisdictional limits of DC and SCT.

7. I invite Members to support this motion. Later on, I will move another motion to increase the civil jurisdictional limit of SCT. Upon the passage of the motions, the Judiciary will make consequential amendments to the Small Claims Tribunal (Fees) Rules (Cap. 338B) and table them at LegCo for scrutiny separately. Subject to the completion of the legislative process, the revised civil jurisdictional limits of DC and SCT, together with the consequential amendments, are expected to come

into effect in the second half of 2018 on a date to be appointed by the Chief Justice.

8. Thank you, President.

- End -

[Note: Please also refer to the speech for another motion under the Small Claims Tribunal Ordinance (Cap. 338) to be moved at the same LegCo meeting.]

DRAFT

(Translation)

*(Refer to the final speech to be delivered at the Legislative Council
("LegCo"))*

**Speech by the Chief Secretary for Administration for
Moving of the Motions Proposed Pursuant to
the Small Claims Tribunal Ordinance (Cap. 338)
at the LegCo Meeting on 27 June 2018**

President,

I move that the second motion under my name as printed on the Agenda be passed to increase the civil jurisdictional limit of the Small Claims Tribunal ("SCT") from \$50,000 to \$75,000. I have stated the justifications for the increase in the civil jurisdictional limit of SCT when I move the first motion and I will not repeat them here.

2. The resolution has been scrutinised by the Subcommittee on Proposed Resolutions under the District Court Ordinance and the Small Claims Tribunal Ordinance ("Subcommittee") and obtained its support.

3. During the scrutiny of the resolution, there was a suggestion that the jurisdictional limit of SCT should be raised to a level higher than \$75,000 as currently proposed in this legislative amendment exercise. Having carefully considered this suggestion, we and the Judiciary had explained to the Subcommittee that the current proposal of increasing the jurisdictional limit of SCT to \$75,000 was made after conducting a comprehensive and objective analysis taking into account a host of factors, including the need to enhance access to justice, effect on demand for and operation of SCT's services, changes in economic indicators, etc., as well as the views received during consultation. The proposal had also received general support from stakeholders, including the Hong Kong Bar Association, the Law Society of Hong Kong, as well as the Panel on Administration of Justice and Legal Services of the Legislative Council.

4. The Judiciary has pledged to closely monitor the statistics on the caseload of SCT and the actual operational impact for two years upon the implementation of the new limit of SCT of \$75,000, and conduct a review thereafter to see if there is a case for further raising the jurisdictional limit of SCT.

5. After considering the explanation of the Government and the Judiciary, the Subcommittee supported the proposal of raising the jurisdictional limit of SCT to \$75,000.

6. I invite Members to support the motion, with a view to implementing the increase of the jurisdictional limit of SCT from \$50,000 to \$75,000.

7. Thank you, President.

- End -

[Note: Please also refer to the speech for another motion under the District Court Ordinance (Cap. 336) to be moved at the same LegCo meeting.]