

Chapter:	227C	MAGISTRATES (FORMS) RULES	Gazette Number	Version Date
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		Empowering section		30/06/1997
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(Cap 227 section 133)

[31 March 1967]

(Originally L.N. 58 of 1967)

Rule:	1	Citation		30/06/1997
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These rules may be cited as the Magistrates (Forms) Rules.

Rule:	2	Forms		30/06/1997
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The forms in the Schedule shall be the prescribed forms for the purposes of the Ordinance.

Schedule:		SCHEDULE	L.N. 14 of 2006	10/03/2006
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PART I

FORMS FOR SUMMARY OFFENCES

FORM 1

[sections 8 & 72]

Summons to the defendant upon an information or complaint

Case No.:

SUMMONS TO DEFENDANT

IN THE MAGISTRATE'S COURT IN HONG KONG MAGISTRACY

AT

To: (Name and address of the defendant)

[Information has been laid] or [Complaint has been made] THAT YOU

(here state the particulars of the alleged offence)

THIS SUMMONS THEREFORE REQUIRES YOU TO APPEAR on (date) at (time) in Court No. _____, Magistracy before the magistrate presiding there to answer to the information] or [complaint] and to be further dealt with according to law.

This summons is issued under the Magistrates Ordinance (Cap 227) by a magistrate or an officer of a magistrate's court who is authorized under section 8(1) of that Ordinance.

(Date of the Summons)

(59 of 1994 s. 7; L.N. 355 of 1997)

FORM 1A

[section 8A & Fourth Schedule]

MAGISTRATES ORDINANCE

(Chapter 227)

Notice to appear before a Magistrate

IN THE MAGISTRATE'S COURT AT

To:

Full Name:

Address:
.....
.....

Sex and Age: *Male/Female (age)

**Hong Kong Identity Card No.
(if known)
.....

I, (full name), (office/rank), a public officer specified in the Fourth Schedule to the Magistrates Ordinance (Cap 227), suspect that you have committed an offence specified in that Schedule as follows-

Particulars of alleged offence

.....

Date and time of alleged offence...../...../19 (date)
..... * a.m./p.m. (time)

Place of alleged offence

*Country Park/Special Area
(if applicable)

contrary to-

*(a) Part III of the Public Health and Municipal Services Ordinance (Cap 132) section

*(b) the Public Cleansing and Prevention of Nuisances Regulation (Cap 132 sub. leg. BK) section

*(c) (Repealed 78 of 1999 s. 7)

*(d) the Country Parks and Special Areas Regulations (Cap 208 sub. leg. A) regulation

*(e) the Summary Offences Ordinance (Cap 228) section 4D(1),

.....
Magistrate.

[L.S.]

(59 of 1994 s. 8; L.N. 355 of 1997)

FORM 2A

[section 8A(3)]

Warrant where notice to appear is disobeyed

IN THE MAGISTRATE'S COURT AT.....

To each and all of the police officers of Hong Kong.

On the day of 19 at *a.m./p.m. a notice to appear before a magistrate was issued by a public officer specified in the Fourth Schedule to the Magistrates Ordinance (Cap 227), to

(a) of

(b) requiring him to be and appear on the day of 19

at *a.m./p.m. at the Magistrate's Court at *Hong Kong/Kowloon/New Territories before such magistrate as might then be there to be dealt with according to law; and the said

(a)

having not appeared at the time and place so specified in the notice, although it has been proved upon oath that the notice has been served on him personally:

These are, therefore, to command you forthwith to apprehend the said

(a) and to bring him before me or such magistrate as may then be sitting to be dealt with according to law.

Dated this day of 19

.....
Magistrate.

[L.S.]

* delete whichever is not applicable.

Notes: (a) insert full name of person on whom the notice has been served

(b) insert full address of person on whom the notice has been served.

(L.N. 198 of 1972; L.N. 158 of 1995; L.N. 355 of 1997)

FORM 3

[sections 20 & 23]

Warrant where defendant bound by a recognizance has failed to appear

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong.

HONG KONG.

IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services.

On the _____ day of _____ 19____, information was laid before the undersigned, a magistrate of Hong Kong for that [here state shortly the matter of the information];

and the hearing of the same having been adjourned to _____ day, the day of _____ 19____, at _____ o'clock in the _____ noon, it is necessary that the said _____ should in the meantime be kept in safe custody:

These are, therefore, to command you, the said police officers, forthwith to convey the said to a prison [or some other place of security], and there to deliver him to the Commissioner of Correctional Services, with this precept; and you, the said Commissioner, to receive the said _____ into your custody in a prison [or some other place of security], and there safely to keep him until _____ day, the _____ day of _____ 19____; when you, the said police officer, and hereby required to convey and have him at the time and place to which the said hearing is so adjourned as aforesaid, at _____ o'clock in the _____ noon of the same day, before me or such magistrate as may then be there, to answer further to the said information and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(L.N. 134 of 1967; 59 of 1994 s. 8; L.N. 355 of 1997)

FORM 6

[sections 8, 20, 23, 31, 63, 64 & 65]

(WITH SURETIES)

Recognizance conditioned for appearance

HONG KONG.

IN THE MAGISTRATE'S COURT AT

We, the undersigned _____ of _____ and _____ of _____, severally acknowledge ourselves to owe to the Government the several sums following, namely, the said _____ as principal the sum of _____, and the said _____ and _____ as sureties the sum of _____ each, to be levied on our several goods, lands, and tenements if the said _____ fails in the condition hereon endorsed.

Signed (where not taken orally)
.....
.....

Taken (orally) before me the _____ day of _____ 19____.

[L.S.]

Explained by

.....
Magistrate.
(or Magistrate's Clerk or Superintendent)

.....
Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden _____ appears before such magistrate as may then be sitting at the said court on _____ day, the _____ day of _____ 19____, at o'clock in the _____ noon, to answer (further) to the charge made against him by _____ and to be (further) dealt with according to law (or appears before such magistrate as may then be sitting at for sentence when called upon) then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

FORM 7

[sections 20, 23, 31, 63, 64 & 65]

(PERSONAL)

Recognizance conditioned for appearance

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned _____ of _____ do hereby acknowledge myself to owe to the Government the sum of _____ to be levied on my goods, lands and tenements if I the said shall fail in the condition hereon endorsed.

Signed (where not taken orally)

Taken (orally) before me the _____ day of _____ 19____.

[L.S.] _____ Explained by _____
Magistrate.
(or Magistrate's Clerk or Superintendent
of Police or Inspector of Police or
Commissioner of Correctional
Services, as the case may be)

.....
Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden _____ appears before such magistrate as may then be sitting at the said court on _____ day, the _____ day of _____ 19____, at o'clock in the _____ noon, to answer (further) to the charge made against him by _____ and to be (further) dealt with according to law (or appears before such magistrate as may then be sitting at for sentence when called upon) then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

(MONEY DEPOSIT WITH SURETIES)

Recognizance conditioned for appearance

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned of do hereby acknowledge myself to owe to the Government the sum of deposited herewith if I fail in the condition hereon endorsed and we, the undersigned of and of severally acknowledge ourselves as sureties to owe to the Government the several sums following, namely, the said the sum of and the said the sum of to be levied on our several goods, lands and tenements if the said fails in the condition hereon endorsed.

Signed (where not taken orally)
.....
.....

Taken (orally) before me the day of 19 .

[L.S.] Explained by

.....
Magistrate.
(or Magistrate's Clerk or Superintendent of Police or Inspector of Police or Commissioner of Correctional Services, as the case may be)

.....
Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden person appears before such magistrate as may then be sitting at the said court on day, the day of 19 , at o'clock in the noon, to answer (further) to the charge made against him by and to be (further) dealt with according to law then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE.-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

(PERSONAL MONEY DEPOSIT)

Recognizance conditioned for appearance

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned of do hereby acknowledge myself to owe to the Government the sum of deposited herewith, if I fail in the condition hereon endorsed.

Signed (where not taken orally)

Taken (orally) before me the day of 19 .

[L.S.] Explained by Magistrate. (or Magistrate's Clerk or Superintendent of Police or Inspector of Police or Commissioner of Correctional Services, as the case may be)

..... Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden person appears before such magistrate as may then be sitting at the said court on day, the day of 19 , at o'clock in the noon, to answer (further) to the charge made against him by and to be (further) dealt with according to law then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken". (L.N. 355 of 1997)

FORM 10 [section 36]

(WITH SURETIES)

Recognizance to be of good behaviour and to appear for conviction and sentence or for sentence

HONG KONG. IN THE MAGISTRATE'S COURT AT

We, the undersigned of and of severally acknowledge ourselves to owe the Government the several sums following, namely, the said as principal, the sum of and the said and as sureties the sum of each, to be levied on our several goods, lands, and tenements if the said principal fails in the condition hereon endorsed.

Signed (where not taken orally)
.....
.....

Taken (orally) before me the day of 19 .

Explained by [L.S.]
Magistrate's Clerk.

.....
Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden principal is of good behaviour for the term now next ensuing and appears for conviction and sentence or for sentence when called upon within the said period before such magistrate as may then be sitting at the said or other magistrate's court, then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

FORM 11

[section 36]

(PERSONAL)

Recognizance to be of good behaviour and to appear for conviction and sentence or for sentence

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned of
do hereby acknowledge myself to owe to the Government the sum of to
be levied on my goods, lands and tenements if I fail in the condition hereon endorsed.

Signed (where not taken orally)

Taken (orally) before me the day of 19 .. .

Explained by [L.S.]
Magistrate's Clerk.

.....
Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden person is of good behaviour for the term of now next ensuing and appears for conviction and sentence or for sentence when called upon within the said period before such magistrate as may then be sitting at the said or other magistrate's court, then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

FORM 11A [section 36]

Warrant of commitment on commission of further offence during probation period or period of conditional discharge

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

(hereinafter called the defendant) was on the day of 19 , convicted by the Magistrate's Court sitting at , [state shortly particulars of offence], and on the said date [or on the day of 19 ,] the said Court made a probation order which required him/her for the period of [years] from the date hereof to be under the supervision of a probation officer [or an order discharging him/her subject to the condition that he/she should commit no further offence during the period of years from the date thereof]:

And the defendant has this day appeared (or been brought) before me and I was satisfied that he/she had on the day of 19 , been convicted by the Magistrate's Court sitting at (or District Court sitting at or Court of First Instance), of a further offence, namely (state shortly particulars of offence), committed by him/her on the day of 19 , during the said period:

[(or) And the defendant has this day been convicted by me of a further offence, namely, (state shortly particulars of offence), and I was satisfied that the said offence was committed by him/her on the day of 19 , during the said period]:

And it was adjudged that the defendant for the offence in respect of which the said order was made be imprisoned in a prison in Hong Kong for the space of : These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and then to imprison him for the space of : and for your so doing this shall be your sufficient warrant.

Dated this day of 19 .

[L.S.] Magistrate. (L.N. 200 of 1972; 59 of 1994 s. 8; 25 of 1998 s. 2)

FORM 12 [section 64]

Note of forfeiture of recognizance to be given to principal

HONG KONG. IN THE MAGISTRATE'S COURT AT

Take notice that (on the complaint of) this Court has this day adjudged that the

recognizance entered into by you on the _____ day of _____ 19____, be forfeited and that you pay the sum of _____ (and _____ for costs) to be paid forthwith (or not later than the _____ day of 19____).

Failure to pay forthwith (or on or before the appointed day) will render your money and goods liable to distraint without further notice.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate's Clerk.

FORM 13

[sections 31 & 64]

Certificate of forfeiture to be endorsed on recognizance

The within-named _____ not having appeared [or as the case may be] at the time and place in the said condition mentioned, it is hereby certified that the within-written recognizance is forfeited.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.

FORM 14

[sections 21 & 22]

Summons to a witness

HONG KONG. IN THE MAGISTRATE'S COURT AT

To

Information having been laid (or complaint having been made) before a magistrate of Hong Kong, for that [as in the summons to defendant]; and it having been made to appear to me that you are likely to give material evidence on behalf of the informant (or complainant, or defendant, or accused) in this behalf:

These are, therefore, to require you-

(a) _____ to be and appear on _____ day, the _____ day of _____, 19____, at _____ o'clock in the noon, at the said court, before such magistrate as may then be there; and

(b) _____ to be and appear before such magistrate at the said court at such time and on such date as may be directed by such magistrate until the conclusion of the proceedings at which your attendance is required, to testify what you shall know concerning the matter of the said information (or complaint).

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(59 of 1994 ss. 7 & 8)

Warrant where a witness has not obeyed a summons

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong.

Information having been laid (or complaint having been made) before a magistrate of Hong Kong, for that [as in summons to defendant]; and it having been made to appear that of , was likely to give material evidence on behalf of the informant (or complainant, or defendant, or accused) a summons was duly issued by the said magistrate to the said , requiring him to be and appear on day, the day of 19 , at o'clock in the noon, at the said court before such magistrate as might then be there, to testify what he should know concerning the said or the matter of the said information (or complaint); and proof having this day been made before me upon oath (or declaration) of such summons having been duly served on the said and of a reasonable sum having been tendered to him for his costs and expenses in that behalf, and the said having refused or neglected to appear at the time and place appointed by the said summons, and no just excuse having been offered for such refusal or neglect:

These are, therefore, to command you to take the said and to bring and have him on day, the day of 19 , at o'clock in the noon, at the said court, before such magistrate as may then be there, to testify what he shall know concerning the matter of the said information (or complaint).

Dated this day of 19 .

[L.S.]

.....
Magistrate.

(59 of 1994 s. 8)

Warrant for a witness in the first instance

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong.

Information having been laid (or complaint having been made) before a magistrate of Hong Kong, for that [as in the summons to defendant]; and it being made to appear before me upon oath (or declaration) that of , is likely to give material evidence on behalf of the informant (or complainant, or defendant, or accused) in this matter, and it is probable that the said will not attend to give evidence without being compelled to do so:

These are, therefore, to command you to bring and have the said on day, the day of 19 , at o'clock in the noon, at the said court, before such magistrate as may then be there, to testify what he shall

know concerning the matter of the said information (or complaint).

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 17

[sections 21, 22 & 78]

Commitment of a witness refusing to be sworn or to give evidence

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services.

Information having been laid (or complaint having been made or having been charged) before a magistrate of Hong Kong, for that [as in the summons to defendant]; and one now appearing before me on day, the day of 19 , at the said court and being required by me to make oath (or declaration) as a witness in that behalf now refuses so to do (or being sworn or declared as a witness in the matter of the said information, or complaint, or charge) refuses to answer certain questions, without offering any just excuse for such his refusal:

These are, therefore, to command you, the said police officers to take the said and him safely to convey to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this precept; and you, the said Commissioner, to receive the said into your custody in a prison, and there imprison him for such his contempt for the space of days, unless he shall in the meantime consent to be examined and to answer concerning the premises; and for your so doing this shall be your sufficient warrant.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 18

[sections 20 & 79]

Warrant to remand a defendant when apprehended

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services.

Information having been laid (or complaint having been made, or having been charged) before a magistrate of Hong Kong, for that [as in the summons to defendant]; and the said being now brought before me under and by virtue of a warrant upon such information (or complaint, or charge):

These are, therefore, to command you, the said police officers, forthwith to convey the said to a prison [or some other place of security], and there to deliver him to the Commissioner of Correctional Services, together with this

precept; and you, the said Commissioner to receive the said _____ into your custody in a prison [or some other place of security], and there safely to keep him until day, the _____ day of _____ 19 _____; when you, the said police officers, are hereby commanded to convey and have him at the said court at _____ o'clock in the _____ noon of the same day, before such magistrate as may then be there, to answer to the said information (or complaint, or charge) and to be further dealt with according to law.

Dated this _____ day of _____ 19 _____.

[L.S.]

.....
Magistrate.
(L.N. 134 of 1967; 59 of 1994 s. 8; L.N. 355 of 1997)

FORM 19

[sections 34 & 81]

Minute and depositions of witnesses

HONG KONG. IN THE MAGISTRATE'S COURT AT

Hong Kong on the information (or complaint) of
versus _____, & c.

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The examination of _____, of _____ [merchant],
and _____, of _____ [labourer], taken upon oath (or declaration) this
day of _____ 19 _____, at the said court before the undersigned, a magistrate of Hong Kong, in the presence and
hearing of _____ against whom information is laid (or complaint is made, or who is charged) by
this day before [me], for that he, the said _____, on the _____ day of _____ 19 _____, at [describing the
offence as in the information, summons, or warrant of commitment].

This deponent _____ upon his oath (or declaration) saith as follows:
[stating the deposition of the witness as nearly as possible in the words he uses. When his deposition is complete, if
the offence is an indictable one, let him sign it].

And this deponent _____ upon his oath (or declaration) saith as follows:
[etc.].

The above depositions of _____ and _____ were taken [and sworn] before me
at _____, on the day and year first above mentioned.

[L.S.]

.....
Magistrate.

NOTE-Where a fine is inflicted a memorandum of penalties paid into court shall be added.
(59 of 1994 s. 8; L.N. 355 of 1997)

FORM 20

[sections 28 & 69]

Conviction for fine, to be levied by distress, etc. and,

in default of sufficient distress, imprisonment

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19_____.
(hereinafter called the defendant) is this day convicted before the said court for that he, on the _____ day of _____ 19_____, at _____ [state offence]; and it is adjudged that the defendant for his said offence do forfeit and pay the sum of [state the fine and costs or compensation if any,] to be paid and applied according to law; and if the said sum be not paid forthwith (or on or before the _____ day of 19_____, or by instalments of _____ for every _____ days, the first instalment to be paid forthwith or on the day of _____ 19_____), *(it is ordered that the said sum be levied by distress and sale of the defendant's goods and chattels, and in default of sufficient distress,)

*(then, inasmuch as it has now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the defendant and his family,)

*(then, inasmuch as it has now been made to appear to me that the defendant has no goods or chattels whereon to levy the said sum by distress,)

*(then, inasmuch as I deem it inexpedient to issue such warrant of distress,) it is adjudged that the defendant be imprisoned in a prison in Hong Kong, for the space of _____ unless the said sum (and all costs and charges of the said distress) [and of the commitment and conveying of the defendant to a prison], shall be sooner paid.

[L.S.]

.....
Magistrate.

* Delete where inapplicable.

(59 of 1994 s. 8)

FORM 21

[sections 28, 41, 51 & 69]

Conviction for fine, to be levied by distress, and,
in default of sufficient distress, imprisonment

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said Court.

The _____ day of _____ 19_____.
(hereinafter called the defendant) is this day convicted before the said court for that he, on the _____ day of _____ 19_____, at _____ [state offence]; and it is adjudged that the defendant for his said offence do forfeit and pay the sum of [state the fine and costs or compensation if any] to be paid and applied according to law; and if the said sum be not paid forthwith (or on or before the _____ day of _____ 19_____, or by instalments of _____ for every _____ days, the first instalment to be paid forthwith or on the _____ day of _____ 19_____), it is ordered that the said sum be levied by distress and sale of the defendant's goods; and, in default of sufficient distress, it is ordered that the defendant be imprisoned in a prison in Hong Kong for the space of _____, unless the said sum, and all costs and charges of the said distress, shall be sooner paid.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

Conviction for fine, and, in default of payment, imprisonment

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19____. (hereinafter called the defendant) is this day convicted before the said court for that he, on the _____ day of _____ 19____, at _____ [state offence]; and it is adjudged that the defendant for his said offence do forfeit and pay the sum of [state the fine and costs or compensation if any] to be paid and applied according to law; and if the said sum be not paid forthwith (or on or before the _____ day of _____ 19____, or by instalments of _____ for every days, the first instalment to be paid forthwith or on the _____ day of _____ 19____), it is ordered that the defendant be imprisoned in a prison in Hong Kong for the space of _____ unless the said sum shall be sooner paid.

[L.S.] _____
Magistrate.
(59 of 1994 s. 8)

Conviction when the punishment is by imprisonment. Costs

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19____. (hereafter called the defendant) is this day convicted before the said court for that he, on the _____ day of _____ 19____, at _____ [state offence]; and it is adjudged that the defendant for his said offence be imprisoned in a prison in Hong Kong for the space of _____; and it is also adjudged that the defendant do pay to the said _____ the sum of _____ for his costs in this behalf and if the said sum for costs be not paid forthwith (or on or before the _____ day of _____ 19____),

*(then it is ordered that the said sum be levied by distress and sale of the goods and chattels of the defendant and, in default of sufficient distress in that behalf.)
*(then inasmuch as it has now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the defendant and his family,)
*(then inasmuch as it has now been made to appear to me that the defendant has no goods or chattels whereon to levy the said sums by distress,)
*(then inasmuch as I deem it inexpedient to issue such warrant of distress,) it is adjudged that the defendant be imprisoned in a prison in Hong Kong for the space of _____ to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs and all costs and charges of the said distress shall be sooner paid.

[L.S.]

Magistrate.

* Delete where inapplicable.

(59 of 1994 s. 8)

FORM 24

[section 28]

Conviction where punishment is by imprisonment. No costs

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19____. (hereafter called the defendant) is this day convicted before the said court for that he, on the _____ day of _____ 19____, at _____ [state offence]; and it is adjudged that the defendant for his said offence be imprisoned in a prison in Hong Kong for the space of _____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 25

[sections 28 & 41]

Conviction or order where security is to be given for payment

HONG KONG. IN THE MAGISTRATE'S COURT AT

[Proceed as in ordinary conviction or order down to direction as to time of payment inclusive, and then, instead of inserting any direction as to distress or imprisonment, proceed as follows]-

and it is ordered that _____ be at liberty to give, to the satisfaction of a magistrate [or such person as may be named], security in the sum of _____, with two sureties (or one surety) in the sum of [each], for the payment of the said sums as above directed.

[L.S.]

.....
Magistrate.

FORM 26

[sections 28, 36 & 41]

Where defendant is discharged conditionally on entering into a recognizance to be of good behaviour and to appear

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

HONG KONG.

IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19 _____.

The Secretary for Justice having made complaint that _____ (hereinafter called the defendant) [here state the facts entitling the complainant to the order with the time and place when and where they occurred], and the parties aforesaid having appeared (or counsel for the Secretary for Justice having appeared but the defendant, although duly called, not having appeared by himself or his counsel, and it being now satisfactorily proved to me that the defendant has been duly served with the summons in this behalf, which required him to be and appear on this day before such magistrate as might now be here, to answer to the said complaint and to be further dealt with according to law); now, having heard the matter of the said complaint, it is adjudged and ordered that-

- (a) the defendant do forthwith pay into this court the sum of \$ _____, being the fixed penalty of \$ _____ [an additional penalty of \$ _____] and the sum of \$ _____ for his costs in this behalf;
- (b) the Commissioner for Transport do, so long as the defendant fails to pay the sums hereby adjudged to be paid,-
 - (i) take no action under paragraph (3), (3A), (4) or (5) of regulation 17 of the Road Traffic (Registration and Licensing of Vehicles) Regulations (Cap 374 sub. leg. E) on receipt of any notice of transfer of ownership of the motor vehicle registered with the mark;
 - (ii) refuse to license the said motor vehicle under paragraph (3), (5) or (6) of regulation 21 of the said Regulations; and
 - (iii) refuse to issue a driving licence to the defendant or to renew his driving licence as the case may be.

[L.S.] _____
(L.N. 150 of 1970; L.N. 413 of 1984; 59 of 1994 s. 8; L.N. 362 of 1997; 25 of 2005 s. 32) _____ Magistrate.

FORM 28

[section 101A]

Summons to defendant to show cause why a warrant of commitment should not issue

HONG KONG.

IN THE MAGISTRATE'S COURT AT

To _____, of _____, [labourer].

Whereas on the _____ day of _____ 19 _____, you were convicted of an offence contrary to _____ and were fined _____:

[or Whereas on the _____ day of _____ 19 _____, it was adjudged that [name of defendant] should pay to the sum of _____ and also should pay to the said _____ the sum of _____ for costs:]

And whereas you were allowed a period of _____ days within which to pay the said sum and the said period has expired:

And whereas the said sum has not been paid:

These are, therefore, to command you to be and appear on _____ day the _____ day of 19 _____, at _____ o'clock in the _____ noon, at the said court, before such magistrate as may then be there, to show cause why a warrant of commitment should not issue and to be further dealt with according to law.

And take notice that if you fail to appear a warrant to apprehend you may issue.

Dated this day of 19 .

[L.S.]

.....
Magistrate.

CERTIFICATE OF SERVICE

This summons was served by me:
(PLACE)
(DATE)

.....
(Signature of Recipient of Summons).

.....
(Signature of Process Server).

(L.N. 355 of 1997)

FORM 29

[section 101A]

Warrant to apprehend for non-payment of fine

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong.

Whereas on the day of 19 , [name of defendant] was convicted of an offence
contrary to and was fined :

[or Whereas on the day of 19 , it was adjudged that [name of defendant] should pay to
the sum of and also should pay to the said the sum of for
costs:]

And whereas the said [name of defendant] was allowed a period of days within which to pay the said sum
and the said period has expired:

And whereas the said sum has not been paid:

These are, therefore, to command you forthwith to apprehend the said [name of defendant] and to bring him before a
magistrate of Hong Kong to show cause why a warrant of commitment should not issue and to be further dealt with
according to the law.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8; L.N. 355 of 1997)

Order for payment of money to be levied by distress, and,
in default of distress, imprisonment

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before , Esquire, a magistrate of Hong Kong, sitting at the said court.

The day of 19 .

having made a complaint that (hereinafter called the defendant) [state the facts
entitling the complainant to the order, with the time and place when and where they occurred]; and the parties
aforesaid having appeared (or the said having appeared but the defendant, although duly called, not
having appeared by himself or his counsel, and it being now satisfactorily proved to me upon oath (or declaration) that
the defendant has been duly served with the summons in this behalf, which required him to be and appear here on this
day before such magistrate as might now be here, to answer to the said complaint, and to be further dealt with
according to law); and now, having heard the matter of the said complaint, it is adjudged and ordered that the
defendant do pay to the said the sum of forthwith (or on or before the day
of 19 , or as the enactment may require), and also do pay to the said the sum of
for his costs in this behalf, and if the said several sums are not paid forthwith (or on or before the day of
19),

*(then it is ordered that the said sum be levied by distress and sale of the goods and chattels of the defendant and, in
default of sufficient distress in that behalf,)

*(then inasmuch as it has now been made to appear to me that the issuing of a warrant of distress in this behalf would
be ruinous to the defendant and his family,)

*(then inasmuch as it has now been made to appear to me that the defendant has no goods or chattels whereon to levy
the said sums by distress,)

*(then inasmuch as I deem it inexpedient to issue such warrant of distress,) it is adjudged that the defendant be
imprisoned in a prison in Hong Kong for the space of to commence at and from the termination of his
imprisonment aforesaid, unless the said sum for costs and all costs and charges of the said distress shall be sooner
paid.

[L.S] Magistrate.

* Delete where inapplicable. (59 of 1994 s. 8; L.N. 355 of 1997)

Order for any matter (other than the payment of a civil debt) where
disobedience to the order is punishable by imprisonment

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before , Esquire, a magistrate of Hong Kong, sitting at the said court.

The day of 19 .

having made a complaint that (hereinafter called the defendant) [state the facts entitling the
complainant to the order, with the time and place when and where they occurred]; and the parties aforesaid having

appeared (or the said

having appeared but the defendant, although duly called, not having appeared by himself or his counsel, and it being now satisfactorily proved to me upon oath (or declaration) that the defendant has been duly served with the summons in this behalf, which required him to be and appear here on this day before such magistrate as might now be here, to answer to the said complaint, and to be further dealt with according to law); and now, having heard the matter of the said complaint, it is adjudged and ordered that the defendant do [state the matter required to be done]; and if, on a copy of a minute of this order being served on the defendant, either personally or by leaving it for him at his last or most usual place of abode, he refuses or neglects to obey this order, then it is adjudged that the defendant for such his disobedience be imprisoned in a prison in Hong Kong for the space of _____ unless the said order shall be sooner obeyed [if the enactment authorizes this]; and it is also adjudged and ordered that the defendant do pay to the complainant the sum of _____ for his costs in this behalf forthwith (or on the _____ day of _____ 19____, or by instalments, etc.); and if default is made in payment according to this adjudication and order, it is ordered that the sum due thereunder be levied by distress and sale of the defendant's goods; and, in default of sufficient distress, it is adjudged that the defendant be imprisoned in a prison for the space of _____ to commence at and from the termination of his imprisonment aforesaid unless the said sum, and all costs and charges of the said distress, shall be sooner paid.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8; L.N. 355 of 1997)

FORM 32

[sections 19, 28, 41 & 69]

Order of dismissal of an information or complaint

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19____.

Information was laid (or complaint was made) before the undersigned for that [etc. as in the summons to the defendant] and both the said parties having appeared before me in order that I should hear and determine the said information (or complaint) (or the defendant having appeared before me, but the said _____ although duly called, not having appeared); and the matter of the said information (or complaint) being by me duly considered, it appears to me that the said information (or complaint) is not proved, and it is therefore dismissed; and it is adjudged that the said _____ do pay to the defendant the sum of _____ for his costs incurred by him in his defence in this behalf; and if the said sum for costs is not paid forthwith (or on or before the _____ day of _____ 19____), it is ordered that the same be levied by distress and sale of the goods and chattels of the said _____, and in default of sufficient distress in that behalf it is adjudged that the said _____ be imprisoned in a prison in Hong Kong for the space of _____ unless the said sum for costs, and all costs and charges of the said distress, shall be sooner paid.

[L.S.]

.....
Magistrate.
(L.N. 162 of 1993; 59 of 1994 s. 8; L.N. 355 of 1997)

FORM 33

[sections 28, 36 & 41]

Order discharging offender but directing him
to pay damages or costs or both

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19 ____ .

(hereinafter called the defendant) has been charged on the information (or complaint) of
for that he, on the _____ day of _____ 19 ____ , at _____ [state offence]; and being of opinion that though
the said charge is proved, the offence was of so trivial a nature (or having regard to the character, antecedents, age,
health or mental condition of the defendant or any other extenuating circumstances as the case may be) that it is
inexpedient to inflict any punishment, I do therefore hereby discharge the offender.

[If payment of damages or costs is ordered proceed as follows]-

and it is ordered that the defendant do pay to the said _____ for damages and
for costs; and it is ordered that the said sums be paid forthwith (or on or before the _____ day of
19 ____ , or by instalments of _____ for every _____ days, the first instalment to be paid forthwith
or on or before the _____ day of _____ 19 ____); and if default is made [proceed as in form of conviction
for fine to be levied by distress].

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 34

[sections 28, 36, 41 & 61]

Order to enter into recognizance to keep the peace
or to be of good behaviour

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19 ____ .

having made complaint that _____ (hereinafter called the defendant) [state the facts
entitling the complainant to the order, with the time and place when and where they occurred]; and the defendant
having appeared, and on hearing the matter of the complaint, it is this day adjudged and ordered that the defendant do
forthwith duly enter into a recognizance in the sum of _____ with _____ surety _____ in the
sum of _____ [each] to keep the peace or be of good behaviour, towards the complainant, for the
term of _____ now next ensuing; and, if the defendant fails to comply with this order it is adjudged that he
be imprisoned in a prison in Hong Kong for the space of _____ , unless he shall sooner comply with this
order.

[If costs are ordered proceed as follows]-

and it is also adjudged and ordered that the defendant do pay to the said _____ the sum of
for costs forthwith (or on or before the _____ day of _____ 19 ____ , or by instalments, etc.); and if default is made in
payment according to this adjudication and order, it is ordered [proceed as in form of conviction for fine to be levied

by distress].

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 35

[sections 61 & 65]

(WITH SURETIES)

Recognizance conditioned to keep the peace or to be of good
behaviour or not to do or commit some act or thing

HONG KONG. IN THE MAGISTRATE'S COURT AT

We, the undersigned _____ of _____
and _____ of _____ severally acknowledge ourselves to owe to
the Government the several sums following, namely, the said _____ as principal the sum of
and the said _____ and _____ as sureties the sum _____
of _____ each, to be levied on our several goods, lands, and tenements if the said _____ fails in
the condition hereon endorsed.

Signed (where not taken orally) _____

Taken (orally) before me the _____ day of _____ 19 _____ .

[L.S.]
Explained by

.....
Magistrate.
(or Magistrate's Clerk or Superintendent
of Police or Inspector of Police or
Commissioner of Correctional
Services, as the case may be).

.....
Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden
keeps the peace or is of good behaviour towards _____ of _____ for the term of
now next ensuing (or abstains from doing the thing forbidden, or as the case may be), then the said recognizance shall
be void, but otherwise shall remain in full force.

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

FORM 36

[sections 61 & 65]

(PERSONAL)

Recognizance conditioned to keep the peace or to be of good behaviour or not to do or commit some act or thing

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned of , do hereby acknowledge myself to owe to the Government the sum of to be levied on my goods, lands and tenements if I the said shall fail in the condition hereon endorsed.

Signed (where not taken orally) Taken (orally) before me the day of 19 .

[L.S.] Explained by

Magistrate. (or Magistrate's Clerk or Superintendent of Police or Inspector of Police or Commissioner of Correctional Services, as the case may be).

Sworn Interpreter

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden keeps the peace or is of good behaviour towards of for the term of now next ensuing (or abstains from doing the thing forbidden, or as the case may be), then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE-Where the recognizance is taken orally omit the words "the undersigned"and insert the word "orally" after "Taken". (L.N. 355 of 1997)

FORM 37 [section 65]

Summons to person bound by recognizance which is alleged to have been forfeited by conviction of principal

HONG KONG. IN THE MAGISTRATE'S COURT AT

To , of .

You are hereby summoned to appear before me, the undersigned, a magistrate of Hong Kong, sitting at , on the day of 19 , at o'clock in the noon or before such magistrate as may then be there, to show cause why the recognizance entered into on the day of 19 , whereby you are bound to pay the sum of should not be adjudged to be forfeited, and why you should not be adjudged to pay that sum.

security for payment of) the costs incurred in respect of the forfeiture thereof [or insert such other condition as the magistrate may think just]:

Therefore the said forfeiture is hereby cancelled (or mitigated to the sum of _____).

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 40

[section 62]

Summons to attend an application for varying or
dispensing with sureties

HONG KONG. IN THE MAGISTRATE'S COURT AT

To _____, of _____.

You are hereby summoned to appear before a magistrate of Hong Kong sitting at
on _____ day the _____ day of _____ 19____, at _____ o'clock in the _____ noon, to
show cause why the amount for which it is proposed that the surety (or sureties) _____ of
should be bound should not be reduced (or why the obligation of _____ to find a surety (or
sureties) should not be dispensed with).

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 41

[section 62]

Order varying order for sureties

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19____.

_____ has been, under a warrant of commitment dated the
day of _____ 19____, and issued by this court, committed to prison for default in finding sureties [or a
surety] in the sum of _____, and, on new evidence having been produced to me (or on proof
of a change of circumstances having been given to me), it seems to me just to vary, in manner hereinafter appearing,
the order under which the said warrant was issued:

Therefore it is ordered that the amount for which it is proposed that the surety (or sureties) of the said

should be bound be reduced to (or that the obligation of the said to find a surety (or sureties) be dispensed with) [or as may be directed].

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 42

[sections 41 & 64]

Oral or written acknowledgement of undertaking
to pay a sum adjudged by a conviction

HONG KONG. IN THE MAGISTRATE'S COURT AT

(hereinafter called the defendant) was this day (or was on the day of 19) convicted before the said court for that he, on the day of 19 , at [state offence]; and it was adjudged by the said conviction that the defendant should pay (as in the conviction); and it was thereby ordered that the defendant should be at liberty to give, to the satisfaction of a magistrate of Hong Kong [or as in the conviction], security in the sum of with surety (or sureties) in the sum of [each] for the payment of the said sum at the time and in the manner by the said conviction directed:

Now therefore I, the said defendant, as principal, and we, of , and , of , as sureties (or I , of , as surety) hereby undertake that the defendant will pay the sum adjudged by the said conviction at the time and in the manner thereby directed; and I, the said defendant, and we (or I), the said sureties (or surety), hereby severally acknowledge ourselves bound to forfeit and pay to the magistrates' clerk [or other person specified] the sum of in case the defendant fails to perform this undertaking.

Signed (where not taken orally)) D
....., ef
....., da
....., nt
....., .
....., S
....., ur
....., et
....., ie
....., s.

Taken (orally) before me the day of 19 .

[L.S.]

.....
Magistrate.

Explained by

.....
Sworn Interpreter.

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".

(59 of 1994 s. 8)

FORM 43

[section 65]

Oral or written acknowledgment of undertaking to perform condition of forfeited recognizance

HONG KONG. IN THE MAGISTRATE'S COURT AT

... was by his recognizance entered into the ... day of ... 19 ... , bound in the sum of ... , the condition of the recognizance being that ... should [state condition of recognizance]; and, default having been made in the performance of this condition, the recognizance was on the day of 19 ... , declared to be forfeited, and the said ... not having paid the said sum, a warrant of distress was on the ... day of ... 19 ... , issued for recovery thereof, but no goods have been sold under the warrant; and the said ... has applied to the undersigned magistrate of Hong Kong to cancel or mitigate the forfeiture:

Now therefore I, the said ... , as principal, and we, ... of ... , and ... of ... (or I, ... of ...), as sureties (or surety), hereby undertake that the condition of the said recognizance shall be duly performed, [and that the said ... shall, on or before the day of ... 19 ... , pay the sum of ... for costs incurred in respect of the said forfeiture]; and I, the said principal, and we (or I) the said sureties (or surety), hereby severally acknowledge ourselves bound to forfeit and pay to the magistrates' clerk [or other person specified] the sum of ... in case the said principal fails to perform the condition of the said recognizance.

Signed (where not taken orally)) D ef en da nt . S ur et ie s.,))

Taken (orally) before me the ... day of ... 19

[L.S.] Magistrate. Explained by Sworn Interpreter

NOTE-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".

(59 of 1994 s. 8)

FORMS 44-45

(Repealed 47 of 1997 s. 10)

FORM 46

[section 93]

Order for restitution of property

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong, sitting at the said court.

The _____ day of _____ 19 _____.

_____ was charged before me, a magistrate of Hong Kong, for that he, on the _____ day of _____ 19 _____, at _____, [state offence and describe goods as in conviction], and having dealt with the case summarily, the said _____ has been this day convicted before me of the offence with which he was so charged; and it is proved to me that the said goods are now in the possession of _____, of _____:

Therefore it is hereby ordered that the said _____ do forthwith restore the said goods to the said _____, the owner thereof.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 47

[section 19]

Certificate of dismissal

HONG KONG. IN THE MAGISTRATE'S COURT AT

I hereby certify that an information (or complaint) preferred by _____ against _____, for that [etc., as in the summons to defendant], was this day considered by me, a magistrate of Hong Kong, and was by me dismissed [with costs].

Dated this _____ day of _____ 19 _____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 48

[section 51]

officers of Hong Kong.

On the _____ day of _____ 19____, it was adjudged and ordered by the undersigned (or _____, Esquire), a magistrate of Hong Kong, that _____ (hereinafter called the defendant) should pay to the sum of _____ and the sum of _____ for costs [or as the case may be], on or before the _____ day of _____ 19____, [or as ordered]; and that, if default should be made in payment according to the said adjudication and order, the sum due thereunder should be levied by distress and sale of the defendant's goods; and default has been made in payment according to the said adjudication and order:

Therefore you are hereby commanded [proceed as in warrant of distress on conviction for fine].

(59 of 1994 s. 8)

FORM 50

[section 56]

Warrant of distress for costs on a conviction where the offence is punishable by imprisonment

HONG KONG. IN THE MAGISTRATE'S COURT AT

To [insert name, etc., of officer where the person executing is not a police officer] and to each and all of the police officers of Hong Kong.

_____, of _____, [labourer], (hereinafter called the defendant) was, on the _____ day of 19____, convicted before the said court for that [state the offence as in the conviction], and it was adjudged that the defendant for his said offence should be imprisoned in a prison in Hong Kong for the space of _____; and it was also adjudged that the defendant should pay to the said _____ the sum of _____ for his costs in that behalf; and it was ordered that if the said sum of _____ for costs should not be paid [forthwith], the same should be levied by distress and sale of the defendant's goods and chattels; and it was adjudged that, in default of sufficient distress in that behalf, the defendant should be imprisoned in a prison for the space of _____, to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs, and all costs and charges of the said distress, should be sooner paid; but the defendant having made default in the payment of the said sum of _____ for costs:

These are, therefore, to command you that you forthwith make distress of the defendant's goods and chattels, and if, within the space of _____ days next after the making of such distress, the said last-mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you sell the said goods and chattels so by you distrained, and pay the money arising from such sale to the magistrates' clerk that he may pay the same as by law directed, and may render the overplus, if any, on demand, to the defendant, and, if no such distress can be found, that then you certify the same to the said court, in order that further proceedings may be had according to law.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8; L.N. 355 of 1997)

FORM 51

[section 56]

Warrant of distress for costs on an order where the disobeying of the order is punishable with imprisonment

HONG KONG. IN THE MAGISTRATE'S COURT AT

To [insert name, etc., of officer where the person executing is not a police officer] and to each and all of the police officers of Hong Kong.

On the day of 19 , complaint was made before the undersigned (or Esquire), a magistrate of Hong Kong, for that [etc., as in the order) and on the day of 19 , at , the said parties having appeared before me, (or the said , Esquire, or as it may be in the order) upon consideration of the matter of the said complaint, it was adjudged that the defendant should [etc., as in the order]; and that if, upon a copy of the minute of that order being served on the defendant either personally or by leaving the same for him at his last or most usual place of abode, he should refuse or neglect to obey the same, the defendant for such his disobedience should be imprisoned in a prison in Hong Kong for the space of unless the said order should be sooner obeyed; and also that the defendant should pay to the said the sum of for his costs in that behalf; and it was ordered that if the said sum for costs should not be paid [forthwith], the same should be levied by distress and sale of the defendant's goods and chattels; and it was adjudged that in default of sufficient distress in that behalf the defendant should be imprisoned in a prison for the space of , to commence at and from the termination of his imprisonment aforesaid unless the said sum for costs, and all costs and charges of the said distress, should be sooner paid; and whereas after the making of the said order a copy of the minute thereof was duly served on the defendant, but he did not then pay, nor has he paid, the said sum of for costs but therein has made default:

These are, therefore, to command you that you forthwith make distress of the defendant's goods and chattels, and if, within the space of days next after the making of such distress, the said last-mentioned sum together with the reasonable charges of taking and keeping the said distress shall not be paid, that then you sell the said goods and chattels so by you distrained, and pay the money arising from such sale to the magistrates' clerk, that he may pay the same as by law directed, and may render the overplus, if any, on demand, to the defendant, and, if no such distress can be found, then that you certify the same to the said court, in order that further proceedings may be had according to law.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8; L.N. 355 of 1997)

FORM 52

(Repealed L.N. 355 of 1997)

FORM 53

[section 69]

Warrant of distress where the defendant is discharged,
but is ordered to pay damages or costs or both

HONG KONG. IN THE MAGISTRATE'S COURT AT

The day of 19 .

(hereinafter called the defendant) was charged for that he, on the day of

19 , at [state offence]; and on the hearing of the said charge, on the day of
 19 , before , a magistrate of Hong Kong, the magistrate being of opinion that, though the charge
 was proved, the offence was in the particular case of so trivial a nature (or having regard to the character, antecedents,
 age, health or mental condition of the defendant or any other extenuating circumstances as the case may be,) that it
 was inexpedient to inflict any punishment, discharged the defendant but ordered that the defendant should pay to
 for damages and +for costs+; and it was ordered that the said sums should be paid [as in order];
 [Proceed as in warrant of distress on conviction for fine.]

* Where no order to pay damages, omit words between asterisks.

+ Where no order to pay costs, omit words between daggers.

In either case substitute "sum" for "sums"

(59 of 1994 s. 8)

FORM 54

[section 65]

Warrant of distress for sum due under recognizance
 declared to be forfeited

HONG KONG. IN THE MAGISTRATE'S COURT AT

To [insert name, etc., of officer where the person executing is not a police officer] and to each and all of the police
 officers of Hong Kong.

was, by his recognizance entered into on the day of 19 , bound
 in the sum of , the condition of the recognizance being that should [state condition of
 recognizance], and, default having been made in compliance with the said condition, the said recognizance was, on the
 day of 19 , declared by the undersigned (or , Esquire), a magistrate of Hong
 Kong to be forfeited; and the said has made default in payment of the sum due under the said
 recognizance:

Therefore you are hereby commanded forthwith to make distress of the goods of the said , except the wearing
 apparel and bedding of him and his family, and, to the value of twenty-five dollars, the tools and implements of his
 trade, and if, within the space of * days next after the making of such distress, the sum of
 , being the sum stated at the foot of his warrant to be due under the said recognizance, together with the reasonable
 costs and charges of the making and keeping of the said distress, be not paid, then to sell the said goods by you
 distrained and pay the money arising therefrom to the magistrates' clerk, in order that it may be applied according to
 law, and that the overplus, if any, may be rendered on demand to the said , and if no such
 distress is found, to certify the same to the said court, in order that further proceedings may be had according to law.

Dated this day of 19 .

[L.S.]

.....
 Magistrate.

	\$	¢
Amount due under recognizance		
Paid		
Remaining due		
Costs of issuing warrant		
Total amount to be levied\$		

*N.B.-The goods are not to be sold until after the end of five clear days next following the day on which they are seized, unless the owner consents or unless the goods are perishable.

(59 of 1994 s. 8)

FORM 55

[section 65]

Warrant of distress for sum due under recognizance adjudged
to be forfeited by conviction of principal

HONG KONG. IN THE MAGISTRATE'S COURT AT

To [insert name, etc., of officer where the person executing is not a police officer] and to each and all of the police officers of Hong Kong.

(hereinafter called the defendant) was, by his recognizance entered into on the _____ day of 19____, bound in the sum of _____, the condition of the recognizance being that _____ should [state condition of recognizance]; and the said having been convicted of the offence of having [state offence], being an offence which is in law a breach of the said condition, it was, on the _____ day of 19____, adjudged by the undersigned (or _____, Esquire), a magistrate of Hong Kong, that the said recognizance should be forfeited, and that the defendant should pay to the magistrates' clerk the said sum of _____, and should also pay the sum of _____ for costs; and it was ordered that the said sum should be paid [as in order], and that if default should be made in payment according to the said adjudication and order, the sum due thereunder should be levied by distress and sale of the defendant's goods; and default has been made in payment according to the said adjudication and order:

Therefore you are hereby commanded [proceed as in warrant of distress for fine].

(59 of 1994 s. 8)

FORM 56

[section 64]

Warrant of distress for sum due by a principal in pursuance
of a forfeited security for payment of a sum adjudged by a conviction

HONG KONG. IN THE MAGISTRATE'S COURT AT

To [insert name, etc., of officer where the person executing is not a police officer] and to each and all of the police officers of Hong Kong.

(hereinafter called the defendant) was, on the _____ day of 19____, convicted before the said court for that he, on the _____ da 19____, at _____, [state offence]; and it was adjudged by the said conviction that the defendant should pay [as in the conviction]; and it was ordered that the defendant should be at liberty to give, to the satisfaction of a magistrate of Hong Kong, [or as in the conviction], security with surety _____ for the payment of the said sum at the time and in the manner by the said conviction directed; and the defendant and _____ and _____ his sureties (or surety) undertook that the defendant would pay the said sum at the time and in the manner so directed, and [severally] acknowledge themselves (or himself) bound to forfeit and pay to _____ the sum of _____ in case the defendant failed to make payment as so directed; and it appears to me that the sum of _____ due by the defendant in pursuance of the said undertaking has not been paid and has been forfeited; and notice of the said forfeiture has been duly served on the defendant:

Therefore you are hereby commanded [proceed as in warrant of distress on conviction for fine, substituting for the

words "being the sum stated at the foot of this warrant to be due under the said adjudication and order" the words "being the sum stated at the foot of this warrant to be due in pursuance of the said undertaking", and stating the amount at the foot as "amount due in pursuance of the said undertaking"].

(59 of 1994 s. 8)

FORM 57

[section 53]

Return to a warrant of distress

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, , do hereby certify to the said court that by virtue of this warrant I have made diligent search for the goods and chattels of the within-mentioned defendant, and that I can find no sufficient goods or chattels of the defendant whereon to levy the sums within-mentioned.

Dated this day of 19 .

(Signed)

FORM 58

[section 59]

Account of costs and charges incurred in respect of the execution of a warrant of distress

HONG KONG. IN THE MAGISTRATE'S COURT AT

In the matter of an information (or a complaint) by .

I, , of , the officer charged with the execution of the warrant of distress upon the goods of , dated the day of 19 , hereby declared that the following is a true account of the costs and charges incurred in respect of the execution of the said warrant.

	\$	¢
Total		
.....		

Dated this day of 19 .

(Signed)

FORM 59

[section 55]

Warrant of commitment on a conviction in the first instance

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

, late of , [labourer] (hereinafter called the defendant) was on this day duly convicted before the said court for that [state the offence as in the conviction]; and it was thereby adjudged that the defendant for his said offence should forfeit and pay the sum of , [etc., as in the conviction,] and should pay to the said the sum of for costs; and it was thereby adjudged that, if the said several sums should not be paid [forthwith], the defendant should be imprisoned in a prison for the space of , unless the said several sums should be sooner paid: and whereas the time in and by the said conviction appointed for the payment of the said several sums has elapsed, but the defendant has not paid the same or any part thereof, but therein has made default:

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison and there to deliver him to the Commissioner of Correctional Services, together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to imprison him for the space of , unless the said several sums shall be sooner paid; and for your so doing this shall be your sufficient warrant.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 60

[section 101A]

Warrant of commitment where defendant has not paid
within time allowed

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

of , [labourer] (hereinafter called the defendant) was on the day of 19 , duly convicted before the said court for that [state the offence as in the conviction]; and it was thereby adjudged that the defendant for his said offence should pay the sum of , [etc., as in the conviction] and should pay to the said the sum of and for costs; and default was made in payment according to the said adjudication and order; and a summons was duly issued to the defendant commanding him to appear on this day before this court (or a warrant to apprehend the defendant was issued):

And whereas the defendant has this day appeared before me:

[And whereas I have made inquiry into the defendant's means in his presence:]

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to imprison him, for the space of , unless the said sum shall be sooner paid; and for your so doing this shall be your sufficient warrant.

Dated this day of 19 .

[L.S.]

.....
Magistrate.

FORM 61

[section 55]

Warrant of commitment on an order in the first instance

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

On the day of 19, complaint was made before the undersigned (or, Esquire), a magistrate of Hong Kong, for that [etc., as in the order] and afterwards, to wit, on the day of 19, the parties appeared before me (or, Esquire), the said magistrate, and thereupon, having considered the matter of the said complaint, it was adjudged that the defendant should pay to the said the sum of, on or before the day of 19, and also should pay to the said the sum of for costs; and it was also thereby adjudged that, if the said several sums should not be paid on or before the day of 19, the defendant should be imprisoned in a prison for the space of, unless the said several sums should be sooner paid; and whereas the time in and by the said order appointed for the payment of the said several sums of money has elapsed, but the defendant has not paid the same but therein has made default:

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to imprison him for the space of, unless the said several sums shall be sooner paid; and for your so doing this shall be your sufficient warrant.

Dated this day of 19.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 62

[section 101A]

Warrant of commitment on an order where defendant has not paid within the time allowed

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

On the day of 19, complaint was made before the undersigned (or, Esquire), a magistrate of Hong Kong, for that [etc., as in the order] and afterwards, to wit, on the day of 19, the parties appeared before me (or, Esquire), the said magistrate, and thereupon, having considered the matter of the said complaint, it was adjudged that the defendant should pay to the said the sum of, on or before the day of 19, [as in order] and also should pay to the said the sum of for costs; and default was made in payment according to the said adjudication and order; and a summons was duly issued to the defendant commanding

him to appear on this day before this court (or a warrant to apprehend the defendant was issued):

And whereas the defendant has this day appeared before me:

[And whereas I have made inquiry into the defendant's means in his presence:]

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this warrant, and you, the said Commissioner, to receive the defendant into your custody in a prison and there to imprison him, for the space of _____, unless the said sum shall be sooner paid; and for your so doing this shall be your sufficient warrant.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 63

[sections 53 & 54]

Warrant of commitment for want of distress

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

[Proceed as in warrant of distress down to commanding part, and close thus]-and on the _____ day _____ of 19____, a warrant of distress was handed for execution to _____, a police officer (or bailiff) of Hong Kong, commanding him to levy the sum of [state sum directed to be levied] by distress and sale of the defendant's goods; and it now appears, as well by the return of the said _____ to the said warrant of distress as otherwise, that he has made diligent search for the defendant's goods but that no sufficient distress whereon to levy the said sum could be found:

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to imprison him for the space of _____, unless the said sum, and all the costs and charges of the said distress, shall be sooner paid; and for your so doing this shall be your sufficient warrant.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 64

[section 52]

Warrant of commitment pending return to warrant of distress following conviction

HONG KONG.

IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

(hereinafter called the defendant) was, on the day of 19 , (or this day) convicted before the said court for that he [state the offence as in the conviction]; and default has been made in payment according to the said adjudication and order; and a warrant of distress has been issued against the defendant in pursuance of the said conviction, but no return has been made thereto; and the defendant has not given sufficient security, to the satisfaction of this court, for his appearance at the time and place appointed for the return of the said warrant:

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to keep and detain him until the day of 19 , being the day appointed for the return of the said warrant, unless he previously enters into a recognizance in the sum of , with surety (or sureties) in the sum of [each] conditioned for his appearance on that day; and you, the said police officers, on that day, if such recognizance has not been entered into, to convey and have him before a magistrate of Hong Kong at the said court, at o'clock in the noon, to be further dealt with according to law; and for your so doing this shall be your sufficient warrant.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(L.N. 134 of 1967; 59 of 1994 s. 8)

FORM 65

[section 52]

Warrant of commitment pending return to warrant of distress following order

HONG KONG.

IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

(hereinafter called the defendant) was, on the day of 19 , (or this day) ordered by the said court to pay to the sum of for [as in order] and for costs [as in order]; and default has been made in payment according to the said adjudication and order; and a warrant of distress has been issued against the defendant in pursuance of the said order:

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to keep and detain him until the day of 19 , being the day appointed for the return of the said warrant, unless he previously enters into a recognizance in the sum of , with surety (or sureties) in the sum of [each] conditioned for his appearance on that day; and you, the said police officers, on that day, if such recognizance has not been entered into, to convey and have him before a magistrate of Hong Kong at the said court, at o'clock in the noon, to be further dealt with according to law; and for your so doing this shall be your sufficient warrant.

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

(hereinafter called the defendant) was on the _____ day of _____ 19____, convicted before the said Court sitting at _____, of (state the offence as in the conviction), and on the said date [or on the _____ day of _____ 19____,] the said Court sentenced the defendant to imprisonment for (state period) but made an order which [as subsequently varied by _____] provided that the sentence should not take effect unless during the period beginning on the date of the order and ending on the _____ day of _____ 19____, he/she committed in Hong Kong another offence punishable with imprisonment:

And the defendant has this day appeared (or been brought) before me and I was satisfied that the defendant had on day of _____ 19____, been convicted by the Magistrate's Court sitting at _____, [or District Court sitting at _____ or Court of First Instance], of a further offence, namely (state the offence as in the conviction), being an offence punishable with imprisonment committed by him/her on the day of _____ 19____, during the said period:

[(or) And the defendant has this day been convicted by me of (state the offence as in the conviction), being an offence punishable with imprisonment and I was satisfied that the said offence was committed by him/her on the day of _____ 19____, during the said period]:

It is ordered that the said suspended sentence take effect [with the substitution of a term of imprisonment of for the original term]:

These are, therefore, to command you, the said police officers, to take the defendant and convey him/her to a prison, and there to deliver him/her to the Commissioner of Correctional Services, together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to imprison him/her for the space of _____; and for your so doing this shall be your sufficient warrant.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(L.N. 200 of 1972; 59 of 1994 s. 8; 25 of 1998 s. 2)

FORM 67

[section 85]

Warrant of commitment to put the accused upon
trial for an indictable offence

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

(hereinafter called the defendant) has been this day committed before the said court for that contrary to [here state the law applicable] and it has been adjudged that the defendant be committed to prison and there to wait for his/her trial at the Court of First Instance.

These are, therefore, to command you, the said police officers, to take the defendant and convey him/her to a prison, and there to deliver him/her to the Commissioner of Correctional Services together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to keep and detain him/her until such

[Recite the conviction or order and then proceed thus]-

And whereas afterwards, on the _____ day of 19____, a warrant of distress was issued against the defendant in pursuance of the said conviction (or order); and it having been made to appear to me, as well by the return to the said warrant of distress as otherwise, that diligent search for the defendant's goods and chattels has been made, but that no sufficient distress whereon to levy the sum above mentioned could be found:

These are, therefore, to command you, the said police officers, to take the defendant and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this warrant; and you, the said Commissioner, to receive the defendant into your custody in a prison and there to imprison him, for the space of _____, unless the said sum, and all costs and charges of the said distress, amounting to the further sum of _____, shall be sooner paid; and for your so doing this shall be your sufficient warrant.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 70

(Repealed L.N. 355 of 1997)

FORM 71

[section 60]

Warrant of commitment reducing term of imprisonment
on part payment

[Adopt the ordinary form of warrant of commitment but before the commanding part insert the following]-

and on application to the said court to issue a warrant to commit the defendant to prison for non-payment of the sum adjudged to be paid by the said conviction (or order, or for default of sufficient distress), it appears to the said court that, by payment of part of the said sum (or by the net proceeds of the said distress) the amount of the sum so adjudged has been reduced to such an extent that the unsatisfied balance, if it had constituted the original amount so adjudged to be paid, would have subjected the defendant to a maximum term of imprisonment less than the term of imprisonment to which he is liable under the said conviction (or order):

Therefore the said term of imprisonment is hereby revoked; and it is hereby ordered that the defendant be imprisoned in a prison for the space of [the reduced term], unless the said sum, and all costs and charges of the said distress, if any, shall be sooner paid, and you are hereby commanded [proceed as in ordinary warrant of commitment, inserting reduced term of imprisonment].

PART II

FORMS FOR RECOVERY OF CIVIL DEBTS

FORM 71A

[section 67]

Complaint

HONG KONG. IN THE MAGISTRATE'S COURT AT

The complaint of [blank] of [blank] who says that [blank] of [blank] (hereinafter called "the defendant") [here state the nature of the complaint] and the complainant claims from the defendant the sum of \$ [blank] being money recoverable summarily as a civil debt.

Dated this [blank] day of [blank] 19 [blank].

.....
Complainant.
(L.N. 150 of 1970)

FORM 71B [section 67]

Summons to defendant

HONG KONG. IN THE MAGISTRATE'S COURT AT

To: [blank]
Complaint having been made by [blank] of [blank] before the undersigned, a magistrate of Hong Kong, for that you on the [blank] day of [blank] 19 [blank] did [here state shortly the matter of the complaint] and claiming from you the sum of \$ [blank], being money recoverable summarily as a civil debt; these are, therefore, to command you to be and appear on [blank] day, the [blank] day of [blank] 19 [blank], at [blank] o'clock in the [blank] noon, at the said court, before such magistrate as shall then be there, to answer to the said complaint.

Dated this [blank] day of [blank] 19 [blank].

[L.S.]
Magistrate.
(L.N. 150 of 1970; 59 of 1994 s. 8; L.N. 355 of 1997)

FORM 72 [section 67]

Summons to witness

HONG KONG. IN THE MAGISTRATE'S COURT AT

Case No

Between [blank] Plaintiff,
(Address [blank])

Description)

and

Defendant.

(Address
Description)

To , of .

You are hereby required to attend before such magistrate of Hong Kong as may be sitting at the said court:

(DATE)

(TIME)

(COURT NO.)

to give evidence in the above cause on behalf of the plaintiff/defendant.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 73

[section 67]

Judgment summons

HONG KONG. IN THE MAGISTRATE'S COURT AT

Between

Plaintiff,

(Address
Description)

and

Defendant.

(Address
Description)

The day of 19 .

To the above-named defendant (or plaintiff).

The plaintiff (or defendant) obtained an order against you, the above-named defendant (or plaintiff), before the undersigned (or , Esquire), a magistrate of Hong Kong, on the day of 19 , for the payment of , and you have made default in payment of the sum payable in pursuance of the said order:

Therefore you are hereby summoned to appear personally before such magistrate of Hong Kong as may be sitting at the said court on day the day of 19 , at o'clock in the noon, to be examined upon oath (or declaration) by the said court touching the means you have or have had since the date of the order to satisfy the sum payable in pursuance of the said order; and also to show cause why you should not be committed to prison for such default.

[L.S.]

.....
Magistrate.

\$
Amount of order, and costs ¢

		\$		
Deduct	(Paid into the Magistra cy Instalme nts not required to have been paid before the date of the summon s		
	(
	(
	(

\$
Sum payable ¢
Costs of this summons
Amount upon payment of which no further proceedings will be had until
default in payment of next instalments

.....
(59 of 1994 s. 8)

FORM 74

[section 67]

Order of commitment

HONG KONG. IN THE MAGISTRATE'S COURT AT

Between

(Address
Description) Plaintiff,

and

(Address
Description) Defendant.

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.
The plaintiff (or defendant) obtained an order against the defendant (or plaintiff) before the undersigned (or

before _____, Esquire), a magistrate of Hong Kong on the day of _____ 19____, for the payment of _____ and the defendant (or plaintiff) has made default in payment of _____, payable in pursuance of the said order; and a summons was, at the instance of the plaintiff (or defendant), duly issued, by which the defendant (or plaintiff) was required to appear personally before such magistrate of Hong Kong as might be sitting at the said court on the _____ day of 19____, to be examined upon oath (or declaration) touching the means he had then or had since the date of the order to satisfy the sum then due and payable in pursuance of the said order, and to show cause why he should not be committed to prison for such default; and at the hearing of the said summons the defendant (or plaintiff) appeared (or the summons was proved to have been duly served), and it has now been proved that the defendant (or plaintiff) now has (or has had since the date of the said order) the means to pay the sum then due and payable in pursuance of the said order, and has refused (or neglected, or then refused or neglected) to pay the same, and the defendant (or plaintiff) has shown no cause why he should not be committed to prison:

Now, therefore, it is ordered that, for such default, the defendant (or plaintiff) be committed to prison for days, unless he shall sooner pay the sum stated below as that on the payment of which he is to be discharged: and you are hereby required, you the said police officers, to take the defendant (or plaintiff) and convey him to a prison, and there to deliver him to the Commissioner of Correctional Services, together with this order; and you, the said Commissioner, to receive the defendant (or plaintiff) and keep him safely in a prison for _____ days from the arrest under this order, or until he is sooner discharged by due course of law.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.

\$	C
Total sum payable at the time of hearing of the judgment summons	
Hearing of summons, and costs of order	
Total sum on payment of which the prisoner will be discharged	_____

	(59 of 1994 s. 8)

FORM 75

[section 67]

Certificate for discharge of a prisoner from custody

HONG KONG. IN THE MAGISTRATE'S COURT AT

Between

Plaintiff,

(Address
Description)

and

Defendant.

(Address
Description)

To the Commissioner of Correctional Services in Hong Kong.

I hereby certify that the defendant (or plaintiff), who was committed to your custody by virtue of an order of commitment dated the _____ day of _____ 19____, has paid and satisfied the sum of money for the

Paid

Remaining due

Costs of issuing this warrant

Total amount to be levied \$

* N.B.-The goods are not to be sold until after the end of five clear days next following the day on which they were seized, unless the defendant otherwise consents or unless the goods are perishable.

(59 of 1994 s. 8)

FORM 77

[section 67]

Oral or written acknowledgment of undertaking to pay civil debt

HONG KONG. IN THE MAGISTRATE'S COURT AT

Between

(Address Description) Plaintiff,

and

(Address Description) Defendant.

It was this day (or on the day of 19) adjudged by the undersigned (or , Esquire), a magistrate of Hong Kong, that the plaintiff should recover against the defendant the sum of for debt (or damages) and for costs, amounting together to the sum of ; and it was ordered that the defendant should pay the same to the plaintiff forthwith (or on or before the day of 19 , or by instalments of for every days, the first instalment to be paid on the day of 19), and that the defendant should be at liberty to give, to the satisfaction of a magistrate [or as in the judgment], security in the sum of , with surety in the sum of [each], for the payment of the sum so ordered to be paid as thereby directed:

Now, therefore, I, the defendant, as principal, and we, of , and , of , as sureties (or I, , as surety), hereby undertake that the defendant will pay the sum so ordered to be paid as thereby directed; and I, the said defendant, and we (or I) the said sureties (or surety), hereby severally acknowledge ourselves bound to forfeit and pay to the sum of in case the defendant fails to perform this undertaking.

Signed (where not taken orally)) Defe
) ndant
)
) Sureti
) es.

Taken [orally] before me this day of 19 .

.....
Magistrate.

[L.S.]

Explained by

.....
Sworn Interpreter.

NOTE.-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(59 of 1994 s. 8)

PART III
FORMS FOR INDICTABLE OFFENCES

FORM 78 [section 82]

Caution to and statement by accused

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before , Esquire, a magistrate of Hong Kong.

(hereinafter called the accused) stands charged before the undersigned, a magistrate of Hong Kong, for that he, on the day of 19 , at [etc., as in the heading to the depositions] and the said charge being read to the accused and the witnesses for the prosecution and being severally examined in his presence, the accused is now addressed by me as follows: "Having heard the evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence upon your trial and you are clearly to understand that you have nothing to hope from any promise of favour and that you have nothing to fear from any threat which may have been held out to you to induce you to make any admission or confession of your guilt, but that whatever you say now may be given in evidence upon your trial notwithstanding such promise or threat"; whereupon the said saith as follows:

[Here state whatever the prisoner may say, and in his very words as nearly as possible. Get him to sign it, if he will].

This day of 19 .

Taken before me at the day and year last above written. (Signed)

.....
Magistrate.
(59 of 1994 s. 8)

FORM 79 [section 84]
Witness Order

HONG KONG. IN THE MAGISTRATE'S COURT AT

Date:

To: (Witness)

Address:

Order: That you attend and give evidence at the trial of (accused) in the Court of First Instance if notice is later given to you to that effect.*

Note: Failure to comply with this order may render you liable to imprisonment and a fine. You will be notified of the date and time at which you are to attend by the Registrar of the High Court, to whom any inquiry should be addressed.

.....
Magistrate.

* Delete the words in italics unless the order is a conditional order.

(L.N. 330 of 1981; 25 of 1998 s. 2)

FORM 80

[section 84(2)(b)]

Notice to witness that a witness order is to be treated
as a conditional order

HONG KONG. IN THE MAGISTRATE'S COURT AT

Date:

To: (Witness)

Address:

Whereas you were on (date) ordered to attend and give evidence at the trial of (accused) in the Court of First Instance, you are NOT now required to attend UNLESS you receive a further notice directing you to do so.

.....
Magistrate.

(L.N. 330 of 1981; 25 of 1998 s. 2)

FORM 81

[section 84(3)(b)]

Notice to witness that his attendance will not be
required in the Court of First Instance in any event

HONG KONG. IN THE MAGISTRATE'S COURT AT

Date:

To: (Witness)

Address:

Whereas you were on (date) ordered to attend and give evidence at the trial of (accused) in the Court of First Instance, your attendance in that court will NOT now be required since the accused has/have not been committed for trial.

.....
Magistrate.
(L.N. 330 of 1981; 25 of 1998 s. 2)

FORM 84

[section 79]

Warrant remanding accused

HONG KONG. IN THE MAGISTRATE'S COURT AT

To each and all of the police officers of Hong Kong and to the Commissioner of Correctional Services in Hong Kong.

Whereas was this day charged before the undersigned, a magistrate of Hong Kong, for that [etc., as in the warrant to apprehend]; and it appears to me to be necessary to remand the said :

These are, therefore, to command you, the said police officers, forthwith to convey the said to a prison [or some other place of security] and there deliver him to the Commissioner of Correctional Services together with this precept; and you, the said Commissioner, to receive the said into your custody in a prison [or some other place of security] and there safely keep him until day, the day of 19 ; when I hereby command you, the said police officers, to convey and have him at the said court, at o'clock in the noon of the same day, before such magistrate of Hong Kong as may be sitting at the said court, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(L.N. 134 of 1967; 59 of 1994 s. 8; L.N. 355 of 1997)

FORM 85

[section 79]

(WITH SURETIES)

Recognizance of bail instead of remand, on an adjournment of examination

HONG KONG. IN THE MAGISTRATE'S COURT AT

We, the undersigned _____ of _____ and _____ of _____ severally acknowledge ourselves to owe to the Government the several sums following, namely, the said as principal the sum of _____, and the said and _____ as sureties the sum of _____ each, to be levied on our several goods, lands and tenements if the said _____ fails in the condition hereon endorsed.

Signed (where not taken orally)
.....
.....

Taken (orally) before me the _____ day of _____ 19 _____.

[L.S.]

.....
Magistrate.
(or Magistrate's Clerk or Superintendent of Police or Inspector of Police or Commissioner of Correctional Services, as the case may be)

Explained by
.....
Sworn Interpreter.

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden appears before such magistrate as may then be sitting at the said court on _____ day, the _____ day of 19 _____, at _____ o'clock in the _____ noon, to answer (further) to the charge made against him by and to be (further) dealt with according to law (or appears before such magistrate as may then be sitting at _____ for sentence when called upon) then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE.-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

FORM 86 [section 79]

(PERSONAL)

Recognizance of bail instead of remand, on an adjournment of examination

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned _____ of _____ do hereby acknowledge myself to owe to the Government the sum of _____ to be levied on my goods, lands and tenements if I the said _____ shall fail in the condition hereon endorsed.

Signed (where not taken orally)

Taken (orally) before me the day of 19 .

[L.S.]

.....
Magistrate.
(or Magistrate's Clerk or Superintendent
of Police or Inspector of Police or
Commissioner of Correctional
Services, as the case may be)

Explained by

.....
Sworn Interpreter.

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden appears before such
magistrate as may then be sitting at the said court on day, the day of
19 , at o'clock in the noon, to answer (further) to the charge made against him by
and to be (further) dealt with according to law (or appears before such magistrate as may then be sitting at
for sentence when called upon) then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE.-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 355 of 1997)

FORM 87

[section 79]

Notice of the said recognizance to be given to accused
and his sureties

HONG KONG. IN THE MAGISTRATE'S COURT AT

Take notice that you , of , are bound in the sum of , and
your sureties, , and , in the sum of each, that
you, , appear before me a magistrate of Hong Kong, on day, the
day of 19 , at o'clock in the noon, at ,
to answer further to the charge made against you by and to be further dealt with according to law; and
unless you , personally appear accordingly, the recognizance entered into by yourself and
your sureties will be forthwith levied on your several goods, lands and tenements.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 88

[section 102]

(WITH SURETIES)

Recognizance conditioned for appearance

HONG KONG. IN THE MAGISTRATE'S COURT AT

We, the undersigned _____ of _____, and _____ of _____, severally acknowledge ourselves to owe to the Government the several sums following, namely, the said _____ as principal the sum of _____, and the said _____ and _____ as sureties the sum of _____ each, to be levied on our several goods, lands and tenements if the said _____ fails in the condition hereon endorsed.

Signed (where not taken orally)
.....
.....

Taken (orally) before me the _____ day of _____ 19 _____.

[L.S.]

.....
Magistrate.
(or Magistrate's Clerk or Superintendent of Police or Inspector of Police or Commissioner of Correctional Services, as the case may be)

Explained by
.....
Sworn Interpreter.

CONDITION ENDORSED

The condition of the above-written recognizance is such that whereas the said _____ was this day charged before me for that he _____. If therefore the said will appear at the Court of First Instance on such date as the Registrar may appoint and there surrender himself (if so required) into the custody of the Commissioner of Correctional Services in Hong Kong, and plead to such indictment as may be filed against him by the Secretary for Justice and take his trial upon the same, and not depart the said Court without leave, then the said recognizance shall be void, but otherwise shall remain in full force.

NOTE.-Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(L.N. 163 of 1971; 59 of 1994 s. 8; L.N. 355 of 1997; L.N. 362 of 1997; 25 of 1998 s. 2)

FORM 89 [section 102]

(PERSONAL)

Recognizance conditioned for appearance

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned _____ do hereby acknowledge myself to owe to the Government the sum of _____ to be levied on my goods, lands and tenements if I the said _____ shall fail in the condition thereon endorsed.

endorsed on the commitment

HONG KONG. IN THE MAGISTRATE'S COURT AT

I hereby certify that I consent to the within-named _____ being bailed by recognizance, himself in the sum of _____, and [two] sureties in the sum of _____ [each].

Dated this _____ day of _____ 19 _____.

[L.S.]

.....
Magistrate.

FORM 92

[section 103]

Warrant of deliverance on bail being given for a
prisoner already committed

HONG KONG. IN THE MAGISTRATE'S COURT AT

To the Commissioner of Correctional Services in Hong Kong.

_____, late of _____ [labourer] has before me, a magistrate of Hong Kong, entered into his own recognizance, and found sufficient sureties for his appearance at the Court of First Instance on such date as the Registrar may appoint to answer the Government for that he [etc., as in the commitment], for which he was taken and committed to a prison:

These are, therefore, to command you that if the said _____ do remain in your custody in a prison for the said cause, and for no other, you shall forthwith suffer him to go at large.

Dated this _____ day of _____ 19 _____.

[L.S.]

.....
Magistrate.

(L.N. 163 of 1971; 59 of 1994 s. 8; L.N. 355 of 1997; 25 of 1998 s. 2)

PART IV

FORMS FOR INDICTABLE OFFENCES TRIABLE SUMMARILY

FORM 93

[sections 91, 92 & 93]

Summary conviction of indictable offence

HONG KONG. IN THE MAGISTRATE'S COURT AT

Before _____, Esquire, a magistrate of Hong Kong. (hereinafter called the defendant) having been charged for that he, on the _____ day of _____ 19 _____, at _____, [state offence]; and the magistrate having determined to try the case summarily; the defendant is this day convicted of the said offence, and it is adjudged that he pay [or that he be imprisoned, insert particulars] for his said

the above information (or complaint) and being aggrieved thereby as being erroneous in point of law [or as the case may be], I hereby, pursuant to section 105 of the Magistrates Ordinance (Chapter 227), make application to you to state and sign a case setting forth the facts and grounds of such your determination, in order that I may appeal therefrom to a judge of the Court of First Instance.

Dated this day of 19 .

(Signed)
(59 of 1994 s. 8; 25 of 1998 s. 2)

FORM 96

[section 111]

Magistrate's certificate of refusal to state case

HONG KONG. IN THE MAGISTRATE'S COURT AT

Whereas on the day of 19 , an information [or complaint] preferred by against of (hereinafter called the defendant) for that he [etc., as in the information, complaint or summons] was heard and determined by me, the undersigned, a magistrate of Hong Kong, and thereon [here state the adjudication, order or determination together with any consequential order as to fine, imprisonment, costs or other matter]:

And whereas the defendant (or) being dissatisfied with the said determination and alleging that he is aggrieved thereby as being erroneous in point of law (or as being in excess of jurisdiction), has applied to me pursuant to section 105 of the Magistrates Ordinance (Chapter 227), to state and sign a case setting forth the facts and grounds of such determination in order that he may appeal therefrom:

Now I being of opinion that the application of the defendant (or) is merely frivolous have refused to state such case, of which refusal the defendant (or) has requested me to sign and deliver to him a certificate:

Now therefore I, the said magistrate, pursuant to section 111 of the said Ordinance, do hereby certify that I am of opinion that the application of the defendant (or) as aforesaid is merely frivolous, and that I have refused to state such case accordingly.

Dated this day of 19 .

[L.S.]

.....
Magistrate.
(59 of 1994 s. 8)

FORM 97

[section 105]

Case stated by a magistrate

IN THE COURT OF FIRST INSTANCE OF HONG KONG

APPELLATE JURISDICTION

Between

, Appellant, and
, Respondent.

This is a case stated by the undersigned, a magistrate of Hong Kong under the Magistrates Ordinance (Chapter 227), for the purpose of appeal to a judge of the Court of First Instance on questions of law which arose before me as hereinafter stated.

1. At the magistrate's court in Hong Kong, at _____, on the _____ day of 19____, an information (or a complaint) preferred by _____ (hereinafter called the respondent) against _____ (hereinafter called the appellant) [or as the case may be], under section of the [state the enactment] charging, for that he, the appellant [etc., state the offence or cause of complaint], was heard and determined by me, the said parties respectively being then present; and upon such hearing the appellant was duly convicted before me of the said offence, and it was adjudged that he should pay (or and upon such hearing the appellant was by me ordered to pay) to the respondent the sum of _____ [here state the adjudication of fine, sum, or imprisonment and costs, as in a conviction or an order].

(Or, if dismissed: and upon such hearing the said information (or complaint) was dismissed by me,) (and, if so, the appellant was ordered to pay to the respondent of the sum of _____ for his costs incurred by him in his defence in that behalf, conclude as in an order of dismissal).

2. And whereas the appellant, being dissatisfied with my determination upon the hearing of the said information (or complaint) and alleging himself to be aggrieved by such determination as being erroneous in point of law has, pursuant to section 105 of the Magistrates Ordinance, duly applied to me in writing to state and sign a case setting forth the facts and the grounds of such determination as aforesaid, in order that he may appeal therefrom to a judge of the Court of First Instance, and has duly entered into a recognizance as required by the said Ordinance in that behalf.

(Where the case stated has been refused in the first instance-but I, being of opinion that the application of the appellant was merely frivolous, refused to state and sign such case, and at his request signed and delivered to him a certificate of such refusal; and whereas a judge of the High Court has since ordered me to state such case.)

3. Now therefore I, the said magistrate, in compliance with the said application (or in obedience to the said order of a judge of the Court of First Instance) and the provisions of the said Ordinance (if more facts are introduced than proved and by consent of the said parties), do hereby state and sign the following case.

4. Upon the hearing of the information (or complaint) it was proved on the part of the respondent, and found as a fact, that [here state so much of the evidence given and of the facts as are necessary to raise the point of law in question].

5. It was contended on the part of the appellant that [here state the legal objection or objections to the findings on the facts taken by the defendant or his counsel].

6. I, however, being of opinion that [here state the grounds of the decision], held that [here state the decision and judgment].

If it is desired to refer to a portion of the evidence by consent, insert the following paragraph-

7. The questions of law arising on the above statement for the opinion of this court therefore are, 1st whether, etc., 2nd whether, etc.

Dated this _____ day of _____ 19____.

[L.S.]

.....
Magistrate.

FORM 98

[sections 110, 114 & 119]

(PERSONAL)

Recognizance to prosecute appeal and to appear
if appellant is liberated from custody

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned
the Government, the sum of
fail in the condition hereon endorsed.

do hereby acknowledge myself to owe to
to be levied on my goods, lands and tenements if I

Signed (where not taken orally)

Taken (orally) before me the day of 19 .

[L.S.]
Explained by

.....
Magistrate.
(or Commissioner of Correctional
Services, or as the case may be).

.....
Sworn Interpreter.

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden

(a) shall without delay prosecute a certain appeal to a judge of the Court of First Instance from a conviction (or order or determination) of , Esquire, a magistrate of Hong Kong, dated the day of 19 , whereby [here state effect of conviction or order or determination], and further shall abide by and duly perform the order of the said judge or the Court of Appeal to be made upon the hearing of such appeal, and shall pay such costs as may be awarded by the said judge or court; and

(b) shall personally appear and surrender himself at before and to a judge of the Court of First Instance or the Court of Appeal at each and every hearing of his appeal by such judge or court and to then and there abide by the judgment of such judge or court and not to depart or be absent from court at any hearing without the leave of such judge or court and in the meantime not to depart out of Hong Kong;

then this recognizance shall be void, but otherwise shall remain in full force.

NOTE.-(1) Where the recognizance is taken orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(2) The conditions (a) or (b) may be used separately or together as occasion demands, but the conditions in (b) will only be required if the appellant is released from custody under section 119(a).

FORM 99

[sections 110, 114 & 119]

(MONEY DEPOSIT)

Recognizance to prosecute appeal and to appear if
appellant is liberated from custody

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned do hereby acknowledge myself to
owe to the Government, the sum of , if I fail in the
condition hereon endorsed.

Signed (where not taken orally)

Taken (orally) before me the day of 19 .

[L.S.]
Explained by

.....
Magistrate.
(or Commissioner of Correctional
Services, or as the case may be).

.....
Sworn Interpreter.

CONDITION ENDORSED

The condition of the within-written recognizance is such that if the within-bounden

(a) shall without delay prosecute a certain appeal to a judge of the Court of First Instance from a conviction (or order or determination) of , Esquire, a magistrate of Hong Kong, dated the day of 19 , whereby [here state effect of conviction or order or determination] and further shall abide by and duly perform the order of the said judge or the Court of Appeal to be made upon the hearing of such appeal, and shall pay such costs as may be awarded by the said judge or court; and

(b) shall personally appear and surrender himself at before and to a judge of the Court of First Instance or the Court of Appeal at each and every hearing of his appeal by such judge or court and to then and there abide by the judgment of such judge or court and not to depart or be absent from court at any hearing without the leave of such judge or court and in the meantime not to depart out of Hong Kong;

then this recognizance shall be void, but otherwise shall remain in full force.

NOTE.-(1) Where the recognizance is take orally omit the words "the undersigned" and insert the word "orally" after "Taken".
(2) The conditions (a) or (b) may be used separately or together as occasion demands, but the conditions in (b) will only be required if the appellant is released from custody under section 119(a).
(59 of 1994 s. 8; L.N. 355 of 1997; 25 of 1998 s. 2)

FORM 100

[section 110]

Order to bring up appellant in custody to enter into
recognizance of appeal

HONG KONG. IN THE MAGISTRATE'S COURT AT

To the Commissioner of Correctional Services in Hong Kong.

You are hereby ordered to bring _____, now in prison custody, before the undersigned, a magistrate of Hong Kong, or such magistrate as may then be sitting at the said court, on day, the _____ day of _____ 19_____, at _____ o'clock in the _____ noon, that he may enter into a recognizance with surety _____ conditioned to appear and prosecute and appeal from the conviction (or order), dated the _____ day of _____ 19_____, of the undersigned (or _____, Esquire), a magistrate of Hong Kong.

Dated this _____ day of _____ 19_____.

[L.S.]

.....
Magistrate.
(L.N. 134 of 1967; 59 of 1994 s. 8)

FORM 101

[section 114]

Notice of appeal to a judge against conviction

HONG KONG. IN THE MAGISTRATE'S COURT AT

To _____, the magistrates' clerk at the said Court.

I, _____, of _____, do hereby give you notice that it is my intention to appeal to a judge of the Court of First Instance of Hong Kong against a certain conviction of me by _____, Esquire, a magistrate sitting at the said court for having on at _____ [state offence, etc.]. And that the general grounds of such appeal are [state here each ground of appeal, such as that the conviction was against the weight of evidence upon the hearing of the proceedings in that behalf, or that certain evidence was improperly admitted or rejected (as the case may be) upon the hearing of the proceedings in that behalf, or that there was no evidence, or no sufficient evidence whereon to found the said conviction, (or as the case may be)], and that I am not guilty of the said offence.

Dated this _____ day of _____ 19_____.

(Signed)
(25 of 1998 s. 2)

FORM 102

[section 114]

Notice of appeal to a judge against sentence

HONG KONG. IN THE MAGISTRATE'S COURT AT

To _____, the magistrates' clerk at the said Court.

I, _____, of _____, do hereby give you notice that it is my intention to appeal to a judge of the Court of First Instance of Hong Kong against my sentence on a certain conviction of me by _____, Esquire, a magistrate sitting at the said court for having on at _____ [state offence, etc.]. And that the general grounds of my appeal are that my sentence was too severe.

Dated this day of 19 .

(Signed)
(25 of 1998 s. 2)

FORM 103

[section 114A]

Application for extension of time for giving notice of appeal

HONG KONG. IN THE MAGISTRATE'S COURT AT

I, the undersigned
of hereby apply to a *magistrate/judge
of the Court of First Instance for an extension of time within which I may give notice of appeal against a conviction
(or order or determination) of, a magistrate sitting at the said magistrate's court, dated theday
of 19 whereby [here state effect of conviction, order or determination]
upon the following grounds-

Dated this day of 19 .

(Signed)

* Delete whichever is inapplicable.

Note: If this application is being made to a magistrate it must be sent to the magistrate's clerk. If this application is
being made to a judge of the Court of First Instance it must be sent to the Registrar of the High Court.
(L.N. 174 of 1969; 25 of 1998 s. 2)

PART VI

FORM RELATING TO MINOR OFFENCE NOTICE PROCEDURE

FORM 104

Notice of Prosecution for Minor Offence

(Section 7D Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

COMPLAINANT/COURT COPY

<p>Name</p> <p>Address</p>

I/D Card No.
Driving Licence No. (where applicable)

TAKE NOTICE that I
of
allege that the abovenamed
did on the day of 19 at
commit an offence contrary to in that he

The facts on which I base this allegation are contained in the summary set out below/attached to the notice and signed by me.

PENALTY

The maximum penalty/ies for this offence is/are-

- *1. A fine not exceeding \$.
- *2. A sentence of months' imprisonment.
- *3. Disqualification from holding or obtaining a driver's licence for year/s.
- *4. penalty points.

* (Delete as appropriate)

IMPORTANT NOTICE-In no circumstances will a defendant be sentenced to a term of imprisonment or disqualified from holding or obtaining a driving licence in his absence.

I CERTIFY that I believe that I have just cause for this allegation and that to best of my knowledge and belief the SUMMARY OF FACTS and other particulars relating to the offence or to the defendant which particulars are set out below or on an attached sheet of paper signed by me are true and correct.

Date this day of 19 .

_____ Informant

SUMMARY OF FACTS (and other relevant matters). The facts on which the Informant bases his allegation are as follows-

RECORD OF HEARING	
Action Date:	
Decision:	Plea
Signature(s) _____	

(L.N. 374 of 1984; L.N. 158 of 1995)

FORM 105

Notice of Prosecution for Minor Offence
(Section 7D Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

DEFENDANT'S COPY

Name
Address
I/D Card No.
Driving Licence No. (where applicable)

TAKE NOTICE that I of _____
allege that the abovenamed _____ did on the _____ day of
19 _____ at commit an offence contrary to _____ in that he

The facts on which I base this allegation are contained in the summary set out below/attached to the notice and signed by me.

PENALTY

The maximum penalty/ies for this offence is/are-

- *1. A fine not exceeding \$ _____ .
- *2. A sentence of _____ months' imprisonment.
- *3. Disqualification from holding or obtaining a driver's licence for _____ year/s.
- *4. _____ penalty points.

*(Delete as appropriate)

IMPORTANT NOTICE-In no circumstances will you be sentenced to a term of imprisonment or disqualified from holding or obtaining a driving licence in your absence.

I CERTIFY that I believe that I have just cause for this allegation and that to the best of my knowledge and belief the SUMMARY OF FACTS and other particulars relating to the offence or to the defendant which particulars are set out below or on an attached sheet of paper signed by me are true and correct.

Dated this day of 19 .

_____ Informant

SUMMARY OF FACTS (and other relevant matters). The facts on which the Informant bases his allegation are as follows-

<p>YOU MUST READ CAREFULLY THE STATEMENT OF YOUR RIGHTS AND OPTIONS ON THE BACK OF THIS NOTICE</p>

**IMPORTANT NOTICE TO DEFENDANT
STATEMENT OF RIGHTS AND OPTIONS**

1. You have been charged with the offence specified overleaf.
2. The maximum penalties for the offence are also set out overleaf. NOTE. These are maximum penalties and under no circumstances will you be sentenced to a term of imprisonment or disqualified from holding or obtaining a licence without your being present and being given the opportunity to make representations. Should the Court consider that a fine is not adequate punishment a summons will be issued ordering you to appear before the Court.
3. If you want to plead not guilty, you must send written notice to the First Clerk of this Court by a summons will then be sent to you ordering you to appear before the Court.
4. If you want to plead guilty but would like to appear before the Court to explain any matter, you must send written notice saying so to the First Clerk of this Court by the date set out in paragraph 3. A summons will then be sent to you ordering you to appear before the Court.
5. If you want to plead guilty and do not wish to appear before the Court, you may do so by writing to the First Clerk; you can also include in your letter anything you want to explain to the Court about the offence or why a heavy penalty should not be imposed.
6. If you do nothing by the date specified in paragraph 3 above, the Court has the power to deal with the case as if you have pleaded guilty for the charge and agreed that the summary of facts set out overleaf is correct.
7. If the charge against you is one of unlawful possession contrary to section 30 of the Summary Offences Ordinance (Cap 228) it is possible that you may be entitled to legal aid and you should consult the Court Liaison Officer of the Duty Lawyer Service at the Magistracy from which this notice has been issued.

First Clerk

Date

Office hours: 9.00 a.m. to 4.30 p.m.

Note:

- A. If you do not understand this notice, you should consult the First Clerk or a solicitor immediately.
- B. Please notify the Court of any change of address.
- C. If the Court determines the charge in your absence, a notice will be sent to you.

D. If you write to the Court or ask the Court for any information please give the M.O.N. number shown on the front of this form.

(L.N. 347 of 1984; L.N. 158 of 1995; 21 of 1999 s. 33)

FORM 106

Notice of Imposition of Penalty

(Section 7G(1) Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.:

COURT COPY

TAKE NOTICE that on the _____ day of _____ 19____ a fine of \$ _____ [together with costs of \$ _____](hereinafter called 'the penalty') was imposed on you by the above-mentioned Magistrate's Court in respect of the offence of _____ which it was alleged was committed on the _____ day of _____ 19____ .

NOTICE is hereby given that you are required to pay the aforesaid penalty of \$ _____ within 21 days from the date of this notice to-

Magistracy
Hong Kong/Kowloon/New Territories
(To be completed)

.....
Magistrate.

Date:

COURT ACTION

1. Notice received from defendant on the _____ day of _____ 19____ that he wishes Magistrate to review his decision.
2. Application by defendant under 1 above determined on the _____ day of _____ 19____ . Penalty confirmed/set aside.
3. Following confirmation under 2 above penalty paid/not paid by the _____ day of _____ 19____ .
4. No notice having been received from defendant under 1 above, notice in Form 106 issued on the day of _____ 19____ for payment by the _____ day of _____ 19____ .
5. Following issue of Form 106, penalty paid/not paid by the _____ day of _____ 19____ .
6. Penalty not having been paid (3 or 5 above), Form 107 issued on the _____ day of _____ 19____ for payment of penalty by the _____ day of _____ 19____ .

- 7. Following issue of Form 107, penalty paid/not paid by the _____ day of 19 ____ .
- 8. Penalty not having been paid under 7 above, warrant issued on the _____ day of 19 ____ .
- 9. Warrant executed on the _____ day of _____ 19 ____ .
(L.N. 413 of 1984)

FORM 106A

Notice of Imposition of Penalty

(Section 7G(1) Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

DEFENDANT'S COPY

TAKE NOTICE that on the _____ day of _____ 19 ____ a fine of \$ _____ [together with costs of \$ _____] (hereinafter called 'the penalty') was imposed on you by the above-mentioned Magistrate's Court in respect of the offence of _____ which it was alleged was committed on the _____ day of 19 ____ .

NOTICE is hereby given that you are required to pay the aforesaid penalty of \$ _____ within 21 days from the date of this notice to-

Magistracy
Hong Kong/Kowloon/New Territories
(To be completed)

.....
Magistrate.

Date:

IMPORTANT NOTICE

- 1. If you have not received a notice of prosecution in respect of these proceedings and wish to dispute the penalty you should immediately make application to the First Clerk of the above-mentioned Court requesting that an appointment be made for you to attend before the Magistrate to request him to review his decision.
- 2. Any such application should be made within 14 days of receipt of this notice, otherwise a summons or warrant will be issued against you under section 101A of the Magistrates Ordinance. An application should include your full postal address for a reply.

(L.N. 413 of 1984)

FORM 107

Notice of Non-payment of Penalty

(Section 7G(2) Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

COURT COPY

TAKE NOTICE that on the [] day of [] 19 [] a fine of \$ [] [together with costs of \$ [] (hereinafter called 'the penalty')] was imposed on you by the above-mentioned Magistrate's Court in respect of the offence of [] which it was alleged was committed on the day of [] 19 [] .

A Notice of Imposition of Penalty dated the [] day of [] 19 [] was later served on you requiring you to pay the penalty of \$ [] within 21 days but as of the date of this notice, the said penalty remains unpaid.

YOU ARE THEREFORE notified that unless the penalty is paid in full within 14 days of the service on you of this notice, a summons or warrant will be issued against you to enforce payment of the penalty under section 101A of the Magistrates Ordinance.

Payment should be made to-

Magistracy
Hong Kong/Kowloon/New Territories
(To be completed)

.....
Magistrate.

Date:

STATEMENT OF PERSONAL SERVICE

This document was served by me by delivering a copy of the same to the defendant personally on the [] day of [] 19 [] at []

a.m./p.m. at
(State full address of service)

being the RESIDENTIAL/WORK* address of the defendant.

[Where service was at defendant's work address]-

The defendant's residential address is

The same as that on the summons OR*

.....
(Specify)

(Signed)

Full name

Date: Designation

*Officer of the
Court/Police Officer/
Authorized Person

*Delete as appropriate.

(L.N. 413 of 1984; L.N. 158 of 1995)

FORM 107A

Notice of Non-payment of Penalty

(Section 7G(2) Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

DEFENDANT'S COPY

TAKE NOTICE that on the _____ day of _____ 19____ a fine of \$ _____ [together with costs of \$ _____](hereinafter called 'the penalty') was imposed on you by the above-mentioned Magistrate's Court in respect of the offence of _____ which it was alleged was committed on the _____ day of 19____.

A Notice of Imposition of Penalty dated the _____ day of _____ 19____ was later served on you requiring you to pay the penalty of \$ _____ within 21 days but as of the date of this notice, the said penalty remains unpaid.

YOU ARE THEREFORE notified that unless the penalty is paid in full within 14 days of the service on you of this notice, a summons or warrant will be issued against you to enforce payment of the penalty under section 101A of the Magistrates Ordinance.

Payment should be made to-

Magistracy
Hong Kong/Kowloon/New Territories
(To be completed)

.....
Magistrate.

Date:

IMPORTANT NOTICE

1. If you have not received a notice of prosecution in respect of these proceedings and wish to dispute the

penalty you should immediately make application to the First Clerk of the above-mentioned Court requesting that an appointment be made for you to attend before the Magistrate to request him to review his decision.

2. Any such application should be made within 14 days of receipt of this notice, otherwise a summons or warrant will be issued against you under section 101A of the Magistrates Ordinance. An application should include your full postal address for a reply.

(L.N. 413 of 1984)

FORM 108

Notice of Hearing of Review

(Section 7H Magistrates Ordinance Chapter 227)

M.O.N. No.

Name
Address
I/D Card No.
Driving Licence No. (where applicable)

Pursuant to your application of the _____ day of _____ 19____ I hereby give notice that the said application will be heard by _____, Magistrate, on the _____ day of _____ 19____ at _____ a.m./p.m., in Court No. _____ of this Magistracy.

If you wish to call any witnesses in support of your application, they should attend court with you.

If you do not attend court at the above-mentioned place and time, your application will be determined in your absence.

First Clerk, _____ Magistracy.

Date:

FORM 109

Summons to Defendant-Minor Offence

(Section 7E(1) Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

Summons No.

DEFENDANT'S COPY

Name
Address
I/D Card No.
Driving Licence No. (where applicable)

_____ , Complainant, _____ of
 has filed a notice of prosecution for a minor offence, signed by him on
 alleging that you, the said _____ did on _____ at
 commit an _____ offence contrary to
 in that you _____ to

The facts on which this allegation is based are contained in the Summary of Facts set out in, or attached to, the said Notice of Prosecution.

You have indicated that you wish to deny the charge or to appear before the court for that or another purpose.

A magistrate has directed that this summons be issued-

- *(1) in accordance with your above-mentioned wishes
- *(2) because he wishes to give you the opportunity of being heard prior to proceeding to sentence.

You are therefore summoned to appear on _____ at _____ a.m./p.m., at the
 Magistrate's Court at _____ to answer the said notice of prosecution.

Dated at _____ this _____ day of _____ 19 _____ .

 Magistrate.
 (L.N. 158 of 1995)

* Delete as appropriate.

FORM 110

Summons to Defendant-Minor Offence
 (Section 7E(1) Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

Summons No.

COURT COPY

<p>Name</p> <p>Address</p> <p>I/D Card No.</p> <p>Driving Licence No. (where applicable)</p>
--

_____, Complainant, of

has filed a notice of prosecution for a minor offence, signed by him on _____ alleging that you, the said _____ did on _____ at _____ commit an offence contrary to _____ in that you _____

The facts on which this allegation is based are contained in the Summary of Facts set out in, or attached to, the said Notice of Prosecution.

You have indicated that you wish to deny the charge or to appear before the court for that or another purpose.

A Magistrate has directed that this summons be issued-

- * (1) in accordance with your above-mentioned wishes
- * (2) because he wishes to give you the opportunity of being heard prior to proceeding to sentence.

You are therefore summoned to appear on _____ at _____ a.m./p.m., at the Magistrate's Court at _____ to answer the said Notice of Prosecution.

Date at _____ this _____ day of _____ 19 _____ .

Magistrate.

*Delete as appropriate.

STATEMENT OF SERVICE

This document was served by me by delivering a copy of the same to the defendant personally on the _____ day of _____ 19 _____ at _____ a.m./p.m. at _____ (State full address of service) being the RESIDENTIAL/WORK address.

Where served on the Defendant personally

Delete option which does not apply

Residential address is

The same as that on the summons

OR

(Specify)

Delete box which does not apply

(Signed) _____

Officer of the Court/
Authorized Person/
Police Officer*

at _____

Designation _____

*Delete as appropriate.

This document was served by me by leaving a copy of the same for the defendant on the _____ day of _____ 19

at _____ a.m./p.m.

at _____

(State full address of service)

his usual place of residence with

the #

of the said defendant residing

with the defendant and appearing to be over the age of eighteen years.

(Signed) _____

Officer of the Court/
Authorized Person/
Police Officer*

at _____

Designation _____

Father, mother, wife, husband, child, brother, sister, half-brother or half-sister.

*Delete as appropriate.

Dated Posted

Where served by Post

(L.N. 158 of 1995)

FORM 111

Summons to Defendant-Minor Offence

(Section 7E(1) Magistrates Ordinance Chapter 227)

MAGISTRATE'S COURT

M.O.N. No.

Summons No.

INFORMANT'S COPY

Name
Address
I/D Card No.
Driving Licence No. (where applicable)

_____ , Complainant, of
 has filed a notice of prosecution for a minor offence, signed by him on
 alleging that you, the said _____ did on
 _____ at _____
 commit an
 offence contrary to _____
 in that you _____

The facts on which this allegation is based are contained in the Summary of Facts set out in, or attached to, the said Notice of Prosecution.

You have indicated that you wish to deny the charge or to appear before the court for that or another purpose.

A Magistrate has directed that this summons be issued-

- *(1) in accordance with your above-mentioned wishes
- *(2) because he wishes to give you the opportunity of being heard prior to proceeding to sentence.

You are therefore summoned to appear on _____ at _____ a.m./p.m., at the
 Magistrate's Court at _____ to answer the said notice of prosecution.

Dated at _____ this _____ day of _____ 19 _____ .

 Magistrate.

*Delete as appropriate.

(L.N. 158 of 1995)