

Chapter:	484A	HONG KONG COURT OF FINAL APPEAL RULES	Gazette Number	Version Date
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		Empowering section	L.N. 384 of 1997	01/07/1997
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(Cap 484 section 39)

[1 July 1997]

(Originally L.N. 384 of 1997)

Rule:	1	Interpretation	L.N. 384 of 1997	01/07/1997
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PART I

PRELIMINARY

- In these Rules, unless the context otherwise requires-
- "appeal" (上訴) means an appeal to the Court;
- "Appellant" (上訴人) means, where 2 or more appeals have been consolidated, the appellant directed to be the Appellant by the Appeal Committee;
- "application" (申請) does not include an application for leave to appeal within the meaning of Part II;
- "Case" (案由述要) means the Case required to be filed by each party to an appeal under Part VII;
- "Court" (終審法院) means the Court as defined in the Ordinance except that where the powers of the Court may be exercised by the Appeal Committee or a single permanent judge of the Court it includes the Appeal Committee or a single permanent judge, as the case may be;
- "file" (送交存檔) means to file in the Registry of the Court;
- "judgment" (判決) includes decree, order or decision;
- "Notice of Appeal" (上訴通知) means a Notice of Appeal within the meaning of Part III;
- "party" (一方) means the Appellant and any Respondent;
- "Record" (文案) means the papers relating to an appeal required to be placed before the Court in accordance with Part VIII;
- "Register of Appeals" (上訴登記冊) means the register opened and maintained by the Registrar under rule 64;
- "Respondent" (答辯人), except in Parts II and VI, means a respondent who has entered an appearance.

Rule:	2	Interpretation	L.N. 102 of 2002	02/12/2002
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PART II

LEAVE TO APPEAL

- (1) In this Part, unless the context otherwise requires-
- (a) "application" (申請) means an application to the Court for leave to appeal; and
- (b) "Respondent" (答辯人) means a respondent to the application.
- (2) A notice of motion for leave to appeal under section 24, 27D or 33 of the Ordinance is referred to in this Part as a notice of application. (11 of 2002 s. 8)

Rule:	3	Notice of intended application	L.N. 384 of 1997	01/07/1997
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The notice of intended application under section 24(2) or (4) of the Ordinance shall be in Form A in Schedule 1, and shall be signed by the intended applicant or his solicitor.

Rule:	4	Form of application	L.N. 384 of 1997	01/07/1997
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- (1) A notice of application shall-
 - (a) be in Form B in Schedule 1;
 - (b) state succinctly all such facts and matters as may be necessary to enable the Appeal Committee to consider whether leave ought to be granted; and
 - (c) deal with the merits of the case only so far as is necessary to explain the grounds upon which leave to appeal is sought.
- (2) A notice of application shall be signed by the applicant or his solicitor.

Rule:	5	Filing	L.N. 102 of 2002	02/12/2002
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- (1) In every cause or matter, civil or criminal, 4 copies of the notice of application shall be filed together with 4 copies of-
 - (a) the formal judgment (if any) and the reasoned judgment from which leave to appeal is sought;
 - (b) if the judgment from which leave to appeal is sought itself determines an appeal or reviews a decision, the judgment or decision that was before the court below; and
 - (c) such other documents as are necessary for the proper determination of the application including any certificate granted under section 27C or 32 of the Ordinance. (11 of 2002 s. 9)
- (2) In a criminal cause or matter (except where the appeal is against sentence only) the copies of the notice of application shall be filed together with (in addition to the documents referred to in subrule (1))- (L.N. 13 of 1999)
 - (a) where the judgment from which leave to appeal is sought itself determines an appeal from a magistrate, 4 copies of the magistrate's stated case or 4 copies of his statement of facts and grounds of decision, as the case may require;
 - (b) where the judgment from which leave to appeal is sought itself determines an appeal from the District Court, 4 copies of the District Judge's stated case or 4 copies of the reasons for the verdict placed on record in accordance with section 80 of the District Court Ordinance (Cap 336), as the case may require;
 - (c) where the judgment from which leave to appeal is sought itself determines an appeal from the Court of First Instance, the judge's summing up or his reasons for decision, as the case may require.
- (3) In a criminal cause or matter, where the appeal is against sentence only or where a question of sentence is involved, the copies of the notice of application shall be filed together with (in addition to the documents referred to in subrule (1))- (L.N. 13 of 1999)
 - (a) in the case of a sentence passed by a magistrate, 4 copies of the statement of facts found by him or admitted before him and of the reasons for sentence;
 - (b) in the case of a sentence passed by a District Judge, 4 copies of the reasons for the verdict placed on record in accordance with section 80 of the District Court Ordinance (Cap 336) and the reasons for sentence;
 - (c) in the case of a sentence passed by a judge of the Court of First Instance, such part of the record of the proceedings before him as is relevant to the sentence; and
 - (d) in every case, any report concerning the defendant which was before the magistrate or judge who passed the sentence.

Rule:	6	Service	L.N. 384 of 1997	01/07/1997
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- (1) A copy of the notice of application and of the other documents filed under rule 5 shall be served by the applicant on each party to the proceedings in the court below within 7 days after the day on which the notice of application was filed.
- (2) An affidavit of service of the notice of application and of the other documents filed under rule 5, stating by whom the documents were served, the date on which they were served, where they were served and how, shall be filed within 7 days after the day of such service.

Rule:	7	Application that discloses no reasonable grounds, is frivolous or fails to comply with Rules	L.N. 384 of 1997	01/07/1997
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(1) Where the Registrar is of the opinion either on the application of the Respondent or of his own motion that an application discloses no reasonable grounds for leave to appeal, or is frivolous or fails to comply with these Rules, he may issue a summons to the applicant calling upon him to show cause before the Appeal Committee why the application should not be dismissed.

(2) The Appeal Committee may, after considering the matter, order that the application be dismissed or give such other directions as the justice of the case may require.

Rule:	8	Consolidion, etc.	L.N. 384 of 1997	01/07/1997
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(1) Where 2 or more notice of application arising out of the same cause or matter have been filed, the Appeal Committee may, where it is of the opinion that it would be convenient to do so, order either on the application of any party or of its own motion-

- (a) the applications to be consolidated, on such terms as the justice of the case may require;
- (b) the applications to be heard at the same time, on such terms as the justice of the case may require;
- (c) any applications to be heard immediately after any other; or
- (d) any of the applications to be stayed until after the determination of any other of them.

(2) Where leave to appeal is granted in respect of 2 or more applications which have been consolidated or ordered to be heard at the same time the Appeal Committee may-

- (a) grant leave to appeal by a single order;
- (b) direct which party is to be regarded as the Appellant and which the Respondent in the appeal; and
- (c) give such other directions for the conduct of the appeal as the circumstances of the case require.

(3) Without prejudice to subrule (2) the Appeal Committee may direct that in certain circumstances or for certain purposes an Appellant is to be regarded as the Respondent to the appeal or vice versa.

Rule:	9	Appointment of dates for hearing	L.N. 384 of 1997	01/07/1997
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(1) The Registrar shall appoint dates for the hearing of all applications notices of which have been filed.

(2) In the absence of special urgency, no date shall be appointed for the hearing of an application before the expiration of 7 days from the day notice thereof was served on all the parties to the proceedings in the court below, unless such parties consent to the application being heard earlier.

Rule:	10	Notice to parties of date fixed for hearing application	L.N. 384 of 1997	01/07/1997
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The Registrar shall, as soon as a date has been appointed for the hearing of an application, notify all the parties to the proceedings in the court below of the date so appointed.

Rule:	11	Withdrawal of application	L.N. 13 of 1999	15/01/1999
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(1) An applicant who wishes to withdraw his application shall give notice, in Form D in Schedule 1, to the Registrar and to all the other parties to the proceedings in the court below. (L.N. 13 of 1999)

(2) Where an application is withdrawn, the Respondent may, subject to any agreement between the parties to the contrary, apply to the Court for his costs.

Rule:	12	Only one counsel heard for each party in applications	L.N. 384 of 1997	01/07/1997
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At the hearing of an application not more than one counsel may be admitted to be heard for each party without the leave of the Court.

Rule:	13	Final leave	L.N. 384 of 1997	01/07/1997
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(1) An application for final leave shall be made within 7 days after the expiry of any period fixed by the Court

for complying with the conditions attached to the grant of conditional leave.

(2) An application for final leave shall be supported by an affidavit verifying the fulfillment of the conditions attached to the grant of conditional leave and stating the names and addresses of the persons on whom notice of the application was served.

(3) The Court may determine an application for final leave without a hearing.

Rule:	14	Notice of appeal	L.N. 384 of 1997	01/07/1997
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PART III

NOTICE OF APPEAL

(1) An appeal shall be made by way of Notice of Appeal in Form C in Schedule 1.

(2) The Notice of Appeal must be filed within 7 days after the day the order granting final leave to appeal was made.

Rule:	15	Registration	L.N. 384 of 1997	01/07/1997
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(1) When a Notice of Appeal is filed the Registrar shall allocate a number to it and register it in the Register of Appeals.

(2) Notices of Appeal shall be numbered consecutively in each year in the order in which they are filed.

(3) The Registrar shall endorse on the Notice of Appeal so registered the number of the Notice and the date of registration and shall authenticate the endorsement by signing his name and affixing the seal of the Court thereto.

(4) The Registrar shall supply to the Appellant such number of sealed copies of the Notice of Appeal as the Appellant may reasonably require.

Rule:	16	Service of Notice of Appeal	L.N. 13 of 1999	15/01/1999
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The Appellant shall-

(a) within 7 days after the day of the filing of his Notice of Appeal, serve a copy of the Notice on all the other parties to the proceedings in the court below; and

(b) within 7 days after the service of the copy mentioned in paragraph (a), file an affidavit of service.

(L.N. 13 of 1999)

Rule:	17	Withdrawal of appeal	L.N. 384 of 1997	01/07/1997
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PART IV

WITHDRAWAL OF APPEAL

(1) An application to withdraw an appeal shall be in Form D in Schedule 1 and shall be served on all the other parties as soon as reasonably practicable after it has been filed.

(2) The Court may determine an application to withdraw an appeal without a hearing.

Rule:	18	Dismissal of appeal for non-prosecution	L.N. 384 of 1997	01/07/1997
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PART V

NON-PROSECUTION OF APPEAL

(1) Where an Appellant fails-

(a) to comply with any timetable imposed on him for the prosecution of his appeal by the Court of Appeal or the Court; or

(b) to take any step in the prosecution of his appeal within the time prescribed by these Rules,

the Registrar may either on the application of a party or of his own motion call upon him to explain his default.

(2) If no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may issue a summons to the Appellant calling upon him to show cause before the Court why the appeal should not be dismissed for non-prosecution.

(3) A copy of the summons shall be sent to each Respondent and each Respondent shall be entitled to be heard at the hearing of the summons and to ask for his costs and other relief.

(4) The Court may, after considering the matter, order that the appeal be dismissed for non-prosecution, or give such other directions therein as the justice of the case may require.

Rule:	19	Interpretation	L.N. 384 of 1997	01/07/1997
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PART VI

APPEARANCE BY RESPONDENT

In this Part, unless the context otherwise requires-

"Respondent" (答辯人) means a person who has been served with a Notice of Appeal.

Rule:	20	Time within which Respondent may appear	L.N. 384 of 1997	01/07/1997
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(1) A Respondent who wishes to oppose an appeal may enter an appearance in Form E in Schedule 1 at any time within 14 days after the day of the service on him of the Notice of Appeal or within such further time as the Registrar may allow.

(2) A Respondent may notify the Registrar that he does not wish to receive from the Registrar any further notice or application or to be served with any further documents relating to the appeal.

(3) Where a Respondent has notified the Registrar under subrule (2) then notwithstanding anything to the contrary in these Rules neither the Registrar nor any other party to the appeal is required to serve any further notice, application or other document on him.

(4) Where the Registrar extends the time for entering an appearance under subrule (1) he may give such directions in connection therewith as he thinks fit.

Rule:	21	Notice of appearance by Respondent	L.N. 384 of 1997	01/07/1997
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A Respondent shall after entering an appearance, forthwith serve a copy thereof on the Appellant.

Rule:	22	Non-appearing Respondent not entitled to receive notices or lodge Case	L.N. 384 of 1997	01/07/1997
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A Respondent who has not entered an appearance is not entitled to receive from the Registrar any notice, application or other document relating to the appeal, nor be allowed to file a Case in the appeal.

Rule:	23	Procedure on non-appearance of Respondent	L.N. 384 of 1997	01/07/1997
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(1) Subject to any order to the contrary, the following provisions of this rule shall apply where a Respondent fails to enter an appearance within the time specified in or allowed under rule 20.

(2) If the Registrar is satisfied that the non-appearing Respondent has been served with a Notice of Appeal, he may, if all other conditions of its being set down are satisfied, appoint a date for the hearing of the appeal in the absence of the non-appearing Respondent at any time after the expiration of 2 months from the day of the filing of the Notice of Appeal.

(3) Where it is shown to the satisfaction of the Registrar, by affidavit or otherwise, that an Appellant has made every reasonable endeavour to serve a Respondent with the Notice of Appeal and has failed to effect such service, the appeal may be proceeded with in the absence of the non-appearing Respondent.

Rule:	24	Filing of Case	L.N. 384 of 1997	01/07/1997
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PART VII

CASE

- (1) No party to an appeal may be heard by the Court unless he has previously filed his Case.
- (2) Notwithstanding subrule (1) a Respondent who does not wish to file a Case may give the Registrar notice in writing of his intention not to file any Case while reserving his right to address the Court on the question of costs.

Rule:	25	Appellant to file Case	L.N. 384 of 1997	01/07/1997
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- (1) The Appellant shall, within 35 days after the day of the filing his Notice of Appeal, file 6 copies of his Case.
- (2) After filing his Case the Appellant shall forthwith serve a copy on each Respondent.

Rule:	26	Respondent to file Case	L.N. 384 of 1997	01/07/1997
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- (1) The Respondent shall, within 28 days after the day of the receipt by him of the Appellant's Case, file 6 copies of his Case.
- (2) A Respondent shall after filing his Case, forthwith serve a copy on the Appellant and every other Respondent.

Rule:	27	Form and contents of Case	L.N. 384 of 1997	01/07/1997
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- (1) The Case of each party shall be prepared in accordance with Part I of Schedule 2 and-
 - (a) shall consist of numbered paragraphs;
 - (b) shall state, as concisely as possible, the circumstances out of which the appeal arises;
 - (c) shall succinctly state the submissions advanced in support of the appeal, or against it, as the case may be;
 - (d) page references to the relevant portions of the Record or documents in the court below shall, as far as practicable, be printed in the margin; and
 - (e) care shall be taken to avoid, as far as possible, the reprinting of long extracts from the Record.
- (2) The Case shall be signed by the counsel for the party or by the party himself.
- (3) The Registrar, in taxing the costs of an appeal, may disallow costs unnecessarily incurred in preparation of the Case.

Rule:	28	Separate Cases by 2 or more Respondents	L.N. 384 of 1997	01/07/1997
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Two or more Respondents may, at their own risk as to costs, file separate Cases in the same appeal.

Rule:	29	Supplemental Case	L.N. 384 of 1997	01/07/1997
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- (1) A party to the appeal may with the leave of the Registrar and not later than 14 days before the date fixed for the hearing of the appeal file and serve on all the other parties a Supplemental Case.
- (2) Six copies of the Supplemental Case shall be filed.
- (3) A Supplemental Case filed and served under this rule by a party may include only-
 - (a) further explanation of or argument with respect to, a matter or contention already included in that party's Case; or
 - (b) a response to a matter raised in another party's Case.

Rule:	30	Interpretation	L.N. 384 of 1997	01/07/1997
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PART VIII

RECORD

In this Part and in Schedule 2-

"Part A" (甲部) means Part A of the Record as described in rule 31(2);

"Part B" (乙部) means Part B of the Record as described in rule 31(3).

Rule:	31	Preparation and content of Record	L.N. 384 of 1997	01/07/1997
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(1) The Record shall be prepared in accordance with the requirements set out in Schedule 2.

(2) Part A shall consist of a copy of all the documents in the proceedings, which have been generated after the completion of the hearing in the court below including-

- (a) the formal judgment (if any) of that court;
- (b) the reasoned judgment of that court;
- (c) all papers filed in the Court of Appeal or the Court in connection with the application for leave to appeal to the Court;
- (d) all orders giving leave, conditional leave or final leave to appeal;
- (e) the Notice of Appeal; and
- (f) all interlocutory orders made and directions given by the Court or the Registrar.

(3) Part B shall consist of a copy of-

- (a) such of the documents that were before the court below that are necessary to be laid before the Court on the hearing of the appeal, including a copy of every document referred to in the Cases of the parties; and
- (b) every other document necessary to be laid before the Court on the hearing of the appeal.

Rule:	32	Filing and service of Part A	L.N. 13 of 1999	15/01/1999
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The Appellant shall, within 14 days after the day on which final leave was granted, file 6 copies of Part A and serve a copy on every other party.

(L.N. 13 of 1999)

Rule:	33	Approval of Part B by Respondent	L.N. 384 of 1997	01/07/1997
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The Appellant shall, not later than 7 days after the day the Respondent's Case was filed, send a copy of the proposed index for Part B, prepared in accordance with the requirements set out in Schedule 2, to the Respondent for his approval.

Rule:	34	Exclusion of unnecessary documents	L.N. 384 of 1997	01/07/1997
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The parties shall-

- (a) exclude from Part B all documents which are merely formal or which are not necessary to the appeal; and
- (b) reduce the bulk of the Record as far as practicable, taking special care to avoid the repetition of documents.

Rule:	35	Objection to inclusion of documents	L.N. 384 of 1997	01/07/1997
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Where in the course of the preparation of Part B one party objects to the inclusion of a document on the ground that it is unnecessary, and the other party nevertheless insists upon its being included, Part B as finally produced shall include the document and indicate in the index the fact that, and the party by whom, the inclusion of the document was objected to.

Rule:	36	Approval by Registrar	L.N. 13 of 1999	15/01/1999
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When the parties have agreed upon the contents of Part B or in any event not later than 45 days before the date appointed for the hearing of the appeal the Appellant shall submit a copy of the proposed Part B to the Registrar for his approval.

(L.N. 13 of 1999)

Rule:	37	Filing and service of Part B	L.N. 13 of 1999	15/01/1999
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As soon as he receives notification from the Registrar of his approval of Part B, or in any event not later than 28 days before the date appointed for the hearing of the appeal, the Appellant shall file 6 copies of Part B as so approved and serve a copy of the same on the Respondent.

(L.N. 13 of 1999)

Rule:	38	Directions of Registrar	L.N. 384 of 1997	01/07/1997
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(1) Subject to rule 31, the Record shall be prepared in accordance with the directions of the Registrar and the Registrar may give such directions as to the documents to be included in the Record and the manner in which they are to appear therein and as to such other matters incidental to the preparation of the Record as appear to him to be necessary to ensure that all relevant and material documents are properly laid before the Court in the most appropriate manner.

(2) Without limiting the generality of subrule (1) the Registrar may give directions-

- (a) for resolving any dispute between the parties in connection with the preparation of the Record; and
- (b) requiring the inclusion of additional documents as part of the Record (whether or not Part A or Part B has already been filed) and as to the manner in which such additional documents are to be included.

(3) The directions referred to in subrules (1) and (2) may be given without a hearing and the Registrar may at any time require the parties to attend before him and any party may apply at any time for an appointment before the Registrar.

Rule:	39	Inspection of Record	L.N. 384 of 1997	01/07/1997
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A person who was a party to the proceedings in the court below but who has not yet entered an appearance may inspect the Record and obtain copies thereof.

Rule:	40	Costs of production of Record	L.N. 384 of 1997	01/07/1997
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The costs of and incidental to the production of any document objected to by one party in accordance with rule 35, shall if the document is found on the taxation of costs to be unnecessary, be disallowed to, or borne by, the party insisting on including the same in the Record.

Rule:	41	Appointment of date for hearing	L.N. 384 of 1997	01/07/1997
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PART IX

HEARING

The Registrar shall, as soon as all the Cases have been filed, appoint a date for the hearing of the appeal and, as soon as he has done so shall notify the Appellant and every other party of the date so appointed.

Rule:	42	List of authorities to be filed	L.N. 13 of 1999	15/01/1999
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Not less than 21 days before the date appointed for the hearing of the appeal, each party shall file a list of the authorities he proposes to cite at the hearing.

(L.N. 13 of 1999)

Rule:	43	Only 2 counsel heard for each party in appeals	L.N. 384 of 1997	01/07/1997
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At the hearing of an appeal not more than 2 counsel may be admitted to be heard for each party without the leave of the Court.

Rule:	44	Limit of time for oral submissions	L.N. 384 of 1997	01/07/1997
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The Court may give directions as to the time to be allowed for oral submissions.

Rule:	45	Judgment	L.N. 384 of 1997	01/07/1997
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(1) Where the Court, after hearing an appeal, decides to reserve judgment, the Registrar shall in due course notify the parties of the day appointed for the delivery of the judgment.

(2) Judgment shall not be delivered by the Court unless there are present at least 3 of the judges who heard and determined the appeal.

(3) The Court or at least 3 of the judges who heard and determined the appeal may, instead of delivering the judgment, on the day appointed under subrule (1), hand down a copy of the judgment for each of the parties and endorse the Court file accordingly, and it shall not be necessary for the parties to appear by counsel or in person.

Rule:	46	Form of applications	L.N. 384 of 1997	01/07/1997
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PART X

APPLICATIONS GENERALLY

(1) All applications, including applications for orders or directions as to matters of practice or procedure, shall be made using where appropriate, such of the forms set out in Schedule 1 as the circumstances of the particular application require.

(2) The forms set out in Schedule 1 may be varied to such extent as the circumstances of any particular case require.

(3) Subject to any provision to the contrary in these Rules, all applications shall be made by way of summons.

Rule:	47	Drawing up of orders	L.N. 384 of 1997	01/07/1997
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(1) Subject to subrule (2) every order of the Court shall be drawn up unless the Court otherwise directs.

(2) It shall not be necessary to draw up an order made by the Court giving directions as to matters of practice or procedure unless the Court otherwise directs.

Rule:	48	Applications for certificate under section 32(3) of Ordinance	L.N. 384 of 1997	01/07/1997
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An application for a certificate under section 32(3) of the Ordinance shall be made in Form F in Schedule 1.

Rule:	49	Number of copies to be filed	L.N. 384 of 1997	01/07/1997
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(1) Subject to subrules (2) and (3), at least 4 copies of an application shall be filed.

(2) Where an application is an application to the Registrar or to a single permanent judge, 2 copies shall be filed.

(3) Where an application is a consent application within the meaning of rule 53, 1 copy shall be filed.

Rule:	50	Service of application	L.N. 384 of 1997	01/07/1997
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An applicant shall forthwith on filing his application serve a copy (and a copy of every document filed in support) on every other party; where a party who appeared in the court below has not entered an appearance the

applicant shall forthwith on filing the application serve the copies on every such party.

Rule:	51	Verifying application by affidavit	L.N. 384 of 1997	01/07/1997
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(1) An application (including an application for leave to appeal) containing allegations of fact that cannot be verified by reference to the Record or any certificate or duly authenticated statement of the court below, shall be supported by affidavit which shall be filed and served with the application.

(2) An affidavit may contain, in addition to facts the deponent is able of his own knowledge to prove, statements of information or belief with the sources and grounds thereof.

Rule:	52	Appointment of date for hearing of application	L.N. 384 of 1997	01/07/1997
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(1) As soon as an application and all necessary documents in support thereof are filed the Registrar shall appoint a date for the hearing of the application.

(2) In the absence of special urgency, no date shall be appointed for the hearing of an application, before the expiration of 10 days from the day of the filing thereof, unless all parties thereto consent to the application being heard earlier.

Rule:	53	Procedure where application is consented to or is formal	L.N. 384 of 1997	01/07/1997
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(1) Where an application is consented to in writing by the opposite party, or where an application is of a formal and non-contentious character, the Court may, if it thinks fit, make its order thereon, without requiring the attendance of the parties.

(2) The Registrar shall in that event as soon as the Court orders, notify the parties that the order has been made and of its date and terms.

Rule:	54	Withdrawal of application	L.N. 384 of 1997	01/07/1997
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(1) An applicant who wishes to withdraw his application shall apply to that effect to the Registrar.

(2) Where the application is withdrawn, any party thereto, may, subject to any agreement between the parties to the contrary, apply to the Court for his costs.

Rule:	55	Procedure where hearing of application unduly delayed	L.N. 384 of 1997	01/07/1997
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(1) Where an applicant unduly delays bringing an application to a hearing, the Registrar may call upon him to explain the delay.

(2) If no explanation is offered, or if the explanation offered is, in the opinion of the Registrar, insufficient, the Registrar may, of his own motion or on the motion of any party, after notifying all parties interested of his intention to do so, list the application for hearing before a single permanent judge, for such directions as he may think fit.

Rule:	56	Only one counsel heard for each party in applications	L.N. 384 of 1997	01/07/1997
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At the hearing of an application not more than one counsel may be admitted to be heard for each party, unless the Court otherwise permits.

Rule:	57	Taxation of costs	L.N. 416 of 1997	22/08/1997
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PART XI

COSTS

(1) All bills of costs ordered to be taxed by the Court shall be taxed by the Registrar in accordance with Order 62 (except rule 35 thereof) of the Rules of the Supreme Court (Cap 4 sub. leg.) and that Order shall accordingly be construed with such modifications, adaptations, qualifications and exceptions as may be necessary for this purpose.

(2) No application for a review under Order 62, rule 33 of the Rules of the Supreme Court (Cap 4 sub. leg.) may be granted and the Registrar may not exercise any power under rule 34 of that Order after an appeal under section 45 of the Ordinance has been filed, unless the appeal is abandoned.

(L.N. 416 of 1997)

Rule:	58	Security to be dealt with as Court directs	L.N. 384 of 1997	01/07/1997
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Where the Appellant has lodged security for the Respondent's costs of an appeal in the Registry of the Court, the Registrar shall deal with that security in accordance with directions given by the Court.

Rule:	59	Costs incurred in court below	L.N. 384 of 1997	01/07/1997
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Where the Court directs a party to bear the costs incurred in the courts below or before a magistrate, such costs shall be taxed in accordance with the rules for the time being regulating taxation in the courts below or before a magistrate, as the case may be.

Rule:	60	Appeal from decision on taxation	L.N. 384 of 1997	01/07/1997
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(1) Any party aggrieved by a decision of the Registrar to allow or to disallow any item of a bill of costs, in whole or in part, or with the amount allowed in respect of any item by the Registrar, may appeal to the Court.

(2) An appeal against the Registrar's decision may be filed at any time within 14 days after the Registrar's certificate in respect of that item is signed, or such longer period as the Registrar when he signs the certificate, or the Court at any time, may allow.

(3) An appeal shall be made by way of motion, notice of which shall be filed with the Registrar.

(4) The Registrar shall appoint a date for the hearing of every appeal notice of which has been filed.

(5) In the absence of special urgency, no date shall be appointed for the hearing of an appeal before the expiration of 10 days from the day of the filing of the notice of motion, unless the parties consent to the appeal being heard earlier.

(6) A copy of the notice of motion shall be served on the opposite party at least 7 days before the date appointed for the hearing of the appeal.

(7) Unless otherwise ordered by the Court an appeal under section 45 of the Ordinance shall be heard by a single permanent judge in Chambers.

(8) Unless the Court otherwise directs, no further evidence may be received on the hearing of an appeal, and no ground of appeal may be raised which was not raised previously in the proceedings, but subject to this the Court hearing the appeal may exercise all the powers and discretions of the Registrar in relation to the subject matter of the appeal.

(9) The Court may on any appeal, make such order as the circumstances require, and in particular may order the Registrar's certificate to be amended or, except where the dispute as to the item under review is as to the amount only, order the item to be remitted to the Registrar for taxation.

Rule:	61	Sittings of Court	L.N. 384 of 1997	01/07/1997
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PART XII

SITTINGS, VACATIONS AND OFFICE HOURS

The sittings of the Court shall be 3 in every year, that is to say-

- (a) the Winter sittings which shall begin on 4 January and end on the Thursday before Easter Sunday;
- (b) the Spring sittings which shall begin on the second Monday after Easter Sunday and end on 31 July;
- (c) the Autumn sittings which shall begin on 1 September and end on 23 December.

Rule:	62	Sittings in vacation	L.N. 384 of 1997	01/07/1997
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(1) The Court shall sit in vacation on such days as the Chief Justice may, from time to time direct to hear such

appeals or applications as require to be immediately or promptly heard and to hear other appeals and applications if the Chief Justice determines that sittings are necessary for that purpose.

(2) Any party to an appeal may at any time apply to the Court for an order that the appeal be heard in vacation and, if the Court is satisfied that the appeal requires to be immediately or promptly heard, it may make an order accordingly and fix a date for the hearing.

(3) The Court may hear such other appeals in vacation as it may direct.

(4) Upon application by any party to an appeal or of its own motion, the Court may, if it thinks fit-

(a) complete the appeal in vacation if it is part-heard; and

(b) deliver judgment in the appeal in vacation.

Rule:	63	Court Offices: days on which open and office hours	35 of 1998	18/09/1998
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(1) The offices of the Court shall be open on every day of the year except-

(a) Saturdays from 1 p.m.;

(b) Sundays;

(c) Christmas Eve or, if that day is a Sunday, then 23 December, from 1 p.m.;

(d) Lunar New Year's Eve from 1 p.m.;

(e) general holidays under the General Holidays Ordinance (Cap 149); (35 of 1998 s. 5)

(f) such other days as the Chief Justice may direct.

(2) The hours during which any office of the Court shall be open to the public shall be such as the Chief Justice may from time to time direct.

Rule:	64	Register of Appeals	L.N. 384 of 1997	01/07/1997
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PART XIII

MISCELLANEOUS

(1) The Registrar shall open and maintain at the Registry of the Court a register called the Register of Appeals in such form as he considers appropriate.

(2) The Registrar shall enter or cause to be entered in the Register of Appeals particulars of all documents filed in the Registry of the Court relating to an appeal and such other matters as he considers appropriate.

Rule:	64A	Directions	L.N. 13 of 1999	15/01/1999
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At any time after the Appellant has filed his Case in accordance with rule 25, the Registrar or a single permanent judge may give such directions as the circumstances may require and may order the parties to the proceedings to appear before him for that purpose.

(L.N. 13 of 1999)

Rule:	65	Directions by Registrar in matters of practice and procedure	L.N. 13 of 1999	15/01/1999
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(1) Subject to rule 78 and without prejudice to rule 64A, the Registrar may give such directions in matters of practice and procedure as may be just and expedient. (L.N. 13 of 1999)

(2) If in the opinion of the Registrar it is desirable that any application for such direction should be dealt with by the Court, he may direct the applicant to issue a summons returnable before the Court, and such application may be heard by a single permanent judge.

(3) Any party aggrieved by a direction given by the Registrar may appeal, by way of motion, to the Court, and such appeal shall be by way of rehearing by a single permanent judge.

Rule:	66	Effect of non-compliance with Rules	L.N. 384 of 1997	01/07/1997
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(1) Without prejudice to rule 18, where in or in connection with any appeal proceedings, there has by reason of anything done or left undone, been a failure to comply with the requirements of these Rules or with any direction of

the Court, the Appeal Committee or the Registrar, whether in respect of time, place, manner, form or content, or in any other respect, the failure shall be treated as an irregularity but shall not nullify the proceedings, any step taken in the proceedings or any document, judgment or order therein.

(2) The Court may, on the ground that there has been such a failure as is mentioned in subrule (1) and on such terms as to costs or otherwise as it thinks just, set aside either wholly or in part the proceedings in which the failure occurred, any step taken in those proceedings, or any document, judgment or order therein or exercise its powers under these Rules to allow such amendments (if any) to be made and to make such order (if any) dealing with the proceedings generally as it thinks fit.

Rule:	67	Application to set aside for irregularity	L.N. 384 of 1997	01/07/1997
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(1) An application to set aside for irregularity any proceedings, any step taken in any proceedings or any document, judgment or order therein shall not be allowed unless it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.

(2) The grounds of the objection must be stated in any application made under this rule.

Rule:	68	Power to excuse from compliance with Rules	L.N. 384 of 1997	01/07/1997
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(1) The Registrar may for sufficient cause shown excuse the parties from compliance with any of the requirements of these Rules.

(2) If in the opinion of the Registrar it is desirable that any application for such excusal should be dealt with by a single permanent judge, the Appeal Committee or the Court he may direct the applicant to serve the opposite party with a notice of motion returnable before the Appeal Committee or a single permanent judge or the Court as the case may require.

(3) Any party aggrieved by a decision given by the Registrar on an application for excusal may appeal, by way of motion, to the Court, and such appeal shall be by way of rehearing by a single permanent judge unless the judge directs that the appeal be heard by the Appeal Committee or the Court.

Rule:	69	Preparation of documents	L.N. 384 of 1997	01/07/1997
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(1) The following provisions shall apply to documents required by these Rules to be prepared for the purpose of an appeal or an application to the Court (including an application for leave to appeal).

(2) Documents shall be produced on one side only of good quality A4 paper, with a right hand margin of 4 cm.

(3) Documents shall be produced by printing, typewriting, photocopying or other electronic or mechanical copying or printing process. Carbon copies are not acceptable.

(4) The font size of the lettering on documents shall not be smaller than 12 point type.

(5) A document which is not clearly legible is not acceptable.

(6) Each page of a document shall be numbered.

Rule:	70	Extensions, etc., of time	L.N. 13 of 1999	15/01/1999
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(1) The Court may, without having to conduct a hearing and on such terms as it thinks just, by order extend or abridge the period within which a person is required or authorized by these Rules, or by any judgment, order or direction, to do any act in any proceedings. (L.N. 13 of 1999)

(2) The Court may extend any such period as is referred to in subrule (1) although the application for extension is not made until after the expiration of that period.

(3) (Repealed L.N. 13 of 1999)

(4) In this rule references to the Court shall be construed as including references to a single permanent judge of the Court.

Rule:	71	Amendment of documents	L.N. 384 of 1997	01/07/1997
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(1) Any document filed in or in connection with an appeal or application before the Court may be amended by leave of the Registrar.

(2) If the Registrar is of the opinion that an application for leave to amend should be dealt with by the Court, he may direct the applicant to file, and to serve the opposite party with, a notice of motion returnable before the Court, and such application shall be heard by a single permanent judge.

Rule:	72	Right to inspect, etc., certain documents filed in Registry	L.N. 13 of 1999	15/01/1999
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(1) Any person may, upon payment of the prescribed fee, inspect the Register of Appeals, and search for, inspect and obtain a copy of any of the following documents filed in the Registry of the Court-

- (aa) the application for leave to appeal; (L.N. 13 of 1999)
- (a) the Notice of Appeal;
- (b) the formal and reasoned judgments of the Court; and
- (c) with the leave of the Registrar, which may be granted on an application made ex parte to the Registrar, any other document.

(2) Nothing in subrule (1) shall be taken as preventing any party to an appeal before the Court searching for, inspecting and obtaining a copy of any document filed in the Registry in that appeal or filed therein before the commencement of that appeal but made with a view to its commencement.

Rule:	73	Filing of documents	L.N. 384 of 1997	01/07/1997
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Any document to be filed in the Registry of the Court in accordance with these Rules or by order of the Court shall be filed by delivering such document to the Registry by hand.

Rule:	74	Service of documents	L.N. 416 of 1997	22/08/1997
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(1) Subject to subrule (2), service of any document under these Rules may be effected in any manner provided by the Rules of the Supreme Court (Cap 4 sub. leg.) for the service of documents. (L.N. 416 of 1997)

(2) An application for leave to appeal and a Notice of Appeal shall be served in the manner prescribed in Order 10 of the Rules of the Supreme Court (Cap 4 sub. leg.) for service of originating process. (L.N. 416 of 1997)

(3) Where any document is required by these Rules to be served on a party to the proceedings in the court below, service may be effected on the solicitor on record for the party in that court.

Rule:	75	Change of solicitor	L.N. 416 of 1997	22/08/1997
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The provisions of Order 67 of the Rules of the Supreme Court (Cap 4 sub. leg.) shall apply with respect to changes of a solicitor and that Order shall accordingly be construed with such modifications, adaptations, qualifications and exceptions as may be necessary for this purpose.

(L.N. 416 of 1997)

Rule:	76	Persons under a disability	L.N. 416 of 1997	22/08/1997
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The provisions of Order 80 of the Rules of the Supreme Court (Cap 4 sub. leg.) shall apply to "persons under a disability" as defined in that Order and that Order shall accordingly be construed with such modifications, adaptations, qualifications and exceptions as may be necessary for this purpose.

(L.N. 416 of 1997)

Rule:	77	Notice of final determination of appeal	L.N. 13 of 1999	15/01/1999
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Where, on the final determination of any appeal, the Appellant or Respondent is in custody, the Registrar shall give notice of the determination-

- (a) to the Commissioner of Correctional Services; and
- (b) if the party in custody has not been present at the final determination, to that party.

(L.N. 13 of 1999)

Rule:	78	Matters not provided for	L.N. 384 of 1997	01/07/1997
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In any matter not provided for in these Rules, the practice and procedure in the Court shall be such as may be decided by the Chief Justice who may, if he thinks fit, be guided by the practice and procedure of the High Court.

Rule:	79	Transitional	L.N. 384 of 1997	01/07/1997
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(1) An application to the Court for directions pursuant to section 49 of the Ordinance shall, unless the Court orders otherwise, be heard by a single permanent judge in Chambers.

(2) Where a person has applied for leave to appeal to the Judicial Committee of the Privy Council on or before 30 June 1997 but the application has not been determined before 1 July 1997 the applicant may apply to the Court for directions.

Schedule:	1	FORMS	L.N. 13 of 1999	15/01/1999
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[rules 3, 4, 14, 17,
20, 46 & 48]

Form A

Notice of intended application for leave to appeal

(Rule 3)

IN THE COURT OF FINAL APPEAL OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION

ON APPEAL FROM THE COURT OF APPEAL OF HONG KONG

BETWEEN

[Set out the same title as in the court below, but the parties should additionally be described as
Applicant and Respondent]

TAKE NOTICE that the Applicant intends to apply to the Court of Final Appeal for leave to appeal from the judgment of the Court of Appeal in Civil Appeal No. of on

Dated

[Signature of the Applicant or his solicitor]

TO: The Respondent

[Here give the name of the Respondent, and the name of his solicitors (if any) and address for service]

AND TO: The Registrar of the Court of Final Appeal

(L.N. 416 of 1997; L.N. 13 of 1999)

Form B

Application for leave to appeal

(Rule 4)

IN THE COURT OF FINAL APPEAL OF THE HONG
KONG SPECIAL ADMINISTRATIVE REGION

CIVIL/CRIMINAL APPEAL NO. OF

(ON APPEAL FROM OF)

BETWEEN

[Set out the same title as in the court below, but the parties should additionally be described as
Applicant and Respondent]

TAKE NOTICE THAT THE COURT OF FINAL APPEAL will be moved on a date to be notified for an order that
the Applicant do have leave to appeal to the Court of Final Appeal from the judgment of the Court of First
Instance/the Court of Appeal in Civil/Criminal Appeal No. of on
and that the grounds of the application are as follows-

[Here set out in numbered paragraphs such facts and matters as may be necessary to enable the Appeal Committee to
consider whether leave should be granted, but deal with the merits of the case only so far as is necessary to explain the
grounds upon which leave to appeal is sought.]

Dated the

[Signature of the Applicant or his solicitor]

This application is made by Messrs. of
solicitors for the applicant

TO: The Respondent
[Here give the name of the Respondent, and the name of
his solicitor (if any) and address for service]

AND TO: The Registrar of the Court of Final Appeal

Estimated length of hearing

(L.N. 13 of 1999)

Form C

Notice of Appeal

(Rule 14)

IN THE COURT OF FINAL APPEAL OF THE HONG
KONG SPECIAL ADMINISTRATIVE REGION

CIVIL/CRIMINAL APPEAL NO. OF

(Rules 11 and 17)

IN THE COURT OF FINAL APPEAL OF THE HONG
KONG SPECIAL ADMINISTRATIVE REGION

CIVIL/CRIMINAL APPEAL NO. OF

(ON APPEAL FROM OF)

TAKE NOTICE that the Applicant/Appellant hereby applies to the Court of Final Appeal for leave to withdraw his (application for leave to) appeal herein.

[EITHER] There is an agreement between the parties as to the costs of this appeal as follows-

[OR] There is no agreement between the parties as to costs and the Applicant/Appellant will/will not oppose an order as to costs in favour of the Respondent.

FURTHER TAKE NOTICE that, unless within 7 days of service of this notice upon him the Respondent notifies the Registrar that he opposes the granting of leave to the Applicant/Appellant to withdraw his (application for leave to) appeal, or wishes to be heard on any matter arising from this application, an order may be made herein by the Court without a hearing.

Dated.....

[Signature of the Applicant/Appellant or his
solicitor]

TO: The Respondent
[Here give the name of the Respondent, and
the name of his solicitors (if any) and address
for service]

AND TO: The Registrar of the Court of Final Appeal

(L.N. 13 of 1999)

Form E

Appearance

(Rule 20)

IN THE COURT OF FINAL APPEAL OF THE HONG
KONG SPECIAL ADMINISTRATIVE REGION

CIVIL/CRIMINAL APPEAL NO. OF

(ON APPEAL FROM OF)

PLEASE ENTER AN APPEARANCE on behalf of

the Respondent in the above appeal.

I/the Respondent wish(es)/do(es) not wish to be served with subsequent notices, applications and further documents relating to this appeal

The name and address of the solicitor
for the Respondent:

[or address for service in Hong Kong where the
Respondent is in person]

Dated.....

[Signature of the Respondent or his solicitor]

TO: The Appellant
[Here state the name of the Appellant and
the name of his solicitors (if any) and
address for service]

AND TO: The Registrar of the Court of Final Appeal

(L.N. 13 of 1999)

Form F

Summons (General Form)

IN THE COURT OF FINAL APPEAL OF THE HONG
KONG SPECIAL ADMINISTRATIVE REGION

CIVIL/CRIMINAL APPEAL NO. OF

(ON APPEAL FROM OF)

LET ALL PARTIES attend before a permanent Judge of the Court of Final Appeal/the Appeal Committee in
Court/Chambers on at a.m./p.m. on the hearing of an application on the part
of
for-

[Here set out the order sought]

Dated

[Signature of the Appellant/Applicant/Respondent

or his solicitor]

This summons was issued by of
solicitors for the

TO: The Appellant/Applicant/Respondent
[Here state the name of the Appellant/
Applicant/Respondent and the name of
his solicitors (if any) and address for
service (in the Court of Appeal)]

AND TO: The Registrar of the Court of Final Appeal

Estimated time

(L.N. 13 of 1999)

Form G

Notice of Motion

IN THE COURT OF FINAL APPEAL OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION

CIVIL/CRIMINAL APPEAL NO. OF

(ON APPEAL FROM OF)

TAKE NOTICE that the Court of Final Appeal/Appeal Committee/a permanent Judge of the Court will be moved on at a.m./p.m., or so soon thereafter as counsel can be heard, by counsel for the Appellant/Respondent for an order that

Dated

[Signature of the Appellant/Respondent or his

solicitor]

This notice of motion was issued by of solicitors for the

TO: The Appellant/Respondent [Here state the name of the Appellant/Respondent and the name of his solicitors (if any) and address for service]

AND TO: The Registrar of the Court of Final Appeal

Estimated time

(L.N. 13 of 1999)

Schedule:	2	RULES AS TO PREPARATION OF RECORD AND CASE	L.N. 384 of 1997	01/07/1997
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[rules 27, 30, 31 & 33]

PART I-VOLUMES

1. Volumes of the Record shall be bound or enclosed in lever arch or "D" ring files of a quality satisfactory to the Registrar, or in a manner satisfactory to the Registrar.
2. The Case shall be bound with plastic comb binding in white covers of thin cardboard or fibre board substance, or plastic material of similar thickness and flexibility, or bound in such other manner or with such other material as is satisfactory to the Registrar.
3. The title and number of the appeal and a brief description of the contents of the volume shall be printed on the front cover of each volume of the Record and Case.

PART II-RECORD

4. The Record shall be divided into 2 Parts, Part A and Part B.

PART A

5. The documents included in Part A shall, as far as practicable, be included in 1 volume.
6. The documents shall be arranged in chronological order with the pages numbered consecutively.
7. The documents shall be properly indexed and the index placed at the beginning of the volume.
8. Where more than 1 volume is used, pagination shall be continuous and a complete index of the contents of all the volumes shall be included in each volume.

PART B

9. The documents included in Part B shall, as far as practicable, be included in 1 volume.
10. The documents shall be properly indexed and the index placed at the beginning of the volume.
11. Where more than 1 volume is used, a complete index of the contents of all the volumes shall be included in each volume.
12. Any document included in Part B which is illegible shall be transcribed into legible form and the transcribed version placed immediately before the illegible copy.
13. Insofar as Part B consists of copies of the documents before the court below, the pagination shall remain the same as it was in that court.
14. Where documents or pages have been excluded from the bundle which was before the court below the pages should not be renumbered. However the fact of such exclusion shall be indicated in the index in a manner satisfactory to the Registrar.
15. Where the Registrar has, under rule 38 directed that a document be included in the Record after the Record has been filed, he shall also give directions as to the manner of such inclusion.