

**GUIDANCE NOTE FOR REMOTE HEARINGS
FOR CIVIL BUSINESS IN THE HIGH COURT
(Judges sitting outside court rooms)**

Introduction

1. This Guidance Note specifically envisages, and caters for the possibility that remote hearings may be conducted by the Court of Appeal of the High Court, a Judge of that Court, and a Judge of the Court of First Instance of the High Court (“Judge” or “Judges”) sitting at a place outside a court room as appointed by the Chief Justice pursuant to section 28(1) of the High Court Ordinance, Cap 4,¹ in the exercise of the civil jurisdiction of the High Court. For present purposes, such hearings are referred to as “OC Hearings”.²
2. This Guidance Note should be read in conjunction with:
 - (1) the Guidance Note for Remote Hearings for Civil Business in the High Court (Phase 1 : Video-Conferencing Facilities) issued on 2 April 2020;
 - (2) the Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 2 : Expanded Video-Conferencing Facilities and Telephone) issued on 8 June 2020; and
 - (3) the Guidance Note for Remote Hearings for Civil Business in the Civil Courts (Phase 3 : Wider Video-Conferencing Facilities and Telephone) issued on 15 December 2020.

Insofar as it is applicable and unless otherwise directed by the court, the guidance set out in those Guidance Notes shall continue to apply to OC Hearings.

Direction by the Chief Justice

3. Since the issuance of the last Guidance Note, the public health situation in Hong Kong has remained fluid and continues to change rapidly. It is recognized that there may be impact on the ability of Judges to travel to and/or attend in person to conduct physical or remote hearings in court rooms. Such impact may also occur at very short notice.

¹ Section 28(1) reads: “The High Court shall sit at such times and at such places as the Chief Justice shall appoint.”

² “OC” is an abbreviation for “outside court room”.

4. Having regard to the paramount consideration that justice should be duly administered continuously and effectively without compromising public health and safety, the Chief Justice has on 3 March 2022 issued a general direction under section 28(1) of the High Court Ordinance, appointing a Judge's residence as a place where he/she may sit for the purpose of exercising the civil jurisdiction of the High Court.

General Practice and Procedure for an OC Hearing

5. Unless otherwise directed by the court, all the practice and procedure for the preparation, listing and conduct for a remote hearing conducted in a court room shall equally apply to an OC Hearing.
6. In addition, the court may give any further direction as may be required to cater for any special or urgent need of an OC Hearing, sometimes on short notice.
7. In light of the prevailing public health situation, the parties, their legal representatives, and other participants of the proceedings must be pro-active and must be prepared to implement contingency plans, which may need to be put into effect at short notice.
8. The principle of open justice remains. Subject to the direction of the court, real-time access to an OC Hearing will be made available by video conferencing facilities provided at a court room or any other place in the High Court Building as designated (with or without limited access).

Effective Date

9. This Guidance Note will take effect on 28 March 2022. It may be subject to amendment and will continue until further notice.

Dated this 25th of March 2022.

(Jeremy Poon)
Chief Judge of the High Court