



# Hong Kong courts keeping calm and carrying on

11 November 2020

## Introduction

Tropical Storm “Nangka” passed to the south-west of Hong Kong by about 500 km on 13 October 2020; the most distant tropical storm to trigger a No. 8 typhoon signal since at least 1960. While schools, businesses, public buildings, the courts and the like were closed for the day, it did not feel like much of a storm and, for many, it was not a “day off” given that most people are quite used to working from home by now.

Some eight months after the outbreak of the pandemic, the courts officially resumed normal business on 15 September 2020, while social distancing and crowd management measures in court buildings are likely to remain in place for a long time.

## Autumn 2020

At the time of writing, the level of daily reported cases of COVID-19 infections has declined to single figures, most of which are so-called “imported” cases ie, residents returning to Hong Kong. The current situation appears to be a continuation of a “Wave-3” of infections and other jurisdictions could learn much from how Hong Kong has coped.

In truth, the virus never appears to have left the community. A widespread voluntary testing programme conducted for two weeks in September 2020 screened approximately a quarter of the city’s 7.5 million population and uncovered approximately two cases of infection per 100,000 people tested. At the time of writing, there have been approximately 5,400 reported cases of infection and 107 related deaths. Relatively speaking, Hong Kong has coped well – while many attribute this success to a

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government which is experienced in dealing with coronavirus epidemics and a dedicated public health service, there is also the general resolve of the local community.

Some of the previously stringent social distancing rules have been relaxed (and are likely to be further relaxed at this rate), although the wearing of face masks in public is still mandatory; this last factor has probably done more than anything to combat the spread of the virus in Hong Kong, until an effective vaccine is approved and widespread vaccination undertaken.

Given Hong Kong’s experiences with coronaviruses in the past (witness the “SARS” epidemic in 2003) there is unlikely to be any complacency. The local flu season has started and the seasonal flu vaccine is in short supply because of high local demand. Hong Kong has commitments from Mainland China for enough doses of a COVID-19 vaccine, the trials for which are well under way in the Mainland. On current estimates, those who want to receive a vaccine are likely to be able to do so by around the second quarter of 2021 (with priority being given first to doctors and nurses, hospital workers, residents with pre-existing health conditions and workers and residents in care facilities for the elderly).



- It was not all forward momentum for the judiciary administration. The District Court recently announced a “Guidance Note for Case Settlement Conferences” in certain civil cases, excluding personal injury claims. The Guidance Note (among other things) extends a pilot scheme for a form of mandatory negotiation in that court, at the behest of certain judicial officials, and encroaches on the protection given to without prejudice communications between the parties in some cases. As most lawyers and their clients know, there are certain things they might consider telling a mediator that they would never tell (let alone be expected to tell) a judicial officer purporting to act as some form of intermediary. The Guidance Note is due to take effect in January 2021 and non-compliance with its “directions” could attract costs sanctions. Apparently, the local lawyers’ union is keeping a watching brief.

### Contact us

Please contact us if you have any queries regarding the issues raised in this article, or if you wish to consider any commercial dispute resolution matters in Hong Kong.

Extracts from this article were originally published in the Litigation Newsletter of the International Law Office – [www.internationallawoffice.com](http://www.internationallawoffice.com).

This article is intended to give general information only. It is not a complete statement of the law. It is not intended to be relied upon or to be a substitute for legal advice in relation to particular circumstances.

### Note

The judiciary announcements referred to in this article can be found in the “press releases” section of the judiciary’s website [www.judiciary.hk](http://www.judiciary.hk).