



# Litigation in the time of Coronavirus

31 March 2020

## Hong Kong – update

The “General Adjourned Period” (GAP) during which the courts in Hong Kong have been closed, save for urgent and essential court business, has been extended to 13 April 2020. The GAP is a consequence of the extraordinary measures adopted in Hong Kong to combat the coronavirus public health emergency (for further details please see – “In with the old and the new technology”).

The GAP is subject to review having regard to the prevailing public health situation. A further announcement by the Judiciary is expected in the next week. It had been hoped that the courts would reopen for general business on 23 March 2020 but that proved to be impossible given the recent escalation in the number of confirmed cases of infection in Hong Kong which has increased approximately fourfold in the last two weeks – many of the new cases appear to be so-called “imported” cases as a result of (among other things) residents returning to Hong Kong from overseas.

The further adjournment is understandable on public health grounds and not unexpected considering the increased cases of infection.<sup>1</sup> Hong Kong was the epicentre for the SARS virus in 2003 and prioritising public health issues has

become engrained in the local psyche. It would be fair to state that the increase in confirmed cases has caused considerable alarm in Hong Kong; however, it has also stiffened the community’s resolve to combat the coronavirus.

The Chief Justice of the Court of Final Appeal has acknowledged the seriousness of the situation and addressed concerns about the uncertain duration of the GAP in a statement dated 25 March 2020.<sup>2</sup>

In the meantime, efforts are being made to extend the range of matters that can be dealt with by the courts during the GAP. Urgent court applications (such as applications for ex parte injunctions) are being dealt with. Judgments (written decisions) with respect to interlocutory decisions are still being released on the judgments section of the judiciary’s website. It is anticipated that, where appropriate, more case management of civil cases will focus on disposing of applications based on paper submissions (without a hearing). “One-way (no-reply)” email accounts with the court administration (and duty judges) have been made available to enable the electronic submission of certain court documents.

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Following initiatives in other jurisdictions, there have also been repeated calls for greater use of technology in the courts in Hong Kong – in particular, the use of video conferencing. This will require funding and there are likely to be developments in this regard.

The extended GAP has put further emphasis on the roll out of a pilot programme for the courts’ “i-CMS” (integrated case management system). Progress also needs to be made between

stakeholders as regards codifying practices for the electronic service of court documents.

As frustrating as the GAP is, over time some good will come out of it as attention is directed towards improving the courts’ information technology infrastructure and the general service provided for all court users.

1. See Hong Kong Judiciary website announcements dated 22 March 2020 and 28 March 2020; and “Notification for Stakeholders about General Adjournment of Court Proceedings from 23 March 2020 to 5 April 2020” and “[Notification for Stakeholders about General Adjournment of Court Proceedings from 30 March 2020 to 13 April 2020](#)”.
2. [Statement by the Chief Justice of the Court of Final Appeal of Hong Kong SAR, dated 25 March 2020](#). The statement refers to an Information Note (issued on the same day) that has been prepared for the Hong Kong Legislative Council Panel on Administration of Justice and Legal Services and which provides details of the work being done to deal with the further suspension of court services.

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