

L.N. 187 of 2022

Court Proceedings (Electronic Technology) (Magistrates' Court) (Amendment) Rules 2022

(Made by the Chief Justice under section 26 of the Court Proceedings (Electronic Technology) Ordinance (Cap. 638))

1. Commencement

These Rules come into operation on 21 December 2022.

2. Court Proceedings (Electronic Technology) (Magistrates' Court) Rules amended

The Court Proceedings (Electronic Technology) (Magistrates' Court) Rules (Cap. 638 sub. leg. B) are amended as set out in rules 3 and 4.

3. Rule 2 amended (interpretation)

(1) Rule 2, definition of *closure time*, paragraph (b)—

Repeal

“; or”

Substitute a semicolon.

(2) Rule 2, definition of *closure time*, paragraph (c)(ii)—

Repeal the semicolon

Substitute

“; or”.

(3) Rule 2, definition of *closure time*, after paragraph (c)—

Add

“(d) any time during which the office is directed by the Chief Justice or the Chief Magistrate to be closed to the public;”.

4. Schedule 1 amended (Ordinances under which penalty notices are issued)

Schedule 1, after item 6—

Add

- “6A. Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599 sub. leg. F)

- 6B. Prevention and Control of Disease (Prohibition on Gathering) Regulation (Cap. 599 sub. leg. G)

- 6C. Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599 sub. leg. I)

- 6D. Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599 sub. leg. J)

- 6E. Prevention and Control of Disease (Vaccine Pass) Regulation (Cap. 599 sub. leg. L)”.

Andrew CHEUNG
Chief Justice

30 September 2022

Explanatory Note

These Rules amend the definition of *closure time* in, and Schedule 1 to, the Court Proceedings (Electronic Technology) (Magistrates' Court) Rules (Cap. 638 sub. leg. B) (**Cap. 638B**).

2. Cap. 638B provides for the treatment of a document sent, or a payment made, to the Magistrates' Court by means of an e-system (i.e. a designated information system) in respect of a relevant proceeding where the document or payment is received during the relevant court office's closure time (as defined by rule 2 of Cap. 638B) that is not a time during which the office is open for the proceeding. Rule 3 amends the definition of *closure time* in that rule 2 so that the closure time of a court office of the Court also includes any time during which the office is directed by the Chief Justice or the Chief Magistrate to be closed to the public.
3. The proceedings to which Cap. 638B applies include a proceeding in the Magistrates' Court in relation to which a penalty notice is issued under an enactment specified in Schedule 1 to Cap. 638B and for which the use of electronic technology has been implemented. Rule 4 expands the scope of application of Cap. 638B by adding certain enactments to that Schedule.