

署理終審法院
司法常務官黃敬華



Mr Wong King Wah
Acting Registrar
The Court of Final Appeal

23 August 2022

Mr C M Chan
President
The Law Society of Hong Kong
3/F, Wing On House
71 Des Voeux Road Central
Hong Kong

HKLS 23 AUG '22 PM4:12

Dear

CM

**Re: Practice to be adopted when the Court of Appeal grants
leave to appeal to the Court of Final Appeal in Civil Cases**

I should be grateful if you could inform your members of the practice and procedure to be adopted in civil appeals when an applicant is granted leave to appeal to this Court by the Court of Appeal.

Paragraph 2A of Practice Direction 2.3 provides that whenever leave to appeal to this Court is granted by the Court of Appeal, final leave to appeal shall be conditional on the payment of the prescribed fees and a standard order as set out in Schedule 1 of the Practice Direction ("Standard Order") shall be deemed to have been made by the Appeal Committee, with a FAMV number assigned by the Court of Final Appeal Registrar.

There is at present no provision in The Hong Kong Court of Final Appeal Ordinance or its Rules providing a time frame for the applicant making the application to this Court to seal the Standard Order. While in most cases the applicants apply to this Court promptly, there have been occasions when the applicants, for various reasons, delayed in lodging the applications. This is undesirable. It is therefore considered that the Registrar should exercise more active case management in this regard.

Starting from the effective date, whenever the Court of Appeal grants leave to appeal to this Court in a civil matter, the Registrar of this Court will issue a letter to the parties in the form substantially the same as the standard letter attached. The said letter serves to inform the parties that the Registrar is proposing to assign a FAMV number and the Standard Order will be made by the 6th working day counting from but excluding the date of the Court of Appeal order. If any party has any reason to suggest that these steps should be deferred, he should inform the Registrar before that date. Otherwise, the order will be deemed to be made on that date. Those acting for applicant are expected to submit a draft order in accordance with the Standard Order for approval and sealing accordingly.

The requisite court fee is expected to be paid at the same time.

When submitting the draft order for sealing, Form A and B prescribed under the Rules are inapplicable. In order to save time and costs, it is considered that a covering letter for the purpose will suffice. After the issue of the Standard Order, the process leading to the grant of final leave shall be handled in accordance with the terms of the Standard Order and the Rules.

The above practice shall take effect on 1 September 2022.

Yours sincerely,



(Wong King Wah)
Acting Registrar, Court of Final Appeal

c.c. Registrar of the High Court

Encl: Standard Letter

To: Applicant(s) and Respondent(s)

Dear Sirs,

Re: CACC 1234/20XX
Applicant(s): ABC
Respondent(s): XYZ

I refer to the order dated [xxx] made by the Court of Appeal granting the Applicant(s) leave to appeal to the Court of Final Appeal on the question(s) of great general or public importance therein set out.

Pursuant to paragraph 2A of Practice Direction 2.3, an order in terms of the standard order set out in Schedule 1 of the said Practice Direction will be deemed to have been made by the Appeal Committee bearing a FAMV number assigned by me. In exercise of the case management power vested in me, I write to inform the parties that unless good ground can be shown to my satisfaction by letter by [date] that the sealing of the standard order and the assignment of a FAMV number should be deferred, I propose to assign a FAMV number for the case and the standard order will be deemed to be made on [date]. To facilitate the sealing of the standard order, the applicant shall submit a draft order for approval and sealing by [date].

Please be reminded that when submitting the draft order for approval and sealing, it will suffice if the Applicant(s) lodge(s) the application by way of letter. It will be unnecessary, and in fact not appropriate, for any Applicant to file the Forms A and B as he is not seeking leave from this Court afresh.

Yours faithfully,

Registrar, Court of Final Appeal

cc. [CACV 1234/20XX]