[Subsidiary]

ADMINISTRATIVE APPEALS RULES.

L.N. 164/69.

(Cap. 1, section 64).

[14th November, 1969.]

Citation.

1. These rules may be cited as the Administrative Appeals Rules.

Interpretation.

2. In these rules, unless the context otherwise requires—

"appeal" means—

(*a*) an appeal to the Governor in Council otherwise than by way of petition; and

(*b*) an objection to the Governor in Council other than an objection in writing;

"applicant" means the person who initiates an appeal;

"committee" means a committee of members of the Executive Council appointed under paragraph (1) of rule 9;

"Ordinance" means any Ordinance by which an appeal is provided;

"respondent" means any public officer who, or the head of any Government department which, is concerned in an appeal.

No appeal in certain cases.

3. No appeal shall lie if proceedings in respect of the matter of the appeal have already been taken or initiated before a court.

Time for appealing.

4. An applicant shall submit for the consideration of the Governor in Council a written memorandum, setting out the grounds of appeal upon which he relies, within thirty days after the notification to him of the decision against which he wishes to appeal.

Language of memorandum of appeal.

5. A memorandum of appeal shall be written in the English or Chinese language and delivered to the Clerk of Councils who shall forward a copy thereof to the respondent.

Notice of hearing.

6. The Clerk of Councils shall give the applicant not less than seven days' notice of the hearing of the appeal, and shall furnish the applicant with a copy of these rules.

Appearance of applicant.

7. The applicant may, if he so desires, be present at the hearing of the appeal and be heard either in person or by counsel or solicitor:

Provided that if he elects to be heard by his counsel or solicitor he shall not himself also be heard save by special leave of the Governor in Council or of a committee appointed under rule 9 for the purpose of hearing such appeal.

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Appearance of respondent.

8. The respondent may, if he so desires, be present at the hearing of the appeal and be heard either in person or by counsel or solicitor:

Provided that if he elects to be heard by his counsel or solicitor he shall not himself be heard except by special leave of the Governor in Council or of a committee appointed under rule 9 for the purpose of hearing such appeal.

Appointment of committee.

9. (1) The Governor in Council may appoint a committee of not less than two members of the Executive Council for the purpose of hearing—

(*a*) any appeal or class of appeals;

(*b*) any appeal by way of petition or any class of such appeals; or

(*c*) any objection in writing to the Governor in Council or any class of such objections.

(2) The Governor in Council may in his discretion refer any appeal or class of appeals, any appeal by way of petition or any class of such appeals, or any objection in writing or any class of such objections to the committee for such purpose.

Function of committee.

10. (1) A committee shall hear any matter referred to it under paragraph (2) of rule 9 and shall advise the Governor in Council as to the decision that should be made thereon:

Provided that the Governor in Council shall not be bound to accept the advice of such committee.

(2) Every hearing by a committee shall be in camera.

Application of rules to petitions and written objections.

11. Rules 7 and 8 shall apply to any appeal by way of petition, or objection in writing, which is referred to a committee, in same manner as to an appeal.

Parties to be informed of decision.

12. The applicant and the respondent shall be informed of the decision of the Governor in Council by the Clerk of Councils in writing within fourteen days after the determination of the appeal or within such other time or in such other manner as the Governor in Council may specify.

Case stated.

13. (1) In any appeal the Governor in Council may in his discretion direct a case to be stated for the opinion of the Full Court on any question of law involved in any appeal submitted to him.

(2) The terms of any such case shall be agreed upon by the parties concerned, or, in the event of their failure to agree, shall be settled by the Full Court.

(3) The Full Court shall hear and determine the question of law arising on any case stated as aforesaid, and shall remit the

matter to the Governor in Council who shall give effect by order to the finding of the court. The costs of such hearing before the Full Court shall be in the discretion of the Full Court.

(4) Any party to the appeal shall be entitled to be heard by counsel or in person on the hearing before the Full Court of any case so stated.