

Submission of the Hong Kong Bar Association
on the Judiciary's introduction of the Draft Practice Direction
for the Adjudication of Equal Opportunities Claims

1. The Hong Kong Bar Association ("the Bar") welcomes the Judiciary's introduction of the Practice Direction for the case management of proceedings involving equal opportunities claims.
2. The only comments that the Bar has on the Draft Practice Direction are as follows.
3. First, in Part II of Appendix A (as annexed to the Draft Practice Direction), the Bar proposes that a paragraph be added after para 16 such that the parties could consider if it is appropriate to appoint a joint expert (whether on liability or quantum). This is similar to para E5 in the Timetabling Questionnaire set out in Practice Direction 5.2 and could read as follows:-

"16A. Do you agree to the appointment of a single joint expert (whether on liability or quantum)?

(1) If not, please give reasons.

(2) If the parties have appointed a single joint expert, please identify the single joint expert and the issues on which the single joint expert would give evidence."

The Bar believes that the appointment of a joint expert in an appropriate case would facilitate the achievement of the overall objectives.

4. Second, for the sake of completeness:-
 - (1) §17 of the Draft Practice Direction: the Bar proposes that "with a view to set down" be replaced by "with a view to setting down".
 - (2) §13 of Part II in Appendix A: it is proposed that "?" be replaced by "."
5. The Bar believes that the Practice Direction would facilitate the achievement of the overall objectives of costs effectiveness and the speedy resolution of such claims.

Dated: 19th May 2014

Hong Kong Bar Association