
CIVIL LITIGATION IN HONG KONG

SEVENTH EDITION

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SWEET & MAXWELL

HOW TO USE THIS BOOK

Note: The various sections of this manual are designed to be used together. You should always consider the information contained in the manual in the light of the particular case with which you are dealing. You should exercise your own judgment and, when necessary, seek assistance from text and precedent books and from others in your firm. The law in *Civil Litigation in Hong Kong* (7th Edition) is generally up to date as of July 2025.

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7. ACTION TO BE TAKEN ON BEHALF OF THE DEFENDANT

2.065 The considerations that should be addressed by a plaintiff's solicitor generally also apply when advising a defendant to an action. As the defendant's solicitor, you must gain a full understanding of all relevant documents and evidence (written and oral), and you must analyse the law and evaluate the evidence. You should identify other possible defendants with a view to commencing third-party proceedings (see paras.2.073-2.080) and ultimately, you must assess your client's chances of success at trial.

2.066 Again, noting all relevant dates in the diary (e.g. time for filing of the notice of intention to defend and the defence) is essential and failure to do so may result in judgment being entered against your client. As an example, if default judgment is entered against the defendant for failure to serve a notice of intention to defend, or a defence, he will need to apply to the court to set aside the judgment. In such instances, not only is he required to give a satisfactory explanation on oath of the failure to comply with the rules, he will also have to put forward, again on oath, the merits of his case to satisfy the court that he has a triable defence. Even if the defendant succeeds in setting aside the judgment, only in rare instances will he not be ordered to pay the plaintiff's legal costs occasioned by his set aside application (see also para.4.008).

2.067 It is important to allow yourself sufficient time to draft an adequate defence. A bare denial of the averments of fact in the statement of claim is not allowed. The defendant has to state the reasons for the denial and put forward his version of events to rebut the allegations (RHC O.18 r.13(5)). Care should be taken when requesting an extension of time to file the defence. While it was normal for at least one extension of time to be granted without having to apply to the court before CJR, this is not necessarily the case now that the defendant has 28 days to file his defence. The plaintiff may insist on, and the court may make, an "unless order" even if an extension of time is granted.

2.068 Before drafting the defence, you should consider whether your client has any claims that can be brought against the plaintiff. If so, these may be made in the same action by way of counterclaim (RHC O.15 rr.2 and 3). The counterclaim should be pleaded immediately after the defence in the same document. Such claims do not need to arise out of the same subject matter as the plaintiff's claim. The advantages of bringing a counterclaim are that:

- it does not involve the expense of commencing fresh proceedings (although the court may order that the counterclaim is tried separately from the plaintiff's claim);
- it may reduce the plaintiff's claim against the defendant if a set-off is appropriate; and
- tactically, it allows the defendant to go on the attack in the proceedings.

2.069 When drafting a counterclaim, you should take into account the same considerations as you would if you were commencing a separate action even though the counterclaim is contained in the body of the defence under a heading "Counterclaim" (see Sample Document 2.4). The writ itself must be in Form No 1 in Appendix A to the RHC.

Check RHC O.6 to ensure compliance with the rules in drafting the writ (also see paras.2.039-2.047).

Before drafting the defence and counterclaim, you should familiarize yourself with the terms of RHC O.18 and the notes to it using it both as a guide and as a checklist. 2.070

A counterclaim may constitute an equitable defence by way of set-off against the plaintiff's claim if it arises out of the same transaction or a transaction closely associated with the transaction which is the subject of the plaintiff's action. A counterclaim can be as large or larger than the plaintiff's claim. A counterclaim will not prevent the plaintiff from obtaining summary judgment against the defendant, for part or all of its claim, if there is no equitable defence by way of set-off. In such a case, the court will enter judgment in favour of the plaintiff with respect to part or all of the main claim and leave the defendant to pursue the counterclaim. 2.071

It is important to bear in mind that where a counterclaim is served with a defence, a defence to the counterclaim must be prepared and filed, irrespective of whether a reply is necessary (RHC O.18 r.3(2)); otherwise, the defendant may enter judgment under RHC O.19 on the counterclaim against the plaintiff (see RHC O.19 r.8). 2.072

With a view to facilitating early settlement of claims, a defendant may now make an admission to all or part of a claim. The procedures are set out in the new RHC O.13A introduced under the CJR. This new order applies to monetary claims only (liquidated or unliquidated) and allows a defendant who admits liability to propose terms (such as amount of settlement or time of payment) on which judgment would be entered. The court may then determine any outstanding issues on paper or at a hearing, or give such directions as it considers appropriate. 2.073

(a) Action by the defendant on third-party proceedings (RHC O.16)

You may often find that if your client has been joined as a defendant into the proceedings, there are other parties whom the plaintiff has not joined into the action against whom your client can claim and thereby insulate itself from the plaintiff's claim. So, for example, if your client was a clothing distributor who was being sued by the plaintiff for breach of contract due to late delivery, your client may have a claim against the manufacturer of those goods for late delivery. Therefore, just as the plaintiff must consider all possible defendants to its action, the defendant should consider all possible parties against whom or in relation to whom: 2.074

- it may claim a contribution or indemnity; or
- it can claim any relief or remedy, including damages, provided this is connected with the subject matter of the plaintiff's claim; or
- a question or issue arises relating to or connecting with the subject matter of the plaintiff's claim which it is appropriate to have decided (RHC O.16 r.1).

The advantages of commencing third-party proceedings include a saving in costs since the defendant does not have to bring a separate action. Furthermore, third-party 2.075

proceedings ensure that the court's decision in relation to the defendant's claim will be decided at the same time as the plaintiff's claim, and not at a later date. This avoids inconsistent judgments and may forestall orders requiring payment by your client of the plaintiff's claim when sums are owed by the third party to the defendant.

2.076 It should be remembered throughout the action that the third-party proceedings are regarded by the court as a separate action and that they have a life of their own. Therefore, even if the main action is discontinued or stayed, the third-party proceedings may continue. Just as in the main action, the third party may raise a counterclaim in the third-party proceedings against the defendant and/or join a fourth party to the proceedings using the same procedure as was available to the defendant to join a third party.

2.077 Third-party proceedings are commenced by service of a third-party notice (RHC O.11 r.1). Leave is not required for service of this notice if it is issued in an action begun by writ before the defence is served. Where the third party is resident and domiciled outside the jurisdiction, the rules relating to service of a writ outside the jurisdiction set out in RHC O.11 will apply and leave may be required. Other than a third-party notice served before the defence is served, leave is required for the service of third-party pleadings. The order granting leave for service of third-party pleadings is applied for *ex parte* supported by an affidavit setting out those matters listed in RHC O.16 r.2 but the court may direct that an *inter partes* summons be issued.

2.078 If the third party files a notice of intention to defend, the defendant is required to issue a summons seeking directions. If the third-party notice satisfies the requirements of a pleading (i.e. it includes all material facts and the relief claimed), the court may make an order on the third-party directions that no third-party statement of claim need be served and that instead the third-party notice should stand as the statement of claim.

2.079 When analysing the evidence and pleadings in the third-party proceedings, the same considerations apply as to the pleadings in the main action (see paras.2.058–2.063).

2.080 It should be noted however that one of the consequences of the third-party proceedings being regarded as a separate action is that in order for judgment to be obtained by the plaintiff against the third party, the third party must be joined as a defendant (and in turn, the third party cannot counterclaim against the plaintiff unless and until it is joined as a defendant). It is therefore important for the plaintiff to consider whether to join the third party as a defendant as if he did not and his claim against the original defendant failed, he would not be able to recover anything from the third party, even if the third party was liable for his loss.

2.081 If the defendant wishes to make a claim against a co-defendant, party and party proceedings or contribution, proceedings can be commenced by service of a contribution notice (see RHC O.16 r.8). As the co-defendant is already a party to the proceedings, leave to issue the notice is not required and if the co-defendant has already filed an acknowledgment of service giving notice of intention to defend, no further acknowledgment of service needs to be served on the co-defendant. Once the contribution notice is served, the matter will proceed to the hearing of a summons for directions.

8. AMENDMENT OF PLEADINGS

Pleadings are often amended to reflect a party's changed perception of its case following receipt of the opposite party's pleadings, or following discovery. However, under the CJR it would look bad if the amendments contradict what was pleaded earlier and undermine the credibility of the person who had made the statement of truth. Amendment of pleadings generally is considered in Chapter 4.

2.082

CHECKLISTS

2.1 Action before Drafting Pleadings

Keep Client Informed Throughout

Parties

- 1 Is your client:
 - a company (incorporated, unincorporated, etc.)?
 - a firm (sole trader, partnership, etc.)?
 - an individual (adult, minor, psychiatric patient, etc.)?
 - other (charity deceased's estate, government body, foreign entity, etc.)?
- 2 From whom are you obtaining your instructions?
- 3 Is the client a person under a disability?
If so, is the client:
 - a minor (i.e. under the age of 18 years)? Or
 - a psychiatric patient (i.e. a person who, under the Mental Health Ordinance, is incapable of managing or administering his property and affairs). If so, follow the procedure provided under RHC O.80?
- 4 Is the client a company?
If so:
 - take instructions either from one of its directors or from an officer capable of giving instructions, since acting without authority may result in the solicitor being made personally liable for costs (RHC O.62 rr.8-8E);
 - a company search should be carried out on the client to check the company details including the names of its directors;
 - ensure that the company is described correctly in the pleadings.
- 5 Is the client the estate of a deceased person?
If so:
 - take instructions from the deceased's personal representatives (i.e. executors or administrators); generally speaking, the action should be brought in the names of the personal representatives (RHC O.15 r.6A).
- 6 Is the client a partnership?
If so:
 - take instructions from one of the partners, or from a person authorised by one of the partners to give you instructions; partnerships may sue or be sued in the name of their firm.

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Yes/No

Yes/No

Yes/No

Yes/No

- 7 Where the client is a sole trader, commence the action in the client's personal name and not the name of his firm.

Preparation

- 8 Where circumstances suggest that the client has a history of conducting litigation in questionable actions, check whether in previous proceedings the client has been found by the court to be a "vexatious litigant" by checking the case law.
- 9 Analyse the documents/evidence to ensure from the outset that you have a complete understanding of the factual background sufficient to pursue the claim through to judgment.
- 10 Analyse the relevant law so that, before taking any future step in the proceedings, you are sure that the client has a good case in law whether claim, defence, or counterclaim.
- 11 Make a list of all causes of action.
- 12 Consider whether ancillary or pre-action steps should be taken, e.g.:
 - whether *Mareva/Anton Piller* injunctions should be obtained;
 - whether any application should be made for interlocutory orders.
- 13 If you are acting for a plaintiff, identify all possible defendants, taking into consideration:
 - legal liability;
 - their whereabouts (i.e. whether they are within the jurisdiction);
 - whether they have the financial means to satisfy the debt.
- 14 Note the identity and capacity of the defendant(s):
 - for a person under a disability, see RHC O.80;
 - for a limited company, do a company search and note the company's correct corporate identity;
 - for the estate of a deceased person, see RHC O.15 r.6A;
 - for a partnership, see RHC O.81 in particular r.5(2), and carry out a search in the Business Registration Register;
 - for a sole trader or company with unlimited liability, carry out a search in the *Business Registration Register* for the sole trader's name and address for service of business letters. They may be sued in their firm's name.
- 15 Assess the possibility of joinder of parties (RHC O.15 rr.4-6).

Yes/No

Yes/No

- 16 Where there are a considerable number of potential plaintiffs and/or defendants to an action (in excess of 15–20), consider a representative action, i.e. an action by one person as a representative of other people having the same interest in the proceedings (RHC O.15 rr.12–15).
- 17 Evaluate the evidence and decide whether it will support the causes of action identified or the defences raised.
- 18 Consider joinder of causes of action (RHC O.15 r.1).
- 19 Determine the governing law and court of jurisdiction: *take into consideration any relevant contractual terms, conflict of laws, RHC O.11 (if relevant) and monetary limitations.*
- 20 Decide on the form of proceedings (i.e. whether a writ, originating summons or a petition is more appropriate (RHC O.5)).
- 21 Think about whether a winding-up petition should be presented as an alternative to proceedings.
- 22 List and carry out all steps necessary to satisfy conditions precedent to any action, e.g.:
- service of letters of demand under a guarantee;
 - letters before action to protect the plaintiff's position on costs;
- If it is a personal injury claim, read requirements of PD 18.1.
- 23 Consider instructing counsel:
- is the case sufficiently complex factually or legally?
 - is counsel to be used to appear in any substantive interlocutory applications?

Yes/No

Yes/No

2.2 Drafting the Writ and Statement of Claim

(See Sample Documents 2.1–2.3)

Keep Client Informed Throughout information

- 1 Decide whether to draft and file a writ with a general endorsement or whether to endorse the writ with a statement of claim (see paras.2.040–2.042).
- The writ must be in Form No 1 in Appendix A to the RHC.
 - Check RHC O.6 to ensure compliance with the rules for drafting the writ.
- 2 Complete the front of Form No 1:
- complete the heading to the writ by inserting the names of all parties to the action and describing their capacity as plaintiff, first defendant, second defendant, etc.;
 - leave the reference to the action number blank;
 - type the addresses for service of all the defendants;
 - leave the date of issue blank.
- 3 Complete the back of Form No 1:
- type the endorsement of claim or, alternatively, refer to an attached statement of claim;
 - fill in the figures for fixed costs of the endorsement (see Schedules to RHC O.62 r.32 which provide the scales of fixed costs where judgment is obtained without a trial);
 - fill in the name and address of the solicitors for the plaintiff and sign the name of the plaintiff's solicitors' firm below this.
- 4 Prepare a back sheet to the writ, setting out:
- the heading to the action (see 2 above);
 - the date of filing and service;
 - the name, address and reference of the plaintiff's firm of solicitors.
- 5 In personal injury claims, comply with PD 18.1.
- 6 Comply with PD 24.1, including in particular identifying the dominant cause as the claim nature at the top on the front page of the writ.
- 7 Comply with PD 24.2:
- where the defendant is likely to be Chinese speaking and is not proficient in English, the writ must be accompanied by a Chinese translation;
 - also include an endorsement in Chinese warning the reader of the importance of the document.

Tick information obtained

- 8 Make a diary note of the date of expiry for the writ.
In Hong Kong this is 12 months from the date of its issue (RHC O.6 r.8).
- 9 Draft the statement of claim taking the following into consideration (see paras.2.039–2.047):
- the formal requirements of a pleading (RHC O.18 r.6);
 - the need to summarise the material facts should be given, but not evidence necessary to prove those facts (RHC O.18 r.7);
 - paragraphs should be short and numbered consecutively;
 - alternative and inconsistent allegations may be pleaded provided they are pleaded separately and distinctly and the party has reasonable grounds for doing so (RHC O.18 r.12A);
 - conditions precedent to the right to sue must be pleaded (e.g. service of letters of demand under a guarantee (RHC O.18 r.7 para.4));
 - the precise words of a document or conversation must be pleaded when the words used are themselves material (e.g. in a defamation case). When only the effect of the document/conversation is material, only the effect of the document/conversation should be briefly set out, not the precise words used;
 - where the knowledge of a person is material, the existence or absence of that knowledge must be pleaded;
 - where notice given to a person is material this must be pleaded;
 - conclusions on the law must not be pleaded, although points of law may be raised to help define or isolate issues or questions of law (RHC O.18 r.11);
 - a claim for interest must be pleaded pursuant to a contractual agreement (if any) and under s.48 of the High Court Ordinance; for further matters to be pleaded, see RHC O.18 generally;
 - note the requirement that all pleadings must be verified by a statement of truth (RHC O.41A and PD 19.3).

2.3 Commencement of Proceedings

Keep Client Informed Throughout information

- 1 Issue the writ:
- take the original writ to the accounts office on Floor LG2, High Court Building with a HK\$1,045 fee (cash, or cheque made payable to "The Government of the HKSAR") and get the writ stamped with a fee stamp;
 - also take at least four copies of the writ (additional copies should be taken if there is more than one defendant or more than one address for service);
 - one of the copies should have three copies of the acknowledgment of service form and, for monetary claims only, the relevant admission form (see RHC O.13A generally) attached;
 - the copies should include copies of the statement of claim if the writ is not generally endorsed;
 - ensure that the prescribed Chinese language version of the court form for the writ and acknowledgment of service form is attached to each copy (see PD 24.2 for directions in relation to the translation of all court forms);
 - make sure that the original has a hole punched in the top left-hand corner;
 - present the stamped writ, together with copies, to the counters (for commencement of proceedings) at the Registry at LG1, High Court Building. The clerk will check that the writ is dated and signed on the back of Form 1 and at the end of the statement of claim, if attached, and contains a back sheet. The clerk will then input the parties and claim details into the computer. The clerk will also check whether the amount claimed exceeds the District Court jurisdiction, i.e. HK\$3,000,000 (or otherwise in the jurisdiction of the High Court) and stick a label with an action number on the original writ.
- 2 Fill in the action number in all relevant spaces on the original and copy writs.
- 3 Check that the writs are all signed and dated.
- 4 Ensure that the clerk seals the original writ and the copies. The clerk will file the original and retain a copy for public search.

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Other copies are for the solicitor's file and for service.

Service

- 5 Serve a sealed copy of the writ with an acknowledgment of service form (see Sample Documents 2.1, 2.2 and 2.3) on the defendants and other parties who should have notice of the writ, e.g. parent companies (see paras.2.048–2.053).
- It is important to ensure that a copy of the Directions for Acknowledgement of Service together with the Notes for Guidance are attached for service, especially when service is to be effected on the defendant and not on the defendant's solicitor.
 - Ensure that service is effected within 12 months of issue of the writ (RHC O.6 r.8).
- 6 Ensure that service complies with the requirements under RHC O.10 and RHC O.65:
- where the writ is being served abroad, refer to RHC O.11;
 - the commentary to RHC O.10, RHC O.11 and RHC O.65 in *Hong Kong Civil Procedure* are extremely important and give detailed guidance on the way service should be effected and must be followed closely.
- 7 Ensure that service is effected correctly:
- where the defendant is an individual, service is normally effected either personally or, if his whereabouts are unknown, at his last known address (RHC O.10 r.1 and r.2 and RHC O.65 r.2);
 - if the defendant is a limited company, service is effected at the company's registered office, either by first class post or by hand (RHC O.10 r.1 and r.2; RHC O.65 r.3 and Companies Ordinance s.827);
 - If the defendant is a registered non-Hong Kong Company, serve pursuant to s.803 of the Companies Ordinance;
 - where the defendant is a minor or a psychiatric patient, see RHC O.80 r.16;
 - where the defendant is a body corporate, see RHC O.65 r.3;
 - where the defendant is a partnership, see RHC O.81 r.3.
- 8 Instruct process servers if service of the writ is likely to be difficult.
- 9 Make detailed attendance notes of arrangements and attempts to effect service and use them to swear an affidavit of service in support of an application for default judgment (see Sample Document 4.3), or an affidavit of failure to effect service in support of an application for substituted service (see Sample Documents 2.8 and 2.9).

- 10 If service is unsuccessful (e.g. if personal service is unsuccessful and/or the writ is returned through the post marked "undelivered") consider applying for substituted service (RHC O.65 r.4).
- 11 Make a diary note of all relevant dates:
- time for acknowledgment of service is 14 days after (deemed) service of the writ (including the day of service) (RHC O.12 r.5);
 - time for service of the defence is 28 days thereafter (RHC O.18 r.2).
- 12 If no acknowledgment of service is made within time and/or no notice of intention to defend is given, or no defence is filed, consider applying for judgment in default (RHC O.13 and O.19) (see Chapter 4).
- 13 If notice of intention to defend is given and no statement of claim was endorsed on the writ, make a diary note to draft, serve and file the statement of claim within 14 days after notice is given (RHC O.18 r.1).
- 14 If there is no defence to the claim or a particular part of the claim, or the only issue is one of quantum, consider applying for summary judgment.
- 15 File an original signed copy of the pleading at court. *Photocopies will not be accepted.*
- 16 Endorse the statement of claim with an endorsement of service on the backsheet (see the backsheet to Sample Document 2.2).
- 17 Endorse the backsheet with the filing date, the action heading (see Checklists 2.2 and 2.4), the action number, the date of service, and the name, address and reference of the plaintiff's solicitors.
- 18 Take the pleading to the Registry at LG1, High Court Building.
- 19 Sign the pleading on its last page (not the backsheet).
- 20 If no defence is served within time, consider applying for judgment in default (RHC O.19 and see Chapter 4).

2.4 Consideration of the Defence

Keep Client Informed Throughout information obtained

- 1 Consider an application to strike out the defence in whole or in part on the following grounds (RHC O.18 r.19):
 - it discloses no defence; or
 - it is scandalous, frivolous or vexatious; or
 - it may prejudice, embarrass or delay the fair trial of the action; or
 - it is otherwise an abuse of the process of the court.
- 2 If the defence discloses no valid grounds for a defence, consider an application for summary judgment (RHC O.14).
- 3 Note the admissions made by the defendant:
 - decide what evidence is necessary to prove the plaintiff's claim;
 - consider entering partial judgment on the admissions.
- 4 Identify what evidence the defendant will need to support its pleaded contentions and whether it will be able to obtain or rely upon such evidence.
- 5 If the defence raises questions of fact not dealt with sufficiently in the statement of claim (performance, release, limitation, fraud — see RHC O.18 r.8), consider service and filing of a reply (RHC O.18 rr.3, 8 and 14). See Checklist 2.7.
- 6 If there is a counterclaim, make a diary note of the time for service of a defence to counterclaim.
 - 28 days after service of the defence and counterclaim (RHC O.18 r.3).
- 7 If there is not sufficient time to draft a defence to counterclaim:
 - write a letter requesting further time and/or;
 - if no agreement to an extension is given or possible, issue, serve and file a time summons — see Sample Document 4.4 (RHC O.3 r.5);
 - the time summons must comply with service requirements (RHC O.32 r.3).

See para.2.066 regarding time extensions request

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- 8 If documents are referred to in the defence, write to the defendant under RHC O.24 r.10 giving notice that within four days it must reply giving a time and place within seven days from the date of the reply for inspection of those documents, or must state the grounds of his objection to doing so.
- 9 Consider writing to the defendant requesting further and better particulars and/or serving a request for further and better particulars (initially by letter and subsequently by application (RHC O.18 r.12)).
See Chapter 4 on interlocutory applications for the contents of the request.
- 10 In a personal injury claim, comply with PD 18.1.
- 11 Serve and file the defence to counterclaim.
The same considerations apply as to the main defence. See paras.2.068–2.071 regarding drafting. See Checklist 2.3 paras.15–19 above regarding filing

2.5 Action to be Taken on Behalf of the Defendant

Keep Client Informed Throughout information obtained

- 1 Obtain instructions from the client on whether he intends to defend the action and, if so, whether on liability or just on quantum.
- 2 Advise the client to notify any relevant insurers prior to an admission of liability.
- 3 Where the defendant intends to pay the plaintiff's claim in full, write a letter to the plaintiff's solicitors offering settlement and try to negotiate favourable terms, for example, for both parties to pay their own costs.
See Chapter 9 on settlement negotiation and mediation.
See also RHC O.13A on making an admission
- 4 Make a diary note of the time for service of the acknowledgment of service.
 - 14 days after service of the writ (including the day of service (RHC O.12 r.5)).
- 5 If it is intended to defend the claim in whole or in part, give notice of intention to defend. Tick the appropriate box on the acknowledgment of service form before filing.
- 6 File the acknowledgment of service (RHC O.12).
- 7 If no statement of claim is endorsed on the writ, make a diary note of dates for service of the statement of claim.
 - 14 days after notice of intention to defend have been given (RHC O.18 r.1).
- 8 If no statement of claim is served within time, consider applying for dismissal of the action (RHC O.19 r.1).
- 9 If insufficient time is available for preparation of the defence (which should be filed within 28 days after the time limited for acknowledging service of the writ or after the statement of claim is served, whichever is the later), write a letter to the plaintiff requesting an extension of time for service of the defence and/or issue a time summons (RHC O.3 r.5 and O.32 r.3), but see para.2.066.
- 10 Analyse the statement of claim and consider the following:
 - an application to strike out the statement of claim in whole or in part, or an application stay for a stay on the grounds that (RHC O.18 r.19):
 - (a) it discloses no reasonable cause of action; or

Tick
information
obtained

- (b) it is scandalous, frivolous or vexatious; or
 - (c) it may prejudice, embarrass or delay the fair trial of the action; or
 - (d) it is otherwise an abuse of the process of the court.
 - an application to strike out or stay the action if the court has no jurisdiction or on the grounds of *forum non conveniens*;
 - admissions made in the statement of claim (with a view to drafting the defence).
- 11 If documents are referred to in the statement of claim, write to the plaintiff under RHC O.24 r.10 giving notice that within four days the plaintiff must reply giving a time and place within seven days after the reply for inspection of those documents, or state the grounds of his objection to doing so.
 - 12 Decide whether to serve a request for further and better particulars (initially by letter and subsequently by application (RHC O.18 r.12)).
See Chapter 4 on interlocutory applications for the contents of a request.
 - 13 Determine whether the statement of claim is correct in law and/or whether there are presumptions of law against the defendant.
 - 14 Identify the evidence that the plaintiff needs to obtain or rely upon to support its pleaded contentions.
 - 15 Consider an application for security for costs if the plaintiff is foreign (RHC O.23), or is a limited company with limited financial resources (see Chapter 1). *See Companies Ordinance s.357.*