a pillion rider does not wear a crash helmet or does not fasten it securely,[3] or a passenger in a vehicle keeps his arm protruding from the vehicle,[4] or a pedestrian crosses the road when the danger signal is on,[5] and suffers injury as a result of an accident occurring, he may be considered to have contributed to his own injury. Further, where the plaintiff, knowing that he will be travelling in a car driven by another person, heavily drinks with that other person until the latter's ability to drive safely is impaired, he will be held to be contributorily negligent if an accident occurs resulting in injury to himself.[6]

Contributory negligence and causation

To determine the existence of contributory negligence on the part of the plaintiff, it must be established that the plaintiff's injury belonged to that category of risk to which he exposed himself. This point is well illustrated by the case of *Stapley v Gypsum Mines Ltd*.[7] The deceased was a miner. The roof of the mine was in a dangerous state. The defendant advised the deceased and a fellow employee, Dale, to bring the roof down. The deceased and the other employee, however, were unsuccessful in doing so. Despite the potential danger of the roof collapsing, they agreed to commence work. The deceased was killed when the roof of the mine fell on him. The plaintiff (the deceased's wife) brought an action against the defendant alleging vicarious responsibility. The question was, was Dale's fault so much mixed up with the state of things brought about by the deceased that in the ordinary plain common sense of this business, it must be regarded as having contributed to the accident? Lord Reid said:

> I can only say that I think it was and that there was no 'sufficient separation of time, place or circumstance' between them to justify its being excluded. Dale's fault was one of omission rather than commission and it may often be impossible to say that, if a man had done what he omitted to do, the accident would certainly have been prevented. It is enough, in my judgment, if there is a sufficiently high degree of probability that the accident would have been prevented.

He stated that the question of negligence:

> must be determined by applying common sense to the facts of each particular case. One may find that, as a matter of history, several people have been at fault and that if any one of them had acted properly the accident would not have happened, but that does not mean that the accident must be regarded as having been caused by the faults of all of them. One must discriminate

3 *O'Connell v Jackson* [1972] 1 QB 270; *Capps v Miller* [1989] 2 All ER 333.
4 See *Davies v Swan Motors Co* [1949] 2 KB 291.
5 *Fitzgerald v Lane* [1988] 2 All ER 961. See also *Lau Tak Lung v Ngan Guen Min & Anor* [1998] 1 HKLRD F32.
6 *Owens v Brimmell* [1977] QB 859.
7 [1953] 2 All ER 478.

> between those faults which must be discarded as being too remote and those which must not. Sometimes it is proper to discard all but one and to regard that one as the sole cause, but in other cases it is proper to regard two or more as having jointly caused the accident. I doubt whether any test can be applied generally. It may often be dangerous to apply to this kind of case tests which have been used in traffic accidents by land or sea, but in this case I think it useful to adopt phrases from the speech of Viscount Birkenhead LC[8] in *Admiralty Comrs v SS Volute*, and to ask: Was Dale's fault 'so much mixed up with the state of things brought about' by Stapley that 'in the ordinary plain common sense of this business' it must be regarded as having contributed to the accident?

Stapley v Gypsum Mines Ltd was applied in *Hsu Li Yun (Suing As the Administratrix of The Estate of Lee On, The Deceased) v Incorporated Owners of Yuen Fat Building*.[9] There the plaintiff's husband had designed and installed an unsafe plumbing system on the defendant's premises. While he was repairing the system, he was electrocuted. The defendant owner of the premises was also negligent in that the defendant had failed to check whether the work was done properly. In the circumstances, the Court of Appeal held that the deceased and the defendant jointly caused the deceased's death and reduced the plaintiff's damages by 75%.

In *Jones v Livox Quarries Ltd*,[10] the court held that the foreseeability of the precise manner of injury was not necessary to be proved. The plaintiff in breach of the defendants' (his employers') instruction was riding on the back of a 'traxcavator'. Another vehicle of the defendants negligently ploughed into the 'traxcavator'. The plaintiff was crushed and suffered injury. The trial judge said that the risk to which the plaintiff had exposed himself was that of being thrown off and no other risk. The Court of Appeal, however, held that being crushed in collision was also one of the risks to which the plaintiff had exposed himself, namely, that the injury was within the scope of the risk created by the plaintiff's own negligence. The result would have been otherwise if the plaintiff had been hit in the eye by a shot from a negligent marksman[11] or burnt by the vehicle set on fire by the defendant.

In the Hong Kong case of *Lau Tak Lung v Ngan Guen Ming & Anor*,[12] there was a fatal road accident where the deceased was hit by a bus after he had crossed two-thirds of a four-lane road. The court held that since the deceased must have been aware of the oncoming traffic when he walked onto the road, he had contributed to the accident. The plaintiff's conduct had a causative effect on his injury.

8 [1922] 1 AC 129, 144 &145.
9 [2000] 1 HKLRD 900, CA.
10 [1952] 2 QB 608.
11 See *Winfield and Jolowicz on Tort* (13th edn, 1989) p 160.
12 [1998] 1 HKLRD F32. *Tremayne v Hill* [1987] RTR 131 and *Kong Chung Ching & Anor v Lam King Ho & Anor (Administrators of The Estate of So Ping Yim, Deceased)* [1992] 1 HKC 104 applied.

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The crux of the matter is 'if the plaintiff were negligent but his negligence was not a cause operating to produce the damage there would be no defence'.[13] In the American case of *Smithwick v Hall & Upson Co*[14] (SC Conn), the plaintiff was warned against going to the east end of a platform because it was covered with ice and there were no protective railings. The plaintiff disobeyed the warning. While he was standing in that part of the platform, a wall collapsed on him causing him injury. It was held that the defence of contributory negligence should fail. The plaintiff's injury resulted not from the hazard caused by the presence of ice (resulting in the plaintiff slipping) or the absence of protective railings (resulting in the plaintiff falling) but because of his presence by chance. Any person who happened to be there would have been injured.

What is essential is that the plaintiff's fault and not his conduct contributed to his injury. In several Hong Kong cases, the defendants have raised the defence of contributory negligence when the plaintiffs have been involved in car accidents and at the time of the accidents they were not wearing their seat belts. In *Chan Wing Kin & Anor v Fonnie Co Ltd & Anor*,[15] the plaintiff was a pregnant woman travelling in the front seat of a car. She was injured in an accident caused by the negligence of the defendant. At the time of the accident, she was not wearing a seat belt. The Court of Appeal decided in favour of the plaintiff holding that there was no fault on her part because she was pregnant and could have reasonably chosen not to wear a seat belt. This decision creates some difficulties as the Road Traffic Regulation, reg 5A, makes it compulsory for passengers in the front seat to wear a seat belt and does not recognize any exceptions in favour of pregnant women or fat persons with bulging stomachs. Arguably, by this regulation, the mere failure to wear a seat belt cannot be regarded as evidence of contributory negligence unless such failure on the part of the plaintiff has a causal link with the injury. In *Leung Nai-wing v Hsing Kieng-shing*,[16] the plaintiff was travelling in the defendant's car when the car met with an accident. The plaintiff was not wearing a seat belt. The plaintiff was thrown onto the windscreen and was injured. The court did not allow the defence of contributory negligence because the defendant did not prove that the car was fitted with seat belts or show that the injuries would have been less severe had the plaintiff worn a seat belt.[17]

In *Yip Fun v The Kowloon Motor Bus Co Ltd*,[18] the plaintiff was travelling in a bus. The bus driver applied the brakes with such

13 Per Lord Atkin in *Caswell v Powell* [1939] 3 All ER 722.
14 (1890) 59 Conn 261, 21 A 924.
15 [1983] HKLR 102, HC.
16 [1985] 2 HKC 206, HC.
17 *Froom v Butcher* was considered in this case. See also *Wong So Ching v Official Administrator* [1987] 2 HKC 213, CA; *Ho Wing-cheung v Liu Siu-fun & Anor* [1980] HKLR 300, CA.
18 HCA No 1624 of 1986.

unexpected suddenness that she was thrown off balance, fell and was severely injured. The second defendant pleaded contributory negligence on her part arguing that she lost her balance because she was carrying a bundle of boards. The court, however, refused to accept the second defendant's story and held that there was no negligence on the part of the plaintiff.

In *Hussain v Lam Wah Chau & Anor*,[19] the plaintiff was hit by a medium goods vehicle driven by the first defendant when he was walking along a service road. At the time of the accident, another medium goods vehicle was parked at a parking space along the service road. The first defendant stopped his vehicle on the service road but the engine was still running. As the plaintiff was walking between the gap of the two vehicles, the first defendant drove his vehicle, injuring the plaintiff. The first defendant conceded that he was negligent but alleged that the plaintiff was contributorily negligent as he knew that the engine of the defendants' vehicle was on and should have anticipated that the first defendant would drive it off at any time; but he chose to pass the narrow gap between the vehicles and did not take alternative routes. The Court of First Instance held that the plaintiff was not contributorily negligent:

> The gap between the two vehicles.... was about 3 ft to 4 ft wide.... In all the circumstances, I find that the plaintiff acted reasonably in walking where he did. I do not find him contributorily negligent. In my view, the first defendant's negligence, consisting essentially of his failure to keep a proper lookout, was the sole cause of the accident. Accordingly, I hold the defendants 100% liable.

In *Lam Mo Bun v Hong Kong Aerosol Co Ltd & Others*,[20] a products liability case discussed earlier,[21] the plaintiff was injured in an explosion after spraying an aerosol of insecticide, 'Giant', in his kitchen. The explosion occurred because gas discharged from the product became trapped in the plaintiff's washing machine, which was open and running. One of the questions was whether the plaintiff contributed to the accident by his own negligence. Deputy Judge Muttrie said:

> The ordinary person using 'Giant' would know from the label on Exh P1 that it contained something inflammable that might catch fire if sprayed on or near a flame. He would know that the can could explode if punctured or heated. He would not necessarily know that a concentration of the released gas could cause an explosion, because he does not know what gas it is. Not all gases

19 [2003] 2 HKLRD 546, CFI.
20 [2001] 1 HKLRD 540, CFI. See also *Thomsen & Anor v Johnson Burglar Alarms Co Ltd* [2001] 3 HKLRD 571, 586, CFI (a security company repairing alarm systems omitted to tell the users that the system was not working properly. The user's property was burgled. The court held that failure by the user to carry out routine maintenance and inspection could not be taken as contributing to the burglary as the user could rely on the defendant's skill, care and diligence, which the defendant was required to exercise under its contract).
21 See supra.

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necessarily carry with them the same risk of explosion. CFC, for instance, is inert. Nor can the ordinary person, if he knows a gas is flammable, have any idea of the amount required to produce an explosive mixture with air; that is the province of the expert. The label does not say what gas is inside. Even the new label only says that it contains no CFCs. Perhaps if it had specified that it contained LPG, the plaintiff would have known that the insecticide bottle was something like the small LPG canister used for a table-top burner, and should have known to treat any discharge as he would a gas leak; but it did not. There was nothing to put him on his guard against using it in his kitchen with the washing machine running.

I conclude that the plaintiff himself cannot be found to have contributed to the accident by his own negligence.[22]

Sometimes, a court may exculpate a defendant totally if it finds that the plaintiff's conduct amounted to a *novus actus interveniens* breaking completely the chain of causation.[23]

In determining the plaintiff's fault, the courts adopt a pragmatic approach. In *Jones v Boyce*,[24] the plaintiff was a passenger in the defendant's coach. It was being driven by the defendant so negligently that the plaintiff reasonably believed that the coach was about to overturn and jumped off the coach breaking his leg. In fact, the coach did not overturn. The court, nevertheless, held that there was no contributory negligence and that the defendant was solely responsible for the plaintiff's injury. The courts are prepared to give due allowance to the emergency of a situation. A woman was held not liable contributorily when she got injured while trying to move her husband from a spot where he stood in danger of being injured by falling glass from the roof. The argument that had she remained in her original position, she would not have been injured was not taken into account to reduce the damages payable to her.[25]

In *Lee Chan Wing v Lee Wing Ping*,[26] the plaintiff was pushing an unladen metal trolley on the road adjacent to the kerb. The road in question was single-track but open to two-way traffic. There was a lay-by or passing place to facilitate the passage of traffic but the plaintiff went beyond the passing place and was struck by the defendant's van from the opposite side. At the time of the accident, it was six o'clock in the morning, the first streaks of dawn, the street lights and the van's headlamps were sufficient for the defendant to see the trolley and the plaintiff from a reasonable distance and to prevent the accident. Taking into account these factors, Kempster JA held that the plaintiff did not contribute to this accident at all and the defendant was to be blamed 100%.

22 At 551.
23 See *McKew v Holland & Hannen & Cubbitts (Scotland) Ltd* [1969] 3 All ER 1621.
24 (1816) 1 Starke 493.
25 *Brandon v Osborne, Garrett & Co* [1924] 1 KB 548.
26 [1990] HKLY 523, CA.

Plaintiff's standard of care

The reference here is to the plaintiff's standard of care, not to the defendant's breach of duty. The question is whether the plaintiff has taken a reasonable precaution to prevent any foreseeable harm to himself. A 'person is guilty of contributory negligence if he ought reasonably to foresee that, if he did not act as a reasonable prudent man, he might be hurt himself; and in his reckonings he must take into account the possibility of others being careless.'[27] The plaintiff is required to conform to the standard of a prudent man. Lord Du Parcq said that 'a prudent man will guard against the possible negligence of others when experience shows such negligence to be common'.[28] All that is necessary to prove is that the plaintiff did not take reasonable care of himself and contributed to his own injury.[29]

A passenger in a car is under no common law duty to the defendant driver to wear a seat belt but if an accident occurs, the plaintiff's failure to wear the seat belt may be taken to have contributed to his injury.[30] In *Ho Wing Cheung v Liu Siu Fun & Anor*,[31] the first respondent suffered substantial facial injuries in a motorcar accident. She was sitting in the front passenger seat but not wearing a seat belt. The car was owned by her but driven by the second respondent. It collided with the car driven by the appellant. The court found that the appellant was negligent and the first respondent was contributorily negligent and reduced her damages by 20%. The court said that as in England so in Hong Kong, a man of ordinary prudence travelling in a motorcar would take the precaution of wearing a seat belt where one is available. Failure to do so might amount to contributory negligence.

In *Sayers v Harlow UDC*,[32] the plaintiff was locked in a public lavatory as a result of the defendant's negligence. As no help was forthcoming, she attempted to climb out, but fell when she set her foot on the toilet-roll holder which gave way. The court held that the defendant was negligent but the plaintiff was also herself negligent in that the manner chosen by her to rescue herself was unreasonable and the damages payable to her must be reduced by 25%.[33]

The plaintiff's standard of care is an objective one and generally corresponds to the defendant's standard of care in negligence.

27 *Jones v Livox Quarries Ltd* [1952] 2 QB 608, 615.
28 *Grant v Sun Shipping Co* [1948] 2 All ER 238.
29 *Nance v British Columbia Electric Pty Co Ltd* [1951] 2 All ER 448.
30 In *Froom v Butcher* [1976] QB 286, the Court of Appeal admitted exceptions to the rule that not wearing a seat belt would constitute contributory negligence. It gave fat men and pregnant women as examples of such exceptions. See also *Condon v Condon* (1978) RTR 483.
31 [1980] HKLR 300, CA. *Froom v Butcher* [1976] QB 286 applied.
32 [1958] 2 All ER 342.
33 Cf *McKew v Holland & Hannen & Cubbits (Scotland) Ltd* [1969] 3 All ER 1621.

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malicious falsehood to say of an unmarried woman that she is married because that diminishes her prospects of marriage[5] or to give false information to the authorities concerned that a person who is lawfully present in the country is an illegal immigrant thereby causing his arrest.[6]

CONDITIONS OF LIABILITY

In *Ratcliffe v Evans*,[7] Bowen LJ explained the circumstances in which an action in malicious falsehood would lie:

> That an action will lie for written or oral falsehoods not actionable *per se* nor even defamatory, where they are maliciously published, where they are calculated in the ordinary course of things to produce, and where they do produce, actual damage, is established law. Such an action is not one of libel or of slander, but an action on the case for damage wilfully and intentionally done without just occasion or excuse, analogous to an action for slander of title. To support it actual damage must be shown, for it is an action which only lies in respect of such damage as has actually occurred.[8]

Statement must be false and communicated to another

There must be a false statement about the plaintiff or his property or his trade or business. The falsity of the statement is determined by taking into consideration the ordinary meaning of the statement as understood by an ordinary reader.[9] The literal meaning or the sting of the statement must be established to determine whether the statement is false or not. Such statement may be made in writing, by word of mouth, or by conduct and must be, as with defamation, communicated to a third person or persons.[10]

Malice

According to Lord Davey, 'malice' means absence of just cause or excuse. This, however, does not set out correctly the meaning of malice because an act may be wrongful and yet may have been done without any

5 *Sheperd v Wakeman* (1962) 1 Sid 79.
6 *Al Raschid v News Syndicate Co* (1934) 191 NE 713.
7 [1892] 2 QB 524.
8 See also Lord Davey's statement on conditions of liability in *Royal Baking Powder Co v Wright Crossley & Co* (1901) 18 RPC 95.
9 *Hong Kong Wing On Travel Services Ltd v Hong Thai Citizens Travel Services Ltd* [2001] 2 HKLRD 481, CFI.
10 *Hantec Securities Co v Tsui Chiu Man & Yeung Luk Mei Venus* HCA 8794/1991, CFI.

malice, for example, a *bona fide* assertion of title mistakenly made or trespass by mistake on another person's land or conversion of another person's chattel under an erroneous claim of right.[11] 'Malice' in this context connotes something more than a mere absence of just cause or excuse. It means the absence of honest belief or making a reckless statement, not caring whether it be true or false.[12] The requirement of malice would be satisfied if the statement is so unfounded; in fact, that there could be no honest belief in it.[13]

In *Joyce v Motor Surveys Ltd*,[14] the defendant who wanted to evict his tenant, told lies to the post office that the tenant had changed his address and to an association in his trade that he had ceased to trade. Those statements were considered to be clear examples of false statements made maliciously because they had been made for the purpose of driving the plaintiff out of his business so that he would not contest the notice of eviction.

'Malice in its proper and accurate sense is a question of motive intention or state of mind.'[15] For malice to be inferred, the motive to injure or the motive has to be a direct or dominant one.[16]

An incident in the Philippines involving certain businessmen furnishes an example of malicious falsehood. Five Hong Kong men were deported from Manila on 25 September 1992 allegedly on the ground, *inter alia*, that they were involved in triad activities and international drug smuggling. The deportees contended that the charges had been made without any factual basis in evidence and as a result, all their trading business in South Africa and the Philippines had been forced to close. In addition, they claimed that they had lost property worth more than HK$700,000.[17]

11 See *Balden v Shorter* [1933] All ER 249.
12 *Guangdong Foodstuffs Import & Export (Group) Corp & Anor v Tung Fook Chinese Wine (1982) Co Ltd & Anor* [1999] 3 HKLRD 545, CFI. It would amount to absence of honest belief if a person makes a statutory declaration that he had never signed on any transfer of unsold shares when he knew that it was false at the time he made it: see *Hantec Securities Co v Tsui Chiu Man & Yeung Luk Mei Venus* HCA 8794/1991, CFI. See also *DSG Retail Ltd v Comet Group plc* [2002] EWHC 116, where Owen J said: 'Malice for the purpose of the tort of malicious falsehood consists of knowledge of falsity or recklessness as to the truth of the statement.'
13 *Greer's Ltd v Pearman & Corder Ltd* (1922) 39 RPC 417.
14 [1948] Ch 252.
15 *British Rail Traffic Co v CRC* [1922] 2 KB 260 at p 269 per McCardie J. See also *Guangdong Foodstuffs Import & Export (Group) Corp & Anor v Tung Fook Chinese Wine (1982) Co Ltd & Anor* [1999] 3 HKLRD 545, CFI, at p 641; *Hong Kong Wing On Travel Services Ltd v Hong Thai Citizens Travel Services Ltd* [2001] 2 HKLRD 481, CFI.
16 *Hong Kong Wing On Travel Services Ltd v Hong Thai Citizens Travel Services Ltd* [2001] 2 HKLRD 481, CFI.
17 Deportees Launch Lawsuit in Philippines' (*Hong Kong Standard*, 3 October 1992), section 1, p 3.

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The plaintiff has the burden of proving malice. Where the defendant makes a makes a *bona fide* statement even if the statement is false and caused damage to the plaintiff, the plaintiff has no cause of action.[18]

Stable J in *Wilts United Dairies Ltd v Thomas Robinson Sons & Co Ltd*[19] laid down three propositions to explain when the requirement for malice would be satisfied in a given case:

> [I]f you publish a defamatory statement about a man's goods which is injurious to him, honestly believing that it is true, your object being your own advantage and no detriment to him, you obviously are not liable. If you publish a statement which turns out to be false but which you honestly believe to be true, but you publish that statement not for the purpose of protecting your own interests and achieving some advantage to yourself but for the purpose of doing him harm, and it transpires, contrary to your belief, that the statement that you believed to be true has turned out to be false, notwithstanding the *bona fides* of your belief because the object that you had in mind was to injure him and not to advantage yourself, you would be liable for an injurious falsehood. The third proposition which I derive from the cases is this, that if you publish an injurious falsehood which you know to be false, albeit that your only object is your own advantage and with no intention or desire to injure the person in relation to whose goods the falsehood is published, then provided that it is clear from the nature of the falsehood that it is intrinsically injurious – I say 'intrinsically', meaning not deliberately aimed with intent to injure but as being inherent in the statement itself, the defendant is responsible, the malice consisting in the fact that what he published he knew to be false.

Statement must be calculated to cause harm to the plaintiff or his property

What statements are calculated to cause damage is not easy to describe. Where the maker of a statement extols the virtues of his merchandise with the sole object of promoting his sales, it does not amount to malicious falsehood. Thus, puffing statements, for example, that the advertiser's infant food is better in several respects than others or that he makes the best boots in the world, cannot ground an action in malicious falsehood.[20] On the other hand, disparaging statements concerning another's merchandise, trade or services may constitute that tort where they are foreseeably likely to cause damage. One test to determine this question is whether the rival's goods had been subjected to a proper scientific test. In *De Beers Abrasive Products Ltd v International General*

18 Honest belief is also a defence in malicious falsehood claims: see *Greers Ltd v Pearman and Corder Ltd* [1922] 39 RPC 406 at p 417.

19 [1957] RPC 220. Quoted with approval in *Guangdong Foodstuffs Import & Export (Group) Corp & Anor v Tung Fook Chinese Wine (1982) Co Ltd & Anor* [1999] 3 HKLRD 545 at pp 643–644, CFI.

20 *White v Mellin* [1895] AC 154.

Electric Co of New York,[21] the defendants falsely stated that laboratory experiments conducted as to the effectiveness of a new abrasive produced by the defendants had conclusively established that their products were superior to those of the plaintiffs. It was held that such a statement, if false, could give rise to an action in malicious falsehood.[22]

DAMAGES

At common law, in an action for malicious falsehood, it must be established that the false statement caused some monetary loss. The plaintiff can prove monetary loss by showing loss of customers or by proving that he sold the goods at a price lower than his normal price.[23] Damages for injured reputation cannot be claimed under this tort,[24] although they can be when the plaintiff sues in defamation. Where a plaintiff also suffers injury to his feelings, he may be well advised to sue both in malicious falsehood and in defamation. In *Fielding v Variety Inc*,[25] the defendant falsely described a play of the plaintiff, 'Charlie Girl', as a great flop. The plaintiff recovered both in malicious falsehood and in defamation.

The need for proof of actual damage has now been dispensed with by section 24(1) of the Defamation Ordinance (Cap 21) which provides:

> In an action for slander of title, slander of goods or other malicious falsehood, it shall not be necessary to allege or prove special damage –
>
> (a) if the words upon which the action is founded are calculated to cause pecuniary damage to the plaintiff and are published in writing or other permanent form; or
>
> (b) if the said words are calculated to cause pecuniary damage to the plaintiff in respect of any office, profession, calling, trade or business held or carried on by him at the time of the publication.

Under this section, the plaintiff can only recover damages for his probable monetary loss and not for his injured feelings.[26] Further, the plaintiff pitching his case on this section need not allege or prove special damage where the words published in writing were calculated to cause pecuniary damage to the plaintiff.[27]

21 [1975] 2 All ER 599.

22 See also *Lyne v Nicholls* (1906) 23 TLR 86.

23 *Ratcliffe v Evans* [1892] 2 QB 524.

24 *Joyce v Sengupta* [1993] 1 WLR 337.

25 [1967] 2 QB 841.

26 *Hong Kong Wing On Travel Services Ltd v Hong Thai Citizens Travel Services Ltd* [2001] 2 HKLRD 481, CFI; *Fielding v Variety Inc* [1967] 2 QB 841 followed.

27 *Hong Kong Wing On Travel Services Ltd v Hong Thai Citizens Travel Services Ltd* [2001] 2 HKLRD 481, CFI.

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