

TABLE OF CONTENTS

| | |
|--|-------|
| <i>Foreword to the Second Edition</i> | v |
| <i>Foreword to the First Edition</i> | vii |
| <i>Dedication</i> | ix |
| <i>About the Authors</i> | xi |
| <i>Table of Cases</i> | xix |
| <i>Table of Legislation</i> | lv |
| <i>Preface</i> | lxiii |
| <i>Acknowledgements for the Second Edition</i> | lxv |
| <i>Acknowledgements for the First Edition</i> | lxvii |

CHAPTER 1: OVERVIEW OF THE CIVIL PROCESS IN HONG KONG

| | |
|---|------|
| INTRODUCTION | 1.01 |
| CIVIL JUSTICE REFORM IN HONG KONG | 1.02 |
| SOURCES OF CIVIL PROCEDURE | 1.06 |
| PRE-ACTION CONSIDERATIONS | 1.11 |
| CASE MANAGEMENT | 1.27 |

CHAPTER 2: PLEADINGS

| | |
|--|------|
| INTRODUCTION | 2.01 |
| THE FORMAL REQUIREMENTS OF PLEADINGS | 2.02 |
| DRAFTING PLEADINGS | 2.04 |
| INDIVIDUAL PLEADINGS | 2.16 |
| AMENDING THE WRIT AND PLEADINGS | 2.38 |
| STRIKING OUT PLEADINGS | 2.47 |

CHAPTER 3: PARTIES AND JOINDER

| | |
|---|------|
| JOINDER OF PARTIES AND CAUSES OF ACTION: GENERAL PRINCIPLES | 3.01 |
| JOINDER OF PARTIES | 3.02 |
| JOINDER OF CAUSES OF ACTION | 3.08 |
| OTHER PARTIES | 3.32 |

CHAPTER 4: SERVICE OF PROCESS

| | |
|--|------|
| SERVICE OF PROCESS WITHIN THE JURISDICTION | 4.01 |
| SERVICE ON AN INDIVIDUAL | 4.02 |
| SERVICE ON A BODY CORPORATE..... | 4.28 |
| SERVICE OF PROCESS OUT OF THE JURISDICTION..... | 4.38 |
| VALIDITY AND RENEWAL OF THE WRIT..... | 4.66 |

CHAPTER 5: LIMITATION OF ACTIONS

| | |
|--|------|
| INTRODUCTION | 5.01 |
| ACTIONS IN CONTRACT AND TORT..... | 5.04 |
| OTHER ACTIONS IN TORT..... | 5.21 |
| ACTIONS TO RECOVER LAND AND RENT..... | 5.22 |
| EXTENSION OR EXCLUSION OF LIMITATION PERIODS IN CERTAIN CASES..... | 5.23 |

CHAPTER 6: SUMMARY JUDGMENT

| | |
|---|------|
| GENERAL PRINCIPLES | 6.01 |
| ORDER 14A..... | 6.31 |
| SET-OFF AND COUNTERCLAIM..... | 6.44 |
| SUMMARY JUDGMENT AND INTERIM PAYMENTS | 6.47 |
| ORDER 86..... | 6.49 |

CHAPTER 7: DEFAULT JUDGMENT

| | |
|--------------------------------------|------|
| GENERAL PRINCIPLES | 7.01 |
| SETTING ASIDE DEFAULT JUDGMENTS..... | 7.13 |
| REGULAR JUDGMENTS..... | 7.16 |
| IRREGULAR JUDGMENTS..... | 7.21 |

CHAPTER 8: DISMISSAL FOR WANT OF PROSECUTION

| | |
|---------------------------------------|------|
| GENERAL PRINCIPLES | 8.01 |
| INTENTIONAL DEFAULT | 8.03 |
| INORDINATE AND INEXCUSABLE DELAY..... | 8.12 |

| | |
|--------------------------|------|
| DEFENDANT'S CONDUCT..... | 8.26 |
| APPEALS | 8.28 |

CHAPTER 9: INJUNCTIVE RELIEF

| | |
|-------------------------------------|------|
| PART A: INJUNCTIONS | 9.01 |
| PART B: THE MAREVA INJUNCTION | 9.46 |
| PART C: ANTON PILLER RELIEF | 9.70 |

CHAPTER 10: INTERIM PRESERVATION OF PROPERTY AND INTERIM PAYMENTS

| | |
|--|-------|
| INTERIM PRESERVATION OF PROPERTY | 10.01 |
| INTERIM PAYMENTS | 10.15 |

CHAPTER 11: SECURITY FOR COSTS

| | |
|--|-------|
| INTRODUCTION | 11.01 |
| GROUND FOR THE APPLICATION..... | 11.02 |
| THE COURT'S DISCRETION..... | 11.11 |
| IS THE APPLICATION FOR SECURITY FOR COSTS BEING USED OPPRESSIVELY?..... | 11.13 |
| PROCEDURE ON APPLICATION..... | 11.20 |
| THE NATURE AND EFFECT OF AN ORDER FOR PAYMENT OF SECURITY FOR COSTS..... | 11.21 |

CHAPTER 12: DISCOVERY OF DOCUMENTS

| | |
|--|-------|
| GENERAL PRINCIPLES | 12.01 |
| PRIVILEGE: AN OVERVIEW | 12.22 |
| PUBLIC INTEREST IMMUNITY | 12.34 |
| DISCOVERY IN JUDICIAL REVIEW CASES | 12.38 |
| USE OF INFORMATION OBTAINED ON DISCOVERY | 12.41 |
| PROCEDURAL OVERVIEW OF O.24..... | 12.51 |

CHAPTER 13: SETTLEMENT AND DISCONTINUANCE

| | |
|---------------------------------------|-------|
| SETTLEMENT – GENERAL PRINCIPLES | 13.01 |
| TYPES OF OFFERS | 13.03 |

| | |
|---|-------|
| CONFIRMING AND FORMALISING A SETTLEMENT | 13.42 |
| WITHDRAWAL OR DISCONTINUANCE | 13.52 |
| CHAPTER 14: MOVING THE CASE TO TRIAL | |
| PARTICULAR PROCEEDINGS | 14.01 |
| INTERLOCUTORY APPLICATIONS AND AFFIDAVIT EVIDENCE | 14.02 |
| INTERROGATORIES | 14.05 |
| WITNESS EVIDENCE | 14.06 |
| EXPERT EVIDENCE | 14.15 |
| SETTING DOWN THE ACTION AND PREPARING FOR TRIAL | 14.25 |
| CHAPTER 15: APPEALS | |
| GENERAL PRINCIPLES | 15.01 |
| OUTLINE OF THE APPEALS PROCESS IN HONG KONG | 15.04 |
| NEW EVIDENCE ON APPEAL | 15.81 |
| NEW POINTS OF LAW ON APPEAL | 15.88 |
| OTHER APPEALS | 15.91 |
| CHAPTER 16: COSTS | |
| GENERAL PRINCIPLES | 16.01 |
| EXCEPTIONS TO THE GENERAL PRINCIPLES | 16.04 |
| BASES OF TAXATION | 16.07 |
| GROSS SUM ASSESSMENT OF COSTS | 16.17 |
| INTERIM PAYMENTS OF COSTS | 16.22 |
| COSTS IN PERSONAL INJURIES CASES | 16.24 |
| WASTED COSTS ORDERS: PERSONAL LIABILITY OF SOLICITORS | 16.25 |
| WASTED COSTS ORDERS: AGAINST PARTIES | 16.28 |
| COSTS ON INTERLOCUTORY APPLICATIONS | 16.29 |
| TAXATION PROCEDURE | 16.31 |
| SECURITY FOR COSTS | 16.34 |
| LITIGANTS IN PERSON | 16.35 |

| | |
|--|-------|
| RECOVERABLE COSTS | 16.37 |
| SPECIFIC CATEGORIES OF COSTS | 16.38 |
| CHAPTER 17: ENFORCEMENT OF JUDGMENTS | |
| METHODS OF ENFORCEMENT | 17.01 |
| PART A: ENFORCEMENT OF MONETARY JUDGMENTS | 17.02 |
| PART B: ENFORCEMENT OF NON-MONETARY JUDGMENTS | 17.48 |
| PART C: ENFORCEMENT OF FOREIGN JUDGMENTS | 17.53 |
| CHAPTER 18: ADMIRALTY PROCEEDINGS | |
| INTRODUCTION | 18.01 |
| ADMIRALTY JURISDICTION OF THE COURT OF FIRST INSTANCE | 18.02 |
| PROCEDURE IN AN ADMIRALTY ACTION <i>IN REM</i> | 18.37 |
| COLLISION ACTIONS | 18.78 |
| LIMITATION ACTIONS | 18.82 |
| CHAPTER 19: PERSONAL INJURY ACTIONS | |
| GENERAL PRINCIPLES | 19.01 |
| PRACTICE DIRECTION THEMES | 19.03 |
| PRACTICE DIRECTION 18.1 | 19.07 |
| CHAPTER 20: ALTERNATIVE DISPUTE RESOLUTION | |
| INTRODUCTION | 20.01 |
| THE EVOLUTION OF ADR IN HONG KONG: THE "PILOT SCHEME" APPROACH | 20.10 |
| MEDIATION | 20.20 |
| ARBITRATION | 20.36 |