

## Common Requisition Codes (*ex parte* Applications)

Code	RHC <sup>1</sup>	Application	Requisition / Direction / Remark	Reference
<b>1A</b>	Order 1A	For fixing the hearing	Applicant's solicitors shall write to the Listing Officer within 14 days from today for the purpose of fixing the substantive hearing.	Order 1A, rule 4(2)(g) of RHC
<b>1B.1</b>	Order 1B	Extension of time	In exercising power under Order 1B, rule 1(2)(a) of RHC, the court will take into account all the circumstances (including but not limited to 1 to 7 listed in the Reference).	HKCP <sup>2</sup> 1B/1/1
<b>1B.2</b>		Order <i>nisi</i>	The order <i>nisi</i> becomes absolute 14 days after the order is made unless a party has applied to the Court for varying the order.	Order 1B, rule 3(2) of RHC
<b>2</b>	Order 2	Relief from sanctions	An application for relief must be supported by evidence.	Order 2, rule 5(2) of RHC
<b>3.1</b>	Order 3	Reckoning periods of time	Where the period being 7 days or less, the following day(s) shall be excluded: (a) a Saturday; (b) a general holiday; (c) a gale warning day as defined by section 71(2) of Cap.1; (d) a black rainstorm warning day as defined by that section; or (e) (if the act is required to be done at an office of the Court) another day on which the office is closed.	HKCP 3/2/9

<sup>1</sup> The Rules of the High Court (Cap.4A)

<sup>2</sup> *Hong Kong Civil Procedure 2023* (volume 1 unless otherwise specified)

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3.2		For time	Notes to all parties: This is the [____] application for extension of time. Further application (if any) may be visited by an unless order with short period of extension. Such application (whether by consent or not) shall be accompanied with an affidavit in support.	HKCP 3/5/2
3.3			Order 25, rule 1B(4) of RHC should be relied upon regarding application for extension of time to exchange (and file, if so ordered previously) written statements of factual witnesses.	Order 38, rule 2A(2) of RHC
3.4		Unless order	Please refer to Practice Direction 16.5 for the form of “unless” orders and other peremptory orders.	HKCP 3/5/7
4.1	Order 4	Consolidation of proceedings, etc.	Two actions cannot be consolidated where the Plaintiff in one action is the same person as the Defendant in another action, unless one action can be ordered to stand as a counterclaim or third-party proceedings in another action.	HKCP 4/9/2, 5 <sup>th</sup> para
4.2			A separate summons should be issued in each action proposed to be consolidated, or one summons may be issued provided it fully sets out the title of each such action.	HKCP 4/9/7
4.3			To give effect to the consolidation order, consequential directions are required (e.g. who are the plaintiff and defendant, whether new pleadings have to be filed, etc.). Please also note the <i>obiter dictum</i> in paras. 34 to 38 of the Reasons for judgment in HCA3205/2000 handed down on 30 March 2006.	HKCP – FM-PF23 of Court Forms

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<b>6.1</b>	Order 6	Extend the validity of Writ of Summons	Although a concurrent writ bears the date of the original, it is valid only from the date of its own issue, and remains valid so long only as the original remains in force. Renewal of the original writ has the effect of renewing all concurrent writs previously issued without their being brought to the office to be marked “renewed”; and renewal of a concurrent writ renews, in like manner, the original and any other concurrent writs previously issued.	HKCP 6/6/4
<b>6.2</b>			Please provide good reasons to justify your application.	HKCP 6/8/3 & 5
<b>6.3</b>			An application to renew the writ must be supported by an affidavit showing all the circumstances relied upon. If the time for renewal has elapsed before the application is made, the affidavit should also state fully the circumstances relied on as excusing the delay in making the application.	HKCP 6/8/7
<b>6.4</b>			The application to renew the writ must be made within the appropriate period of validity. The court however, is given express power to allow an application to be made after the expiry of the appropriate period, but it must be made within the appropriate period of the first expiry.	HKCP 6/8/8
<b>6.5</b>			Applicant must show not only that there is good reason for the extension, but also what period of extension is justified.	HKCP 6/8/9

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11.1	Order 11	Leave to serve document out of the jurisdiction	All the documents pleaded should be exhibited.	HKCP 11/4/13
11.2			The affidavit must make clear which sub-rule of rule 1(1) is relied on.	HKCP 11/1/39, 11/4/1, 11/4/13, 11/1/40 to 48 & 11/1/49 to 57
11.3			The affidavit must set out sufficient facts to show that Hong Kong is the <i>forum conveniens</i> .	HKCP 11/4/13 and 11/4/20
11.4			To rely on Order 11, rule 1(1)(c) of RHC, there must be another defendant who has already been served within (or out of) the jurisdiction.	HKCP 11/1/273
11.5			To rely on Order 11, r1(1)(c) of RHC, the affidavit should also state the grounds for the deponent's belief that there is between the plaintiff and the <u>person on whom a writ has been served</u> a real issue which the plaintiff may reasonably ask the Court to try.	HKCP 11/4/5
11.6			Unless there are good reasons/grounds to order otherwise, leave will only be granted to serve out of jurisdiction of summons, notice or order which has been issued, given or made.	Order 11, rule 9(4) of RHC
11.7			Leave to serve out affidavit, Statement of Claim or any other documents is not required.	HKCP 11/9/11

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11.8			Application for leave to serve out of the jurisdiction is made ex-parte on an affidavit, there's no need to issue an ex-parte summons.	HKCP 11/1/9 and 11/4/10
11.9			For application to serve a writ out of jurisdiction, please show compliance of Order 11, rule 4 of RHC.	HKCP 11/4/13
11.10			(a) The draft order needs not provide a specific method. (b) Only after efforts to actually serve the documents out of jurisdiction have failed that the Court would be satisfied that there exists a practical impossibility of actual service and proceed to consider the application for substituted service.	HKCP 11/4/4, 11/5/15 and 65/4/8
11.11			After leave to serve out is obtained, Plaintiff wishes to amend the writ before service out, leave of the Court to issue and serve out the concurrent amended writ is required.	HKCP 11/4/39
11.12			(a) Does the deponent believe that the plaintiff has a good cause of action against the relevant defendant(s)? (b) It is not sufficient merely to outline the nature of the claim and then assert belief in the existence of a good cause of action without supporting evidence.	HKCP 11/4/2

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11.13			The place must be that where that defendant “is, or probably may” be found. Full particulars/ disclosure must be given of attempts to locate the defendant at any addresses known.	HKCP 11/4/3 & 4
11.14			For the format of the draft order, please refer to FM-PF4 of HKCP Court Forms and to further state expressly under which gateway(s) the court grants leave.	HKCP 11/4/10 and 11/4/13.1
11.15			It is always necessary to consider the law of the destination jurisdiction as it may be unlawful in certain countries (e.g. Japanese, Swiss and PRC law have been held to prohibit service of foreign process by private persons). Please confirm if the suggested method of service is legal in the relevant country/region.	HKCP 11/5/4
11.16			The Writ herein is not valid for service out of the jurisdiction. Please consider if an appropriate application should be made under Order 6, rule 6 of RHC to issue a concurrent Writ.	HKCP 6/6/1
13	Order 13	Application for default judgment	<p>Appropriate admission form to be served together with the Writ of Summons and used by the Defendant:</p> <p>1. Form 16 or 16C is only required for <u>pure money</u> claims. If the claim includes both money and non-money claims, <b><u>no Form 16 or 16C</u></b> is required.</p> <p>2. If the claim is <u>only</u> for a <u>liquidated</u> sum or sums and nothing else (apart from costs or interest), <b><u>Form 16</u></b> should be used.</p>	HKCP 13A/13 & 13A/13/1 and at the Registrar’s directions

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			<p>3. if the claim is <u>only</u> for an <u>unliquidated</u> sum or sums and nothing else (apart from costs or interest), <b>Form 16C</b> should be used.</p> <p>4. If the claim is <u>both for liquidated and unliquidated</u> sum and nothing else (apart from costs or interest), <b>Form 16C</b> should be used.</p> <p>5. If the claim is “<u>non-monetary</u>” (e.g. only for a declaration of resulting trust), <b>no need</b> to use Form 16 or 16C.</p> <p>6. If the claim is “<u>mixed</u>” so that both money and non-money items are claimed (e.g. damages and injunction; declaration and refund of an amount), <b>no need</b> to use Form 16 or 16C.</p>	
<b>15.4</b>	Oder 15	Joinder of parties (Rule 4)	Please justify why there should be separate legal representation for co-plaintiffs.	HKCP 15/4/3
<b>15.6</b>		Adding or substituting parties (Rule 6)	No person shall be added as a plaintiff without his consent signified in writing or in such other manner as may be authorized.	Order 15, rule 6(4) of RHC, HKCP 15/6/4
<b>15.6A.1</b>		Application for an order to carry on (Rule 6A)	In the case where the next-of-kin of the deceased (or Official Solicitor) consents to be appointed as the person to represent the estate in the action (and consent summons to that effect is filed), an affidavit setting out the background (and difficulties in obtaining the consent of any person to act leading to seeking assistance to the Official Solicitor) should also be filed.	HKCP 15/6A/5, 3 <sup>rd</sup> para.

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15.6A.2			<p>(a) Please confirm if a probate search has been carried out at the Probate Registry to ascertain whether a grant, an application for grant or a caveat exists.</p> <p>(b) Please confirm if a will search has been carried out through the Law Society.</p>	N/A
15.7.1		Change of parties after commencement (Rule 7)	Where it is desired to add a new plaintiff, his consent in writing should be produced and verified.	HKCP 15/7/21, 2 <sup>nd</sup> para.
15.7.2			Where there is a co-plaintiff, the order will not be made <i>ex parte</i> without notice to him.	HKCP 15/7/21, 2 <sup>nd</sup> para.
15.7.3			Where order is made under rule 7, amendment of the Writ is not necessary. All that is required is that the title of all future proceedings should be altered in accordance with the order to carry on (aside from the entry of order in the cause book and its service if required).	HKCP 15/8/3 HKCP 15/8/4
15.7.4			For the difference between rules 7 and 15, please refer to <a href="#">[2021] HKCFI 3067</a> .	HKCP 15/15/3, last para.
15.15.1		Representation of deceased person interested in	The consent of the person to be appointed must be obtained. There is no jurisdiction to appoint a person, including the Official Solicitor, who is unwilling to act.	HKCP 15/15/3



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<b>15.15.2</b>		proceedings (Rule 15)	Amendment of the Writ is not necessary. The title of the proceedings will thereafter contain the name of the person appointed.	HKCP 15/15/7, 2 <sup>nd</sup> para.
<b>15.16</b>		Declaratory judgment (Rule 16)	A declaration cannot be made merely by consent or on admission by the parties without proper argument.	HKCP 15/16/7
<b>16.1</b>	Order 16	Leave to issue Third Party Notice	A copy of Third Party Notice should be exhibited to the affidavit.	HKCP 16/2/2
<b>16.2</b>			No Third Party Notice can be issued after service of the defence without leave..	HKCP 16/2/4
<b>16.3</b>			If Defendant and Third Party agreed on third party directions and a consent summons is filed, make sure Plaintiff has also signed in the consent summons.	HKCP 16/4/5
<b>18</b>	Order 18.1	Pleadings	The pleadings subsequent to a reply or defence to counterclaim retain their old names: rejoinder, surrejoinder, rebutter, and surrebutter. Please submit a copy of the draft pleading for Court's consideration. It should be noted that leave to serve a rejoinder and subsequent pleadings will not be granted unless it is really required so as to allow parties to raise matters which must be specifically pleaded.	HKCP 18/4/1
<b>20.1</b>	Order 20	Amendment	Leave to amend under rule 5 before trial is made by summons before the master.	HKCP 20/8/4
<b>20.2</b>			Intended amendment should be specified. Please submit a draft pleading for Court's consideration.	HKCP 20/8/4, 2 <sup>nd</sup> para.

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<b>21.1</b>	Order 21	Withdrawal and Discontinuance	Notice of discontinuance may only be filed pursuant to the rule, under which an action may be discontinued without leave. This rule has no application herein.	Order 21, rule 2 of RHC
<b>21.2</b>			The court has power to discontinue an action but not the power to dismiss the action under Order 21, rule 3.	HKCP 21/5/12D
<b>23</b>	Order 23	Security for Costs	As to the form of an order for security for costs (specifying the stage of proceedings up to which the security is to be given), please refer to FM-PF70 of HKCP Court Forms (see also para. 6 of <a href="#">FAMV 21/2004 (22 February 2005)</a> ). Parties shall re-draft their agreed terms of order accordingly.	HKCP 23/3/19
<b>25.1</b>	Order 25	Variation of Case Management Timetable	Parties shall explain their non-compliance of court's case management directions given on the previous occasion(s) and explain why unless order should not be imposed.	HKCP 25/1/4B & 25/1A/1A
<b>25.2</b>			The upcoming Case Management Summons hearing /Case Management Conference will be affected if this application were to be allowed as sought. Parties shall justify with substantial grounds, or exceptional circumstances (in the case of a Case Management Conference).	HKCP 25/1/4B, 25/1A/2 & 25/1B/1
<b>38.1</b>	Order 38	Expert evidence	For expert evidence, the parties should follow para. 20 of Practice Direction 5.2.	HKCP 38/4/3

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<b>38.2</b>			Expert issues should be identified from pleadings but not from witness statements. Applications for expert directions should be taken out at an early stage of the proceedings.	HKCP 38/36/1 & 38/44/1
<b>41.1</b>	Order 41	Affidavits	Affidavits should never end on one page with the jurat following overleaf. The jurat should follow immediately after the end of text.	HKCP 41/1/9
<b>41.2</b>			An oath or affidavit administered or taken by the solicitor of the party on whose behalf it is to be used will not be sufficient.	HKCP 41/8 & 41/1/10
<b>41.3</b>			An appropriate endorsement should be marked on affidavits.	HKCP 41/11/14
<b>41A</b>	Order 41A	Statements of truth	If a pleading is amended, both the preceding and the new statement of truth should be legible on the face of the amended pleading with the new statement of truth shown in the colour appropriate to the version of the amendment.	HKCP 41A/2/3 and Practice Direction 19.3
<b>42.1</b>	Order 42	Judgments and Orders	Execution cannot issue until after actual entry and perfection of the judgment and/or order.	HKCP 42/3/4
<b>42.2</b>			The date of conversion to Hong Kong dollars shall be “the date on which enforcement process is taken or authorized”.	HKCP 42/1/4
<b>42.3</b>			The statutory interest on a judgment or order for the payment of costs runs from the date of the judgment or order, not from the date of allocatur.	HKCP 42/1/11

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<b>42.4</b>		Consent Order	Order 42, rule 5A of RHC is the rule governing consent orders but not consent summonses. Please specify the relevant rule for the current application.	HKCP 42/5A/1
<b>44A</b>	Order 44A	Prohibition Order	Application for an order prohibiting a debtor from leaving Hong Kong (including the extension and renewal thereof) and discharging the same is made to the practice master directly, and personal attendance of the applicant and/or its representative is required (unless otherwise directed). Please liaise with the clerk to practice master accordingly.	HKCP 44A/2/2, 44A/3/9 and 44A/4/1 & 2
<b>45.1</b>	Order 45	Enforcement of Judgments and Orders	Leave to issue Writ of possession under Order 88 (or within 3 months for Order 113) of RHC is not required.	HKCP 45/3/1 and 88/5/14 (or 113/7)
<b>45.2</b>			When judgment debt is in foreign currency, the affidavit in support must contain words similar to those set out in Practice Direction 16.2, para. 8 (a).	Practice Direction 16.2, para. 9
<b>46.1</b>	Order 46	Writs of Execution – General	Please calculate and state the exact amounts (a) originally due under the judgment or order and (b) due thereunder at the date of the application.	Order 46, rule 4(2)(a) of RHC
<b>46.2</b>			HK\$600 shall be allowed under Order 62 of RHC as “costs of issuing execution” where a writ of execution within the meaning of Order 46, rule 1 of RHC is to be issued against any party.	Item no. 4 in Part III under the Second Schedule thereto; HKCP 62/39

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<b>48</b>	Order 48	Application for examination of judgment debtor	Please calculate and state the exact amount remaining unpaid under the judgment or order at the time of the application.	HKCP 48/3/1
<b>49.1</b>	Order 49	Application for Garnishee Order <i>Nisi</i>	Please calculate and state the exact amount remaining unpaid under the judgment or order at the time of the application.	Order 49, rule 2(b) of RHC
<b>49.2</b>			Name and address of the branch shall be stated if the garnishee is a bank and has more than one place of business.	Order 49, rule 2(d) of RHC
<b>49.3</b>			When judgment debt is in foreign currency, the affidavit in support must state the declaration contained in Practice Direction 16.2, para. 8 (a).	HKCP 49/1/27 and Practice Direction 16.2, para. 8
<b>49.4</b>			Judgment Creditors are to clarify whether they wish to apply to vary or discharge the injunction order when the Court is considering to make the order absolute.	HKCP 29/1/34
<b>49.5</b>			There is no power to make a garnishee order in respect of debts situated abroad.	HKCP 11/9/15 and 49/1/8 & 24
<b>49B.1</b>	Order 49B	Execution and Enforcement of	Please calculate and state the exact amount remaining unpaid under the judgment at the time of the application.	HKCP 49B/1/1

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<b>49B.2</b>		judgment for money by imprisonment	Order 49B of RHC is applicable only when the judgment debtor is an individual. If the debtor is a body corporate, the examination must be proceeded with under Order 48 of RHC.	HKCP 49B/1/2
<b>50.1</b>	Order 50	Application for Charging Order <i>Nisi</i>	Please calculate and state the exact amount unpaid (under the judgment or order) at the date of the application.	Order 50, rule 1(3)(a) of RHC
<b>50.2</b>			State the name of any creditor of the judgment debtor whom the applicant can identify (from the land search record).	Order 50, rule 1(3)(b) of RHC
<b>50.3</b>			When judgment debt is in foreign currency, the affidavit in support must contain words similar to those set out in Practice Direction 16.2, para. 8 (a).	HKCP 50/9A/16 and Practice Direction 16.2, para. 9
<b>62.1</b>	Order 62	Costs	Please note that Order 62, rule 9B (1) of RHC does not apply for payment of a sum of money if the party is an aided person.	HKCP 62/9B(2)
<b>62.2</b>			The Solicitors for the legally aided party are to confirm if they would waive common fund taxation for this application as no direction or order may be made for the payment of a sum of money if the receiving party is an aided person, and the legal representative acting for the receiving party has not waived the right to any further sum of money in respect of the costs of the interlocutory application.	HKCP 62/9C

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<b>62.3</b>			It is inappropriate for the Court to order any party to waive its entitlement to any favourable costs order. Parties may consider re-drafting the Consent Summons by mutual undertaking in the preamble not to enforce any favourable costs order, with proper disposal of this Consent Summons (costs inclusive).	N/A
<b>65</b>	Order 65	Substituted service (Rule 4)	<p>(a) The applicant should comply with O.11, rule 5A(3)(c) of RHC (which is also applicable to Macao SAR).</p> <p>(b) Please confirm if the deponent has no knowledge or information that the defendant is not within Hong Kong or has left Hong Kong.</p>	
<b>71.1</b>	Order 71	Registration of the Foreign Judgments	The judgment must be final and conclusive between the parties.	HKCP 71/2/2
<b>71.2</b>			The judgment has to come from a “superior court” of a designated country.	
<b>71.3</b>			The judgment must be for the payment of a sum of money.	