

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF APPEAL**

**General
Reference**

(a) Insert case
number

Miscellaneous Proceedings No. CAMP _____ of 20 ____
(a) (On an intended Appeal from No. _____ of 20 ____)

(b) Insert name(s)
of Plaintiff(s)

BETWEEN

(b) (1)

Plaintiff(s)

and

(c) Insert name(s)
of Defendant(s)

(c) (1)

Defendant(s)

S U M M O N S

(2) Order _____
rule____of
Rules of the
High Court

NOTE: @ A hearing date will be given only where the Court of Appeal directs that the application be heard at an oral hearing

LET ALL PARTIES CONCERNED ATTEND before the Honourable *Mr/ Madam Justice _____ of the Court of Appeal *in Chambers *(open to public) / (not open to public) at the High Court of Hong Kong, High Court Building, 38, Queensway, Hong Kong on ____ day, the ____ day of _____, 20____ at ____ o'clock in the *fore/after noon on the hearing of an application on the part of the *Plaintiff(s) / Defendant(s) _____ for an Order that

(d) State the order
to be obtained

(d) (3)

(1) The *Plaintiff(s) / Defendant(s) do have leave to appeal * (out of time) against the judgment / order of _____ given on the ____ day of _____ of 20____.

*(2)

(e) Use a separate
paragraph for each
ground of appeal
and number the
grounds in
consecutive
numbers.

(e) The Grounds of the proposed appeal will be as follows:-

(f) State the costs
order asked for, if
necessary.

(f) And that the costs of this application be paid by the *Plaintiff(s) / Defendant(s) _____ to *Plaintiff(s) / Defendant(s) _____.

Dated this ____ day of _____, 20____.

Registrar

(g) Insert name of the person taking out this summons.
(h) Insert address of the person taking out this summons

(i) State the names and addresses of all persons / solicitors on whom this Notice is to be served.

(j) Give the time estimate of the hearing

This summons was taken out by the *Plaintiff(s) / Defendant(s) ^(g) _____
_____ acting in person, whose address for service is
(h) _____
_____ Telephone No. _____

The following are the names and addresses of all persons / solicitors on whom this Notice is to be served:

To: ⁽ⁱ⁾⁽³⁾
Name: _____
Address: _____

Name: _____
Address: _____

(j) Time estimate: _____ Signed _____
_____ *minutes /hour(s) /day(s) _____
*Plaintiff(s) / Defendant(s)

Guidance for applicant(s):

- The leave application must be supported by a statement setting out: (a) the reasons why leave should be granted; and (b) if the time for appealing has expired, the reasons why the application was not made within that time.
- The leave application should also be accompanied by a draft grounds of appeal, affidavit evidence, where appropriate, (such as to show that extension of time should be granted), and written skeleton arguments as to why leave to appeal should be granted.

Guidance for respondent(s):

- Under Order 59 rule 2A(4) of the Rules of the High Court, Cap.4, any party who intends to resist this application shall, within 14 days after the application is served on him, file in the Court of Appeal and serve on the applicant(s) a statement (which may be in the form of affidavit evidence, where appropriate, and/or written skeleton argument) as to why leave to appeal should not be granted or why leave should only be granted on terms to be imposed by the Court.
- The documents in opposition (if any) should be filed in the Appeals Registry, High Court located at Counter No.2, Clerk of Court's Office, Ground Floor, High Court.

Footnotes:

- @. The Court of Appeal may –
- (a) determine the application without a hearing on the basis of written submissions only; or
 - (b) direct that the application be heard at an oral hearing
- * Delete whichever is inapplicable
- (1) Or to fill in details which appear on the originating document
 - (2) Set out the provision of the Rules of the High Court or relevant laws under which the application is made
 - (3) If the space here is insufficient, use separate papers and attached them to this summons.