

## **Acknowledgment of Service of Writ of Summons**

(Order 12 rule 3)

### *Directions for Acknowledgment of Service*

1. The accompanying form of ACKNOWLEDGMENT OF SERVICE should be detached and completed by a Solicitor acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Registry of the District Court at the following address: –

**“ 6<sup>th</sup> Floor, Wanchai Law Courts, Wanchai Tower, 12 Harbour Road, Hong Kong.”**

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings **MUST ALSO** file a DEFENCE which must be written in either the Chinese or the English language with the Registry and serve a copy thereof on the Solicitor for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words “Statement of Claim” appear at the top of the back), the Defence must be filed and served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If a Statement of Claim is not indorsed on the Writ, the Defence must be filed and served within 28 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to file and serve his Defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

The Defendant’s defence must be verified by a statement of truth in accordance with Order 41A of the Rules of the District Court (Cap. 336 sub. leg. H).

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, you may admit the Plaintiff’s claim in whole or in part by completing Form No. 16 or Form No. 16C (as the case may require) accompanying the Writ of Summons.

A completed Form No. 16 or Form No. 16C must be filed with the Registry of the District Court and served on the Plaintiff [or the Plaintiff’s Solicitors] within the period for service of the Defence.

4. A Defendant who wishes to dispute the jurisdiction of the District Court in the proceedings or to argue that the District Court should not exercise its jurisdiction in the proceedings, and wishes to apply to the District Court for an order staying the proceedings, must give notice of intention to defend the proceedings and make the application within the time limited for service of a defence.

*See attached Notes for Guidance*

## Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Registry of the District Court.

[2. For the purpose of calculating the period of 14 days for acknowledging service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him and a writ served by post or by insertion through the Defendant's letter box is treated as having been served on the seventh day after the date of posting or insertion.]

(Note: Not applicable if the defendant is a company served at its registered office.)

3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Writ of Summons)".

4. Where the Defendant is a FIRM and a Solicitor is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "partner in the firm of (.....)" after his name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings unless:

- (i) a Solicitor is acting on its behalf; or
- (ii) (a) if the Company has more than one director, a director of the Company is acting on its behalf and:
  - (A) the director has been authorized by the board of directors of the Company to act on its behalf in the proceedings; and
  - (B) the director has made and filed at the Registry of the District Court an affidavit stating that he has been authorized by the board of directors of the Company to act on its behalf in the proceedings and exhibiting –
    - (I) the original of the resolution authorizing the director to act on behalf of the Company; or
    - (II) a copy of such resolution duly certified by another person who must either be a director or the secretary of the Company; or
- (b) if the Company has only one director, the director of the Company is acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian *ad litem*.

8. A Defendant acting in person may obtain help in completing the form at the Registry of the District Court.

9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

**IN THE DISTRICT COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
CIVIL ACTION NO. \_\_\_\_\_ OF 20\_\_\_\_**

Between

**EM PUI YEE**

Plaintiff

AND

**THE BEST COMPANY LIMITED**

Defendant

**ACKNOWLEDGMENT OF SERVICE  
OF WRIT OF SUMMONS**

If you intend to instruct a Solicitor to act for you, give him this form IMMEDIATELY.

*Important:* Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

See Notes 1,  
3,4 and 5.

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1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

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2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

☐

yes

☐

no

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See Direction 3.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

☐ yes

☐ no

If yes, the Defendant may make the admission by completing Form No. 16 or Form No. 16C (as the case may require) accompanying the Writ of Summons.

Where words  
appear between  
square brackets,  
delete if inapplicable

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Service of the Writ is acknowledged accordingly.

(Signed) [Solicitor] ( [Defendant in person] )

Address for service

*Notes as to Address for Service*

**Solicitor.** Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

**Defendant in person.** Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" (居所) means its registered or principal office.

DCCJ \_\_\_\_\_ / 20 \_\_\_\_\_

**IN THE DISTRICT COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
CIVIL ACTION NO. \_\_\_\_\_ OF 20 \_\_\_\_\_**

Between

Plaintiff

AND

Defendant

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Writ of Summons

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Issued on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Filed on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

[Solicitor] ( \_\_\_\_\_ )

[Plaintiff in person]

Address for Service: