

**Acknowledgment of Service of Originating Summons –
for all cases other than costs-only proceedings under section 53A of the
District Court Ordinance**
(Order 10 rule 5; 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 of the following address: –

“ 6th Floor, Wanchai Law Courts, Wanchai Tower, 12 Harbour Road, Hong Kong.”

2. 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 Originating 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 filing of the Defendant’s affidavit evidence.

3. 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 over for 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, an Originating Summons served on the Defendant personally is treated as having been served on the day it was delivered to him and an Originating Summons 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 Originating 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
MISCELLANEOUS PROCEEDINGS NO. _____ OF 20 ____**

(IN THE MATTER OF _____)

Between

Plaintiff

AND

Defendant

**ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING 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.

see Notes 1,
3, 4 and 5.

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

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

yes

no

See Direction 2.

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 Originating Summons.

Where words appear between square brackets, delete if inapplicable.

Service of the Originating Summons 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.

DCMP _____ / 20 ____

**IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
MISCELLANEOUS PROCEEDINGS NO.**

_____ OF 20_____

(IN THE MATTER OF _____)

Between

Plaintiff

AND

Defendant

Originating Summons

Issued on the _____ day of _____, 20_____

Filed on the _____ day of _____, 20_____

[Solicitor] (_____)

[Plaintiff in person]

Address for Service: