

Application by a body corporate as either  
**Plaintiff / Defendant / Petitioner / Respondent Company**  
for leave to be represented by one of its directors

(1) Order 5, rule 6; Order 9 rule 6 and Order 12 rule 1 of the Rules of the High Court provide that unless leave is granted by the Registrar for a body corporate to be represented by one of its directors, a body corporate may not begin or carry on any step in the proceedings and defend the action otherwise than by a solicitor.

(2) An application by a body corporate for leave to be represented by one of its directors shall be made to a Registrar. Applicants may find the following steps to be helpful as they would lead to a more efficient disposal of the application.

- (i) Phone up the clerk to the Practice Master at 2825 4673 during office hours (before noon) to make an appointment to see the Practice Master. The appointment is usually fixed at 3:00 p.m. (on Saturday, the time for making an appointment should be at 9:15 – 10:30 a.m. and the appointment is usually fixed at 11:00 a.m.)
- (ii) Prepare a supporting affirmation/affidavit made by the director stating and verifying the reasons why leave should be given for the body corporate to be represented by the director. The relevant resolution of the board authorizing the director to represent the body corporate shall be exhibited to the affirmation/affidavit. The director shall then take the supporting affirmation/affidavit before the Commissioner for Oath at Room LG159, LG1, High Court Building, 38 Queensway, Hong Kong for affirming/swearing.
- (iii) Lodge the affirmation/affidavit together with all supporting documents\*\*, if any, with the clerk to the Practice Master at Room LG115 on the same floor.  
**\*\* annual return, auditor's report, memorandum and articles of association and bank statements for the past 6 months**
- (iv) And lastly, the director has to be punctual for the appointment and attend before the Practice Master in the court mentioned by the clerk (usually in one of the courts on 2nd floor).

Points to note:

- (a) It is important that an advanced appointment booking by phone be made.
- (b) The supporting affirmation/affidavit and the relevant documents have to be lodged with the clerk to the Practice Master in the forenoon of the appointment date, so that the clerk could have sufficient time to locate the relevant case file.
- (c) If there is already a court hearing date fixed for the relevant proceedings, the “leave” application mentioned in paragraph (2) above must be made not later than the working day preceding the said hearing date, otherwise the relevant director will have no right of audience in court.