

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

**General Reference**

(a) Insert case number

Miscellaneous Proceedings No. HCMP \_\_\_\_\_ 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

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

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

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

To: <sup>(i)(3)</sup>  
Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

(j) Give the time estimate of the hearing

(j) Time estimate: \_\_\_\_\_ \*minutes /hour(s) /day(s)

Signed

\_\_\_\_\_  
\*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.