

如何進行上訴

How to appeal

- This leaflet is designed to provide you with a brief outline of the practice and procedure relating to appeals in the High Court and the District Court.
- You should read Rules of the High Court (or the Rules of the District Court, as the case may be) and Practice Directions 4.1 and 5.4 for full details.
- The Civil Justice Reform has come into effect on 2nd April 2009. You should also note those transitional arrangements that may be applicable to your case. For further information on transitional arrangements, please refer to Leaflet 12 “Civil Justice Reform: Transitional Arrangements” of this series.
- This publication is for general reference only and should not be treated as a complete or authoritative statement of law or court practice. Whilst every effort has been made to ensure that the information provided in this leaflet is accurate, it does not constitute legal or other professional advice. The Judiciary cannot be held responsible for the content of this publication.
- You may approach the Resource Centre for Unrepresented Litigants at LG1 High Court, 38 Queensway, Hong Kong for further information. However, you should note that the assistance provided at the Centre is confined to procedural matters only and the staff there will not give legal advice or make any comments on the merits of your case.

How to appeal

Introduction

1. This leaflet deals only with appeals to the Court of Appeal, Court of First Instance and District Court in general civil matters.
2. The District Court hears appeals from decisions of District Court Masters. The District Court also exercises limited appellate jurisdiction in hearing appeals from Tribunals and Statutory Bodies conferred on it under various ordinances, e.g. the Rating Ordinance (Cap. 116), the Stamp Duty Ordinance (Cap. 117), the Pneumoconiosis (Compensation) Ordinance (Cap. 360) and the Occupational Deafness (Compensation) Ordinance (Cap. 469). This leaflet only covers appeals from decisions of District Court Masters to District Court Judges.
3. The Court of First Instance hears appeals from decisions of High Court Masters, the Small Claims Tribunal, Labour Tribunal and Minor Employment Claims Adjudication Board (MECAB).
4. The Court of Appeal hears appeals on civil matters from the Court of First Instance, District Court, Lands Tribunal and tribunals and statutory bodies as provided by statutes.

General points to note

5. Any party to an appeal, who is an individual, can act in person. If a party is a limited company, it must engage a solicitor to act on its behalf in appeals in the Court of First Instance and the Court of Appeal unless a Master of the High Court has given leave for a director to act on its behalf. No appeal lies against a Master's decision giving or refusing such leave.

6. You should not directly communicate with the judge by writing letters, sending emails or making telephone calls. All communications must be done through the clerk to the judge. When an appeal hearing is concluded and the court has reserved the decision, you should not send additional arguments or further materials to the court. If you have good reasons and must write to the court, you should copy your letter to all the other parties to the proceedings.

Is leave to appeal required?

7. Please refer to **Appendix 1**, which summarizes the types of appeals from various courts, whether leave to appeal is required, when to apply for leave, to whom you should apply and when the notice of appeal, if required, should be issued and served. You should comply with the time limit for applying for leave or for appealing. If you cannot give good reasons, the court may not extend the time for you to do so.

8. When granting leave to appeal, the court may impose conditions, e.g. requiring a party to pay costs, or pay the amount involved into court or provide a specified sum of money as security for the costs of the appeal. The court may, of course, refuse leave and in some instances that refusal will bar you from proceeding further. It is therefore important that before lodging an appeal, you should read the Ordinance governing the relevant Court from which the decision is appealed against, the High Court Ordinance, Rules of the High Court, the District Court Ordinance, Rules of the District Court (whichever is applicable) and also the relevant Practice Directions.

9. You should also note that an application for leave to appeal or an appeal will not operate as a stay of execution. In other words, the party who lost in the lower court is still liable to satisfy the judgment even though he is appealing against it, unless the court otherwise directs.

10. You should now read **Appendix 1** to decide to which court you should appeal. If the appeal is to the District Court against a decision of District Court Master, please read Part A. If the appeal is to the Court of First Instance, please read Part B. If the appeal is to the Court of Appeal, please read Part C.

Part A: Civil appeals to the District Court

Appeals against Master's decisions on interlocutory matters

11. Generally, a District Court Judge in chambers has jurisdiction to hear an appeal against a decision of a District Court Master made on the basis of written submissions only or after an oral hearing in chambers. No leave is required. All you need to do is to file a notice of appeal (see **Appendix 2**) within 14 days of the decision. No fee is payable.

12. The appellant should serve a notice (sometimes referred to as a notice of appeal) on every other party to the proceedings in which the judgment, order or decision was given. The notice must be issued within 14 days after the Master gives the judgment, order or decision. It must then be served within 5 days after issue.

13. On appeal, a District Court Judge will deal with the matter as if it has come before the court for the first time. The parties are not allowed to submit further evidence unless it is evidence as to matters which have occurred after the date of the judgment, order or decision of the Master.

14. If you are not satisfied with the decision of the District Court Judge, you can appeal to the Court of Appeal with leave from the District Court Judge or from the Court of Appeal. Please refer to Part C.

15. For decisions and judgments made by a District Court Master in open court, generally the appeal is to the Court of Appeal. Leave to appeal is required. Please refer to Part C.

Part B: Civil appeals to the Court of First Instance

Appeals against Master's decisions on interlocutory matters

16. Generally, a Court of First Instance Judge in chambers has jurisdiction to hear an appeal against a decision of a High Court Master made on the basis of written submissions only or after an oral hearing in chambers. No leave is required. All you need to do is to file a notice of appeal (see **Appendix 3**) within 14 days after the Master gives the judgment, order or decision. No fee is payable.

17. The appellant should serve a notice (sometimes referred to as a notice of appeal) on every party to the proceedings in which the judgment, order or decision was given. The notice must be served within 5 days after issue.

18. On appeal, a Court of First Instance Judge will deal with the matter as if it has come before the court for the first time. But you are not allowed to submit further evidence unless it is evidence as to matters which have occurred after the date of the judgment, order or decision.

19. If you are not satisfied with the decision of the Court of First Instance Judge, you can appeal to the Court of Appeal. Please refer to Part C.

20. For decisions and judgments made by a High Court Master in open court, generally the appeal is to the Court of Appeal. Leave to appeal is not required. Please refer to Part C.

Appeals against decisions of the Labour Tribunal / Small Claims Tribunal / MECAB

21. You may act in person or engage a lawyer. In the case of a limited company, please see paragraph 5 above. Leave to appeal is required. An application for leave to appeal should be made in the prescribed form, which shall set out the grounds of appeal and the

reasons in support of such grounds. The prescribed form may be obtained from the Resource Centre for Unrepresented Litigants or downloaded from the Judiciary website. The fee for filing an application for leave to appeal¹ is (i) \$45 for appeal from the Labour Tribunal or MECAB, and (ii) \$61 for appeal from the Small Claims Tribunal. The Tribunals or the MECAB will usually send you the written reasons for determination after it has been prepared. If you think the transcript of some part or all of the evidence will help you or the Court on appeal, you should apply in good time to the Tribunal or the MECAB for the transcript. A fee may be payable.

22. There will be a hearing only attended by the applicant in the application for leave to appeal. Leave will only be given if the applicant can show an arguable case that the lower court has made an error in point of law or acted outside its jurisdiction. Generally, fresh evidence will not be received on appeal and the Court of First Instance has no power to reverse or vary the lower court's finding of facts. In appropriate cases, the court may only grant leave to appeal on some of the grounds relied upon by the applicant. A refusal by the Court of First Instance to grant leave to appeal is final and there can be no further appeal.

23. If you are the respondent to the appeal and want to cross appeal, you have to seek leave to appeal within the time set out in **Appendix 1**.

24. If leave is granted, the applicant (appellant) has to file a Notice of Originating Motion setting out the grounds of appeal for which leave to appeal has been given. A fee of \$1,045 is payable.² The parties should then go to the Clerk of Court's Office on Ground Floor of the High Court Building to fix a hearing date for the appeal.

¹ The fee may be revised from time to time.

² The fee may be revised from time to time.

25. At the appeal, arguments will be limited to those grounds of appeal for which leave has been granted. If you want to rely on other grounds, you should apply for permission to do so within a reasonable time before the hearing of the appeal. You should also give prior notice to the other parties of your intention to do so.

26. If you are not satisfied with the decision of the Court of First Instance on the appeal, you may, within 7 days after the date of the decision, apply to the Court of Appeal for leave to appeal. If the Court of Appeal considers that a question of law of general public importance is involved, it may grant leave. In seeking leave to appeal, you have to set out the question of law and lodge the application with the Appeals Registry of the High Court. A further fee of \$1,045 is payable³. At the appeal, arguments will be limited to the grounds of appeal for which leave has been granted. A refusal by the Court of Appeal to grant leave to appeal is final.

³The fee may be revised from time to time.

Part C: Civil appeals to the Court of Appeal

Application for leave to appeal to the Court of Appeal

27. An application for leave to appeal to the Court of Appeal shall first be made to the Judge or Presiding Officer (in the case of Lands Tribunal) giving the judgment or order. The grounds on which leave to appeal is sought must be specified. The application shall be by way of an inter partes summons if the proceedings giving rise to the appeal are inter partes. No fee is payable.

28. If the Judge has refused to grant leave, and the aggrieved party is not satisfied with the refusal, he may apply to the Court of Appeal for leave to appeal. He should reflect on the merits of the application in light of the decision of the court below before renewing the application for leave to the Court of Appeal.

29. An application to the Court of Appeal for leave to appeal must be made by way of an inter partes summons if the proceedings giving rise to the appeal are inter partes. A sample of the summons is in **Appendix 4**. A fee of \$1,045 is payable⁴.

30. 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 an application bundle containing the draft grounds of appeal, affidavit evidence (where appropriate, such as to show why extension of time should be granted), and written skeleton arguments as to why leave to appeal should be granted. Two sets of these documents must be lodged with the court. A copy of the summons together with the supporting statement and the application bundle must be served on the respondent.

⁴ The fee may be revised from time to time.

31. An applicant should only include essential documents (viz. those relating directly to the issues raised in the draft grounds of appeal) in the application bundle. When there was a decision by the court below in refusing leave, the applicant must include a copy of the reasons for refusal given by the court below. If the court below did not give any written reasons, the applicant should obtain a transcript of the hearing and include the same in the bundle.

32. An applicant should state in the written skeleton argument / statement whether the points argued in connection with the grounds of appeal had been canvassed at the substantive hearing and/or in the application for leave to appeal in the court below. If not, the applicant must explain why it was not argued then and why it should now be entertained by the Court.

33. A party who intends to resist an application for leave to appeal made inter partes, must within 14 days after the application is served on him, file in the Court of Appeal and serve on the applicant a statement 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. In most cases, the requirement can be fulfilled by filing affidavit evidence (where appropriate) and lodging with the Court a written skeleton argument. Two sets of these documents must be lodged with the Court.

34. A party who wishes to seek costs in respect of the application (including costs in opposing the application) must include in the documents lodged with the Court a statement of costs for summary assessment.

35. No further documents are to be filed or lodged by either party without the prior permission of the Court of Appeal.

36. The Court of Appeal may determine the leave application on the basis of the written submissions alone and without an oral hearing. Alternatively, the court may direct that the application be heard at an oral hearing. In either case, the court may give such directions as it thinks fit. Accordingly, any party applying for or resisting leave to appeal should state in the documents he serves on the other party whether the application can be determined on the basis of written submissions only or otherwise (and providing the reasons) and whether any directions are required.

37. Where an application for leave to appeal is made, no date for hearing will be given by the court. It is only when the Court of Appeal directs that the application is to be heard at an oral hearing that a date for hearing will be given and the parties will be notified accordingly. If the application is to be heard at an oral hearing, the statement of costs previously submitted for summary assessment must be up-dated at least 3 clear days before the hearing.

38. A party aggrieved by a determination made without a hearing may within 7 days after receiving notice of the determination, request the Court of Appeal to reconsider the determination at an oral inter partes hearing. He may at the same time lodge with the court any additional written submission as to why leave should or should not be given.

39. If the Court of Appeal determines the application on the basis of written submissions only and considers that the application is totally without merit, it may make an order that no party is allowed to request that the determination be reconsidered at an oral inter partes hearing.

40. The written skeleton arguments or submissions referred to in paragraphs 30 to 34 above should not normally exceed 5 pages on A4 size paper and, if type-written, in no smaller than 14 pt font size. All written materials must be legible.

41. Leave to appeal to the Court of Appeal will not be granted unless: (i) the appeal has a reasonable prospect of success; or (ii) there are some other reasons in the interests of justice why the appeal should be heard.

42. In the absence of good justification, the Court of Appeal will refuse an application for leave to appeal which is made directly to it without an application first being made to the court below.

43. No appeal lies from a decision of the Court of Appeal as to whether or not to grant leave to appeal.

What happens after you get leave to appeal or where there is a right of appeal?

44. You should prepare a notice of appeal, which may be either in respect of the whole or any specified part of the judgment or order of the court below. You must specify the grounds of the appeal and the precise form of the order that you propose to ask the Court of Appeal to make. You should identify the evidence and state precisely why you say the judge has, e.g. misdirected himself, or that his findings should be reversed or that his decision should be set aside. Except with leave of the court, you cannot at the hearing of an appeal rely on additional or amended grounds of appeal or apply for any relief not specified in the notice of appeal. A sample of the notice of appeal is in **Appendix 5**.

45. You should make at least 3 sets (4 sets if it is an appeal from the District Court or Lands Tribunal) of the completed notice of appeal. Within 7 days of the grant of leave to appeal or within the time allowed for making an appeal, you should serve one set of the notice of appeal on each party to the proceedings in the court below who is directly affected by the

appeal. If the decision you are appealing against is from the District Court or Lands Tribunal, you should also serve one set on its Registrar. After service, you should endorse the date of service on the back sheet of one set of the notice of appeal.

46. Within 7 days after you have served the Notice of Appeal, you should bring with you 2 sets of the notice of appeal (one being the original) to the High Court. After you pay the filing fee of \$1,045⁵ at the Accounts Office (LG2, High Court Building), a receipt will be endorsed on the original notice of appeal. After that, you should proceed to the Appeals Registry, Clerk of Court's Office on the ground floor of the High Court Building. There you should lodge with the Registrar:

- (i) a sealed copy of the judgment or order appealed from;
- (ii) 2 sets of the notice of appeal, including the one endorsed with the amount of the fee paid, and the other endorsed with the date of service; and
- (iii) a copy of the reasoned decision of the judge appealed against (if any). This will enable the Registrar to properly estimate the time required for the appeal.

These requirements must be strictly complied with before your appeal will be set down in the appeals list. Therefore it is in your interest to act promptly and not to wait until the last day of the appeal period.

47. Within 4 days (excluding Sundays and public holidays) after an appeal has been set down, you must give notice of setting down to all persons on whom the notice of appeal had been served. A sample form of notice of setting down is in **Appendix 6**.

If you are a respondent to the appeal

48. If you are served with a notice of appeal, and if you wish to contend that the decision below should be varied, or affirmed on different grounds or if you wish to bring a cross appeal against the decision, then you must give a Respondent's Notice. If your cross appeal requires

⁵ The fee may be revised from time to time.

leave, you must apply for leave to appeal. The grant of leave to appeal to an appellant does not mean that the respondent to the appeal also has leave to appeal or to issue a Respondent's Notice. The matters set out in paragraphs 5 to 8 above equally apply to a respondent. Except with leave of the court, you cannot at the hearing of an appeal rely on additional or amended grounds of appeal or apply for any relief not specified in the Respondent's Notice.

49. You have to serve the Respondent's Notice on the appellant and all parties in the proceedings in the court below who are directly affected by your Respondent's Notice within:

- (i) 14 days of the service on you, where the notice of appeal relates to an interlocutory order; and
- (ii) 21 days of the service on you, in any other case.

50. Within 2 days (excluding Saturdays, Sundays and public holidays) after service of the Respondent's Notice, the respondent should give 2 sets of the notice to the Registrar, one of which should be endorsed with a certificate of service. See the back sheet of the notice of appeal at **Appendix 5** for a sample of the certificate of service.

Application to fix a date for the hearing of an appeal

51. If you are an appellant, you should make an application to the Appeals Registry, Clerk of Court's Office to fix a date for the hearing of an appeal. In this application, you should state the estimated time for hearing the appeal. A sample of the application form is in **Appendix 7**. If the application to fix a date is not made by you within a reasonable time, the respondent may make such application.

52. The Registrar of Civil Appeals ("Registrar CA") may give directions for the hearing of the appeal on paper or at a directions hearing. To enable the Registrar CA to give such directions, an unrepresented appellant should prepare one draft paginated appeal bundle. A sample of the draft index to that bundle is in **Appendix 8**. Please see the section on Appeal

bundle below.

53. The Registrar CA will inform you whether the draft appeal bundle is in order. Once directions given by the Registrar CA have been complied with, a hearing date will be fixed and the parties will be notified in writing.

Preparation for Hearing

Appeal bundle

54. Depending on the number of judges, you will have to prepare a sufficient number of appeal bundles for use at the hearing. Normally three judges will hear an appeal against a final decision and two judges will hear an interlocutory appeal. Subject to directions of the Registrar CA, bundles have to be lodged not less than 14 days before the date on which the appeal is listed for hearing.

55. Normally, the index to the appeal bundle has to be sent to the respondent for him to consider if he has objections or amendments to the inclusion of documents.

56. The appeal bundle should be paged consecutively at the bottom of the right hand corner. It should include documents that were used in the hearing in the court below which are relevant and necessary for decision of the issues in the appeal by the Court of Appeal. Inclusion of unnecessary or irrelevant materials in the appeal bundle may waste your photocopying costs. Those materials are also liable to be removed from the appeal bundle at the direction of the Registrar CA.

57. If the appeal bundle consists of more than 500 pages, a core bundle should be prepared. The core bundle must include the judgment under appeal, the notice of appeal, the order appealed against, any other orders (if relevant) made in the court below, and the Respondent's Notice (if any). It should only contain documents central to the appeal and no

more, i.e. only those documents in support of, or in opposition to, the appeal which the court will need to read in advance or which are likely to be referred to in the course of oral argument.

58. Unless there is already leave from the Court of Appeal to adduce further evidence, new evidence shall not be included in the main hearing bundle of the appeal. You should apply to the Court of Appeal for leave to adduce the fresh evidence. Such application should be made as soon as possible.

59. All documents must be legible. Care should be taken to ensure there is a complete legible copy of the document, no edges cut off by the photocopying or rendered illegible by the binding. If a document is handwritten and difficult to read, parties should include a typewritten version of the document in the bundle.

Skeleton argument

60. You should prepare a succinct skeleton argument identifying and summarizing, instead of arguing fully, the points you wish to make. If you are an appellant, your skeleton argument should:

- (i) begin with a brief statement of the nature of the proceedings below;
- (ii) give a brief statement of the facts, so far as material to the resolution of the issues which are said to arise on the appeal;
- (iii) give a short statement of those issues; and
- (iv) outline the points which you intend to take and a brief statement of your argument on each of those points.

61. Skeleton arguments should not normally exceed 10 pages in the case of an appeal on law and 15 pages in the case of an appeal on fact. In the case of points of law, the skeleton argument should state the points and cite the principal authorities in support, with references to the particular page(s). In the case of questions of fact, the skeleton argument should state briefly the basis on which it is argued that the Court of Appeal can interfere with the findings of facts concerned, with cross-references to the passages in the transcript or notes of evidence

that bear on the point. The skeleton argument should be accompanied by a written chronology of relevant events cross-referenced to the core bundle or the appeal bundle. The chronology must be a separate document.

62. You should also prepare a list of authorities that lists out all the cases, statutes and/or page/paragraph numbers of the law books that you wish to rely on.

63. The skeleton argument and list of authorities have to be lodged with the Court of Appeal and served on the other party no later than 28 days before the day on which the appeal is listed to be heard. If possible, copies of the authorities should also be provided.

64. A respondent should lodge a skeleton argument and list of authorities no later than 14 days before the application or appeal is to be heard. If possible, copies of the authorities should also be provided.

65. If the appellant or the respondent (who has given a Respondent's Notice) does not lodge the skeleton argument as required, the case may be taken out of the list and re-fixed for another date. In that event, the Court may order the party at fault to pay the costs of the other parties.

Hearing of the appeal

66. Generally, appeals are heard in open court. Cases can be conducted in one of the two official languages, Chinese or English. The language used in the appeal is usually the same as that used in the court below unless a party applies to the Court of Appeal to use the other language. If interpreter's service is required, the court should be notified within a reasonable time before the hearing of the appeal.

67. The Court of Appeal does not generally interfere with the findings of facts of the court below, particularly where they turn on credibility of witnesses or the weight to be attached to particular evidence. Further, unless leave is granted, no fresh evidence can be adduced in an appeal.

68. For more detailed procedures on appeals in the Court of Appeal, you should read Order 59 of Rules of the High Court, Order 58 of Rules of the District Court and also Practice Direction 4.1.

Further appeal

69. A party who is not satisfied with the decision of the Court of Appeal may in appropriate case make an application for leave to appeal to the Court of Final Appeal. For details, please refer to the “Court of Final Appeal” leaflet.

Appendix 1: Leave to appeal and when to appeal

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
Labour Tribunal / MECAB	Error in point of law or the award is outside the jurisdiction of the Tribunal	Court of First Instance	Yes	Court of First Instance only Refusal of leave is final	7 days after the award or order is served on the party appealing	Not necessary to issue a notice of appeal After leave to appeal is given, issue and serve a Notice of Originating Motion setting out the grounds for which leave to appeal has been granted
Small Claims Tribunal	Involving a question of law or the claim is outside the jurisdiction of the Tribunal	Court of First Instance	Yes	Court of First Instance only Refusal of leave is final	1. 7 days after the award or order is served on the party appealing; or 2. If within the 7 days mentioned above, the party appealing has applied to the Tribunal for written reasons for award, within 7 days after the date on which the reasons are served on him.	Not necessary to issue a notice of appeal After leave to appeal is given, issue and serve a Notice of Originating Motion setting out those grounds for which leave to appeal have been granted

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Lands Tribunal	Error of law in interlocutory decisions made by a Presiding Officer	Court of Appeal	Yes	<ol style="list-style-type: none"> 1. To the Presiding Officer who heard the application. 2. If the Presiding Officer refuses leave, apply to the Court of Appeal 	<ol style="list-style-type: none"> 1. Within 14 days from the date the order is given 2. Within 14 days from the date of refusal of leave by the Presiding Officer 	Within 7 days from the date on which leave to appeal is granted
Lands Tribunal	Error of law in matters (other than interlocutory decisions) heard by Presiding Officer	Court of Appeal	Yes	<ol style="list-style-type: none"> 1. To the Presiding Officer who heard the matter 2. If the Presiding Officer refuses leave, apply to the Court of Appeal 	<ol style="list-style-type: none"> 1. Within 28 days from date of order 2. Within 14 days from the date of refusal of leave by the Presiding Officer 	Within 7 days from the date on which leave to appeal is granted
District Court	Against Master's decision on interlocutory matters made on the basis of written submissions only or after an oral hearing in chambers	District Court Judge in chambers	No	Not applicable	Not applicable	Within 14 days after the decision is made, issue a notice to attend before a judge on a day specified (sometimes referred to as a notice of appeal) and serve it on the other party to the proceeding within 5 days after issue

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
District Court	Against Master’s order for imprisonment given or made under Order 49B of Rules of the District Court in examination of debtor proceedings	Court of Appeal	No	Not applicable	Not applicable	Within 28 days from the date of the order
District Court	Against Master’s decision made in open court, including: (1) A judgment, order or decision on any cause, question or issue tried or assessed before him under Order 14, rule 6(2) and Order 36, rule 1, Order 37 or Order 84A rule 3 of Rules of the District Court; (2) A judgment, order or decision (other than an interlocutory judgment, order or decision or an order for imprisonment) given or made under Order 49B of Rules of the District Court; and (3) A judgment or order made under Order 17, rule 11(2) of Rules of the District Court.	Court of Appeal	Yes	1. To the Master who heard the application 2. If the Master refuses leave, apply to the Court of Appeal	1. Within 28 days from the date of the judgment, order or decision 2. Within 14 days from the date the Master refuses leave	Within 7 days after the date when leave to appeal is granted

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
District Court	Against an interlocutory order or decision made by a Judge	Court of Appeal	Yes	1. To the Judge who heard the application 2. If the Judge refuses leave, apply to the Court of Appeal	1. Within 14 days from the date of the interlocutory order or decision 2. Within 14 days from the date the Judge refuses leave	Within 7 days after the date when leave to appeal is granted
District Court	Against a judgment, order or decision made by a Judge (other than an interlocutory order or decision)	Court of Appeal	Yes	1. To the Judge who heard the application or trial 2. If the Judge refuses leave, apply to the Court of Appeal	1. Within 28 days from the date of the judgment, order or decision 2. Within 14 days from the date the Judge refuses leave	Within 7 days after the date when leave to appeal is granted
District Court	Against an order made by a Judge in employee's compensation cases where the amount in dispute is not less than HK\$1,000	Court of Appeal	No	Not applicable	Not applicable	Within 30 days of the date of the order
District Court	Against an order made by a Judge pursuant to: (1) s.20 of District Court Ordinance (committal for contempt of court); (2) s.29 of District Court Ordinance (conviction for rescuing goods seized in execution under process of court or under	Court of Appeal	No	Not applicable	Not applicable	Within 28 days from the date when the order is granted

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District Court (Cont'd)	<p>distress for rent);</p> <p>(3) s.48B of District Court Ordinance (punishment for disobedience of judgment or order, breach of undertaking etc);</p> <p>(4) s.52D of District Court Ordinance (order for arrest or imprisonment to enforce a judgment for the payment of a specified sum of money);</p> <p>(5) s.52E of District Court Ordinance (prohibiting a debtor from leaving Hong Kong); and</p> <p>(6) s.53(3) of District Court Ordinance (wasted costs order).</p>					
Court of First Instance	Against Master's decision on interlocutory matters made on the basis of written submission only or after an oral hearing in chambers	A Judge in the Court of First Instance	No	Not applicable	Not applicable	Within 14 days after the decision is made, file a notice to attend before a judge on a day specified (sometimes referred to as a notice of appeal) and serve it on the other party to the proceedings within 5 days of issue.

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
Court of First Instance	Against Master’s decision made in open court, including: (1) Determination under Order 14, rule 6(2) and Order 36, rule 1 of Rules of the High Court; (2) Assessment of damages; (3) Determination of an application under Order 84A, rule 3 of Rules of the High Court (hire purchase agreement or conditional sale agreement); (4) Determination of an application under Order 49B of Rules of the High Court (examination of judgment debtor); (5) An order or decision made at the hearing of a petition for winding up or bankruptcy; and (6) A judgment or order made on the trial of an issue under Order 17, rule 11(2) of Rules of the High Court (interpleader proceedings).	Court of Appeal	No	Not applicable	Not applicable	Within 28 days from the date the decision is made, except for bankruptcy petition presented prior to 10 December 2007, it is within 21 days from the date the order or decision appealed against is pronounced or made.
Court of First Instance	Against an interlocutory judgment or order made by a Judge, except the following ¹ :	Court of Appeal	Yes	1. The CFI Judge who made the judgment or order	1. Within 14 days from the date of the judgment or order	Within 7 days after the date when leave to appeal is granted

¹ For appeals falling within exceptions (1) to (11) in this section, leave to appeal is not required.

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
Court of First Instance (Cont'd)	(1) A judgment or order determining in a summary way the substantive rights of a party to an action ² ; (2) A wasted costs order made under section 52A(4) of High Court Ordinance; (3) An order prohibiting a debtor from leaving Hong Kong; (4) An order for imprisonment of a judgment debtor under Order 49B of Rules of the High Court; (5) An order for committal for contempt; (6) An order granting relief made at the hearing of an application for judicial review; (7) An order granting an application for a writ of habeas corpus ad subjiciendum; (8) An order made in connection with arbitration proceedings under Order 73 of Rules of the			2. If the CFI Judge refuses leave, apply to the Court of Appeal	2. Within 14 days from the date the Judge refuses leave	

² This includes: (a) a summary judgment under Order 14 or Order 86, (b) an order striking out an action or proceedings or a pleading or any part of a pleading, (c) a judgment or order determining a question of law or construction of a document under Order 14A rule 1(1), (d) a judgment or order made under Order 14A rule 1(2) dismissing a cause or matter upon the determination of a question of law or construction of a document, (e) a judgment on an issue tried under Order 33 rule 3, (f) an order dismissing or striking out an action or proceeding for want of prosecution, (g) a judgment obtained pursuant to an “unless” order, (h) an order refusing to set aside a judgment in default, (i) an order refusing to allow an amendment of a pleading to introduce a new claim or defence or other new issue, and (j) a judgment or order on admission under Order 27 rule 3.

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
Court of First Instance (Cont'd)	<p>High Court, other than an order against which leave to appeal is required under the Arbitration Ordinance;</p> <p>(9) A judgment given inter partes in a money lenders' action under Order 83A rule 4, or relating to hire purchase/ conditional agreements under Order 84A rule 3, or in a mortgage action under Order 88 of Rules of the High Court;</p> <p>(10) An order under Order 121 of Rules of the High Court; and</p> <p>(11) A decree nisi of divorce or nullity of marriage.</p>					
Court of First Instance	Against a judgment, order or decision given in the matter of bankruptcy or of winding up	Court of Appeal	No	Not applicable	Not applicable	Within 28 days from the date the judgment, order or decision is made except for bankruptcy petition presented prior to 10 December 2007, it is within 21 days from the date the order or decision appealed against is pronounced or made

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
Court of First Instance	Against a summary judgment made by a Judge in interpleader proceedings (subject to the next section)	Court of Appeal	Yes	1. The CFI Judge who made the judgment or order 2. If the CFI Judge refuses leave, apply to the Court of Appeal	1. Within 14 days from the date of the judgment or order 2. Within 14 days from the date the Judge refuses leave	Within 7 days after the date when leave to appeal is granted
Court of First Instance	Against a decision of a Judge in interpleader proceedings made after trial	Court of Appeal	No	Not applicable	Not applicable	Within 28 days from the date the decision is made
Court of First Instance	Against an order of a Judge relating only to costs	Court of Appeal	Yes	1. The CFI Judge who made the judgment or order 2. If the CFI Judge refuses leave, apply to the Court of Appeal	1. Within 14 days from the date of the judgment or order 2. Within 14 days from the date the Judge refuses leave	Within 7 days after the date when leave to appeal is granted
Court of First Instance	Against an order made with the consent of the parties	Court of Appeal	Yes	1. The CFI Judge who made the judgment or order 2. If the CFI Judge refuses leave, apply to the Court of Appeal of leave	1. Within 14 days from the date of the judgment or order 2. Within 14 days from the date the Judge refuses leave	Within 7 days after the date when leave to appeal is granted
Court of First Instance	In judicial review proceedings, (1) Against an order refusing to grant leave to apply for judicial review; and	Court of Appeal	No	Not applicable	Not applicable	(1) For appeal against refusal to grant leave to apply judicial review,

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
Court of First Instance (Cont'd)	(2) Against a judgment or order granting or refusing an application for judicial review.					within 14 days after the order. (2) For appeal against the grant or refusal of judicial review, within 28 days from the date the judgment or order is made.
Court of First Instance	Against a judgment, order or decision made by a Judge of the CFI other than above	Court of Appeal	No	Not applicable	Not applicable	Within 28 days from the date the judgment, order or decision is made
Court of First Instance	Against a judgment made in an appeal against a decision of the Labour Tribunal or of the MECAB – where it involves a question of law of general public importance	Court of Appeal	Yes	Court of Appeal only Refusal of leave to appeal is final	Within 7 days after the date of the judgment	After leave to appeal is granted, issue and serve a Notice of Originating Motion setting out the question of law and the grounds for which leave to appeal has been given
Court of First Instance	Against a judgment made in an appeal against a decision of the Small Claims Tribunal – where it involves a question of law of general public importance	Court of Appeal	Yes	Court of Appeal only Refusal of leave to appeal is final	Within 7 days after the date of the judgment	After leave to appeal is granted, issue and serve a Notice of Originating Motion setting out the

<i>Appeal from</i>	<i>Nature of appeal</i>	<i>Appeal to</i>	<i>Is leave to appeal required?</i>	<i>Where to apply for leave to appeal?</i>	<i>When to apply for leave to appeal?</i>	<i>When to issue or serve notice of appeal?</i>
Court of First Instance (Cont'd)						question of law and the grounds for which leave to appeal has been given

Appendix 2: Sample Notice of appeal for appeal against the decision of a District Court Master

DCCJ _____/20____

**IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
CIVIL JURISDICTION**

^(a) Action No. _____ OF 20____

General Reference

^(a) Insert case number

BETWEEN

^(b) Insert name of Plaintiff(s)

^(b) (1)

Plaintiff(s)

and

^(c) Insert name of Defendant(s)

^(c) (1)

Defendant(s)

**NOTICE OF APPEAL TO JUDGE IN CHAMBERS (ORDER 58) –
APPEAL AGAINST MASTER’S DECISION**

Take notice that the above-named *Plaintiff(s) / Defendant(s) _____ intends to appeal against the Decision of Master _____ of the District Court given on the ____ day of _____, 20 __ ordering / refusing to order that

^(d) State in full the Master’s Decision / Order appealed against

^(d) (2)

And further take notice that you are required to attend before *His/ Her Honour Judge _____ in Chambers * (open to public / not open to public) at the District Court of Hong Kong, Wanchai Law Courts, Wanchai Tower, 12 Harbour Road, Hong Kong on ____ day, the ____ day of _____, 20 __ at ____ o’clock in the *fore / after noon, on the hearing of an application by the said *Plaintiff(s) / Defendant(s) _____ for an Order that

^(e) State the order(s) to be sought

^(e) (2)

*And that the time for appealing against the said order be extended until after the hearing of this appeal.

(if the time for appeal has expired.)

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

^(f) Delete if not to be attended by Counsel

^(f) *And further take notice that it is the intention of the said *Plaintiff(s) / Defendant(s) _____ to attend by Counsel.

Dated this ____ day of _____, 20____

Registrar

(g) Insert name of the person bringing the Appeal
(h) Insert address of the person bringing the Appeal

This Appeal was brought 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:

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

To: (i) (2)
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)

Footnotes

- * Delete whichever is inapplicable.
- (1) Or to fill in details which appear on the originating document.
- (2) If the space here is insufficient, blank paper may be used and attached to this Notice.

Appendix 3: Sample Notice of appeal for appeal against the decision of a High Court Master

HCA _____/20__

IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF FIRST INSTANCE

(a) Action No. _____ OF 20__

General Reference

(a) Insert case number
(b) Insert name of Plaintiff(s)

BETWEEN

(b) (1) _____ Plaintiff(s)

and

(c) Insert name of Defendant(s)

(c) (1) _____ Defendant(s)

**NOTICE OF APPEAL TO JUDGE IN CHAMBERS (ORDER 58) –
APPEAL AGAINST MASTER’S DECISION**

(d) State in full the Master’s Decision / Order appealed against

Take notice that the above-named *Plaintiff(s) / Defendant(s) _____ intends to appeal against the Decision of Master _____ of the High Court given on the ____ day of _____, 20__ ordering / refusing to order that

(e) State the order to be sought

And further take notice that you are required to attend before the Honourable *Mr / Madam Justice _____ 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 by the said *Plaintiff(s) / Defendant(s) _____ for an Order that

*And that the time for appealing against the said order be extended until after the hearing of this appeal.
(if the time for appeal has expired.)

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

(f) Delete if not to be attended by Counsel

(f) *And further take notice that it is the intention of the said *Plaintiff(s) / Defendant(s) _____ to attend by Counsel.

Dated this ____ day of _____, 20__.

Registrar

(g) Insert name of the person bringing the Appeal
(h) Insert address of the person bringing the Appeal

This Appeal was brought by the *Plaintiff(s) / Defendant(s) ^(g) _____
_____ 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: (i) (2)
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)

Footnotes

- * Delete whichever is inapplicable.
- (1) Or to fill in details which appear on the originating document.
- (2) If the space here is insufficient, blank paper may be used and attached to this Notice.

Appendix 4: Sample Summons to apply for leave to appeal

CAMP _____/20____

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

General Reference

(a) Insert case number

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

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

(2) Order _____ rule ___ of Rules of the High Court

(d) State the order to be obtained

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

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

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

BETWEEN

(b) (1)

Plaintiff(s)

and

(c) (1)

Defendant(s)

S U M M O N S

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

(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) ^(g) _____
_____ 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: ⁽ⁱ⁾⁽³⁾

Name: _____

Address: _____

Name: _____

Address: _____

(i) Give the time estimate of the hearing

(i) 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.

Appendix 5: Sample notice of appeal to the Court of Appeal

CACV_____/20__

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

Civil Appeal No. _____ of 20__

(a) (On Appeal from _____ No. _____ of 20__)

General

Reference

(a) Insert lower court's case number.

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

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

BETWEEN

(b)(1)

Plaintiff(s)

and

(c)(1)

Defendant(s)

NOTICE OF APPEAL

Take notice that ⁽²⁾ (pursuant to the leave granted by * His / Her Honour Judge/ the Honourable * Mr / Madam Justice _____ on the _____ day of _____ of 20__), the Court of Appeal will be moved as soon as the above-named * Plaintiff(s) / Defendant(s) acting in person (or as the case may be) can be heard.

(d) State the Order to be appealed against.

On appeal from the Judgment or Order herein of *His/ Her Honour Judge/ the Honourable *Mr / Madam Justice _____ given on the _____ day of _____, of 20__, whereby it was adjudged / ordered that
(d)(3)

(e) State the particulars of order sought.

For an Order that the said *Judgment / Order may be set aside and that
(e)(3)

And for an Order that the * Plaintiff(s) / Defendant(s) _____ pays to the * Plaintiff(s) / Defendant(s) _____ the costs of this appeal.

(f) State the grounds of appeal

And further take notice that the grounds of this appeal are that
(f) (3)

**1. The learned Judge was wrong in fact and in law in holding that [set out the issue of law which the appellant says as wrongly decided in the court below]. The learned Judge ought to have held that [set out the conclusion of the appellant argues that the court below ought to have reached].*

General Reference

- *2. *The learned Judge wrongly exercised his discretion in that [set out the basis why you say it was wrong]. Having regard to the following circumstances [set them out], the learned Judge ought to have [set out the decision which you say he should have reached].*
- *3. *There was [no or no sufficient] evidence upon which the learned Judge could find [set out the finding of fact concerned].*
- *4. *The learned Judge's conclusion that [set out the finding] is inconsistent with his finding of fact that [set out the finding].*

And further take notice that *[the Plaintiff or Defendant or as the case may be] proposes that this appeal be assigned to the *[List of Final Appeals or List of Interlocutory Appeals or as the case may be].

Dated this _____ day of _____, 20 __

Signed

*(Plaintiff(s) / Defendant(s))

^(g) Insert name of the person taking out this Notice.

This Notice was taken out by the *Plaintiff(s) / Defendant(s) ^(g) _____ acting in person, whose address for service is

^(h)

Telephone No: _____

^(h) Insert address of the person taking out this Notice.

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

To: ⁽ⁱ⁾⁽³⁾

Name: _____

Address: _____

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

Name: _____

Address: _____

Foot-notes:

- * Delete whichever is inapplicable
- ⁽¹⁾ Or see lower court documents for reference.
- ⁽²⁾ Where leave to appeal is required, the Notice of Appeal should recite the judge who granted leave.
- ⁽³⁾ If the space here is insufficient, blank paper may be used and attached to this Notice.

CACV _____ / 20__

Certificate of service

I, (name) , have served this Notice of Appeal on the *[Plaintiff / Defendant / as the case may be] by ordinary post to [address] on _____ 20__.

(Signed)

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

(Civil Appeal No. _____ of 20 ____)
(On Appeal from _____ No. _____ of 20 ____)

BETWEEN

Plaintiff(s)

and

Defendant(s)

NOTICE OF APPEAL

Dated : ____ day of _____ , 20 ____

Filed on ____ day of _____ , 20 ____

I, (name), have served this Notice of Appeal on the Registrar of the District Court at the Registry on 6/F Wanchai Law Courts, 12 Harbour Road, Wanchai, Hong Kong by hand on _____ 20__.

(Signed)

*(Plaintiff / Defendant / as the case may be) in person
(Address for service)
(Tel No.)

Appendix 6: Sample notice of setting down an appeal

CACV _____/_____

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

Civil Appeal No. _____ of 20____

(On Appeal from _____ No. _____ of 20 ____)

BETWEEN

Plaintiff (s)

and

Defendant(s)

NOTICE OF SETTING DOWN AN APPEAL

TAKE NOTICE THAT the appeal herein, notice of which was served on you on _____, has this day been set down in the List of *Interlocutory/ Final Appeal.

Dated this _____ day of _____ 20____.

*(Plaintiff / Defendant / as the case may be) in person

To: (1) Registrar, District Court
(2) Messrs. _____, solicitors for the *[Plaintiff / Defendant / as the case may be]

** Delete whichever is inapplicable.*

Appendix 7: Sample application to fix a date for the hearing of an appeal

CACV _____/____

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

Civil Appeal No. _____ of 20____
(On Appeal from _____ No. _____ of 20 ____)

BETWEEN

Plaintiff (s)

and

Defendant(s)

APPLICATION TO FIX A DATE FOR THE HEARING OF AN APPEAL

1. *I/ We estimate that the time for hearing of this appeal will be _____ day(s).
2. The parties *have/ have not consulted together concerning the estimated length of this appeal and there *is/ is no agreement concerning the length of time for the hearing.
3. *I/ We request the appeal be listed before a bilingual division because:

and the approximate number of Chinese documents to be referred to in the appeal is _____ pages.
4. The parties *have / have not consulted together concerning whether the appeal should be listed before *a bilingual division / an English division of the Court of Appeal and there *is / is no agreement concerning the same.

Dated this _____ day of _____ 20_____.

*(Plaintiff(s) / Defendant(s)) in person

To: (1) Registrar, High Court

(2) Messrs. _____, solicitors for the *[Plaintiff(s) / Defendant(s)]
of _____

* Delete whichever is inapplicable.

Appendix 8: Sample index to an appeal bundle

CACV XXX / 20X6

IN THE HIGH COURT OF
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF APPEAL
Civil Appeal No. XXX of 20X6
(On Appeal from HCA XXX of 20X5)

BETWEEN

AAA 1st Plaintiff
BBB 2nd Plaintiff
CCC 3rd Plaintiff

And

DDD 1st Defendant
EEE 2nd Defendant
FFF 3rd Defendant
GGG 4th Defendant

APPEAL BUNDLE

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