

高等法院
司法常務官內庭用箋



Registrar's Chambers
The High Court

Our Ref.: SC 101/25/1 Pt.7

Tel. No.: 2825 4651

Fax No.: 2524 4860

5 August 2021

Mr Herbert Tsoi
Chairman of the Probate Committee
The Law Society of Hong Kong
3/F Wing On House
71 Des Voeux Road Central
Hong Kong

Dear Mr Tsoi,

**Re: Probate related applications before a Judge or Master?
Revocation of Grant and Removal/Substitution of Grantee**

The Probate Judge noted that some *ex-parte* originating summonses for (i) revocation of grant and (ii) removal/substitution of grantee had been incorrectly fixed before a Judge. Under Practice Direction (“PD”) 20.2, they should have been put before Master for disposal or directions before referral to Judge.

To avoid any unnecessary delay in processing application, attention of practitioners is hereby specifically drawn to paragraphs 16, 19, 20, 49 and 50 of the said PD. To sum up the procedures briefly:


- (1) The application should be put before Master if
 - (a) it is non-contentious¹, or
 - (b) it is not known whether it is contentious.
- (2) The application should be put before Judge if it is contentious.

¹ No *ex-parte* application should therefore be put before Judge.

In future, the matter will be referred to the probate master, the practice master or the Registrar for directions in case that the solicitor will be insisting on fixing such an application before a Judge when the Clerk of Court Office disagrees with him or her.

You may wish to circulate this letter among your fellow members.

Yours sincerely,



(J. Wong)
Probate Master

c.c. Probate Judge
Mr Registrar Kwang
All Masters of the High Court
Chief Probate Officer
Clerk of Court
Chief Judicial Clerk/High Court Registry