

高等法院原訟法庭  
歐陽桂如法官



HKLS 15 MAY '23 11:31

4  
CM

The Hon Madam Justice Au-Yeung  
Judge of the Court of First Instance  
The High Court

Tel: 2825 4532

Fax: 2524 4116

11 May 2023

Mr C.M. Chan  
President of the Law Society  
3/F, Wing On House,  
71 Des Voeux Road Central,  
Central,  
Hong Kong

Dear *President,*

**Applications made by letters**

The Court has been receiving lots of applications from solicitors by letters (or faxes), some of which are not even copied to the other parties of a case. Some letters have heavy enclosures.

May I remind practitioners of the case of *AXA China Region Insurance Co Ltd*, CACV 113/2016, 28 October 2016, §§44-45, 53-54 wherein Lam VP (as he then was) referred to the situation of solicitors in writing to the Court without regard to the proper procedure that should be followed.

Please be reminded that a party cannot expect a judge to read or reply to his/her letter unless it is written pursuant to the direction or leave granted the judge, or in response to requisitions from or matters initiated by the Court by letter or fax. Apart from queries regarding purely administrative or clerical matters which need not involve the exercise of any judicial power (like re-fixing of hearing dates by consent, clarification of judgments/orders which may call for corrigenda, or application for transcripts), the court generally will not take heed of applications, requests or assertions advanced by solicitors in correspondence.

Parties and solicitors can and should liaise by correspondence, but such correspondence should not be copied to the Court. Correspondence that is relevant to a particular application should be produced in the proper way, ie by way of exhibit to an affidavit filed in the context of that application.

Where there is an application to make, it should be done properly by a summons, supported by an affidavit (where needed) filed at the same time. Applications like variation of costs order nisi and stay of execution should not be done by letter.

I would be grateful if you could bring the above to the attention of your members.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Queeny', with a large circular flourish at the end.

Queeny AU-YEUNG  
Civil Listing Judge  
Court of First Instance of the High Court

c.c.

Registrar of the High Court

Listing Officer, Civil

Hong Kong Bar Association

Director of Legal Aid

Department of Justice (Civil Division)

Official Receiver