

Steps to follow in application to cease to act

1. The solicitor who initiates an application for ceasing to act should mark on the top of an affidavit in support with a request:

“REQUEST the affidavit/affirmation to be put in an envelope and not to be inspected without leave of the Court.”

2. The Registrar has given a standing direction that the request be accepted except in special circumstances.
3. On the rare occasion that the request is rejected, the party initiating the application will be notified and will have the right to make representation thereon.
4. If the request is granted, the affidavit/affirmation will be given a folio number and put in an envelope marked with a folio number and also with the following note in both Chinese and English:

“Affidavit/Affirmation in support of the application for ceasing to act. Pursuant to O. 67 r. 6A, this envelope cannot be opened and inspected without leave of the Court.”

5. The envelope with the document will be sealed with chop and staple. The envelope will be placed separate from the main proceeding papers. It will be kept either in the correspondence file to which outsiders do not have access or on the left side of the main file where the correspondences are kept, as the case may be.
6. Among the main proceeding papers a different colour sheet will be inserted in place of the affidavit in accordance with the folio number and will be written thereon the following note:

“The affidavit/affirmation in support of the application for ceasing to act has been put in a sealed envelope to be kept in the correspondence file/left side of the file.”

7. In case of search, the counter clerk of the Registry shall detach the correspondence file from the main file or remove from the main file the envelope together with the other materials not to be disclosed, as the case may be, before giving the main file to the searcher. This may reduce the chance of the searcher having access to the envelope and the document therein.
8. At the time of hearing of the application, the Master's clerk will retrieve the affidavit from the envelope and place it before the Master. After hearing the affidavit shall be put back to the envelope and sealed again as before. The envelope with the document will be kept in the former place i.e. the correspondence file or the left side of the main file, as the case may be.