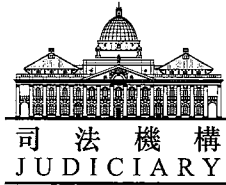


高等法院
司法常務官內庭用箋



Registrar's Chambers
The High Court

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本函檔號 Our Ref.: JUD RHC 6-20/1 Pt 2

9 June 2022

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

Dear C.M.,

Re: Practice Note on Applications to Companies Judge

The Hon Madam Justice Linda Chan, the Judge in charge of Companies and Bankruptcy List, has directed that the attached Practice Note be-circulated amongst members of the Law Society.

Please note that the Practice Note shall take immediate effect as it simply reminds the practitioners to abide by the Practice Direction.

Thank you.

Yours sincerely,

(Andy Ho)
Registrar, High Court

c.c. The Hon Madam Justice Linda Chan
Master Lai

Applications to Companies Judge

1. Practitioners are reminded that the following applications should be made to the Companies Judge (as required by PD 3.1, Part III, §2.1 and PD 11.1 §13):
 - 1.1. An urgent application relating to a Bankruptcy and Winding-up List matter. Such matter would include:
 - (a) Application for an injunction restraining the presentation of a winding up petition;
 - (b) Application for appointment of provisional liquidators;
 - (c) Application for recognition and assistance of foreign provisional liquidators and liquidators; and
 - (d) Application for validation order.
 - 1.2. An urgent application in ongoing or anticipated proceedings involving any matter relating to the internal management of companies. Such matter would include:
 - (a) Application for an injunction to restrain the holding of meeting of directors or shareholders of a company;
 - (b) Application for an injunction to restrain any person from acting in the capacity of director of a company;
 - (c) Application for appointment of receiver and/or manager of a company;
 - (d) Application relating to transfer of shares or registration of transfer of shares in a company;
 - (e) Application in which the standing of a party or intending party to make application or pursuant to the provisions of Part 14 Division 4 of the Companies Ordinance (Cap. 622) is or may be in issue; and
 - (f) Application for an injunction under ss.728-729 of the Companies Ordinance (Cap. 622).
2. For the above purpose, an urgent application includes an *ex parte* application (with or without notice) and an *inter partes* application. In the case of an *inter partes* application, the summons should be fixed before the Companies Judge or a Judge familiar with company matters

unless none of them is available to hear the summons within the next 4 working days in which case the summons may be fixed before the Summons Judge.

3. An urgent application should be made in accordance with the procedure set out in §§14-17 of PD 11.1. Solicitors are reminded that they should approach the Clerk of Court (instead of the clerk to individual Judge) when lodging the application at the Registry.
4. Other than an urgent application, all other application made under the Companies Ordinance (Cap. 622), the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) and the Bankruptcy Ordinance (Cap. 6) including paper application, should be filed with Registry whereupon the Clerk of Court will fix the date and time of the summons or assign the matter to the Companies Judge or a Judge familiar with company matters as appropriate. Solicitors should not approach the clerk to individual Judge when lodging the application or obtaining a hearing date of the application.