



BENNY KONG & YEUNG
SOLICITORS

江炳滔律師事務所

Agents for Patents, Trade Marks and Designs
專利、商標及外觀設計註冊代理人

知識產權
管理計劃
IPMM

DATE: 7th June 2010
OUR REF: 13287-L/BK/B/126-everpower
YOUR REF:
REPLY TO: Ms. Jennifer Chong/ Ms. Elsie Lau
Direct email: elsielau@bk.com.hk

香港金鐘夏慤道16號遠東
金融中心 29樓2901室
Unit 2901, 29th Floor, Far
East Finance Centre, 16
Harcourt Road, Admiralty,
Hong Kong

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☎ : +852 2519 3610
(Litigation)
+852 2519 9758
(Registration)
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BY POST BY FAX (86-571-56287763)

Hangzhou Ever-Power Transmission Co Ltd
Ground Floor, Block 27,
Zigui Garden, Xihu District,
Hangzhou, Zhejiang,
China, 311000

Attn: Mr. Edison Gan

Dear Sir,

Re: **Infringement of Copyright**
Respondent: Hangzhou Ever-Power Transmission Co Ltd

We refer to our letter dated 3rd June 2010.

We are instructed to, which we hereby do, enclose you herewith a draft Writ of Summons.

Unless our client's offer for settlement of this claim is accepted by you in time, we shall advise our client to file the attached to Court.

If you have any questions, please contact our Ms. Elsie Lau at (+852) 2519 3567.

如對以上有任何問題，請與本行劉小姐聯絡 (電話 +852-2519-3567)。

Yours faithfully,

BK+Y

BENNY KONG & YEUNG, Solicitors
Encl
JC/llk
c.c. client

Claim nature: Mixed
Intellectual Property

HCA /2010

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2010

BETWEEN

HONWELL PRODUCTS (HK) LIMITED

Plaintiff

and

HANGZHOU EVER-POWER TRANSMISSION
COMPANY LIMITED

Defendant

To the Defendant, Hangzhou Ever-Power Transmission Company Limited whose registered office is situate at Ground Floor, Block 27, Zigui Garden, Xihu District, Hangzhou, Zhejiang, China 311000.

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the back.

Within (14 days) after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Registry of the High Court the accompanying ACKNOWLEDGMENT OF SERVICE stating therein whether you intend to contest these proceedings or to make an admission.

If you fail to satisfy the claim or to return the Acknowledgement within the time stated, or if you return the Acknowledgement without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

If you intend to make an admission, you may complete an appropriate form enclosed in accordance with the accompanying Directions for Acknowledgment of Service.

Issued from the Registry of the High Court this day of 2010.

Registrar

Note:- This Writ may not be served later than 12 calendar months beginning with that date unless renewed by order of the Court.

IMPORTANT

Directions of Acknowledgement of Service are given with the accompanying form.

THIS WRIT was issued by **BENNY KONG & YEUNG** of Unit 2901, 29th Floor, Far East Finance Centre, 16 Harcourt Road, Admiralty, Hong Kong, Solicitors for the Plaintiff of Flat A, 12/F, Waylee Industrial Centre, 30-38 Tsuen King Circuit, Tsuen Wan, Hong Kong SAR.

Benny Kong & Yeung
Solicitors for the Plaintiff

IMPORTANT

This is a legal document. The consequence of ignoring it may be serious. If in doubt, you should enquire as soon as possible at the Registry of the Court issuing this document. (High Court: LG-1 High Court Building, 38 Queensway, Hong Kong; or District Court: 6th Floor, Wanchai Law Courts, 12 Harbour Road, Wanchai, Hong Kong). You should also consider taking the advice of a solicitor or applying for Legal Aid.

重要事項

因這是法律文件，忽視它可帶來嚴重的後果。如有疑問，請儘早向發出文件的法庭登記處查詢。[高等法院地址：香港金鐘道三十八號高等法院大樓低層一樓；或，地方法院：香港灣仔港灣道十二號六字樓]。你亦應考慮聽取律師的意見或是申請法律援助。

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2010**

BETWEEN

HONWELL PRODUCTS (HK) LIMITED

Plaintiff

and

HANGZHOU EVER-POWER TRANSMISSION
COMPANY LIMITED

Defendant

**ACKNOWLEDGMENT OF SERVICE
OF WRIT OF SUMMONS**

If you intend to instruct a Solicitor to act for you, give him this form **IMMEDIATELY**.

Important: Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, **THIS FORM MAY HAVE TO BE RETURNED**.

Delay may result in judgment being entered against a Defendant whereby he or his Solicitor may have to pay the costs of applying to set it aside.

See Notes 1, 3,
4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Writ is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes no

See Directions 3.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

yes no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Writ of Summons.

Where words appear
between square brackets,
delete if inapplicable

Service of the Writ is acknowledged accordingly.

Dated the day of 2010

*(Signed) [Solicitor] _____

Address for Service

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

Defendant in person. Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" means its registered or principal office.

江炳滔律師事務所
Benny Kong & Yeung
Solicitors for the Plaintiff
Unit 2901, 29th Floor
Far East Finance Centre
16 Harcourt Road, Admiralty
Hong Kong
Tel: (852) 2519 3567 Fax: (852) 2519 3610
[Our Ref: 13287-L/BK/B/126]

Admission (liquidated amount)

(O. 13A rr. 4(2), 5(2) & 13(2))

HCA / 2010

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2010

BETWEEN

HONWELL PRODUCTS (HK) LIMITED

Plaintiff

and

HANGZHOU EVER-POWER TRANSMISSION COMPANY
LIMITED

Defendant

Explanatory Note

1. The only claim the plaintiff has made against you is for a liquidated amount of money. You may admit the plaintiff's claim in whole or in part by completing this form –
 - (a) within the period for service of your defence if you have been served with a writ; *or*
 - (b) the period for filing of your affidavit evidence if you have been served with an originating summons; *or*
 - (c) within 14 days after service of the originating process in any other case.
2. If you have made an admission, you may only be allowed to amend or withdraw your admission if the Court considers it just to do so.
3. If you do not ask for time to pay, the plaintiff will decide how much and when you should pay.
4. If you ask for time to pay, the plaintiff will decide whether or not to accept your proposal for payment.
5. If the plaintiff accepts your proposal for payment, the plaintiff may, within 14 days after the copy of your admission is served on him, request the Court to enter judgment against you.
6. If the plaintiff does not accept your proposal for payment, the Court will decide how the payment should be made after considering –
 - (a) the information set out in this form;
 - (b) the reasons why the plaintiff does not accept your proposal for payment; and
 - (c) all other relevant matters.
7. The completed form should be filed in the Registry of the High Court.

How to fill in this form

- Tick the correct boxes and give as much information as you can. Then sign and date the form. If necessary provide details on a separate sheet, add the action number and attach it to this form.
- If you do not ask for time to pay, you need not complete items 2 to 9 and 11 to 14.
- If you ask for time to pay, make your offer of payment in item 14.
- If you are not an individual, you need not complete items 1 to 9 but you should complete items 10 to 12 and ensure that you comply with the requirement specified in item 13 and provide sufficient details about the assets and liabilities of your firm, company or corporation to support any offer of payment made in item 14.

- If you are an individual, you need not complete items 10 to 12 and need not comply with the requirement specified in item 13.
- You can get help to complete this form at the Registry of the High Court.

How much of the claim do you admit?

I admit the full amount claimed as shown on the statement of claim or

I admit the amount of

1. Personal details

Surname

Forename

Mr Mrs Miss Ms

Address

2. Dependants (people you look after financially)

(give details)

3. Employment

I am employed as a

My employer is

Jobs other than main job
(give details)

I am self employed as a

Annual turnover is

I am not in arrears with my mandatory provident fund contributions and income tax

I am in arrears and I owe

Give details of:
(a) contracts and other work
in hand

(b) any sums due for work done

--

I have been unemployed for

	years	months
--	-------	--------

I am a pensioner

4. Bank account and savings (please list all)

Bank account	In credit by \$	Overdrawn by \$

5. Residence

- I live in
- my own flat
 - my jointly owned flat
 - public housing estate
 - rented private flat
 - others (please specify)

6. Income

My usual take-home pay (including overtime, commission, bonuses, etc.)	\$	per month
My pension(s)	\$	per month
Others living in my home give me	\$	per month
Other income (give details below)		
	\$	per month
	\$	per month
	\$	per month
Total income	\$	per month

7. Other assets (please list and indicate their location)

--

8. Expenses

(Do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows:	
Mortgage (including second mortgage)	\$ per month
Rent	\$ per month
Rates and government rent	\$ per month
Management fees	\$ per month
Domestic helper's salary	\$ per month
Gas	\$ per month
Electricity	\$ per month
Water charges	\$ per month
Telephone charges	\$ per month
Housekeeping, food, school meals	\$ per month
Travelling expenses	\$ per month
Children's clothing	\$ per month
Tuition fees	\$ per month
Maintenance payments	\$ per month
Court orders	\$ per month
Others	
	\$ per month
	\$ per month
	\$ per month
Total expenses	\$ per month

9. Liabilities

(This section is for arrears only. Do not include regular expenses listed in item 8.)

Rent arrears	\$
Mortgage arrears	\$
Rates and government rent arrears	\$
Water charges arrears	\$
Fuel debts: Gas	\$
Electricity	\$
Others	\$
Maintenance arrears	\$
Loans and credit card debts (please list)	\$
Others (give details below)	

	\$
	\$
Total liabilities	\$

10. Firm, company or corporation

Name

Address

Tel. no.

11. Assets of firm, company or corporation (please list)

Property, plant and equipment		\$
Inventories		\$
Goodwill and other intangible assets		\$
Loans and receivables		\$
Bank balances and cash		\$
Others		\$
Total		\$

12. Liabilities of firm, company or corporation (please list)

Trade payables		\$
Tax payables		\$
Other payables		\$
Bank loans		\$
Other borrowings		\$
Others		\$
Total		\$

13. Attach to this form a copy of the latest audited profit and loss account and balance sheet of the firm, company or corporation

14. Offer of payment

<input type="checkbox"/> I can pay the amount admitted on	<input type="text"/>
Or	
<input type="checkbox"/> I can pay by [weekly/monthly etc.] installments of	\$ <input type="text"/>
Starting (date)	
If you cannot pay immediately, please give brief reasons below :	

15. Declaration I _____ declare that the details I have given above and in the attached sheet(s) (if any) are true to the best of my knowledge
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declaration Ordinance (Cap. 11)

Signed

Position or office held
(If signing on behalf of a firm,
company or
corporation)

With company chop
(if applicable)

Declared at _____ in Hong Kong on _____ of 20 _____.

Before me

[Signature and designation, i.e., Justice of the Peace/Notary
Public/Commissioner
for Oaths.]

Note — Under section 36 of the Crimes Ordinance (Cap. 200), a person who knowingly and wilfully makes a statement false in a material particular in a declaration or other document which he is authorized or required to make by an enactment is guilty of an offence.

— A defendant who is an individual must sign personally. A director of a company must obtain leave to represent the company from a Practice Master before he may sign on behalf of the company.

— If a plaintiff does not file a request for judgment within 14 days after this form is served on him, his claim is stayed until he files the request.

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. OF 2010

BETWEEN

HONWELL PRODUCTS (HK) LIMITED

Plaintiff

and

HANGZHOU EVER-POWER TRANSMISSION
COMPANY LIMITED

Defendant

Explanatory Note

1. The only claim the plaintiff has made against you is for an unliquidated amount of money. You may admit the plaintiff's claim in whole or in part by completing this form –
 - (a) within the period for service of your defence if you have been served with a writ; *or*
 - (b) the period for filing of your affidavit evidence if you have been served with an originating summons; *or*
 - (c) within 14 days after service of the originating process in any other case.
2. If you have made an admission, you may only be allowed to amend or withdraw your admission if the Court considers it just to do so.
3. You may offer a specified amount to satisfy the claim. If the amount you offer is accepted by the plaintiff, the plaintiff may request the Court to enter judgment against you for that amount. Alternatively, the plaintiff may request the court to enter judgment against you for an amount to be decided by the Court and costs.
4. You may also ask for time to pay. If the plaintiff does not accept your proposal for payment, the Court will decide how the payment should be made after considering –
 - (a) the information set out in this form;
 - (b) the reasons why the plaintiff does not accept your proposal for payment; and
 - (c) all other relevant matters.
5. The completed form should be filed in the Registry of the High Court.

How to fill in this form

- Tick the correct boxes and give as much information as you can. Then sign and date the form. If necessary provide details on a separate sheet, add the action number and attach it to this form.
- If you do not ask for time to pay, you need not complete items 2 to 9 and 11 and 12.
- If you are not an individual, you need not complete items 1 to 9 but you should complete items 10 to 12 and ensure that you comply with the requirement specified in item 13 and provide sufficient details about the assets and liabilities of your firm, company or corporation to support any offer of payment made.
- If you are an individual, you need not complete items 10 to 12 and need not comply with the requirement specified in item 13.
- You can get help to complete this form at the Registry of the High Court.

Part A Response to claim (*tick one box only*)

- I admit liability for the whole claim but want the Court to decide the amount I should pay (if you tick this box, you need not complete Part B and items 2 to 9, 11 and 12 and need not comply with the requirement specified in item 13)

OR

I admit liability for the claim and offer to pay in satisfaction of the claim

Part B How are you going to pay the amount you have admitted? (tick one box only)

I offer to pay on (date)

OR

I cannot pay the amount immediately because (state reason)

AND

I offer to pay by instalments of \$ per(week)(month) starting (date)

1. Personal details

Surname

Forename

Mr Mrs Miss Ms

Address

2. Dependants (people you look after financially)

(give details)

3. Employment

I am employed as a

My employer is

Jobs other than main job (give details)

My usual take-home pay (including overtime, commission, bonuses etc)	\$	per month
My pension(s)	\$	per month
Others living in my home give me	\$	per month
Other income (give details below)		
	\$	per month
	\$	per month
	\$	per month
Total income	\$	per month

7. Other assets (please list and indicate their location)

8. Expenses

(Do not include any payments made by other members of the household out of their own income)

I have regular expenses as follows:

Mortgage (including second mortgage)	\$	per month
Rent	\$	per month
Rates and government rent	\$	per month
Management fees	\$	per month
Domestic helper's salary	\$	per month
Gas	\$	per month
Electricity	\$	per month
Water charges	\$	per month
Telephone charges	\$	per month
Housekeeping, food, school meals	\$	per month
Travelling expenses	\$	per month
Children's clothing	\$	per month
Tuition fees	\$	per month

Maintenance payments	\$	per month
Court orders	\$	per month
Others		
	\$	per month
Total expenses	\$	per month

9. **Liabilities**
(This section is for arrears only. Do not include regular expenses listed in item 8.)

Rent arrears	\$
Mortgage arrears	\$
Rates and government rent arrears	\$
Water charges arrears	\$
Fuel debts : Gas	\$
Electricity	\$
Others	\$
Maintenance arrears	\$
Loans and credit card debts <i>(please list)</i>	\$
	\$
	\$
Others <i>(give details below)</i>	\$
	\$
	\$
Total liabilities	\$

10. **Firm, company or corporation**

Name	
------	--

Address	
---------	--

Tel. no.	
----------	--

11. **Assets of firm, company or corporation *(please list)***

Property, plant and equipment		\$
Inventories		\$
Goodwill and other intangible assets		\$
Loans and receivables		\$
Bank balances and cash		\$

Others		\$
Total		\$

12. Liabilities of firm, company or corporation (please list)

Trade payables		\$
Tax payables		\$
Other payables		\$
Bank loans		\$
Other borrowings		\$
Others		\$
Total		\$

13. Attach to this form a copy of the latest audited profit and loss account and balance sheet of the firm, company or corporation.

14. Declaration I _____ declare that the details I have given above and in the attached sheet(s) (if any) are true to the best of my knowledge
And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Oaths and Declaration Ordinance (Cap. 11)

Signed

Position or office held
(If signing on behalf of a firm,
company or
corporation)

With company chop
(if applicable)

Declared at _____ in Hong Kong on _____ of 20 _____.

Before me

[Signature and designation, i.e.,
Justice of the Peace/Notary Public/Commissioner
for Oaths.]

Note Under section 36 of the Crimes Ordinance (Cap. 200), a person who knowingly and wilfully makes a statement false in a material particular in a declaration or other document which he is authorized or required to make by an enactment is guilty of an offence.

A defendant who is an individual must sign personally. A director of a company must obtain leave to represent the company from a Practice Master before he may sign on behalf of the company.

If a plaintiff does not file a request for judgment within 14 days after this form is served on him, his claim is stayed until he files the request

No. 14
Acknowledgment of Service of Writ of Summons
(O. 12 r. 3)

Directions for Acknowledgment of Service

1. The accompanying form of ACKNOWLEDGMENT OF SERVICE should be detached and completed by a Solicitor acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Registry of the High Court at the following address: –

“LG1, High Court Building, 38 Queensway, Hong Kong.”

2. A Defendant who states in his Acknowledgment of Service that he intends to contest the proceedings MUST ALSO file a DEFENCE which must be written in either the Chinese or the English language with the registry and serve a copy thereof on the Solicitor for the Plaintiff (or on the Plaintiff if acting in person).

If a Statement of Claim is indorsed on the Writ (i.e. the words “Statement of Claim” appear at the top of the back), the Defence must be filed and served within 28 days after the time for acknowledging service of the Writ, unless in the meantime a summons for judgment is served on the Defendant.

If a Statement of Claim is not indorsed on the Writ, the Defence must be filed and served within 28 days after a Statement of Claim has been served on the Defendant.

If the Defendant fails to file and serve his defence within the appropriate time, the Plaintiff may enter judgment against him without further notice.

The Defendant’s defence must be verified by a statement of truth in accordance with Order 41A of the Rules of the High Court (Cap. 4 sub. leg. A).

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, you may admit the Plaintiff’s claim in whole or in part by completing Form No. 16 or 16C (as the case may require) accompanying the Writ of Summons.

A completed Form No. 16 or 16C must be filed with the Registry of the High Court and served on the Plaintiff [or the Plaintiff’s Solicitors] within the period for service of the Defence.

4. A Defendant who wishes to dispute the jurisdiction of the Court of First Instance in the proceedings or to argue that the Court of First Instance should not exercise its jurisdiction in the proceedings, and wishes to apply to the Court of First Instance for an order staying the proceedings, must give notice of intention to defend the proceedings and make the application within the time limited for service of a defence.

See over for Notes for Guidance

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgement of Service and return it to the Registry of the High Court.
2. For the purpose of calculating the period of 14 days for acknowledgement service, a writ served on the Defendant personally is treated as having been served on the day it was delivered to him and a writ served by post or by insertion through the Defendant’s letter box is treated as having been served on the seventh day after the date of posting or insertion.] (*Not applicable if the defendant is a company served at its registered office.*)
3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words “sued as (the name stated on the Writ of Summons)”.
4. Where the Defendant is a FIRM and a Solicitor is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description “partner in the firm of (.....)” after his name.
5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description “trading as (.....)” after his name.
6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorised to act on behalf of the Company, but the Company can take no further step in the proceedings without a Solicitor acting on its behalf.
7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian *ad litem*.
8. A Defendant acting in person may obtain help in completing the form at the Registry of the High Court.
9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

香港特別行政區
高等法院
原訟法庭
高等法院民事訴訟二零一零年第_____宗

原告人

對

被告人

致(被告人姓名)

(地址)

本傳訊令狀由上述示原告人就背頁所列出的索償聲請而向你發出。

在本令狀送達你後(14天)內(送達之日計算在內)，你必須了結該申索或將隨附的送達認收書交回高等法院登記處，並在認收書中述明你是否擬就本法律程序提出爭議或作出承認。

若你在上述指定期限內不清償有關的索償要求，或不交回送達認收書內述明是否擬提出抗辯，則你不會接獲進一步通知，原告人即可繼續進行訴訟，而屆時法庭亦可逕行判你敗訴。

本令狀由高等法院登記處在二零一零年……月……日發出。

註：本令狀必須在發出日期起計 12 個曆月內送達被告人；但經法庭下令准予延期不在此限。

重要事項

有關填寫送達認收書的須知事項已載列在夾附表格內。

若原告人的索償聲請只是爲了追討一筆債務或算定索償款額時：在交回送達認收書的規定期限內，如果被告人清付所索償款額和訟費 \$.00，又倘原告人獲准以間接方式送達令狀時，另加數額 \$.00，則本訴訟即予擱置。該筆款項必須付給原告人或其代表律師。

本令狀由江炳滔律師事務所代原告人申請發出，原告人的地址爲：.....。

香港特別行政區
高等法院
原訟法庭
高等法院民事訴訟二零一零年第_____宗

原告人

對

被告人

傳訊令狀送達認收書

如你擬委託律師代為辦理,須即把這表格交給他處理.

重要事項:填寫這表格前,必須小心閱讀附件內載的填寫須知事項和指南.如所提供的資料有錯漏時,則這份表格可能被退回.

如延遲填覆,可導致被告人被判敗訴,而被告人或其代表律師申請撤銷原判時,或須付出訟費.

參閱填寫指南 1、3、4 及 5 項.

1. 請填寫認收傳訊令狀的被告人全名;或倘由他人代表認收已送達的令狀時,亦請填寫該名被告人的全名.

2. 請註明被告人是否擬就這宗訴訟提出抗辯(請在適用的方格內加上「✓」符號)

是

否

請參閱填寫須知事項 3.

3. 如原告人尋求的唯一補救,是支付經算定款項或支付未經算定款項,述明被告人是否擬作出承認。(在適用的方格內加上“✓”號)。

是

否

如擬作出承認,被告人可藉填寫隨附於傳訊令狀的表格 16 或 16C (視乎情況所需) 而作出承認。

方括弧內不適用的句字請刪去.

本人現承認已收到傳訊令狀.

(簽署)[律師]()

[無律師作代表的被告人]

認收傳訊令狀地址

填寫有關認收傳訊令狀地址須知:

律師:如被告人由律師代表他,則須填寫律師在香港的辦事處.

沒有律師作代表的被告人--如被告人沒有律師代表他,則他須填寫他本人的住址;或如果他並非居於香港,則須填寫他在本港的通訊地址.如果被告是一間有限公司時,則須填寫公司的註冊地址或總辦事處地址.

表格 14
傳訊令狀送達認收書
(第 12 號命令第 3 條規則)

關於送達認收書的指示

1. 隨附的送達認收書表格應由代表被告人行事的律師撕下及填寫，或如被告人是親自行事，則應由被告人撕下及填寫。表格填妥後必須交付或以郵遞方式送交高等法院登記處，登記處的地址是：—

香港金鐘道 38 號高等法院低層 1 樓

2. 被告人如在其送達認收書中表示擬就法律程序提出爭議，則必須亦將一份抗辯書送交高等法院登記處存檔，該份抗辯書必須以中文或英文寫成，其文本並必須送達原告人的代表律師(或如原告人是親自行事，則送達原告人)。

如令狀註有申索陳述書(即在背頁上端出現“申索陳述書”等字)，則除非在對令狀作認收送達的時限後 28 天內有要求作判決的傳票送達被告人，否則必須在該段時限內將抗辯書送交存檔及送達。

令狀並無註有申索陳述書，則必須在申索陳述書送達被告人後 28 天內將抗辯書送交存檔及送達。

如被告人沒有在適當時限內將其抗辯書送交存檔及送達，則原告人可不發出進一步通知而登錄判被告人敗訴的判決。

被告人的抗辯書必須按照《高等法院規則》(第 4 章，附屬法例 A) 第 41A 號命令，以屬實申述核實。

3. 如原告人尋求的唯一補救，是支付經算定款項或支付未經算定款項，你可藉填寫隨附於傳訊令狀的表格 16 或 16C (視乎情況所需)，承認原告人的整項申索或其部分。

填妥的表格 16 或 16C 必須在送達抗辯書的限期內，送交高等法院登記處存檔，並送達原告人[或原告人的律師]。

4. 被告人如意欲對原訟法庭在法律程序中的司法管轄權提出爭議，或意欲辯稱原訟法庭不應在有關法律程序中行使其司法管轄權，並意欲向原訟法庭提出申請，要求作出擱置法律程序的命令，必須就法律程序發出擬抗辯通知書，並必須在送達抗辯書的時限內提出申請。

見隨附的填寫指引
填寫指引

1. 每一名被告人(如被告人多於一名)均須填寫一份送達認收書，並將之交回高等法院登記處。

[2. 為計算作認收送達的 14 天期限，面交送達被告人的令狀視作已在其交付被告人之日送達，而以郵遞或投入被告人信箱的方式送達的令狀，則視作已在投寄或投入被告人信箱之日後第七天送達。]

(備註：如被告人是一間公司而令狀是在該公司的註冊辦事處送達，則此條並不適用。)

3. 凡被告人是以有別於其本身姓名或名稱的姓名或名稱被起訴，表格必須由他填寫，並須在第 1 段中加上“以(傳訊令狀所述明的姓名或名稱)之名被起訴”等字。

4. 凡被告人是一間商號，且並沒有指示律師代為行事，表格必須由一名合夥人以其姓名或名稱填寫，並須在第 1 段中在其姓名或名稱之後加上“(.....)商號的合夥人”的描述。

5. 凡被告人是以個人身分以其本身姓名以外的名稱營業而被起訴，表格必須由他填寫，並須在第 1 段中在其姓名之後加上“以(.....)之名營業”的描述。

6. 凡被告人是一間有限公司，表格必須由律師或獲授權代該公司行事的人填寫，但該公司如無律師代表行事，則不得在法律程序中採取進一步的步驟。

7. 凡被告人是未成年人或精神病人，表格必須由辯護監護人的代表律師填寫。

8. 親自行事的被告人可在高等法院登記處獲取協助填寫表格。

9. 本填寫指引只適用於比較普通的案件，親自行事的被告人如有困難應參閱上文第 8 段。

二零一零年訟案第_____宗

香港特別行政區
高等法院
高等法院民事訴訟二零一零年第_____宗

原 訟 法 庭

訴 狀

原告人

對

被告人

江炳滔律師事務所
原告人代表律師
香港金鐘夏愨道 16 號
遠東金融中心 29 樓 2910 室
電話：(852) 25193567
傳真：(852) 25193610
檔案編號：

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO OF 2010**

BETWEEN

HONWELL PRODUCTS (HK) LIMITED Plaintiff

and

HANGZHOU EVER-POWER Defendant
TRANSMISSION COMPANY LIMITED

WRIT OF SUMMONS

Filed the day of 2010

Served the day of 2010

江炳滔律師事務所

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[Our Ref: 13287-L/BK/B/126]