

Notice of Application under Rule 98 or 100

FORM 14

TAKE NOTICE that this application will be heard at the District Court held at _____ [insert address of court] on the _____ day of _____ 19 _____, at _____ o'clock [or on a day to be fixed], and if you do not attend at that place and time, such order will be made as the Court thinks just.

A sealed copy of the application [and a copy of the affidavit in verification] is delivered with this notice.

You must complete and detach the acknowledgment of service and send it so as to reach the Court within 8 days after you receive this notice inclusive of the day of receipt. Delay in returning the form may add to the costs.

[Where the application is under rule 98] If you intend to contest the application, you must file an answer setting out the grounds on which you rely (including any allegation which you wish to make against the applicant), and in any case, unless otherwise directed, you must file an affidavit containing full particulars of your property and income. The affidavit and any answer you wish to file must be sent so as to reach the Court within 14 days after the time allowed for sending the acknowledgment of service. You must at the same time send a copy of your affidavit, and answer if any, to (the solicitor for) the applicant. If you file an answer alleging adultery you must at the same time send a copy of the answer to the alleged adulterer.

[Where the application is under rule 100] You must also swear an affidavit in answer to the application, setting out any grounds on which you intend to contest the application and containing full particulars of your property and income, and send the affidavit so as to reach the Court within 14 days after the time allowed for sending the acknowledgment of service. You must at the same time send a copy of the affidavit to (the solicitor for) the applicant.

If you intend to instruct a solicitor to act for you, you should at once give him all the documents which have been served on you, so that he may take the necessary steps on your behalf.

Dated this _____ day of _____ 19 _____.

.....

Registrar.

To the Respondent

[Rule 14(5)]

Acknowledgment of Service

If you intend to instruct a solicitor to act for you, give him this form immediately.

In the District Court of Hong Kong held at
No. of
Matter

Between
and

[and

Petitioner
Respondent
Co-Respondent]

1. Have you received the originating application [*or summons*] [and copy of the supporting affidavit] [*or the petition for [divorce]⁽²⁾*] delivered with this form?

⁽²⁾ Or as the case may be.

2. On what date and at what address did you receive it?

3. Are you the person named as the Respondent in the application [*or as*
_____ in the petition]⁽²⁾?

4. Do you intend to defend the case?

5. ⁽³⁾ [*In the case of a petition alleging any such fact as is mentioned in section 1A(2)(c) of the Ordinance (one year's separation and consent of respondent)*]: Do you consent to a decree being granted?

⁽³⁾ Delete if inapplicable.

6. ⁽³⁾ [*In the case of a petition asking for divorce and alleging any such fact as is mentioned in section 11A(2)(d) of the Ordinance (two years' separation)*]: Do you intend to oppose the grant of a decree on the ground that the divorce will result in grave financial or other hardship to you and that in all the circumstances it would be wrong to dissolve the marriage?

7. ⁽³⁾ In the event of the grant of a decree *nisi* and the Court holding that the only fact on which the petitioner was entitled to rely in support of the petition was any such fact as is mentioned in section 11A(2)(c) or (d) of the Ordinance (one year's separation and the consent of the respondent or two years' separation), do you intend to apply to the Court for it to consider your financial position as it will be after the divorce?

8. ⁽⁴⁾ Even if you do not intend to defend the case do you wish to be heard on the claim[s] in the petition for ⁽⁵⁾—

- (a) costs
- (b) custody of the children
- (c) periodical payments
- (d) maintenance pending suit
- (e) secured periodical payments
- (f) a lump sum
- (g) a settlement or transfer of property
- (h) variation of a settlement

⁽⁴⁾ Delete Question 8 except in the case of a petition.

⁽⁵⁾ Insert whichever of the following item is applicable.

9. ⁽⁶⁾ Do you wish to make any application on your own account for—

- (a) access to the children
- (b) custody of the children
- (c) periodical payments for the children
- (d) maintenance pending suit
- (e) periodical payments for yourself
- (f) a lump sum
- (g) secured periodical payments
- (h) settlement or transfer of property
- (i) variation of a settlement

⁽⁶⁾ Delete Question 9
(except in the case of a
respondent spouse in
proceedings begun by
petition).

(If possible answer YES or NO against each item in Question[s] 8 [and 9]. If you are uncertain leave a blank).

Dated this _____ day of _____ 19 ____.

(If a solicitor is instructed, he will sign below on your behalf but if the answer to Question 5 is Yes, you must also sign here).

Signed

Address for service [Unless you intend to instruct a solicitor, give your place of residence, or if you do not reside in Hong Kong, the address of a place in Hong Kong to which documents may be sent to you. If you subsequently wish to change your address for service, you must notify the Court.]

[Or, if a solicitor is instructed

I am [We are] acting for the Respondent [or the above named _____] in this matter.

Signed

Address for service:]

(L.N. 325 of 1982; L.N 246 of 1995; L.N 172 of 1996)