

Ex-parte application

HCCT /2024

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE

CONSTRUCTION AND ARBITRATION PROCEEDINGS NO. OF 2024

IN THE MATTER of a Final Award dated *[date]*
made by the Hong Kong Arbitration Society

and

IN THE MATTER of Section 84 of the Arbitration
Ordinance Cap. 609

and

IN THE MATTER of Order 73 Rule 10 of the
Rules of the High Court Cap. 4A

BETWEEN:-

[name]

Applicant

- and -

[name]

Respondent

AFFIRMATION OF *[name]*

I, *[name]*, *[position]* of *[address]*, do hereby solemnly, sincerely and truly
affirm and say as follows:-

1. I am the [*position*] of the Applicant herein. I am duly authorized by the Applicant to make this affirmation. The matters deposed hereto are within my knowledge and are true to the best of my knowledge, belief and information unless otherwise stated.

2. I make this Affirmation in support of the application of the Applicant for leave for the Applicant to enforce the Final Award [*date*] made by the Hong Kong Arbitration Society (“the Award”) in the same manner as a judgment or order to the same effect pursuant to Section 84 of the Arbitration Ordinance Cap. 609. There is now produced and shown to me marked exhibit “[]-1” a true copy of the Award.

3. The Applicant and the Respondent entered into a loan agreement and a supplemental loan agreement in writing dated [*date*]. Clause 1 of the said supplemental loan agreement states that “Any dispute or difference arising out of or in connection with the Loan Agreement and this Supplemental Loan Agreement shall, at the option of the Claimant (or the Plaintiff, as may be applicable), be referred to and finally resolved by arbitration administered by the Hong Kong Arbitration Society and in accordance with the HKAS Online Arbitration Rules for the time being in force or by court proceedings in Hong Kong courts.” There are now produced and shown to me marked exhibit “[]-2” copies of the said loan agreement and the said supplemental loan agreement.

4. I verify on behalf of the Applicant that the name of the Applicant is [*name*] and the registered and last known address of the Applicant is [*address*]. I verify on behalf of the Applicant that the name of the Respondent is [*name*] and the last known address of

the Respondent is [*address*]. There is now produced and shown to me marked exhibit “[]-3” a copy of the [*name of document*] from the Respondent to the Applicant showing the last known address of the Respondent.

5. The Award in writing was made on [*date*] by Hong Kong Arbitration Society under No. HOA-*[case number]*/2024 and it was ordered that the Respondent shall pay to the Applicant immediately as follows:-

- (1) The outstanding sum in the amount of HK\$*[amount]*.
- (2) Interest calculating in the annual rate of *[interest rate]*% from [*date*] up to the date of full repayment of the outstanding sum (i.e. HK\$*[amount]*) together with interest.
- (3) The arbitration fees in the amount of HK\$*[amount]*.

6. I verify on behalf of the Applicant that the copies of the said loan agreement, the said supplemental loan agreement and the copy of the Award exhibited are true copies.

7. The Respondent has failed to comply with the Award and has not paid any of the said outstanding sum, the said interest and the said arbitration fees which the Respondent is by the Award directed to pay to the Applicant.

8. I therefore respectfully ask this Honourable Court for an order for leave for the Applicant to enforce the Award in the same manner as a judgment or order to the same effect pursuant to Section 84 of the Arbitration Ordinance Cap. 609. There is now

produced and shown to me marked exhibit “[]-4” a copy of the draft order.

AFFIRMED at)
)
)
this day of [date])

Before me,

I, [name], [position] to Messrs. [firm name], Solicitors of [address], do affirm and say that I well understand the Cantonese dialect of the Chinese language and the English language and that I have truly, distinctly and audibly interpreted the contents of this affirmation to the Affirmant.

AFFIRMED at)
)
)
this day of [date])

Before me,

This Affirmation is filed on behalf of the Applicant.

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COURT OF FIRST INSTANCE
CONSTRUCTION AND ARBITRATION
PROCEEDINGS NO. OF 2024

IN THE MATTER of a Final Award dated
[*date*] made by the Hong Kong Arbitration
Society

and

IN THE MATTER of section 84 of the
Arbitration Ordinance Cap. 609

and

IN THE MATTER of Order 73 Rule 10 of
the Rules of the High Court Cap. 4A

BETWEEN:-

[*name*] Applicant

- and -

[*name*] Respondent

AFFIRMATION OF [*Name*]

Filed on this day of 2024.

Messrs. [*firm name*],
Solicitors for the Applicant,
[*address*]
Tel: [*tel. no.*] Fax: [*fax no.*]

Our Ref: