

----- Original Message -----

From: Ms. Margaret Ng
To: Ng shek-wai
Cc: margaret ng
Sent: Tuesday, May 19, 2009 5:46 PM
Subject: Re: Need Urgent assistant and attention

Dear Mr Ng,

Please understand that I am not encouraging you to go for judicial review. I am just saying that it is not without remedy even if there is an abuse of power by the registrar. You are right that in order to apply for judicial review, you would need leave first. But the application for leave is made to a judge, not to a registrar.

With best regards,

Margaret Ng

----- Original Message -----

From: Ng shek-wai
To: Ms. Margaret Ng
Sent: Monday, May 18, 2009 1:46 PM
Subject: Re: Need Urgent assistant and attention

Dear Ms Ng,

Many thanks for your quick feedback.

I would like to bring your attention to a dilemma when my case is discussed in the panel. To bring a JR, my company still need a permission from the Registrar to do it! So, it is a chicken and egg problem. If the Registrar is reasonable, there won't a problem in the 1st instance. If he is unreasonable, "no one" can resolve the dilemma in the rule.

S.W.Ng

From: Ms. Margaret Ng <margaret@margaretn.com>
To: Ng shek-wai
Cc: margaret ng <margaret@margaretn.com>
Sent: Tuesday, May 19, 2009 1:28:46 PM
Subject: Re: Need Urgent assistant and attention

Dear Mr Ng,

Thank you for your message. As Chairman of the Panel, I am of course happy to ask the Clerk of the Panel to bring your message to the attention of members of the Panel. It will be up to them to decide whether to discuss the matter.

Speaking for myself, I do not think your interpretation of Order 5 rule 6(1) is correct, because you will not be able to "carry on proceedings" yourself on behalf of your company without leave being given by the Registrar under Order 5 rule 6(3), and you say that leave has been refused. Under the rules, the only way in which your company can carry on the appeal is by obtaining legal representation, and you need to discuss that with your solicitor.

However, I do feel that you should consider carefully and objectively whether you should carry on with the appeal, because there are cost implications. If you lose, you may be liable for the costs on the other side.

As far as Rule 6(4) is concerned, again speaking for myself, the reason for the prohibition is no doubt a matter of resources. The rule does not prevent a person from bringing judicial review against the decision of the Registrar if it was an abuse of power. Whether an application for judicial review is meritorious or not is, of course, a different matter. Anyone who wants to pursue such a course must first consider that question carefully and objectively.

With best regards,

Margaret Ng

----- Original Message -----

From: Ng shek-wai

Sent: Monday, May 18, 2009 12:40 PM

Subject: Need Urgent assistant and attention

Dear members of the Panel on Administration of Justice and Legal Services,

I am the director and sole owner of a limited company. I have an appeal in the Appeal Court to be heard on 5th June. However, I was refused twice by the practice master to represent my own company to appear in the court.

The reason given for the 1st refusal was that my case is unarguable. This is a irrelevant reason and a trespass of the jurisdiction of the Appeal Court. Even worst in my 2nd application, the practice master simply refused to receive my application form. I was told to think about it myself over the phone through the mouth of another lady.

Against this background, my solicitor promised to submit the skeleton argument on my behalf. It is because Order 5, rule 6.(1) of the High Court Rules merely say: "any person may begin and carry on proceedings in the High Court by a solicitor or in person.". Our interpretation is that as long as I have a solicitor to act for me to submit documents, I shall be able to proceed to the stage of submitting the Skeleton Argument. I merely lose my chance to present and argue in the hearing.

Unfortunately, my solicitor ate his words and refused to submit my skeleton suddenly last Friday. My company becomes a ghost. This will completely deprive me of the right to have a fair trial.

In this respect, I call for urgent assistant from any of you to give me advice and direction on this matter. This Friday is the deadline to submit a Skeleton Argument.

Furthermore, I would like to your panel to discuss the absurd Order 5, rule 6.4. This rule forbid the applicant from appeal. This would mean even if the master concerned abused his power to deprive the applicant of its right to act in person, no one can do anything about it. This is injustice.

Your sincerely,

S.W.Ng