

Contract Law in Hong Kong

Michael J. Fisher and Desmond G. Greenwood

Third Edition by Michael J. Fisher

<http://www.pbookshop.com>

Hong Kong University Press
The University of Hong Kong
Pokfulam Road
Hong Kong
www.hkupress.hku.hk

© 2007 Michael J. Fisher and Desmond G. Greenwood
© 2018 Third Edition Michael J. Fisher

ISBN 978-988-8455-78-2 (*Hardback*)
ISBN 978-988-8455-74-4 (*Paperback*)

All rights reserved. No portion of this publication may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system, without prior permission in writing from the publisher.

British Library Cataloguing-in-Publication Data
A catalogue record for this book is available from the British Library.

10 9 8 7 6 5 4 3 2 1

Printed and bound by China Translation & Printing Services Ltd., Hong Kong, China

Contents

Preface	ix
Table of Cases	xii
Table of Legislation	xxviii
Chapter 1 The Nature of Contract Law in Hong Kong	1
OVERVIEW	1
1.1 What Contract Is	3
1.2 The Function of Contract Law	8
1.3 Is Hong Kong's Contract Law "Special"?	23
Chapter 2 Sources of Hong Kong Contract Law	26
OVERVIEW	26
2.1 Hong Kong Contract Law before 1997	27
2.2 The Effect of the "Handover" and the Basic Law: Hong Kong's Present System	31
2.3 The Declaratory Theory of Judicial Precedent	38
2.4 The Continuing Influence of English Law in Practice	40
Chapter 3 Agreement	43
OVERVIEW	43
3.1 The Significance of Agreement	44
3.2 The Requirement of Offer and Acceptance	44
3.3 Offer Distinguished from Invitation to Treat	46
3.4 The Nature of Acceptance	56
3.5 Communication of Acceptance	62
3.6 Acceptance in Ignorance of the Offer	70
3.7 Termination of Offer	72
3.8 Certainty of Agreement	76
3.9 The "Objective" Test of Agreement	85
Chapter 4 Consideration	86
OVERVIEW	86
4.1 The Nature of Consideration	89

4.2	Past Consideration	92
4.3	Consideration Must Move from the Promisee	93
4.4	Sufficiency of Consideration	94
4.5	Performance of Existing Duty	100
4.6	Part-payment of a Debt	111
4.7	Promissory Estoppel	116
4.8	The Need for the Doctrine	126
Chapter 5 Intention to Create Legal Relations		127
OVERVIEW		127
5.1	Is Intention Necessary?	128
5.2	Domestic and Social Arrangements	131
5.3	Commercial Arrangements	134
Chapter 6 Contractual Capacity		139
OVERVIEW		139
6.1	Drunkenness and Mental Incapacity	141
6.2	Corporations	141
6.3	Minors (Infants)	142
Chapter 7 Formality		152
OVERVIEW		152
7.1	The General Rule	153
7.2	Contracts Required to Be under Seal	154
7.3	Contracts in Writing or Evidenced in Writing	155
Chapter 8 Contractual Terms		164
OVERVIEW		164
8.1	Representations and Terms	166
8.2	Written Contracts: The Parol Evidence Rule	170
8.3	The “Meaning” of Express Terms	173
8.4	Implied Terms	174
8.5	Classification of Terms: Conditions, Warranties and Innominate Terms	183
8.6	Exemption Clauses	191
Chapter 9 Misrepresentation		217
OVERVIEW		217
9.1	The Scope of Misrepresentation	219
9.2	Rescission for Misrepresentation	231
9.3	Damages for Misrepresentation	236
9.4	Contributory Negligence	247
9.5	Exemption of Liability for Misrepresentation	247

Chapter 10 Mistake	251
OVERVIEW	251
10.1 Is a Doctrine of Mistake Necessary?	253
10.2 Types of Mistake	254
10.3 Common Mistake	255
10.4 Mutual Mistake	264
10.5 Unilateral Mistake	266
10.6 Rectification of Written Documents	273
10.7 <i>Non Est Factum</i>	277
10.8 Proposals for Reform	280
Chapter 11 Duress and Undue Influence	282
OVERVIEW	282
11.1 Duress	284
11.2 Undue Influence	296
Chapter 12 Unconscionability	317
OVERVIEW	317
12.1 Statutory Unconscionability in Hong Kong	318
12.2 Unconscionability at Common Law	323
Chapter 13 Illegal Contracts	328
OVERVIEW	328
13.1 Types of Illegal Contracts	329
13.2 Gambling Contracts	332
13.3 The Effects of Illegality	334
13.4 Contracts in Restraint of Trade	348
Chapter 14 Termination of Contracts	363
OVERVIEW	363
14.1 Termination by Agreement	364
14.2 Termination by Performance	366
14.3 Termination by Breach	370
14.4 Termination by Frustration	383
Chapter 15 Remedies for Breach of Contract	401
OVERVIEW	401
15.1 Damages	403
15.2 Equitable Remedies	432
15.3 Limitation of Actions	440
Chapter 16 Privity of Contract	442
OVERVIEW	442
16.1 The Doctrine of Privity of Contract	443
16.2 Third Party Benefits	444

16.3 Third Party Burdens	452
16.4 The Relationship with Consideration	454
16.5 Legislative Reform	455
Appendix 1 Glossary of Terms	461
Appendix 2 Important Contract Legislation: English and Hong Kong Equivalents	465
Appendix 3 Limitation Periods: English and Hong Kong Equivalents	467
Bibliography	468
Index	470

<http://www.pbookshop.com>

Table of Cases

- A Solicitor v Law Society of Hong Kong* 25, 30, 40, 41, 114, 262, 263
- Adams v Lindsell* 68
- Addis v Gramophone Co* 410, 413–415
- Adler v Dickson* 204, 205
- Advanced Chemicals Ltd v Centaline Property Agency Ltd* 158
- Aerial Advertising v Batchelors Peas Ltd (Manchester)* 414
- Afovos, The* 377, 378
- Ailsa Craig Fishing Co Ltd v Malvern Fishing Co Ltd and Securicor* 200, 201, 210
- Aktieselskabet Dansk v Wheelock Marlon & Co Ltd & Others* 220
- Alan & Co Ltd v El Nasr Export and Import Co* 122
- Albert v Motor Insurers' Bureau* 133
- Allcard v Skinner* 299, 300, 313, 441
- Alliance and Leicester Building Society v Edgestop Ltd* 247
- Alpenstow Ltd v Regalian Properties plc* 58
- Always Win Ltd v Autofit Ltd* 198
- Amalgamated Investment & Property Co Ltd v J Walker & Sons Ltd* 280, 385, 387
- A-Mayson Development Co Ltd v Betterfit* 378
- Andayani v Chan* 179, 180, 341
- Andre et Cie v Ets Michel Blanc & Fils* 226
- Andrews Bros Ltd v Singer & Co Ltd* 199
- Anglia Television Ltd v Reed* 419, 420
- Annadale v Harris* 332
- Apple Corps Limited v Apple Computer, Inc* 63, 66
- Appleby v Myers* 393
- Appleson v H. Inglewood Ltd* 134
- Appleton v Campbell* 332
- Apvovedo NV v Terry Collins* 259
- Arrale v Costain Civil Engineering Ltd* 98
- Ashmore, Benson, Pease & Co Ltd v AV Dawson Ltd* 343, 344
- Associated Japanese Bank (International) Ltd Credit du Nord SA* 253, 258
- Astley v Austrust Ltd* 431
- Atkinson v Denby* 340, 341
- Atlantic Baron, The (North Ocean Shipping v Hyundai)* 284, 287, 288
- Atlas Express Ltd v Kafco (Importers and Distributors) Ltd* 108, 289, 295
- Attorney General and Another v Humphreys Estate (Queen's Garden) Ltd* 57, 82
- Attorney General v Melhado Investments Ltd* 177
- Attorney-General of Australia v Adelaide Steamship Co* 360
- Attorney-General of Belize & Others v Belize Telecom & Another* 178, 179
- Attwood v Lamont* 351, 361, 362
- Attwood v Small* 229, 230
- Au Wing Cheung v Roseric Ltd* 59
- Austerberry v Oldham Corporation* 452
- Avery v Bowden* 380, 388
- Avon Finance Co Ltd v Bridger* 308, 327

- Awwad v Geraghty* 341
Aylesford (Earl of) v Morris 323
- B & B Construction Ltd v Sun Alliance & London Insurance* 445
Bachicha v Poon Shiu Man Henry 326, 415, 422
Baird Textiles Holdings Ltd v Marks & Spencer plc 120
Balchita Ltd v Kam Yuk Investment Co Ltd & Another 246
Balfour v Balfour 128, 131, 132, 469
Ballett v Mingay 140, 149, 150
Balmoral Group Ltd v Borealis (UK) Ltd & Others 61
Bank of China (HK) Ltd v Tsang Sheung Bun 308
Bank of China (HK) Ltd v Wong Kam Ho & Others 301
Bank of China (Hong Kong) Ltd v Cosan Ltd 114
Bank of China (Hong Kong) Ltd v Fung Chin Kan 172
Bank of China (Hong Kong) Ltd v PR of Fu Kit Keung (deceased) 219, 279
Bank of China (Hong Kong) Ltd v Wong King Sing & Others 40, 305, 304
Bannerman v White 166
Barclay's Bank v Coleman 301
Barclay's Bank v O'Brien 299–303, 309
Barry v Heathcote Ball & Co (Commercial Auctions) Ltd 52
Barton v Armstrong 285, 297
Baskcomb v Beckwith 434
BCCI v Aboody 296, 297, 299, 300, 303
BCCI v Ali (No 2) 414
Beacon College Ltd v Yiu Man Hau & others 439
Behnke v Bede Shipping Co Ltd 436
Behzadi v Shaftesbury Hotels Ltd 374
Bell v Lever Bros 254, 257–261
Belvoir Finance Co Ltd v Stapleton 342
Bentley (Dick) Productions Ltd v Harold Smith (Motors) Ltd 168, 169, 217, 236
Best Sheen Development Ltd v Official Receiver and Trustee 338, 345
Best Star Holdings Ltd v Lam Chun Hing & Others 339
Bestkey Development Ltd v Incorporated Owners of Fine Mansion 120, 121, 123
Beswick v Beswick 448–451
Bewise Motors Co Ltd v Hoi Kong Container Services Ltd 201
BG Plc v Nelson Group Services (maintenance) Ltd 223, 224
Birse Construction Ltd v Eastern Telegraph Co Ltd 418, 419
Bissett v Wilkinson 224, 225
Blackpool and Fylde Aeroclub Ltd v Blackpool Borough Council 55, 56
Bliss v SE Thames RHA 413, 414
Bobux Marketing Ltd v Raynor Marketing Ltd 83, 84
Bouqar (HRH Prince Jeffrey) v KPMG 351
Bolton v Mahadeva 369
Bowerman v Association of British Travel Agents Ltd 54, 134
Bowmakers Ltd v Barnet Instruments Ltd 329, 337
BP Exploration Co (Libya) Ltd v Hunt (No 2) 397–399
BP Refinery (Westernport) Pty Ltd v Pres. of Shire of Hastings 177–179
Brace v Calder 428
Bradbury v Morgan 76
Bradford v Robinson Rentals 408
Bravo Two Zero case (see R v HM'S A–G for England & Wales)
Brennan v Bolt Burdon 260, 264
Bridge v Deacons (a firm) 353, 354, 359
Brimnes, The 67, 74
Brinkibon Ltd v Stahag Stahl 67
Brio Electronic Commerce Ltd v Tradelink Electronic Commerce Ltd 425
British Crane Hire Corp Ltd v Ipswich Plant Hire Ltd 175, 197

- British Reinforced Concrete Engineering Co Ltd v Schelff* 357
- British Russian Gazette & Trade Outlook Ltd v Associated Newspapers Ltd* 365
- Broad Money Development Ltd v Industrial Engineers Ltd* 428
- Brogden v Metropolitan Railway* 69, 70
- Buchanan, Susan v Janesville Ltd* 353
- Bull v Pitney-Bowes Ltd* 355, 359
- Bunge Corp v Tradax Export SA* 190, 374
- Burnard v Haggis* 149
- Butler Machine Tool Ltd v Ex-Cell-O-Corp (England) Ltd* 60, 61
- Byrne v Van Tienhoven* 69, 73
- Cable & Wireless (Hong Kong) Ltd Staff Association v Hong Kong Telecom International Ltd* 135
- Calimpex International v ENZ* 45
- Canada Steamship Lines Ltd v R* 200
- Capacious Investments Ltd v Secretary of Justice* 59, 73
- Car and Universal Finance v Caldwell* 231, 232
- Carewins Development (China) Ltd v Hecny Shipping Ltd* 204
- Carillon Construction Ltd v Felix (UK) Ltd* 290, 291
- Carlill v Carbolic Smoke Ball Co* 53, 54, 64, 71, 74, 75, 92, 97, 137, 333, 442
- Casey's Patents, Re* 93
- Cathay Pacific Airways Ltd v Hong Kong Air Cargo Terminals Ltd* 60
- Cavendish Square Holdings BV v El Makdessi* 426
- CCC Films (London) Ltd v Impact Quadrant Films Ltd* 420
- Cehave v Bremer (the Hansa Nord)* 7, 189
- Centaline Property Agency Ltd v Suen Wai Kwan Samantha* 157
- Central London Property Trust Ltd v High Trees House Ltd* 112, 116–118, 120, 123–126
- Centrovincial Estates plc v Merchant Investors Insurance Co Ltd* 4, 45
- Chan Juen v Yu Fook Shung* 157
- Chan Man Tin v Cheng Leeky* 95, 96
- Chan Ting-lai, Peter v Same Fair Co Ltd* 340
- Chan Woon-hung t/a Ocean Plastic Factory v Assoc. Bankers Insurance Co Ltd* 194, 279
- Chan Yat v Fung Keong Rubber Manufactory Ltd* 158
- Chan Yau v Chan Calvin & Another* 330, 339
- Chan Yeuk Yu v Church Body of the Hong Kong Sheung Kung Hui* 137, 226
- Chandler v Webster* 395
- Chang Pui Yin & Others v Bank of Singapore (CA)* 321
- Chang Pui Yin & Others v Bank of Singapore (CFJ)* 320
- Chao Keh Lung (Bill) v Don Xia* 371, 372
- Chapelton v Barry UDC* 194, 195
- Chaplin v Hicks* 421, 422
- Chaplin v Leslie Frewin (Publishers) Ltd* 147
- Chappell & Co Ltd v Nestle Co Ltd* 96, 97
- Charge Card Services, Re* 50
- Chartbrook Ltd v Persimmon Homes Ltd* 174, 274
- Chea Kam Wing v Kwan Kin Travel Services Ltd* 207
- Cheerbond Development Ltd v Tung Kwok Yu* 338, 345
- Cheese v Thomas* 14, 314, 315, 434
- Chekiang First Bank Ltd v Fong Siu Kin* 300
- Chemco Leasing v Rediffusion* 137, 138
- Cheng Kwok-fai v Mok Yiu-wah, Peter and Another* 248, 249
- Chesneau v Interholme* 243
- Cheuk Tze Kwok v Leung Yin King and Another* 275
- Cheung Kit Lai & Another v Rich Prosper Ltd & Another* 388, 389
- Chichester v Cobb* 110
- Chin Luk Properties Ltd v Casil Cleaning Ltd* 404

- China Great Wall Finance Co v Wondersouth Industries Ltd* 81
- Chiu Wing Hang v BG Lighting Co Ltd* 114, 115
- Chong Cheng Lin Courtney v Cathay Pacific Airways Ltd* 98
- Chong Kai Tai & another v Lee Gee Kee & another* 374
- Choy Nga Wai Nancy v Gentle Smart Ltd & Another* 416, 417
- Chu Yu Tin & Others v Lo Kwok Hung* 80
- Chuang Yue Chien Eugene v Ho Yau Kwong Kevin* 332
- Chudley & Others v Clydesbank Bank Plc* 457
- Chung Mui Teck & Others v Hang Tak Buddhist Hall Association* 339
- Chwee Kin Keong & Others v Digilandmall.com Pte Ltd* 50, 51, 68, 267
- CIBC Mortgages Plc v Pitt* 283, 296, 297, 309, 310
- Circle Freight International Ltd v Medeast Gulf Exports* 61
- Citilite Properties Ltd v Innovative Development Co Ltd* 275
- City and Westminster Properties Ltd v Mudd* 173
- City Polytechnic of Hong Kong v Blue Cross (Asia-Pacific) Insurance Ltd* 56, 98, 103
- City University of Hong Kong v Blue Cross (Asia-Pacific) Insurance Ltd* 56, 98, 103
- Clarke v Dunraven* 4, 44, 45
- Clea Shipping Corp v Bulk Oil International (The Alaskan Trader) (No 2)* 382, 430
- Clements v London and North Western Railway Co* 145, 146
- Cleveland Petroleum Co Ltd v Dartstone Ltd* 358
- Clifford, Frank W Ltd v Garth* 346
- Closegate Hotel Development (Durham) Ltd v McLean* 119
- CMC Group plc v Zhang* 424
- Cole v Rana* 412
- Collier v P & MJ Wright (Holdings) Ltd* 19, 36, 113, 114, 122, 124–126, 434, 469
- Collins v Godefroy* 101
- Combe v Combe* 116, 120, 125
- Commercial Bank of Australia v Amadio* 327
- Condor v Barron Knights Ltd* 387, 388
- Conlon v Simms* 223
- Constantine (Joseph) Steamship Line Ltd v Imperial Smelting Corp Ltd* 392, 393
- Cooper v Phibbs* 255
- Co-operative Insurance Society Ltd v Argyll Stores (Holdings) Ltd* 437
- Copeland v Baskin Robbins USA et al* 83
- Cosmo Sea Freight (HK) Ltd v Gold King Consolidator Ltd* 100
- Couchman v Hill* 167, 171, 172, 206
- Courtney & Fairburn Ltd v Tolaini Bros (Hotels) Ltd* 83
- Couturier v Hastie* 253, 255–258
- Coward v Motor Insurers' Bureau* 133
- Creatiles Building Materials Co Ltd v To's Universe Construction Co Ltd* 374
- Cricklewood Property & Investment v Leighton's Investment Trust* 393
- Crow v Rogers* 446
- CTI Group Inc v Transclear SA* 387
- CTN Cash & Carry Ltd v Gallagher Ltd* 293
- Cundy v Lindsay* 270–272
- Currie v Misa* 89
- Curtis v Chemical Cleaning and Dyeing Co Ltd* 205, 206, 221
- Cutter v Powell* 365–369, 387, 391
- D & C Builders v Rees* 14, 111, 112, 121, 124, 286, 287, 324, 434
- Daiwa Bank Ltd v Foco Woollen Yarns Co Ltd* 326
- Dany Lions Ltd v Bristol Cars* 262
- Darton Ltd v Hong Kong Island Development Ltd* 57

- Daulia Ltd v Four Millbank Nominees Ltd* 75
- Daventry DC v Daventry & District Housing Ltd* 274
- Davis Contractors Ltd v Fareham UDC* 7, 280, 384–387, 391, 393
- De Francesco v Barnum* 146
- De La Bere v Pearson* 97, 403
- De Mattos v Gibson* 453, 454
- De Monsa Investments Ltd v Richly Bright International Ltd* 410
- Denny Mott & Dickson v Fraser & Co* 383, 388
- Derry v Peek* 237, 324
- Destiny 1 Ltd v Lloyds TSB Bank Plc* 85
- Dex (Asia) Ltd v DBS Bank (HK) Ltd* 260
- Diamond Jubilee Investment Ltd v Chan Yiu Chung Sidney* 381
- Dickinson v Dodds* 46, 73, 74, 76
- Diesen v Samson* 412
- Dimskal Shipping Co SA v ITWF (The Evia Luck)* 286
- Diners Club International (HK) Ltd v Ng Chi Sing and Ng Yan Kiang* 297
- Distribution Ltd v Amann & Sohne GmbH & Another* 171
- Dixie Engineering Co Ltd v Vernatex Co Ltd (t/a Wing Wo Engineering Co)* 118, 119, 122
- Donoghue v Stevenson* 207, 215
- Doyle v Olby Ironmonger Ltd* 241
- DSND Subsea Ltd v Petroleum Geoservices ASA* 290, 291
- Dunlop Pneumatic Tyre Co Ltd v New Garage & Motor Co Ltd* 423–425
- Dunlop Pneumatic Tyre Co Ltd v Selfridge & Co Ltd* 443–447, 454
- East Epoch International Ltd v Wong Poon Ting* 395
- East v Maurer* 239, 242
- Ecay v Godfrey* 167
- Edgington v Fitzmaurice* 229
- Edwards v Skyways Ltd* 134, 136
- Edwinton v Tsavlis (The Sea Angel)* 387
- Elco Holland BV v Airwell Air Conditioning (Asia) Co Ltd* 179
- Entores v Miles Far East Corporation* 63, 66, 67
- Errington v Errington & Woods* 74, 75
- Esquire Electronics Ltd v Hong Kong and Shanghai Banking Corp Ltd* 21, 22, 294, 295, 300, 311
- Esso Petroleum Co Ltd v Customs & Excise Commissioners* 96
- Esso Petroleum Co v Mardon* 172, 239
- Esso Petroleum v Harper's Garage (Stourport) Ltd* 358
- Estinah v Golden Hand Indonesian Employment Agency* 290
- Etacol (Hong Kong) v Sinomast Ltd* 46
- Eugenia, The* 390
- Eurymedon, The* (see *New Zealand Shipping v Satterthwaite*)
- Evans J & Son (Portsmouth) v Andrea Merzario Ltd* 170, 171
- Everet v Williams* 330
- Everlong Securities Co Ltd v Wong Sio Po* 134
- Evia Luck, The (No 2)* (see *Dimskal Shipping Co SA v ITWF*)
- Experience Hendrix LLC v PPX Enterprises Inc* 416
- Faccenda Chicken v Fowler* 350
- Farley v Skinner* 413, 414
- Federal Commerce and Navigation Co Ltd v Molena Alpha Inc* 376
- Feldarol Foundry plc v Hermes Leasing (London) Ltd* 213
- Felthouse v Bindley* 64, 65
- Fercometal SARL v Mediterranean Shipping Co SA, The Simona* 378
- Ferguson v Davies* 114, 365, 366
- Fibrosa Spolka Akcyjna v Fairburn, Lawson, Combe, Barbour Ltd* 395
- Fine Master Ltd v Nippon Circuits Ltd* 100

- Finlay (James) & Co Ltd v NV Kwik Hoo Tung Handel Maatschappij* 428
- First National Bank v Walker* 313
- First Shanghai Enterprises Ltd v Dahlia Properties Ltd (No. 2)* 429
- Fisher v Bell* 49
- Fitch v Snedaker* 72
- Fleet v Murton* 175
- Fletcher v Krell* 220
- Flint v Brandon* 433
- Flood v Shand Construction Ltd* 247
- Foakes v Beer* 112–114, 118, 123–125, 365
- Fok Chun Yue Benjamin v Fok Chun Wan Ian & Others* 174
- Foley v Classique Coaches Ltd* 77, 78
- Fong Huen v Anthony Wong* 110
- Forest International Gaskets Ltd v Fosters Marketing Ltd* 244
- Forsikringsaktieselskapet Vesta v Butcher* 431
- 4 Eng Ltd v Harper & Simpson* 239
- Franco v Bolton* 331, 332
- Frost v Knight* 377
- Fuji Xerox (HK) Ltd v Vigers Hong Kong Ltd* 383
- Gallie v Lee (Saunders v Anglia BS)* 277, 278
- Galloway v Galloway* 258
- Gamerco SA v ICM / Fair Warning (Agency) Ltd* 396, 397
- Gee Tai Trading Co Ltd v Sun Wah Oil & Cereal Ltd* 79
- Geir v Kujawa, Weston and Warner Bros (Transport) Ltd* 193
- Gibbons v Proctor* 71, 469
- Gibson v Manchester City Council* 4, 45, 47, 48
- Gibson v Proctor* 71
- Gilbert v Ruddeard* 90
- Giles (C. H.) & Co v Morris* 437
- GKN Centrax Gears Ltd v Matbro Ltd* 414
- Glasbrook Bros Ltd v Glamorgan County Council* 101
- Global Bridge Assets Ltd & Others v Sun Hung Kai Securities Ltd* 156
- Glory Gold Ltd v Star Play Development Ltd* 211, 249, 250
- Glynn H (Covent Garden) Ltd v Wittleder* 194
- Golden Strait Corporation v Nippon Kubishika Kaisha* 44, 380, 432
- Goldsoll v Goldman* 361
- Gonin, Re* 161
- Goodman Corporation v Mataichi Kabushiki Kaisha* 81
- Gordon v Selico Co Ltd* 219, 229
- Government of Zanzibar v British Aerospace (Lancaster House) Ltd* 247
- Grainger v Gough* 54
- Gran Geo Ltd v Richcliff (Group) Ltd and Others* 247
- Graves v Graves* 254
- Gray v Southouse* 340
- Great Peace Shipping Ltd v Tsavlis (International) Ltd* 252, 255, 259–264
- Green Park Properties Ltd v Dorku Ltd* 210, 246, 248
- Griffith v Brymer* 258
- Grimes (John) Partnership Ltd v Gubbins* 410
- Grist v Bailey* 261
- GSL Engineering Ltd v Yau Hon Yin Sammon & ors* 382
- Hadley v Baxendale* 107, 401, 404–407, 409, 410
- Haigh v Brooks* 97
- Halpern v Halpern* 260, 314
- Hamer v Sidway* 91
- Hamilton Jones v David & Snape* 412
- Hang Seng Credit Card Ltd v Tsang Nga Lee* 321
- Hardwick (Ronald Claud) & Another v Spence Robinson* 412, 413
- Harlingdon & Leinster Enterprises Ltd v Hull Fine Art Ltd* 181, 182

- Harris v Sheffield United Football Club Ltd* 101
- Harris v Watson* 104
- Hartley v Ponsonby* 103
- Hartog v Colin and Shields* 266, 267
- Harvela Investments Ltd v Royal Trust Co of Canada Ltd* 55
- Harvey v Facey* 46, 47
- Harvey v Ventilatorenfabrik Oelde GMBH* 193
- Hayes v J & C Dodd (A Firm)* 413
- Haywood v Brunswick PBBS* 452
- Haywood v Zurich* 228
- Health Link Investment Ltd v Pacific Hawk* 373
- Hedley Byrne & Co Ltd v Heller & Partners Ltd* 230, 236, 239–241, 247
- Heilbut Symons v Buckleton* 169, 170, 172
- Hellmuth Obata & Kassabaum Inc v King* 138
- Her Majesty's Attorney-General v Blake* 416, 421
- Hermann v Charlesworth* 331
- Herne Bay Steam Boat Co v Hutton* 386
- Heron II, The* (see *Koufos v C Czarnikow Ltd*)
- Heywood v Wellers (A Firm)* 412, 413
- Hick v Raymond & Reid* 374
- HIH Casualty & General Insurance Ltd v Chase Manhattan Bank & Others* 223
- Hill v C.A. Parsons Ltd* 440
- Hillas & Co Ltd v Arcos Ltd* 18, 77, 78
- Hirachand Punamchand v Temple* 115
- Hirji Murji v Cheong Yue SS Co* 395
- HKSAR v Ma Wai Kwan David and Others* 33
- HKSAR v Wan Hon Sik* 49
- HM Revenue & Customs v Debenhams Retail Plc* 9
- Ho Wing Cheong and Others v Graham Margot and Another* 352
- Hochster v De La Tour* 377
- Hoening v Isaacs* 369
- Hoffberger v Ascot Bloodstock Group* 428
- Hoie Sook Fong & Anotherr v Ismail Halima & Another* 52
- Hollier v Rambler Motors (AMC) Ltd* 198, 199
- Holwell Securities v Hughes* 69
- Hong Chi Mui v Tong Ching Company* 340
- Hong Jing Co Ltd v Zhuhai Kwok Yuen Investment Co Ltd* 85, 380
- Hong Kong Advanced Knitwear Company v Chan Chak-man* 80
- Hong Kong Aircrew Officers Association v Cathay Pacific Airways Ltd* 130, 136
- Hong Kong Fir Shipping Co, Ltd v Kawasaki Kisen Kaisha Ltd* 187–190, 374
- Horsfall v Thomas* 228, 229
- Horton v Horton (No 2)* 99, 100
- Houghton v Trafalgar Insurance Co Ltd* 199
- Hounslow LBC v Twickenham Garden Developments Ltd* 382, 430
- Household Fire Insurance Co v Grant* 68
- Howard Marine & Dredging Co Ltd v Ogden & Sons (Excavations) Ltd* 241, 249
- Huen Wai Kei v Choy Kwong Wa Christopher* 99
- Hughes, Thomas v Metropolitan Railway* 112, 117, 118, 123, 124
- Hulton v Hulton* 234
- Hummingbird Music Ltd v Acconci & Acconci* 355, 356
- Hurst Stores and Interiors v M I Europe Property* 274
- Hutton v Warren* 175
- Hyde v Wrench* 59, 73
- Hyundai Engineering & Construction Co Ltd v Vigour Ltd* 84
- IFE Fund SA v GSI International* 240
- Independiente Ltd & Others v Music Trading Online (HK) Ltd* 176
- ING Bank NV v Tsui Tsin Tong* 289

- Ingram v Little* 267–269, 271, 272
Inland Revenue Commissioners v Fry 85
Interfoto Pictures Library Ltd v Stiletto Visual Programmes Ltd 196, 197, 220, 250
International Trading Co Ltd v Lai Kam Man & Others 431
Investors Compensation Scheme Ltd v West Bromwich Building Society (No 1) 173
Ip Ming Kin v Wong Siu Lan 425
Irvine, Re 76
- Jaayar Impex Ltd v Toaken Group Ltd* 70
Jackson & another v Royal Bank of Scotland Plc 405
Jackson v Horizon Holidays Ltd 443, 449–451, 457
Jackson v Union Marine Insurance Co Ltd 388
Jan Albert (HK) Ltd v Shu Kong Garment Factory Ltd 263, 390
Jarvis v Swan Tours Ltd 411–413
Jennings v Rundall 149
Johnson v Agnew 379, 434
Johnson v Unysis Ltd 414
Johnson, Stokes & Master v Trevor Ernest Boucher 336
Jones v Padavatton 6, 129, 133
Jones v Vernon Pools Ltd 135
Jorden v Money 117, 126
Joscelyne v Nissen 273
JP Morgan Chase Bank v Springwell Navigation Corp 224
Jumbo King Ltd v Faithful Properties Ltd & Others 166, 171, 173
- Kansa General International Insurance Co Ltd Re* 274
Kao Lee & Yip v Edwards 354, 359, 362
Kao Lee & Yip v Euro Treasure Ltd 94, 95
Kar Ho Development Co Ltd v Axis Investment Ltd 371
Karsales (Harrow) Ltd v Wallis 202
Kensland Realty Ltd v Whale View Investment Ltd 180
- Kepong Prospecting Ltd v Schmidt* 455
Khatun & others v Newham LBC 215, 320
Ki Hing Lau v The Shun Loong Lee Firm 332
Kim & Kim v Chasewood Park Residents Ltd 119, 126
Kin Wah JF Construction & Engineering Co Ltd v L & M Foundation Specialist Ltd 365
Kincheng Banking Corporation v Kao Yu Kuei 279
Kingswood Estate Co Ltd v Anderson 161
Kiriri Cotton Co Ltd v Dewani 340
Kleinwort Benson Ltd v Lincoln City Council 38, 39, 226, 260
Kleinwort Benson Ltd v Malaysian Corp Bhd 138
Koo Ming Kwon (or Kwon) v Next Media & Others 53, 54, 72, 82, 83
Korbetis v Transgrain Shipping BV 68
Kores Manufacturing Co Ltd v Kolok Manufacturing Co Ltd 355
Koufos v C Czarnikow Ltd. (The Heron II) 406–409
Kowloon Development Finance Ltd v Pendex Industries Ltd & Others 274, 276
Krell v Henry 384–386, 389–391
Kwan Siu Man v Yaacov Ozer 76, 157
Kwang Qian Wen Marie v Kwan Kit Yuk 179
Kwok Chor Shan v Empire Properties Development Consultants Ltd 157, 158
Kwok Lai Ting v Hughes & Hough 52
Kyle Bay Ltd (t/a Astons Nightclub) v Underwriters 258
- Laemthong International Lines Co Ltd v Abdullah Mohammed Fahem & Co* 456, 457
Lagden v O'Connor 404
Lai Ke Bin v Capital Project Development Ltd 436

- Lambert v Co-Operative Insurance Society Ltd* 222, 223
- Lambert v Lewis* 226
- Lampleigh v Braithwait* 93
- Lansing Linde Ltd v Kerr* 350, 351
- Lau Suk Ching Peggy v Ma Hing Lam & Others* 436
- Lau Ting Tai v Chung Chun Kwong & Others* 339
- Laurence v Lexcourt Holdings* 261
- Lauritzen, (J) AS v Wijsmuller BV (the "Super Servant Two")* 391–393
- Law Pak Fun & Another v Tai Lee Fat International Ltd & Others* 338
- Lazenby Garages Ltd v Wright* 428
- Leaf v International Galleries* 233, 234, 259, 441
- Lee Fu Wing v Yan Po Ting Paul* 211, 250
- Lee Siu Fong Mary v Ngai Yee Chai* 59, 72
- Lee Yu Cheung v Accelspeed Co Ltd* 451
- Leeds United FC v Chief Constable of West Yorkshire Police* 101
- Leeman v Stocks* 158
- Leslie, R Ltd v Sheill* 150, 151
- L'Estrange v Graucob* 192, 252
- Leung Wan Kee Shipyard Ltd v Dragon Pearl Night Club Restaurant & Another* 429, 430
- Lewis v Averay* 234, 267–269, 271
- Li Ching Wing v Xuan Yi Xiong* 394
- Li Sau Ying v Bank of China (HK) Ltd* 284, 301, 304, 305
- Li Ting Kit Tso & Others v Cheung Tin Wah & Another* 339
- Liesbosch Dredger v SS Edison (The Liesboch)* 403
- Link Folk Ltd v Glorious Motors Ltd* 204, 211, 227, 236, 250
- Liu Chong Hing Bank Ltd v Ocean Importers & Exporters Co Ltd and Others* 289
- Liverpool City Council v Irwin* 11, 177, 179
- Lloyd's Bank v Bundy* 300, 317, 324
- Lloyds v Harper* 450, 451
- Lo Wo and Others v Cheung Chan Joseph and Another* 14, 15, 325
- Lo Yuk Sui v Fubon Bank (HK) Ltd* 134, 179
- Lobb, Alec (Garages) Ltd v Total Oil (Great Britain) Ltd* 358
- Lobley Co Ltd v Tsang Yuk Kiu* 55
- Lombard North Central plc v Butterworth* 185, 186, 373
- London County Council v Allen* 453
- Long Ford Garment Ltd v JAS Forwarding (Hong Kong) Ltd* 266
- Long v Lloyd* 232, 233
- Long Year Development Ltd v Tse Fuk Man Norman* 244
- Long, Edward & Co Ltd v Polytex Cotton Goods Traders Ltd* 365
- Lord Stratford & Steamship Co v Dominion Coal Co Ltd* 454
- Luen Yick Co v Tang Man Kee Machinery Workshop* 422–424
- Luo Xing Juan Angela v Estate of Hui Shui See, Willy & Others* 126
- Luxor (Eastbourne) Ltd v Cooper* 75
- Lynch v DPP for N Ireland* 294
- Lynch v Thorne* 177
- Ma Ip (or Yip) Hung v Lai Chuen* 134
- Maddison v Alderson* 160
- Magee v Pennine Insurance Co Ltd* 261
- Mahmoud and Ispahani, Re* 335
- Mahmud v BCCI SA (in liquidation)* 414
- Mahoney v Purnell* 315, 316
- Makhutai (The)* 445, 446
- Malik v BCCI* 179, 403, 414, 415
- Manchester DC for Education v Commercial and General Investments Ltd* 65, 66
- Mandarin Container & Others, Re* 425
- Manohar Chugh v T/A Electric & Electronic Industries v OKA Electronics Ltd* 61
- Maritime National Fish Ltd v Ocean Trawlers* 391, 392

- Marks & Spencer Plc v BNP Paribas Securities Services Trust Co (Jersey) & Another* 178, 179
- Marles v Philip Trant & Sons Ltd (No 2)* 342
- Massey v Midland Bank Plc* 310
- Master Yield Ltd v Ho Foon Yung Anesis & Others* 227
- Mau Wing Industrial Ltd v Ensign Freight Pte Ltd & Another* 197
- Max Components Ltd v Cyclo Transportation Co Ltd* 202
- May & Butcher v R* 78
- McArdle, Re* 93
- McCutcheon v David MacBrayne Ltd* 198
- McRae c Commonwealth Disposals Commission* 253, 256, 257, 420
- Mehta v J Pereira Fernandes SA* 51
- Merritt v Merritt* 130, 132
- Mersey Steel & Iron Co. v Naylor Benzon & Co* 375
- Metropolitan Electric Supply Co v Ginder* 438
- MFM Restaurants Pte Ltd v Fish & Co Restaurants Pte Ltd* 410
- Mihalis Angelos, The* 190
- Million Way Ltd v To Shing Wo & Others* 275
- Ming Shiu Ching & others v Ming Shiu Sum and others* 191, 327
- Mir Abdul Rehman v Mir Heena* 284
- Mitchell (WG) Gleneagles Ltd & Another v Jemstock One Ltd* 273
- Mohamed v Alaga & Co* 341
- Mondial Shipping & Chartering BV v Astarte Shipping Ltd* 67
- Moorcock, The* 176
- Morison, Son & Jones (Hong Kong) Ltd v Yiu Wing Construction Co Ltd* 446
- Morris v Baron & Co* 365
- Morris-Garner & Another v One Step (Support) Ltd* 416
- Mosvolds Rederi v Food Corp of India* 176
- MSC Mediterranean Shipping Co SA v Cottonex Anstalt* 382
- Murray v Leisureplay plc* 425
- Museprime Properties Ltd v Adhill Properties Ltd* 227
- MWB Business Exchange Centres Ltd v Rock Advertising Ltd (Rev 1)* 109, 114, 125
- Nanyang Credit Card Co Ltd v Ying Wei (Hop Hick) Cargo Service* 200
- Napier v National Business Agency* 346
- Nash v Inman* 143–145, 151
- National Carriers v Panalpina* 385, 393, 394
- National Commercial Bank (Jamaica) v Hew* 306, 307, 311, 315
- National Westminster Bank plc v Morgan* 324
- Naturzi SPA v De Coro* 360
- Naughton v O'Callaghan* 241
- NBTY Europe Ltd v Nutricia International BV* 265
- Nema, The* (see *Pioneer Shipping Ltd case*)
- New Bright Industrial Co v Golden Bright Manufacturer Ltd* 433
- New World Development Co Ltd v Sun Hung Kai Securities Ltd* 83, 137
- New Zealand Shipping Co Ltd v Satterthwaite & Co Ltd (The Eurymedon)* 111, 205, 445, 446
- Newbigging v Adam* 235
- Newtons of Wembley Ltd v Williams* 232
- Ngai Keung v Ming Yiu Heng* 230
- Nicolene Ltd v Simmonds* 79
- Nordenfelt v Maxim Nordenfelt* 348, 349, 353, 357, 359
- North Ocean Shipping v Hyundai (The Atlantic Baron)* 284, 287, 288
- Northern Foods Ltd v Focal Foods Ltd* 70
- Notts Patent Brick & Tile Co v Butler* 221
- Ofir Scheps v Fine Art Logistic Ltd* 197
- Okachi (Hong Kong) Co Ltd v Nominee (Holding) Ltd* 189, 190

- Olley v Marlborough Court Ltd* 195
On Park Parking Ltd v SOJ 178
Opel & Anotherr v Mitras Automotive (UK) Ltd 105, 109
Orient Technologies Ltd v A Plus Express (HK) Ltd 202
Oriental Pearl South Africa Project CC v Bank of Taiwan 193
Oscar Chess v Williams 166, 168, 169
O'Sullivan v Management Agency and Music Ltd 315
OTB International Credit Card Ltd v Au Sai Chak, Michael 325
Otis Elevator Co (Hong Kong) Ltd v Wide Project Engineering & Construction Co Ltd 446
- Page One Records Ltd v Britton & Others* 439
Pagnan SPA v Feed Products 77
Pan Atlantic Co Ltd v Pine Top Insurance Co Ltd 223
Panayiotou & Others v Sony Music Entertainment (UK) Ltd 356
Pankhania v Hackney LBC 226, 247
Pao On v Lau Yiu Long 93, 105, 106, 109, 111, 287, 288, 290
Paradine v Jane 20, 383
Parker v Clark 133
Parker v South Eastern Railway 192, 194
Parker v Taswell 155
Parking Eye Ltd v Beavis 426, 427
Parkinson v College of Ambulance Ltd 330, 331, 335
Parsons H.(Livestock) Ltd v Uttley, Ingham & Co Ltd 407, 408
Partridge v Crittenden 51, 53, 54
Patel v Mirza 337, 338
Patel's Wall Street Exchange Ltd v SK International 264
Pathak Ravi Dutt v Sanjeev Maheshwari 191
Payne v Cave 51, 73
PCCW-HKT & Another v Aitken & Another 351
- Pearce v Brooks* 332
Pearce v Gardner 159
Pearson, S & Son Ltd v Dublin Corporation 229
Pepper v Hart 247
Pepsi-Cola International Ltd v Charles Lee 242–244, 247
Perry v Sidney Phillips & Son 413
Peters v Fleming 139
Petromec v Petroleo Brasileiro 83
Petrotrade Inc v Texaco Ltd 198
Peyman v Lanjani 232
Pharmaceutical Society of Great Britain v Boots Cash Chemists 48, 49
Philips Hong Kong Ltd v The Attorney-General of Hong Kong 424, 425
Phillips Products Ltd v Hyland 208, 209
Phillips v Brooks 264
Photo Production Ltd v Securicor Transport Ltd 202, 203
Pickfords Ltd v Celestica Ltd 62
Pinnel's Case 111, 112, 123, 125, 126, 363, 365, 469
Pioneer Shipping Ltd v BTP Tioxide Ltd (the "Nema") 388
Pitt v P. H. H. Asset Management Ltd 84, 85, 98, 102
Pitts (Anthony) & Others v Andrew Jones 90
Planche v Colburn 368
Polaroid Far East Ltd v Bel Trade Co Ltd and others 241, 242
Polyset Ltd v Pahandat Ltd 426, 427
Posner v Scott-Lewis 437
Postlethwaite v Freeland 374
Powell v Lee 63
Prenn v Simmonds 174, 274
Proactive Sports Management Ltd v Rooney & Others 356
Profit Step Development Ltd & Another v Sun Rising Development (Agriculture) Ltd & Another 295
Proform Sports Management Ltd v Proactive Sports Management Ltd 146

- Prosperous Nursing Centre Ltd v Cheung Yuk Ying* 336
- Pym v Campbell* 170
- QRS Sciences v BTG International* 274
- R & B Customs Brokers Ltd v United Dominion Trust Ltd* 213
- R v Andrews* 330
- R v Clarke* 71, 72
- R v Her Majesty's Attorney-General for England and Wales (Bravo Two Zero)* 291, 292, 294, 306
- Radford v De Froberville* 418
- Raffles v Wilchelhaus* 265, 266
- Rainy Sky SA v Kookmin Bank* 173
- Ramsgate Victoria Hotel Co v Montefiore* 75
- Rawlinson v Ames* 161
- Redgrave v Hurd* 229, 230
- Reichman v Beveridge* 382
- Reigate v Union Manufacturing Co* 176
- Rever (AMA) Salon Ltd v Kung Wai For Danny* 353
- Reynolds v Atherton* 76
- Rhone v Stephens* 452
- Rice (t/a Garden Guardian) v Great Yarmouth BC* 186
- Richardson Green Shields of Canada (Pacific) Ltd v Keung Chak Kin* 333
- Rigby v Connol* 436
- Ritchie v Atkinson* 368
- Roberts & Co Ltd v Leicestershire CC* 4, 274
- Roberts v Gray* 145
- Roberts v Havelock* 368
- Rose (Frederick E.) (London) Ltd v Pim Junior (William H.) & Co Ltd* 261, 273
- Rose and Frank v Crompton* 135, 136
- Ross v Caunters* 240
- Routledge v Grant* 73, 74
- Routledge v McKay* 166, 167, 169
- Royal Bank of Scotland v Etridge (No 2)* 40, 284, 301–305, 307, 310–312, 324
- Royscot Trust Ltd v Rogerson and another* 19, 243, 244, 247
- RTS Flexible Systems Ltd v Molkerei Alois Muller GMBH* 45, 58
- Russ (Tim) & Co v Robertson & Others* 351
- Ruxley Electronics Ltd v Forsyth* 417–419
- Ryan v Mutual Tontine Westminster Chambers Association* 437
- Sadler v George Reynolds* 136
- Safehaven Investments Inc v Springbok Ltd* 379, 380
- Salt v Stratstone Specialist Ltd* 234, 247
- Samuel v Wadlow (aka Seal)* 313
- Sang Lee Investment Co Ltd v Wing Kwai Investment Co Ltd & Another* 434
- Santani Ltd v Shum Shuk Fong* 237, 238
- Saunders v Anglia Building Society* 277–279
- Scoty v Southern Health and Social Services Board* 181
- Scammell v Ouston* 78
- Schawel v Reade* 167, 168
- Schroeder, A Music Publishing Co Ltd v Macaulay* 356
- Schuler AG v Wickman Machine Tools Ltd* 16, 184–186, 372, 373
- Scorer v Seymour-Johns* 361
- Scotson v Pegg* 110
- Scruttons Ltd v Midland Silicones Ltd* 204, 205
- Security Pacific Credit (HK) Ltd v Wong Kwong Shing & Another* 278
- Selectmove, Re* 113, 114, 122, 124–126, 365
- Shadwell v Shadwell* 90, 91, 95, 98, 110, 111
- Shanghai Tonhji Science & Technology Industrial Co Ltd v Casil Clearing Ltd* 70, 272
- Shanklin Pier Ltd v Detel Products Ltd* 171
- Sharp (GF) & Co Ltd v McMillan* 395
- Shirlaw v Southern Foundries Ltd* 176

- Shogun Finance Ltd v Hudson* 252,
269–272
- Shuey v US* 74
- Shum Kit Ching v Caesar Beauty Centre Ltd* 320, 426
- Shun Shing Investment Ltd v AG* 177, 178
- Siboen, The and the Sibotre* 286, 287
- Simona, The* (see *Fercometal SARL case*)
- Simpkins v Pays* 132
- Sindall (William) plc v Cambridgeshire County Council* 245, 246, 253, 254
- Singh v Ali* 342
- Sky Petroleum Ltd v VIP Petroleum Ltd* 435, 436
- Smith and Snipes Hall Farm Ltd v River Douglas Catchment Board* 446, 447
- Smith New Court Securities Ltd v Scrimgeour Vickers (Asset Management) Ltd* 238, 244
- Smith v Eric Bush* 209, 240
- Smith v Hughes* 3, 46, 266
- Smith v Land and House Property Corporation* 223, 224
- Smith v Wilson* 170, 175
- Solle v Butcher* 259–263
- Soulsbury v Soulsbury* 75
- South Caribbean Trading Ltd v Trajigura Beeher BV* 105, 109
- Spencer v Harding* 55
- Spice Girls Ltd v Aprilia World Service BV* 219
- Spring v National Amalgamated Stevedores and Dockers Society* 177
- Spurling v Bradshaw* 195, 197
- St Albans City & District Council v International Computers* 212
- St John Shipping Corp v Joseph Rank Ltd* 344
- Standard Chartered Bank v Shem Yin Fung* 325
- Stark Moly Ltd v Lam Fung* 434
- Starsin, The* 274
- Startup v Macdonald* 370
- Steadman v Steadman* 160, 161
- Steinberg v Scala (Leeds) Ltd* 148
- Stevenson v McLean* 59
- Stevenson v Rogers* 213
- Stickney v Keble* 434
- Stilk v Myrick* 103–106, 295
- Stocks v Wilson* 150, 151
- Storer v Manchester City Council* 48
- Strongman (1945) Ltd v Sincock* 343
- Sudbrook Trading Estate Ltd v Eggleton* 80
- Suisse Atlantique Societe d'Armement Maritime SA v Rotterdamsche Kolen Centrale NV* 202
- Sumpter v Hedges* 367
- Sun Er-Jo v Lo Ching & Others* 131
- Sun Hung Kai Credit Ltd v Szeto Yuk-Mei and others* 279
- Sun Lee Kyoung Sil v Jia Weili* 186, 374
- Sun Wah Oil & Cereal Ltd v Gee Tai Trading Co Ltd* 79
- Sun Wai Kiu & Another v Wong Mei Yin* 426
- Super Servant Two, The* (see *J Lauritzen AS v Wijsmuller*)
- Surrey County Council v Bredero Homes* 415, 416
- Susanto Wing Sun Co Ltd v Yung Chi Hardware Machinery Co Ltd* 67
- Swainland Builders Ltd v Freehold Properties Ltd* 273
- Swiss Bank Corporation v Lloyds Bank Ltd* 453, 454
- Sylvia Shipping Co Ltd v Progress Bulk Carriers Ltd* 410
- Tam Lup Wai Franky v Vong Shi Ming Nicolas* 294, 298
- Tam Moon Tong v Lucky Dragon Restaurant Ltd* 114
- Tamplin v James* 4, 264–266
- Tang Teng & Others v Cheung Tin Wah & Another* 338
- Tartsinis v Navona Management Company* 274
- Tatem v Gamboa* 390

- Taylor v Caldwell* 384, 385, 392
- Tekdata Interconventions Ltd v Amphand*
61
- Tenax SS Co Ltd v Reinante Transoceania Navegacion SA* (see *Brimnes, The*)
- Thai Airways International Public Co Ltd v KI Holdings Co Ltd & Another* 428
- Thomas & Another v BPE Solicitors* 68
- Thomas v Brown* 161
- Thomas v Thomas* 95, 96
- Thompson (W. L.) Ltd v Robinson (Gunmakers) Ltd* 428
- Thompson v London, Midland and Scottish Railway* 192–194
- Thompson v T Lohan (Plant Hire) Ltd*
208, 209
- Thomson v Christie Manson & Woods Ltd & Others* 241
- Thomson v Thomson* 335
- Thorne v Motor Trade Association* 294
- Thornton v Shoe Lane Parking Ltd* 50, 195
- Thorpe v Thorpe* 411
- Tiken Ltd & Paul Y ITC Construction Holdings Ltd v BIL International* 248, 276
- Tilden Rent-a-Car Co v Clendinning* 191, 196, 197
- Timmins v Moreland Street Property Co Ltd*
158
- Tinn v Hoffman* 66, 72
- Tinsley v Milligan* 336–339, 341, 342, 344, 345, 347
- Tiu Sum Fat & Others v Shun Sing Development Ltd & Another* 339
- Tony Investments Ltd v Fung Sun Kwan*
262, 264
- Tool Metal Manufacturing Co Ltd v Tungsten Electric Co Ltd* 123, 124
- Trall v Baring* 225
- Transfield Shipping Inc v Mercator Shipping Inc (The Achilles)* 401, 409, 410
- Transformers & Rectifiers Ltd v Needs Ltd*
61
- Trentham (G Percy) Ltd v Archital Luxfer Ltd* 45
- Tribe v Tribe* 338, 345
- TSB Bank plc v Camfield* 313, 314
- Tse Sheung Yan (Re) & Ex parte Chekiang First Bank* 109, 113
- Tulk v Moxhay* 452, 453
- Tung Wing Steel Co Ltd v George Wimpey International Ltd* 289
- Turner v Green* 13
- Tweddle v Atkinson* 94, 443, 444, 446, 447
- 21st Century Logistic Solutions v Madysen*
341, 342
- Twinkle Step Investment Ltd v Smart Int'l Industrial Ltd* 180
- UBC (Construction) Ltd v Sung Foo Kee Ltd* 13, 103, 107
- UCB Corporate Services Ltd v Williams*
297
- Union Eagle Ltd v Golden Achievement*
373, 374
- United Dominions Trust Ltd v Western*
279
- United Group Rail Services Ltd v Rail Corp of New South Wales* 83
- United Insurance Company Ltd, The v Chan Park Sang and Others* 221, 222
- Universe Tankships Inc of Monrovia v International Transport Workers Federation (The Universe Sentinel)*
288, 289, 292, 294
- Urban Renewal Authority v Agrila Ltd & Another* 174
- Vakante v Addey & Stanhope School* 335
- Valilas v Januzaj* 373
- Value Capital Ltd v Ke Junxiang* 170
- Vastfame Camera Ltd v Birkart Globistics Ltd et al* 202
- Vaswani v Italian Motors (Sales & Services) Ltd* 376
- Vesta, F v Butcher* 431

- Victoria Laundry (Windsor) Ltd v Newman Industries Ltd* 405, 406, 409
- Vigers v Cook* 366
- Vinson Engineering Ltd v Kin Shing Engineering (HK) Co Ltd* 114, 115
- Vita Food Products v Unus Shipping Co Ltd* 344
- Vitol SA v Norelf Ltd (the “Santa Clara”)* 371, 372
- Volkswagen Financial Services v Ramage* 423
- Wai Lee Firm (The) v Ku Chung Ming* 384
- Wales v Wadham* 225
- Walford and Others v Miles and Another* 13, 83, 84
- Wallis, Son & Wells v Pratt and Haynes* 183
- Walton, Harvey Ltd v Walker & Homfrays Ltd* 390
- Wang (Robert WH) & Co v Bridge* 361
- Ward v Byham* 101
- Warlow v Harrison* 51, 52
- Warner Bros Pictures Inc v Nelson* 438, 439
- Warren v Mendy* 439
- Watts v Morrow* 413
- Wayfoong Credit Ltd v Cheung Wai Wah Samuel* 428
- Weeks v Tybald* 137, 226
- Welltech Investment Ltd v Easy Fair Industries Ltd* 230
- Whelan Re* 76
- White & Carter (Councils) Ltd v McGregor* 381, 382, 429, 430
- Whittington v Seale-Hayne* 218, 235, 236
- Williams v Bayley* 294, 296, 298
- Williams v Carwardine* 70, 71
- Williams v Roffey Brothers and Nicholls (Contractors) Ltd* 18, 102–105, 289, 295, 424
- Williams v Williams* 98, 101, 102
- Wilson & Another v Burnett* 133
- Wimpey (George) UK Ltd v V.I. Components* 254
- Wing Hang Bank Ltd v Crystal Jet International Ltd* 295
- Wing Hang Bank Ltd v Kwok Lai Sim* 312
- Wing Hang Bank Ltd v Liu Kam Ying* 279
- Wing Hang Credit Ltd v Hui Chun Kit Benjamin & Another* 279
- Wing On Properties & Securities Co Ltd v Wave Front Enterprise (HK) Ltd* 196
- Wiseman v Virgin Atlantic Airways Ltd* 404, 414
- With v O’Flanagan* 220, 221, 225
- Witter (Thomas) Ltd v TBP Industries Ltd* 247
- Wong Kwok Leung Baldwin & Others v International Trading Co Ltd* 345
- Wong Lai Ha v Chung Sau Wah (A Bankrupt) & Others* 58
- Wong Lai-ying & others v Chinachem Co Ltd* 388
- Wong Ng Kai Fung Patsy v Yau Lai Chu* 182
- Wong Wai Chun v The China Navigation Co Ltd* 194
- Wong Wui v Yin Shiu Peter* 379, 380
- Wood (Harold) Brick Co v Ferris* 374
- Woodar Investment Development Ltd v Wimpey Construction (UK) Ltd* 375, 376, 443, 449, 451
- Woodhouse A.C. Israel Cocoa Ltd SA v Nigerian Produce Marketing Co Ltd* 119
- World Food Fair Ltd, The & Another v Hong Kong Island Development Ltd* 82, 161
- World Sport Group Pte Ltd v Asian Tour International Ltd* 84
- Wroth v Tyler* 406, 408, 432
- Wrotham Park Estate Co Ltd v Parkside Homes Ltd* 415–417
- Wu Chiu-kuen v Chu Shui-ching* 132
- WWF-World Wide Fund for Nature v World Wrestling Federation Entertainment Inc* 416
- Yang Dandan v Hong Kong Resort Co Ltd* 225, 227, 228

<i>Yates Building Co Ltd v Pulleyn & Sons (York) Ltd</i>	65	<i>Yiu Yau Ping v Fong Yee Lan</i>	58
<i>Yau Yeong Wood and Another v The Standard Oil Co of New York</i>	29	<i>Young v Bristol Aeroplane Co Ltd</i>	262
<i>Yianni v Edwin Evans & Sons</i>	209	<i>Young v Thames Properties Ltd</i>	369
<i>Yick Fung Holdings Ltd v Sandwood Ltd</i>	339	<i>Yu Kam Por v New Central Ltd</i>	275
<i>Yim Wai-Tsang v Lee Yuk-har</i>	335	<i>Zebra Industries (Orogenesis Nova) Ltd v Wah Tong Paper Products Group Ltd</i>	290
<i>Yip Alice v Wong Shun (No 2)</i>	344		

Table of Legislation

Hong Kong and PRC

Age of Majority (Related Provisions)

- Ordinance (Cap 410) 141, 142, 144, 145
- s 2 142, 144
- s 3 145
- s 4 141

Application of English Law Ordinance

- (Cap 88) 27–29
- s 3 27–29

Apprenticeship Ordinance (Cap 47) 163

Arbitration Ordinance (Cap 341) 156, 330

Banking Ordinance (Cap 155) 162

Basic Law of the Hong Kong SAR

- Preface, 13, 23, 24, 26–28, 30–33, 37–41, 136, 339, 351, 433
- A5 32
- A8 26, 28, 32, 33, 38, 136, 433
- A17 33
- A18 32
- A40 339
- A84 30, 37
- A160 32

Betting Duty Ordinance (Cap 108) 334

- s 3(7) 334
- s 3(8) 334

Bills of Exchange Ordinance (Cap

- 19) 156
- s 3(1) 156
- s 89(1) 156

Bills of Sale Ordinance (Cap 20) 162

- s 2 162
- s 7 163
- s 15 163
- Schedule 163

Coinage Ordinance (Cap 454) 370

Commodities Trading Ordinance (Cap 250)

- 340
- s 26(2) 340
- s 28 340

Companies Ordinance (Cap 622) 45, 142, 155

- s 67 142
- s 86 45

Contracts for Employment Outside Hong

Kong Ordinance (Cap 78) 163

Contracts (Rights of Third Parties)

Ordinance (Cap 623) 455–459

- s 3 458
- s 3(1) 459
- s 4(1) 456
- s 4(3) 459
- s 5(4) 459
- s 6 458
- s 7 458
- s 8 458
- s 9 458
- s 10 458
- s 11 458
- s 12 458
- s 13 458

Control of Exemption Clauses Ordinance

(Cap 71) 11, 12, 19, 28, 31, 44, 165, 197, 201, 206–215, 223, 248, 249, 320, 322, 458, 461

- s 2 207
- s 2(3) 207
- s 3 209–211
- s 3(1) 209, 211
- s 3(2) 209
- s 3(3) 209

- s 3(4) 210, 211
- s 3(5) 210, 211
- s 3(6) 210
- s 4 205
- s 4(1) 205
- s 5 215
- s 7 207, 208
- s 7(1) 208
- s 7(2) 208, 209
- s 7(3) 208
- s 8 211, 212
- s 8(1) 212
- s 8(2) 212
- s 10 215
- s 11 213, 214
- s 11(1) 213
- s 11(2) 213
- s 11(3) 214
- s 11(4) 214
- s 12 214
- Schedule 1 215
- Schedule 2 209
- Conveyancing and Property Ordinance
(Cap 219) 47, 152, 154, 157, 448, 453
 - s 2 154, 156
 - s 3 47, 152, 154
 - s 3(1) 157
 - s 3(2) 154
 - s 4(1) 152, 154
 - s 4(2) 154
 - s 5 154
 - s 6 154
 - s 6(2) 157
 - s 7 154
 - s 19 154
 - s 19(1) 154
 - s 20 154
 - s 23 154
 - s 23A 154
 - s 26 448
 - s 40 453
- Disability Discrimination Ordinance (Cap 480) 51
- Electronic Transactions Ordinance (Cap 553) 51, 67, 158
 - s 6(1) 158
 - s 19 67
 - s 37 51
- Employment Ordinance (Cap 57) 290
 - s 57 290
- Employment Outside Hong Kong
Ordinance (Cap 47) 163
- Gambling Ordinance (Cap 148) 329, 333, 334
 - s 2 333, 334
 - s 3 333
 - s 7 334
 - s 8 334
- Hong Kong Bill of Rights Ordinance (Cap 383) 32
 - s 8 Article 1 32
 - s 8 Article 7 32
- Hong Kong Reunification Ordinance (Cap 2601) 33
- Law Amendment and Reform
(Consolidation) Ordinance (Cap 23)
110, 154, 160, 261, 281, 364, 373, 395–399, 431
 - s 11 373
 - s 13A 160
 - s 16 261, 395, 396
 - s 16(2) 396
 - s 16(3) 396, 397, 398
 - s 16(5) 399
 - s 17 261, 399
 - s 17(4) 399
 - s 17(5) 399
 - s 18 261, 395, 399
 - s 21 431
 - s 23 110
 - s 26 154
- Legal Tender Notes Issue Ordinance (Cap 65) 370
- Limitation Ordinance (Cap 347) 440, 441
 - s 4(1) 440, 441
 - s 26(1) 440
 - s 27 440
 - s 31 440
- Marine Insurance Ordinance (Cap 329) 163
 - s 22 163
 - s 23 163
 - s 24 163
 - s 25 163
 - s 26 163
- Married Persons Status Ordinance (Cap 182) 449

- Mental Health Ordinance (Cap 136) 141
 s 11 141
 s 12 141
 s 13 141
- Misrepresentation Ordinance (Cap 284)
 19, 28, 209, 210, 217–219, 223, 232,
 234–236, 239–248, 280
 s 2 232, 234
 s 3(1) 223, 240–244, 280
 s 3(2) 232, 244–247
 s 4 209, 218, 247–250
- Mock Auctions Ordinance (Cap 255) 52
- Money Lenders Ordinance (Cap
 163) 162, 321
 s 18 162
 s 18(1) 162
 s 18(2) 162
 s 18(3) 162
 s 25 321
- Occupiers Liability Ordinance (Cap 314)
 207
- Powers of Attorney Ordinance (Cap 31)
 152, 154, 155
 s 2(1) 154
 s 3 154
 s 4(2) 154
- Prevention of Bribery Ordinance (Cap 201)
 331
- Race Discrimination Ordinance (Cap 602)
 51, 436
- Rules of the High Court (Cap 4A) Ord 22
 370
- Sale of Goods Ordinance (Cap 26) 36,
 51, 80, 81, 143, 144, 164, 181–186, 213,
 214, 232, 256, 367, 368, 427, 432, 435
 s 2(1) 182
 s 2(5) 182
 s 4 143, 144
 s 4(2) 143
 s 8 256
 s 10 80, 81
 s 12(1) 186
 s 13(2) 185
 s 14 181, 213, 214
 s 15 181, 213, 214
 s 16 182, 213, 214
 s 16(2) 182, 183
 s 16(3) 182, 183
- s 17 183, 213, 214
 s 25 232
 s 32 367, 368
 s 32(1) 367
 s 32(2) 367
 s 32(3) 367
 s 32(4) 368
 s 52 427, 432
 s 53 427, 432
 s 54 435
 s 55 184
 s 60(2) 51
- Sale of Land by Auction Ordinance (Cap
 27) 52
- Sex Discrimination Ordinance (Cap 487)
 51
- Societies Ordinance (Cap 151) 336
- Supply of Services (Implied Terms)
 Ordinance (Cap 457) 81, 183, 216
 s 3(1) 216
 s 3(2) 216
 s 4 216
 s 5 183, 216
 s 6 183, 216
 s 7 81, 183, 216
 s 8(1) 216
- Supreme Court Ordinance (No15 of 1844)
 27
- Theft Ordinance (Cap 210) 224
 s 17 224
 s 18 224
- Trustee Ordinance (Cap 29) 36
- Unconscionable Contracts Ordinance (Cap
 458) 12, 29, 317–323
 s 1 319
 s 2 319
 s 3 319
 s 3(1) 319
 s 4 319
 s 5 319
 s 5(1) 319
 s 5(2) 319
 s 6 319
 s 7 319
 s 8 319

England

- Consumer Rights Act 2015 31, 223, 317, 320
- Contracts (Rights of Third Parties) Act 1999 205, 444, 455
- Copyright Act 1956 96
- Employers' Liability Act 1880 146
- Family Law Reform Act 1969 142, 144
s 1 142, 144
- Hire Purchase Act 1964 269, 272
- Honours (Prevention of Abuses) Act 1925 331
- Infants' Relief Act 1874 139, 141, 142, 144, 149
- Judicature Acts 1873–5 36, 37, 433
- Law of Property Act 1925 447, 448, 453
s 56 448
s 56(1) 448
s 78 447
s 79 453
s 205 448
- Law of Property (Miscellaneous Provisions) Act 1989 29, 154, 158, 159
s 1(1) 154
s 2 158, 159
- Law Reform (Contributory Negligence) Act 1945 431
- Law Reform (Frustrated Contracts) Act 1943 261, 281, 364, 395, 396, 397
s 1(2) 396
s 1(3) 397, 398
- Law Reform (Miscellaneous Provisions) Act 1970 110
s 1 110
- Minors Contracts Act 1987 141, 145, 151
s 2 141, 145
s 3 145, 151
s 3(1) 145, 151
- Misrepresentation Act 1967 19, 28, 169, 217–219, 232, 234, 236, 240, 241, 243, 244, 245, 246, 247, 248, 249, 280
s 1 232
s 2(1) 169, 236, 240, 243, 244, 280
s 2(2) 232, 244–247
s 3 218, 248
- Pharmacy and Poisons Act 1933 48
- Protection of Birds Act 1954 54
- Restriction of Offensive Weapons Act 1959 49
- Sale of Goods Act 1893 77, 143, 144, 234, 257
s 2 143, 144
s 6 257
s 8 77
s 35 234
- Sale of Goods Act 1979 36, 78, 144, 181, 182, 184, 213, 232, 234, 256, 257, 435
s 3 144
s 6 256, 257
s 8 77, 78
s 12 181
s 13 181
s 14 182, 213
s 23 232
s 52 435
s 53 184
- Statute of Frauds 1677 10, 64, 153, 156, 157, 159, 160
- Supply of Goods and Services Act 1982 81, 216
- Torts (Interference with Goods) Act 1977 271, 281
s 11(1) 271, 281
- Trustee Act 1925 36
- Unfair Contract Terms Act 1977 11, 19, 28, 31, 165, 197, 198, 203, 206, 223, 248, 320
s 2 201, 208
s 2(2) 198, 209
s 3 212, 213
s 7 212
s 8 248
s 11 212
s 13 208
Schedule 2 212
- Unfair Terms in Consumer Contracts Regulations 1994 31, 223, 317, 318, 320
- Unfair Terms in Consumer Contracts Regulations 1999 31, 317, 318, 320, 427
- Unsolicited Goods and Services Act 1971 64