Oaths, Affidavits and Declarations: Local and Foreign Issues

by
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Mr. Samuel Li is the Sole Proprietor of Samuel Li & Co., Solicitors & Notaries. He qualified as a solicitor in Hong Kong in 1983. He passed the Notarial Examination in 1995 and was admitted as a Hong Kong Notary Public.

Samuel now focuses on notarial practices. In the preceding 20+ years as a Hong Kong Notary Public, he has an excellent track record in providing notarial services to clients including overseas government, and world's leading brand companies. More than 70 countries and regions on world's 5 continents have accepted Samuel's notarised documents.

Samuel has presented 40 seminars to professionals to demonstrate notarial practice, with total audience exceeding 3,485.

Samuel is the author of the soon released notarial book named "Notarial Services in Hong Kong: General Principles, Values and Practice".

Samuel has received 14 Pro Bono Legal Services Awards & Professional Volunteer Service Awards respectively from the Home Affairs Bureau of the HKSAR, The Law Society of Hong Kong and Hong Kong Council of Volunteering in recognition of his promoting legal knowledge and professional volunteering services to the public. In 2014, Samuel was nominated by the Hong Kong Law Society to participate in the Second Leadership Bauhinia Volunteer Award competition organized by the Agency for Volunteer Service.

The objective of the seminar is to identify and manage the risk associated with Affidavits and Declarations.

In their daily practice, legal practitioners often handle Affidavits and Declarations in court cases, conveyancing transactions, and other legal matters.

Affidavits are governed by Rules of High Court Order 41, and Practice Directions 10.1. Failure to comply will cause affidavit evidence inadmissible with a risk of losing clients' cases. Although leave can be applied from court for defective affidavits to be admitted into evidence, there is a risk of losing costs and wasting time.

Statutory Declarations are under the strict rules of the Oaths and Declarations Ordinance (Cap.11). The Failure to comply is fatal thereby posing a risk.

The Speaker will mention the proper ways to avoid the risk of non-compliance and will take the attendees through the court cases for the lessons to be learnt:

- Yiu Ping Fong & Another v Lam Lai Hing [1999] 1 HKLRD 793
- Top Flying Investment Limited v Open Mission Assets Limited [2006] 4 HKLRD 83
- Sean Eric McLean Ho Tung v Hillhead Limited (HCMP 4511/2002)

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Untrue affidavits may commit the criminal offence of perjury, and if not the primary offence, the attempted perjury offence. And unattended legal practitioners may facilitate perjury and to alert them, court cases will be illustrated so as to avoid the risk:

- R v Robert Eli Low, HCMA1180/1996
- HKSAR v. Kanjanapas Chong Kwong, Derek And Others, DCCC 298/2005

The Speaker will also give practical tips on the subject.

Course Outline:

- Oaths
- Affidavits & Solemn Affirmations in Writing
- Statutory Declarations
- Use of English or Chinese
- Relaxed Evidence in Hearings
- Person Entitled to Administer Oath etc. Out of Court
- Proof of Cross Border Affidavits/Declarations
- Case Studies of Affidavits/Statutory Declarations
- Tips
- Other Matters
- US Acknowledgement
- Offences
- Real Life Experience During Covid-19
- Speaker's Demonstration
- Questions & Answers

Scan to Calendar

Code:	**EVT000000394**	Level:	**Intermediate**
Date:	**8 June 2023 (Thursday)**	Language:	**Cantonese (Course Materials in English)**
Time:	**14:30 - 17:45 (Amended)** (Reception starts at 14:00)	Accreditation(s):	**LSHK 3.0 RME Elective Hours LSHK 3.0 CPD Points**
Venue:	*Option of:* (1) **Online** via Zoom; *or* (2) **Kornerstone Institute** 15/F, Hip Shing Hong Centre 55 Des Voeux Road Central Central, Hong Kong	Request for Rerun:	**Please Contact Us for Details**

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