

**IS THIS A CASE OF AN ANT, TRYING TO RAPE AN ELEPHANT ?
OR, DID THE ELEPHANT REALLY PISS IN THE WRONG PLACE ?**

It is not too often, but on occasions, it does happen: A smallish company, domiciled in the Hongkong Special Administrative Region (HKSAR) of the People's Republic of China (PRC), takes on the likes of a company, controlled by an international giant conglomerate – which could eat up the HKSAR company for breakfast.

This appears to be the case of Hongkong North West Express Ltd, which has just issued a Writ in the HKSAR High Court, naming Atkins China Ltd as the lone Defendant.

Atkins China Ltd is a \$HK100,000 company, also domiciled in the HKSAR, but being wholly owned by WS Atkins plc of Surrey, the United Kingdom.

WS Atkins plc is listed on The London Stock Exchange and whose financials for the 2005 Financial Year, ended March 31, 2005, were:

Group Turnover on Continuing Operations, excluding Share of Joint Ventures	£ 955.00 million*
Turnover from Continuing Joint Ventures	£ 201.30 million
Total Turnover from Continuing Operations	£1,156.30 million
Adjusted Profit on Ordinary Activities before Taxation	£ 73.60 million
* £1.00 = \$HK13.96	

According to HKSAR High Court Action Number 1671, Hongkong North West Express Ltd was established for the purpose of operating and providing a ferry service at the Tuen Mun Ferry Pier.

Atkins China Ltd, an HKSAR-registered company, is said to be in the business of *'providing architectural services and services in respect of project or construction management.'*

On or about June 6, 2003, it is alleged that the HKSAR Government invited tenders *'for the operation of Macau-Hong Kong cross-boundary passengers ferry services ...'*

With a view to submitting a tender for this service, it is alleged that Hongkong North West Express *'entered into a contract with the Defendant (Atkins China Ltd) in around July 2003 ...'*

Atkins China Ltd, it is alleged at Paragraph 4 of the Statement of Claim, attached to Writ of Summons Number 1671, *'agreed to provide project management services for the requisite pier modification works and provision of systems and equipment for the Pier'* at Tuen Mun.

The Statement of Claim, then, continues to outline the purported terms and conditions of the contract between the Plaintiff and the Defendant.

At Paragraph 8 of the Statement of Claim, it is alleged that the Plaintiff, Hongkong North West Express, *'On around 18th July 2003 ... submitted to the Government its tender in respect of the operation of the Pier for providing cross-boundary passenger ferry services ...'*

The Plaintiff alleges that it was desirous of starting commercial operations by about October or November 2004 and made this known to the Defendant and the HKSAR Government.

The HKSAR Government accepted the tender 'in or around October 2003' and a tenancy agreement was drawn up between the HKSAR Government and Hongkong North West Express for use of part of the Tuen Mun Ferry Pier.

It was ... [CLICK TO ORDER FULL ARTICLE](#)

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