



HCA 1339/2014

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1339 OF 2014

BETWEEN

KOO MING KOWN

Plaintiff

and

THE BAPTIST CONVENTION OF HONG KONG operating as
PUI CHING PRIMARY SCHOOL and PUI CHING ACADEMY

1st Defendant

YOUNG KWOK HUNG CLEMENT

2nd Defendant

LEE SEE YUEN

3rd Defendant

BEFORE DEPUTY HIGH COURT JUDGE SEAGROATT IN CHAMBERS

JUDGMENT

Dated and entered the 13th day of July 2016

Pursuant to the Order of Deputy High Court Judge Seagroatt herein dated the 13th day of July 2016, whereby it was ordered that judgment as hereafter provided be entered for the Plaintiff against the 1st and 2nd Defendants.

IT IS DECLARED that:

- (1) the 1st Defendant holds the Gift of HK\$20,000,000 (as defined in paragraph 18 of the Plaintiff's Statement of Claim filed herein on 17 September 2014 (the "SOC")) on constructive trust for the Plaintiff;

AND IT IS ADJUDGED that:

- (2) an order is made against the 1st Defendant that the Gift of HK\$20,000,000 (as defined in paragraph 18 of the SOC) is rescinded;
- (3) the 1st Defendant do make repayment of the sum of HK\$20,000,000 to the Plaintiff forthwith;
- (4) the 1st Defendant do provide an account to the Plaintiff of all benefits and/or profits which the 1st Defendant has obtained from the Gift of HK\$20,000,000 (as defined in paragraph 18 of the SOC) since it was transferred by the Plaintiff to the 1st Defendant on or about 17 December 2007;
- (5) the 1st and 2nd Defendants do pay to the Plaintiff damages for misrepresentation, to be assessed;
- (6) the 1st Defendant do pay to the Plaintiff interest at judgment rate on the sum of HK\$20,000,000 for which it is liable under paragraph (3) above;

- (7) the 1st and 2nd Defendants do pay to the Plaintiff interest at judgment rate on the sum(s) which they may be found liable under paragraph (5) above; and
- (8) the 1st and 2nd Defendants do pay to the Plaintiff:
- (i) the Plaintiff's costs of this action as against the 1st and 2nd Defendants up to and including this Judgment, such costs to be taxed if not agreed; and
 - (ii) the Plaintiff's costs of the Plaintiff's Summons filed herein on 5th February 2016, including all reserved costs and costs of the hearing on 13 July 2016, on an indemnity basis, to be taxed if not agreed.

Registrar

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BETWEEN

KOO MING KOWN Plaintiff
and

THE BAPTIST CONVENTION OF HONG
KONG operating as PUI CHING PRIMARY
SCHOOL and PUI CHING
ACADEMY 1st Defendant

YOUNG KWOK HUNG 2nd Defendant
CLEMENT

LEE SEE YUEN 3rd Defendant

JUDGMENT

Dated the 13th day of July 2016
Filed the 12th day of *August* 2016

Ince & Co
Solicitors for the Plaintiff
Room 3801-06, 38th Floor,
ICBC Tower, Citibank Plaza
3 Garden Road, Hong Kong
Tel: 2877 3221
Fax: 2877 2633
Ref: RL/SC/14.7749