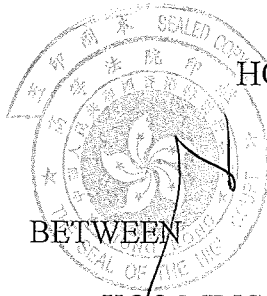


HCA 1619 / 2014



IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO.1619 OF 2014

BETWEEN

KOO MING KOWN

Plaintiff

and

1 SEP 2017

YOUNG KWOK HUNG CLEMENT

1st Defendant

YIP CHEE TIM

2nd Defendant

THE BAPTIST CONVENTION OF HONG KONG
(In its capacity as the sponsoring body of Pui Ching Academy
under the Education Ordinance (Cap. 279))

3rd Defendant

SHUM KAM HONG

4th Defendant

CHAN CHI MONG, HOPKINS

5th Defendant

LAW CHI KEUNG

6th Defendant

HO KANG WAI

7th Defendant

CHEUNG CHI KIM

8th Defendant

CHUNG HUNG KWAN, BARNABAS

9th Defendant

HO HIN HUNG

10th Defendant

LAM YIU WAH

11th Defendant

TSANG KAI MAN

12th Defendant

YIP WAI HONG

13th Defendant

BEFORE DEPUTY HIGH COURT JUDGE KWOK SC IN CHAMBERS

ORDER

UPON the 1st to 13th Defendants' application by way of Inter-Partes Summons filed on 29th November 2016 for an order that save for the purpose of conducting his claim set out in his pleadings therein, the Plaintiff be restrained, until judgment or further order, whether by

himself, his servants or agents or otherwise howsoever from doing the acts or any of them set out in the Schedule annexed thereto (“**the Injunction Application**”)

AND UPON the Plaintiff’s application by way of Summons filed on 26th July 2017 (“**the July 2017 Summons**”) for an order that (1) the implied undertaking not to use the documents disclosed in Part 1 of Schedule 1 to the 1st to 13th Defendants’ Supplemental List of Documents dated 30th September 2016 for any purposes other than this action be varied to the effect that notwithstanding the said implied undertaking, the Plaintiff shall be at liberty to use the Documents in HCA2337/2016; and (2) the Plaintiff do have leave to amend the Plaintiff’s Summons dated 7th March 2017 (“**the March 2017 Summons**”) and to replace the draft Re-Re-Amended Statement of Claim attached to the March 2017 Summons with the draft Re-Re-Amended Statement of Claim attached to the draft amended March 2017 Summons

AND UPON reading the Affidavit of Chan Chi Mong, Hopkins together with the exhibits referred to therein filed on 29th November 2016, the 2nd Affirmation of Koo Ming Kown together with the exhibits referred to therein filed on 17th January 2017, the 4th Affirmation of Koo Ming Kown together with the exhibits referred to therein filed on 13th March 2017, the 8th Affirmation of Koo Ming Kown together with the exhibits referred to therein filed on 26th July 2017 and the Affirmation of Wong Pui Yi together with the exhibit referred to therein filed on 13th March 2017.



AND UPON hearing counsel for the 1st to 13th Defendants and ~~the~~ leading counsel for the Plaintiff

IT IS ORDERED that:-

1. the Injunction Application be dismissed;
2. there be a costs order nisi under Order 42, rule 5B(6) of the Rules of the High Court, Cap. 4A, that the costs of the Plaintiff in the Injunction Application be taxed on an indemnity basis (if not agreed) and paid by the 1st to 13th Defendants to the Plaintiff;

3. there be no order as to the March 2017 Summons;
4. the July 2017 Summons be adjourned sine die, with liberty to restore;
5. if the Plaintiff shall apply for consolidation of HCA2337/2016 and this action (HCA1619/2014) or to have the two said actions tried at the same time or one after another (“**the Intended Consolidation Application**”), the July 2017 Summons shall be heard together with the Intended Consolidation Application with liberty to apply to a Master; and
6. costs of the July 2017 Summons be reserved, with certificate for 2 counsel.

Dated the 14th day of August 2017.

Registrar

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO. 1619 OF 2014

BETWEEN

KOO MING KOWN

Plaintiff

and

YOUNG KWOK HUNG CLEMENT	1 st Defendant
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HO HIN HUNG	10 th Defendant
LAM YIU WAH	11 th Defendant
TSANG KAI MAN	12 th Defendant
YIP WAI HONG	13 th Defendant

ORDER

Filed on the 1st September 2017.



Lily Fenn & Partners,
Solicitors for the Plaintiff
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Ref.: LF/K/201716986/AS/fn