

Joyce Wong

From: Anita So <anitaso@lilyfennlawyers.com>
Sent: 19 October 2017 13:07
To: Judy Kwok
Cc: Joyce Wong; 'Lily Fenn'
Subject: HCA 1339/2014 - Hearing on 19 October 2017
Attachments: Order 20171019.docx; D1 Submission 20171019.pdf; Ltr to Lui & Law 20171017.pdf; Ltr from Lui & Law 20171016 - 2nd letter.pdf; Ltr fro High Court 20171006.pdf

Dear Mr. Koo,

We refer to your Summons filed on 14 September 2017 seeking the Court's directions, inter alia, for the 1st Defendant to disclose the source of funds for the two payments within 14 days, i.e. HKD20 million and HK\$14 million odd, made by the 1st Defendant.

I attended the Court hearing this morning before Deputy High Court Judge Seagroatt. Mr. Bosco Cheng, counsel, appeared at the said hearing for the 1st Defendant.

Despite the 1st Defendant previously agreed to file Affirmation in opposition to contest your Summons and parties have filed a Consent Summons on 4 October 2017, the view of the learned Judge is that, after reading your 2nd Affirmation and the exhibits, the 1st Defendant should first disclose the bank accounts of Baptist Convention of Hong Kong and Pui Ching Primary School, showing the movement of receiving and paying the two said payments. Afterwards, the Court and the parties herein can evaluate the situation again. The Court will then decide whether or not further argument is required in relation to the other directions sought in your Summons.

Mr. Cheng, opposed to the proposal made by the learned Judge. Please see attached a copy of the 1st Defendant's submission.

However, the learned Judge does not agree and he gives comment that it is necessary to find out the legitimate source of the funds for the two payments, i.e. who receives the funds and who makes the payment before moving on to other directions of your Summons.

The hearing was then stand down for 5 minutes for Mr. Cheng to take instructions from the 1st Defendant.

When the hearing resumed, Mr. Cheng submitted to the Court that the 1st Defendant agreed to provide sworn accounts by affirmation within 14 days to verify the movement from the first receipt of the HK\$20 million up to the payment of the HK\$14 million odd for security of interest.

In the circumstances, the learned Judge made the said order. The 1st Defendant has to provide the bank accounts supported by Affirmation **by 2 November 2017**. Please see attached a copy of the draft Order.

The hearing of your Summons is **adjourned to 9 November 2017 at 10:00 a.m. before the learned Judge.**

We enclose copies of letters exchanged with Lui & Law and letter from the High Court for your reference.

Thank you.

/Encl.

With Kind Regards,

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