

HCA 731/2017
[2018] HKCFI 210

香港特別行政區
高等法院
原訟法庭
訴訟2017年第731號

顧明均

原告人

對

香港浸信會聯會（營辦香港培正小學）

被告人

主審法官：高等法院原訟法庭法官黃國瑛內庭聆訊

原告人的訟費陳述書日期：2017年12月18日

被告人的反對陳述書截止日期：2017年12月29日

判決日期：2018年2月1日



有關以簡易程序評定訟費之判決

1. 根據2017年10月30日宣佈的判決，本席命令（其中包括），就有關被告人於2016年9月6日、2016年11月14日及2016年12月29日發佈的三篇陳述之誹謗，登錄原告人勝訴被告人敗訴的判決，並評估損害賠償（包括（如適用）嚴重及／或懲罰性損害賠償）。

2. 本席亦命令被告人支付原告人下列各項的訟費：(1)原告人日期為2017年5月12日的傳票，以申請因欠缺抗辯書而作出被告人敗訴的非正審及最終判決；及(2)被告人日期為2017年9月6日的傳票，以申請將抗辯書送交存檔及送達（已於同日送交存檔及送達）的「具追溯力許可」。本席在暫准基礎上進一步指示，有關訟費應按彌償基準並根據就2017年9月7日的聆訊發出之兩名大律師的證明書來評定。

3. 2017年12月8日，本席同意原告人提出之更改上述暫准訟費命令的申請，以由本庭經簡易程序評定，而非在評定官面前作出評定，並且進一步命令被告人向原告人支付就申請將上述暫准訟費命令更改為按訴訟各方對評基準作簡易程序評定所產生的訟費。

4. 本席已就交存原告人的訟費陳述書及被告人的反對陳述書以及以書面形式處理之簡易程序評定作出指示。

5. 根據該等指示，原告人於2017年12月18日將其訟費陳述書（申索總額達825,914港元的款項）送交存檔及送達。

6. 被告人交存其反對陳述書的截止日期（即2017年12月29日）已過，但被告人並未呈交任何有關陳述書。本席的書記於2018年1月8日就被告人是否打算將有關原告人所申索訟費的反對陳述書送交存檔及送達，向被告人的代表律師作出詢問，但遭忽視。



7. 在有關情況下，本庭可以且本席確實在被告人不就原告人所申索的任何訟費項目提出反對的基礎上繼續審訊。

8. 因此，本席以簡易程序評定原告人的訟費為825,914港元。

9. 被告人須於自即日起計14天內向原告人作出付款。

(黃國瑛)
高等法院
原訟法庭法官

高露雲律師行，代表原告人

呂羅律師事務所，代表被告人



HCA 731/2017
[2018] HKCFI 210

**IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
ACTION NO 731 OF 2017**

BETWEEN

KOO MING KOWN

Plaintiff

And

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

Before: Hon Lisa Wong J in Chambers

Date of Plaintiff's Statement of Costs: 18 December 2017

Last Date for Defendant's Statement of Objection: 29 December 2017

Date of Decision: 1 February 2018

DECISION ON SUMMARY ASSESSMENT OF COSTS

1. By a Decision handed down on 30 October 2017, I ordered, *inter alia*, that judgment be entered in favour of the plaintiff against the defendant for libel in respect of 3 statements published by the defendant on 6 September 2016, 14 November 2016 and 29 December 2016 with damages including, if appropriate, aggravated and/or exemplary damages, to be assessed.



A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V

2. I also ordered the defendant to pay the plaintiff's costs of (1) the plaintiff's summons dated 12 May 2017 for interlocutory and final judgment against the defendant in default of defence and (2) the defendant's summons dated 6 September 2017 for "retrospective leave" for the filing and service of the defence that it had already filed and served on the same day. I further directed, on a *nisi* basis, that such costs should be taxed on an indemnity basis with certificate for two counsel for the hearing on 7 September 2017.

3. On 8 December 2017, I acceded to the plaintiff's application to vary the said costs order *nisi* so that, instead of taxation before a Master, there would be summary assessment by this court and further ordered the defendant to pay the plaintiff's costs of the application for variation of the said costs order *nisi* to be summarily assessed on a party and party basis.

4. Directions were given for the lodgment of the plaintiff's statement of costs and the defendant's statement of objections and for the summary assessment to be dealt with on paper.

5. Pursuant to such directions, the plaintiff filed and served his statement of costs on 18 December 2017, claiming a total sum of \$825,914.

6. The last day for the defendant to lodge its statement of objections, i.e. 29 December 2017 passed without any such submission from the defendant. An enquiry made by my clerk with the defendant's solicitors on 8 January 2018 as to whether the defendant intended to file



A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V

A
B
C
D
E
F
G
H
I
J
K
L
M
N
O
P
Q
R
S
T
U
V

and serve a statement of objections to the costs claimed by the plaintiff was ignored.

7. In the circumstances, the court may, and I do, proceed on the basis that the defendant has no objection whatsoever to any of the items of costs claimed by the plaintiff.

8. I therefore summarily assess the plaintiff's costs to be \$825,914.

9. The defendant shall have 14 days from today to pay the plaintiff.

(Lisa Wong)
Judge of the Court of First Instance
High Court

Wilkinson & Grist, for the plaintiff

Lui & Law, for the defendant

