

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

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BETWEEN

KOO MING KOWN

Plaintiff

And

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

Defendant

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

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**DECISION ON SUMMARY ASSESSMENT OF COSTS**

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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.

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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

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

