

香港特別行政區高等法院

HCPI-521/2001

原訴法庭

Personal Injuries No. HCPI-521/2001

林哲民日昌電業公司

原告人

與

太平洋保險有限公司

被告人 A

Hong Tai Yuen Limited

被告人 B

高等法院司法常務官

歐陽桂如：

閣下於2008.01.02的答服只回答本人Dec. 09., 2007的信件，並沒有回復本人於2007.12.26極之重要的信件內容。 盡管如此，在本人的證據面前，您的答服不得不也要承認“本人的申請登錄是在被告人存檔答辯書之前...”這一事實，但您的說法是“申請登錄不等同登錄判決。”！

上述，你就是想說：“申請登錄是你的事，批准登錄判決是我司法常務官的事！”，但“登錄判決”為何不可在“登錄判決申請”唯一條件的即 2001.02.13 am10:25 存檔原告人沒有收到被告人答辯書誓章之後的上午或下午？ 難道說還有什麼阻礙批准登錄判決的法規存在不成？ 若非，這又是誰的責任呢？

上述純為法律程式規則，司法常務官是否有權拒絕給予即場蓋印登錄？ 或有權拖延登錄時間、並暗中通知被告人緊急存檔答辯書呢？ 請回答！

再者是講理，再傳一次本人於 26/122007的信件，內答圍繞著一個法院為何要違反土地註冊條例第16條胡亂於17/09/2003批給被告人一個“絕對押記令”？這不就說明瞭香港高等法院毫無天理！ 應給原告人“登錄勝訴的最終判決”無禮藉口嘍多多、屎尿不分！ 而對被告人勒索性、違法的“絕對押記令”就大開方便之門？ 試問歐陽桂如你天理何在？ 請您改正前常務官之錯立即給予登錄本原告人“登錄勝訴的最終判決”是盼！

基於此，本人重申於2007.12.26信件本人也有權要求暫停有關本人現正聆訊期中的 CACV174/2006、CACV259/2007、CACV 355/2002 及 HCA5037/38/1998相關的上訴或訟費聆訊等案件，直到高院回復司法公正的傳統為止！

謹此！

Jan.14, 2008

Fax: 2524 2034 pm 2:35

原告人：

林哲民日昌電業公司

☎ 高院首席法官馬道南 Tel: 2825 4501 Fax: 2877-0600

原告人：官塘興業街14-16 號永興工業大廈13 字樓C-4 室 Tel: 2344 0137 Fax: 81692860

香港特別行政區高等法院

HCPI-521/2001

原訴法庭

Personal Injuries No. HCPI-521/2001

林哲民日昌電業公司

原告人

與

太平洋保險有限公司
Hong Tai Yuen Limited

被告人 A
被告人 B

高等法院

歐陽桂如司法常官：

通過於Dec.09, 2007傳真給閣下的信及附件已明確地向您展示的附件1-3.證實前任司法常務官於2001.02.13 日非法拒絕登錄判決外又撒謊包庇被告人已鐵證如山，至今已逾時兩星期得不到公正回復！

為此，再傳去的附件4. 顯示出是一摺 未經訟費復核程序 原告人又於2002.06.19 日存檔上訴傳票 通知聆訊後個餘月的 2002.07.26 日使逼不急待簽署的訟費命令，這與上述前任司法常務官拒絕登錄判決的態度相影對比之下，法院的司法公正聲譽已一絲不存！

請再看附件5. 的絕對押記令申請誓章，被告人的代表律師明知針對 附件4. 的訟費命令正在CACV13/2003 上訴中 卻公然藐視128 章土地註冊條例第16 條針對待決案件 不得在高等法院登記處申請絕對押記令的規定；另外，根據第46 號命令第4 條規則(2)(a)規定，申請誓章須確認該命令是到『期須付的款額』即『非待決的訟費』，附件6. 正是那違法的押記令到底由哪一位高院法官與被告人的代表律師勾結簽署？請告知！另，附件7. 顯示敝律師為解除押記令所發出的信函，附件8. 顯示前任司法常務官撒謊包庇的被告人的顧張文菊律師行的索價單！

上述的證實，香港高院顯然並無明鏡高懸並非講法評理的地方，本人的登錄判決非法被拒，而剛剛相反，香港高院的大印被部份法官及律師行勾結用來針行劫本人的金錢！因此，請立即改正前任司法常務官的錯誤給予登錄判決！否則，上述將成為本人遭受司法迫害向有關國家尋求政治庇護的證據檔之一，本人也有權要求暫停有關本人現正在排期等待聆案的CACV174/2006、CACV259/2007 及CACV 355/2002 訟費聆訊等案件直到高院回復司法公正的傳統為止！

謹此，請！

Dec.26, 2007

Fax: 2524 2034

原告人：

林哲民日昌電業公司

☎ 高院首席法官馬道南 Tel: 2825 4501 Fax: 2877-0600

原告人：官塘興業街14-16 號永興工業大廈13 字樓C-4 室 Tel: 2344 0137 Fax: 81692860

25242907

附件 4.

HCA9174/2000



IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
HIGH COURT ACTION NO.9174 OF 2000

26 JUL 2002

| | |
|--|---------------------------|
| 林哲民日昌電業公司 (Lin Zhen Man trading as Yet Chong Electric Co.) (English Transliteration) | Plaintiff |
| and | |
| 太平洋保險有限公司 (Pacific Insurance Company Limited) (English Transliteration) | 1 st Defendant |
| and | |
| 九龍倉集團有限公司 (The Wharf (Holdings) Limited) | 2 nd Defendant |

ALLOCATUR

I hereby certify that the 2nd Defendant's bill of costs against the Plaintiff has been taxed by Master Mary Yuen on the 24th May, 2002 pursuant to the Order made by Mr. Registrar C. Chan of High Court in Chambers on 12th December, 2000 and allowed at as follows:

| | Common Fund | Party & Party |
|---------------|-------------|----------------------|
| Profit costs | ----- | HK\$64,228.00 |
| Disbursements | ----- | HK\$25,430.00 |
| Taxing fee | ----- | HK\$5,382.00 |
| | ----- | <u>HK\$95,040.00</u> |

Dated this 26 JUL 2002 day of 2002.

(M. Yuen)
Acting Deputy Registrar

For separate application

附件 5.



(Folio 67)
HCPI 521/2001

2nd Defendant: 2nd. FWL: 25.06.03
(HCA 9174/2000)
HCPI 521/2001

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE

(HIGH COURT ACTION NO.9174 OF 2000)

PERSONAL INJURIES ACTION NO.521 OF 2001

ORDER:
charging order nisi
vs the Piff
Initial Date: BETWEEN:-
9/7

Sandra
8/7/03
21/7

Draft Judgment / Order
approved on 14 AUG 2003
by Miss A CHOW, Clerk to Master

林哲民經營之日昌電業公司 (*Lin Zhen Man trading as*
Yet Chong Electric Co.) (*English Transliteration*)

Plaintiff

and

太平洋保險有限公司 (*Pacific Insurance Company*
Limited) (*English Transliteration*)

1st Defendant

and

九龍倉集團有限公司 (*The Wharf (Holdings) Limited*)

2nd Defendant

SECOND AFFIRMATION OF FUNG WAI LIN

I, FUNG WAI LIN, of Room 3105, 31st Floor, Bank of America Tower, No.12
Harcourt Road, Hong Kong, do solemnly sincerely and truly affirm and say as follows:-

1. I am an Assistant Solicitor in the employ of Messrs. Christine M. Koo & Ip, Solicitors for the 2nd Defendant herein and I have the conduct of this action on behalf of the 2nd Defendant and I am duly authorized to make this affirmation on its behalf. The facts and matters deposed to herein are within my personal knowledge unless otherwise stated.

2. By an Order ¹⁸ made by Mr. Registrar C. Chan of High Court in Chambers on 12th December, 2000 ("the Order"), it was ordered that the Plaintiff should pay to the 2nd Defendant costs to be taxed which costs have been taxed at the sum of HK\$95,040.00 as appears by the Allocatur dated 26th July 2002. There is now produced and shown to me a copy each of the sealed copy Order and Allocatur marked "FWL - 4" and "FWL - 5" respectively.

3. The Order remains wholly unsatisfied.

4. The 2nd Defendant is entitled to enforce the Order.

5. It is sought to impose a charge on the premises known as All Those 7/2260th parts or shares in the Remaining Portion of Kun Tong Inland Lot No.83 (Factory C4 on 13th Floor, Wing Hing Industrial Building (Rear Block), No.14 Hing Yip Street, Kowloon.) ("the Property").

6. The title to the Property is registered at Land Registry under Memorial No.2387376. There is now produced and shown to me a copy of the land search record marked as "FWL - 6" showing that the Plaintiff is the sole owner thereof.

7. According to the land search research record, I verily believe that the Plaintiff has the following creditors:-

(1) The Hongkong and Shanghai Banking Corporation

The Hongkong and Shanghai Banking Corporation has registered a Mortgage to secure general banking facilities by Memorial No.2399573 against the Property. Neither the 2nd Defendant nor I have information about the exact amount of indebtedness.

(2) Equal Property Management Limited

Equal Property Management Limited has registered a Memorandum of Charge by Memorial No.8692879 against the Property. Neither the 2nd Defendant nor I have information about the exact amount of indebtedness.

8. I am further informed by the 2nd Defendant and verily believe that save as the aforesaid, the 2nd Defendant has no knowledge of any other creditors of the Plaintiff.
9. The 2nd Defendant is entitled to enforce the Order and is entitled to an order to impose a charge on the beneficial interests of the Plaintiff in the Property.
10. The name of the Plaintiff is 林哲民日昌電業公司 (Lin Zhen Man trading as Yet Chong Electric Co. (English Translation)) of Factory C4 on 13th Floor, Wing Hing Industrial Building (Rear Block), No.14 Hing Yip Street, Kowloon, Hong Kong.
11. By reason of the foregoing matters, I humbly on behalf of the 2nd Defendant ask for an order that unless sufficient cause to the contrary be shown, the Plaintiff's shares and interests of and in the Property shall, and in the meantime it does, stand charged with the outstanding sum of HK\$95,040.00 as aforesaid and interest thereon at the

judgment rate from 26th July, 2002 until payment together with costs of the Charging
Order application to be taxed if not agreed.

Affirmed at Messrs. Gary K.W. Tam & Co.,)
Solicitors of Room 2909B, 29th Floor,)
Bank of America Tower, No.12 Harbour)
Road, Central, Hong Kong -----)

this 25th day of June 2003)

Before me,



Gary K. W. Tam
Solicitor
HKSAR

This affirmation is filed on behalf of the 2nd Defendant.

2nd Defendant: 2nd. FWL: 25.0c
(HCA 9174/2000,
HCPI 521/2001

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
(HIGH COURT ACTION NO.9174 OF 2000)
PERSONAL INJURIES ACTION NO.521 OF 2001

BETWEEN:-

林哲民經營之日昌電業公司 (*Lin Zhen Man* Plaintiff
trading as Yet Chong Electric Co.) (English
Transliteration)

and

太平洋保險有限公司 (*Pacific Insurance* 1st Defendant
Company Limited) (English Transliteration)

and

九龍倉集團有限公司 (*The Wharf (Holdings)* 2nd Defendant
Limited)

SECOND AFFIRMATION OF FUNG WAI LIN

Filed the 28th day of June 2003.
at 10:10 a.m.

MESSRS. CHRISTINE M. KOO & IP,
SOLICITORS FOR THE 2ND DEFENDANT,
ROOM 3105, 31ST FLOOR, BANK OF AMERICA TOWER,
NO.12 HARCOURT ROAD, HONG KONG SAR.

TEL : 2526 7666 FAX : 2523 6922

OUR REF : CMK/4809/2003/JF/HF

附件 6.

30 SEP 2003

HCPI 521/2001



IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
PERSONAL INJURIES ACTION NO.521 OF 2001



(TRANSFERRED FROM HIGH COURT ACTION NO.9174 OF 2000
PURSUANT TO THE ORDER OF THE HON. YAM DATED 23RD MAY 2001)

BETWEEN:-

| | |
|---|----------------------------------|
| 林哲民經營之日昌電業公司 (<i>Lin Zhen Man trading as</i> <i>Yet Chong Electric Co.) (English Transliteration)</i> | Plaintiff |
| and | |
| 太平洋保險有限公司 (<i>Pacific Insurance Company</i> <i>Limited) (English Transliteration)</i> | 1 st Defendant |
| and | |
| Hong Tai Yuen Limited | 2 nd Defendant |
| and | |
| 九龍倉集團有限公司 (<i>The Wharf (Holdings) Limited</i>) | Former 2 nd Defendant |

BEFORE MASTER DE SOUZA OF HIGH COURT IN CHAMBERS

CHARGING ORDER ABSOLUTE

UPON THE APPLICATION by the former 2nd Defendant The Wharf (Holdings) Limited herein, AND UPON READING the Second Affirmation of Fung Wai Lin filed herein on 28th day of June 2003 together with exhibits referred thereto, the Second Affirmation of Hui Yiu Fai filed herein on 9th day of September 2003 together with exhibits referred thereto and the Charging

Order: Notice to Show Cause made herein on 9th July 2003, AND UPON HEARING the Solicitors for the Former 2nd Defendant and the Plaintiff being absent.

IT IS ORDERED that:-

- (1) the interest of the Plaintiff in the asset specified in the schedule hereto stands charged with the payment of HK\$95,040.00, the amount of costs due from the Plaintiff to the Former 2nd Defendant by an Order made on the 12th day of December 2000 by Mr. Registrar C. Chan of High Court in Chambers in HCA No.9174 and such costs were taxed by Master Mary Yuen on the 24th day of May 2003; and
- (2) the costs of this application, to be taxed if not agreed.

Dated this 17th day of September 2003.

Registrar

SCHEDULE

ALL THOSE 7/2260th parts or shares in the Remaining Portion of Kun Tong Inland Lot No.83, now known as "Factory C4 on 13th Floor, Wing Hing Industrial Building (Rear Block), No.14 Hing Yip Street, Kowloon".

HCPI 521/2001

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
PERSONAL INJURIES ACTION NO.521 OF 2001
(TRANSFERRED FROM HIGH COURT ACTION NO.9174 OF 2000
PURSUANT TO THE ORDER OF THE HON. YAM DATED 23RD MAY 2001)

BETWEEN:-

林哲民經營之日昌電業公司 (*Lin Zhen Man trading as
Yet Chong Electric Co.*) (*English Transliteration*) Plaintiff

and

太平洋保險有限公司 (*Pacific Insurance Company
Limited*) (*English Transliteration*) 1st Defendant

and

Hong Tai Yuen Limited 2nd Defendant

九龍倉集團有限公司 (*The Wharf (Holdings) Limited*) Former 2nd Defendant

CHARGING ORDER ABSOLUTE

Filed this 27th day of September 2003.

REGISTERED in the Land Registry
by Memorial No. 9014199
on 2 October 2003

for Land Registrar

MESSRS. CHRISTINE M. KOO & IP. (A88)
SOLICITORS FOR THE 2ND DEFENDANT,
ROOM 3105, 31ST FLOOR, BANK OF AMERICA TOWER,
NO.12 HARCOURT ROAD, CENTRAL, HONG KONG
TEL: 2526 7666 FAX: 2523 6922
OUR REF: CMK/4809/2003/JF/HF/af

余大峰律師行

YU & ASSOCIATES

SOLICITORS

2nd Floor, Hing Yip Commercial Centre,
272-284 Des Voeux Road Central, Hong Kong.
Tel : 2530 2028 Fax : 2530 4223
DX No.: 075051 – Sheung Wan

香港德輔道中 272-284 號興業商業中心 2 樓
電話 : 2530 2028 傳真 : 2530 4223

Partners

| | | | |
|---------------|-----|----------------------------------|-----------|
| DEVIN YU | 余大峰 | B.Ec.(Syd), LL.B. (Syd) | 2110 3939 |
| CALVIN WONG * | 黃志偉 | LL.B. (Hons), ACI Arb ABKIArb | 2110 3923 |
| ADOLF CHEUNG | 張世偉 | LL.B. (Hons) | 2110 3931 |
| KELVIN LAM | 林禮喬 | LL.B. (Lond) | 2110 3961 |
| PATRICK HUI | 許文傑 | LL.B. (Hons), MCI Arb ABKIArb | 2110 3921 |

Consultants

| | | | |
|-----------------|-----|-------------------------------------|-----------|
| EDWIN MOK | 莫華昇 | M.A. (Oxon), A.C.I.Arb | 2110 3938 |
| KEVIN WONG * | 王健興 | B.Sc. (Eng.), ACGL | 2110 3933 |
| VERONICA CHOW * | 周寶儀 | LL.B. (Hons) | 2110 3910 |
| POLLY CHAN | 陳佩玲 | B.A. (Hons) | 2110 3916 |
| K. L. CHIU | 趙基傑 | B. Soc. Sc. (Hons), LL.B. (Hons) | 2111 3382 |
| HOS HO | 何均就 | LL.B. (Hons) | 2110 3938 |
| RAYMOND WONG * | 黃偉文 | LL.B. (Hons) | 2537 8438 |

Assistant Solicitor

| | | | |
|-----------|-----|--------------|-----------|
| IRIS YUNG | 翁鴻若 | LL.B. (Hons) | 2110 3303 |
|-----------|-----|--------------|-----------|

* Civil Celebrant of Marriages 婚姻監禮人

Our Ref : YA/7181/07/RH/SF/C
Your Ref : CMK/4809/2003/JF/HF/af

Date : 9th November 2007
Please reply to: Mr. Raymond Ho
Direct Line : 2110 3932

Messrs. Christine M. Koo & Ip
Solicitors,
Room 601, 6th Floor, Tower 1,
Admiralty Centre,
18 Harcourt Road,
Hong Kong.

BY FAX & BY DX-180037 QUEENSWAY 1
(Fax No. 2523 6922)

URGENT

Dear Sirs,

Re : HCPI No. 521 of 2001

林哲民經營之日昌電業公司 (“Judgment Debtor”)

Factory C4 on 13th Floor, Wing Hing Industrial Building (Rear Block), No. 14 Hing Yip Street, Kowloon, Hong Kong (“the Property”)

We act for the above named Judgment Debtor.

We refer to the Charging Order Absolute Memorial No.9014199 registered against the Property. We would be obliged if you would let us know as soon as possible the judgment debt payable by the Judgment Debtor together with your costs and disbursements on discharge of the said Charging Order Absolute. In your computation, please include your costs for preparing the Memorial and your registration fee.

We thank you for your attention.

Yours faithfully,



Yu & Associates
/rh
c.c. Client

25242907

附件 8.



CHRISTINE M. KOO & IP

Solicitors & Notaries
Agents for Trade Marks and Patents

顧張文菊、葉成慶律師事務所

business



social service

Address: Room 601, 6/F, Tower 1, Admiralty Centre, 18 Harcourt Road, Hong Kong
地址: 香港亞答道18號海富中心1座6樓601室
Telephone/電話: (852) 2524 8996 Fax/傳真: (852) 2523 6922

DX/文件交遞中心: 180037 Queensway 1
E-Mail/電子郵件: christinekoo@cmkoo.com
Web-Site/網頁: http://www.cmkoo.com

Your Ref. YA/7181/07/RH/SF/C Our Ref. CMK/4809/2003/

Date 14th November 2007

Messrs Yu & Associates
2nd Floor,
Hing Yip Commercial Centre,
272-284 Des Voeux Road Central
Hong Kong

By Fax & By DX
(Fax No. 2530 4223)

PARTNERS 合夥人

Christine Koo LL.B (Hons)
顧張文菊律師 MCI AB

S. H. Ip LL.B (Hons) JP.
葉成慶律師 太平紳士
Notary Public: HK SAR
Chartered Appointed Adjoining Officer
香港執業公證人、平康執業公證人

Simon Wong BA (Hons)
王楚雲律師 LL.M (HKG)
MAPALS (City U)

Helen Kwan BSc LL.B
關佩琳律師 LL.M

Victor Yau LL.B (Hons)
丘志強律師 MCI AB

Nick Wong LL.B (Hons)
黃子耀律師

Sarah Wong LL.B (Hons)
黃婉華律師

Albert Tang LL.B (Hons)
鄧子誠律師 LL.M (USC)

Dear Sirs,

Re: **HCPI No. 521 of 2001**
林哲民經營之日昌電業公司 ("Judgment Debtor")
Factory C4 on 13th Floor, Wing Hing Industrial Building (Rear Block),
No.14 Hing Yip Street, Kowloon, Hong Kong ("the Property")

CONSULTANTS 顧問

K. W. Lai MA
李錦華律師 MCI AB

Kelvin Lin BA MBA
林正剛律師 Dip. PRC Law

Jean Wong LL.M
黃翠琪律師 LL.B (Peking)

Cecilia Grace Wong LL.B (Hons)
黃麗儀律師 LL.M ACTA AB

Mary Gu BA
顧菊莉律師

SOLICITORS 律師

Ali Fung LL.B (Hons) (Lond)
馮國華律師 LL.B in PRC Laws

Anita Shum LL.B (Hons)
沈思敏律師 LL.B (Thurgom)

AFFILIATED FIRMS 聯系律師事務所

- Anhui 安徽
- Beijing 北京
- Changdu 成都
- Chengqing 重慶
- Fuzhou 福州
- Guangdong 廣東
- Guangzhou 廣州
- Hangzhou 杭州
- Macao 澳門
- Melbourne 墨爾本
- Ningbo 寧波
- Shandong 山東
- Shanxi 山西
- Shanghai 上海
- Shenzhen 深圳
- Tianjin 天津
- Xian 西安

We refer to your letter of 9th November 2007.

We, as requested, list hereinbelow the judgment debt payable to our client together with our costs in respect of the Property:-

| | | |
|----|---|-----------------------|
| 1. | Our client's costs as allowed under an Allocatur dated 26 th July 2002 | HK\$95,040.00 |
| 2. | Interests accrued on the above costs as on 14 th November 2007 | HK\$61,546.68 |
| 3. | Our costs in respect of the Charging Order | HK\$38,000.00 |
| 4. | Our costs and disbursements on discharge of the Charging Order | HK\$12,000.00 |
| | Total: | HK\$206,586.68 |

We enclose herewith copies of a sealed copy Order made by Mr Registrar C. Chan on 12th December 2000 and a sealed copy Allocatur dated 26th July 2002 for your kind record.

Yours faithfully,

CHRISTINE M. KOO & IP
CMK/AS
Encl. as stated

