##### HCB 1612/2019

[2020] HKCFI 676

**IN THE HIGH COURT OF THE**

# HONG KONG SPECIAL ADMINISTRATIVE REGION

# COURT OF FIRST INSTANCE

BANKRUPTCY PROCEEDINGS NO 1612 OF 2019

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IN THE MATTER of HAN, CATHERINE (韓熙庭, formerly known as韓文虹)

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BETWEEN

YUEN TSZ CHUN FRANK AND CHAN HOI YAN Applicants

Joint and Several Trustees of the Property of HAN, CATHERINE

(韓熙庭, formerly known as韓文虹), a Bankrupt

and

HO SING WAI (t/a under the firm name AH Lawyers) Respondent

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Before: Hon G Lam J in Chambers (Not Open to Public)

Dates of Written Submissions: 14 & 15 April 2020

Date of Decision on Costs: 29 April 2020

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D E C I S I O N O N C O S T S

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1. Following my decision on 1 April 2020[[1]](#footnote-1) granting an order under s 29 of the Bankruptcy Ordinance (Cap 6) to require the respondent to give certain specified information to the applicants as trustees in bankruptcy of the Bankrupt herein, the applicants have asked for costs against the respondent on an indemnity basis, whereas the respondent submits that he should not be ordered to bear the applicants’ costs.
2. The respondent had taken a neutral stance towards the applicants’ summons. It is true that he did not consent to the application, and had in previous correspondence raised an objection on the ground of legal professional privilege which I found not made out. But it needs to be borne in mind that the respondent is a solicitor who owes a duty of confidentiality to his client. This duty and any obligation arising from data protection principle 3 of the Personal Data (Privacy) Ordinance (Cap 486) may be overridden by an order of the court but it does not follow that the respondent had behaved unreasonably in not providing the information before the order was obtained.
3. There may be different considerations in relation to information about money in the client’s account, because any money held for the Bankrupt may have become vested in the trustees by operation of law upon the appointment of the trustees.
4. Nevertheless, in all the circumstances, it seems to me just and appropriate to make no order as to costs including as regards the argument on costs.

(Godfrey Lam)

Judge of the Court of First Instance

High Court

Tanner De Witt, for the Applicants

Written Submissions by Mr Tony Ko, instructed by AH Lawyers, for the Respondent

1. [2020] HKCFI 566. [↑](#footnote-ref-1)