DCPI 1119 / 2012

**IN THE DISTRICT COURT OF THE**

**HONG KONG SPECIAL ADMINISTRATIVE REGION**

PERSONAL INJURIES ACTION NO. 1119 OF 2012

----------------------------

BETWEEN

MOHAMMAD-ISHAQ Plaintiff

and

TRINITY WEALTH LIMITED trading as Defendant

BRILLIANT DELIGHT CLEANING CO.

# 

------------------------

Coram : Deputy District Judge A. Yim in Chambers

Date of Defendant’s Statement of Costs for Summary Assessment :

6 September 2013

Date of Plaintiff’s Objection: 17 September 2013

Date of Decision: 24 September 2013

**-----------------------------------------------**

Decision

On Summary Assessment of Costs

**------------------------------------------------**

**Introduction**

1. On the 30 August 2013, I allowed the defendant’s application for striking out with costs to the defendant with counsel certificate. The parties jointly applied for the defendant’s costs be summarily assessed by letter dated 6 September 2013, in which the defendant enclosed his statement of costs for summary assessment. The plaintiff was directed to submit his comment if any on 10 September and he did so accordingly on 17 September.

**Background**

2. The Writ, Statement of Claim and Statement of Damages were issued on 4 June 2012 and were served on the defendant on 11October 2012. Notice to insurer was served to the defendant’s insurer (BOC), BOC instructed Messrs. Tong & Tsoi to represent the defendant but after the Acknowledgment of Service of Writ of Summons was filed, BOC considered the defendant has commit a breach of condition and repudiated the policy in question. The defendant then instructed Messrs. Wong, Kwan & Co to represent him thereafter.

3. The parties by consent summons filed on 8 January 2013, apply leave be granted to the plaintiff to amended his Statement of Damages. The defendant filed his Defence on 15 January 2013. The plaintiff filed his Reply on 8 February 2013. Thereafter, the defendant filed his list of document on 26 March 2013.

4. On 19 April 2013 the defendant took out the striking out summons. On the 2nd Checklist Review hearing, directions were given in relation to the summons and adjourned to 28 August 2013 for argument with 2 hours reserved.

**General**

5. The costs claimed by the defendant as per his Statement of Costs for Summary Assessment amount to $129,728. I directed the plaintiff to submit his comment if any, the plaintiff submitted a List of Objection very similar to that for an oral taxation, asking to tax down the costs to $54,652. As it is an exercise of summary assessment, I will not go through the objections item by item, instead I will adopt a broad brush approach in view of the background of the proceedings, the nature of the matter and the disputed issues involved.

**Summary Assessment**

6. As the plaintiff has pointed out in his List of objections, most of the items claimed are routine in nature, counsel was instructed at the early stage of the proceedings. Further, the Defence was drafted by the counsel, and the defendant took out the striking out summons about three months after he filed his Defence. There are in substance only two disputed issues related to the merit of the case, one concern the identity of the employer and the other about the condition of the vehicle involved. I consider a counsel with 10 years experience would have handled the matter competently.

7. Taking into account of the volume of the document and the number of the attendance by litigation clerk, I allow $2,000 for the manual work. For communications and professional work undertook by the instructing solicitors, taking into account the background of the litigation, I consider a total of $30,000 would be reasonable.

8. For the counsel fees, as stated above, the issues involved were limited, and a counsel with 10 years experience would have handled the matter competently, I will assess this item accordingly and taxed it down to $45,000.

**Summary**

9. For the reasons mentioned above I take a broad brush approach and the costs liable by the plaintiff are globally assessed and allowed at $77,000.

(A. Yim )

Deputy District Judge

Deputy District Judge

Or & Partners for the Plaintiff

Wong, Kwan & Co. for the Defendant