DCPI171/2005

# IN THE DISTRICT COURT OF THE

**HONG KONG SPECIAL ADMINISTRATIVE REGION**

PERSONAL INJURIES ACTION NO. 171 OF 2005

BETWEEN

WONG SHING KAM 1st Plaintiff

WONG NGAN CHI, JACKY 2nd Plaintiff

and

LEUNG MING KWONG Defendant

Coram: Deputy District Judge S.T. Poon in Court

Date of Hearing: 24 January 2006

Date of Judgment: 24 January 2006

J U D G M E N T

1. The Plaintiffs were passengers on board a public light bus and they suffered personal injuries as a result of the collision caused by the negligence of the defendant. The injuries suffered by the plaintiffs were relatively minor. Although the 1st plaintiff complains that he suffered headache and tinnitus after the accident, there is no medical evidence proving the causation between such complaints and the accident.
2. The injuries suffered by the 1st plaintiff supported by medical evidence are: a 1 cm laceration over the lower gum region; right elbow bruising; right face was swollen; bleeding of the mouth. The injuries of the 2nd plaintiff supported by medical evidence are: neck sprain and bruises on the legs. The 2nd plaintiff was also granted five days sick leave.
3. Having considered the authorities in relation to the PSLA, submitted by Miss Wong, counsel representing the plaintiffs, I am of the view that the injuries suffered by the 1st plaintiff resemble the plaintiff in the case of DCPI853/2004, and I agree with the assessment by the learned Deputy Judge that $25,000 is the appropriate figure. For the 2nd plaintiff I consider the injuries suffered slightly more severe than that of the 1st plaintiff but less severe than that of the plaintiff in DCPI391/2005. However I will adopt an amount of $30,000 for the 2nd plaintiff.
4. As to the claims for special damages I accept the evidence of the 1st plaintiff in full and I award the special damages as claimed. For the 2nd plaintiff I would disallow part in relation to the expenses for bird’s nest and I assess that it represents $750 out of the $1,000 in that item. All other items under this head are allowed. The total award to the 1st plaintiff is, therefore, $25,000 plus $5,500 for the special damages, totalling $30,500. The award to the 2nd plaintiff is $30,000 plus $1,050, totalling $31,050.
5. There will, therefore, be judgment in favour of the 1st plaintiff for $30,500 with interest on the special damages at half the judgment rate from the date of the accident to the date hereof, and interest on pain, suffering and loss of amenities at 2 per cent per annum from the date of the writ to the date hereof. There will therefore be judgment in favour of the 2nd plaintiff of $31,050 with interest on the special damages at half the judgment rate from the date of the accident to the date hereof, and interest on pain, suffering and loss of amenities at 2 per cent per annum from the date of the writ to the date here.
6. Costs of the 1st and 2nd plaintiffs in this action be to the 1st and 2nd plaintiffs, to be taxed if not agreed.

(S.T. Poon)

Deputy District Judge

Representation:

Miss Becky Wong Bing-yee, instructed by Messrs Ivan Tang & Co., for the 1st and 2nd Plaintiffs

Defendant, in Person