## DCPI 1575/2005

**IN THE DISTRICT COURT OF THE**

**HONG KONG SPECIAL ADMINISTRATIVE REGION**

PERSONAL INJURIES ACTION NO. 1575 OF 2005

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##### BETWEEN

FARIDHA SULISTYONINGSIH Plaintiff

### and

MAK OI LING KAREN Defendant

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Coram: Deputy District Judge Anthony Kwok in Court

Date of Hearing: 1st- 2nd February 2007

Date of Handing Down Judgment: 4th April 2007

J U D G M E N T

*Introduction*

1. This is a case of physical abuse and false imprisonment of a foreign domestic helper by her employer. At all material times, the Plaintiff was a domestic helper. She was recruited by an employment agency from Indonesia to work for the Defendant for a two-year contract on 8 December, 2001. She flew to Hong Kong and commenced working for the Defendant at her residence at Yaumatei, Kowloon on 2 February, 2002 but the employment did not last long. When it ended on 3 June, 2002, the Plaintiff had to escape from the flat as she could no longer withstand the Defendant’s physical violence as well as mental torture inflicted upon her during the period of her employment. According to the Plaintiff, she was not paid any salary at all as stipulated in the contract; she was told to sleep on the kitchen floor during the night; she was not provided with proper food nor money as food allowance; she was not given any rest days or statutory holidays and furthermore she was forced to work for long hours from 6:30 a.m. until 4 a.m. the following day. Worse still, she was all along detained in the residential flat of the Defendant throughout her employment. Apart from a few occasions during the first month of the employment when the Defendant took her to the supermarket, the Plaintiff was not allowed to leave the flat at all. The front door of the flat was always locked and the Plaintiff was not provided with the keys thereof. The Defendant had also installed surveillance equipment in the flat to monitor her movement.
2. The physical abuse by the Defendant took the forms of hitting, pinching, scratching and assaulting with umbrellas, stool’s legs, mops, hangers and even teapots whenever the Plaintiff was accused of not performing her duties properly or at all. As a result, the Plaintiff suffered pains and injuries. On or about 30 May, 2002, the Plaintiff said the Defendant pinched her chest with her fingers so forcibly as to have caused her bleeding and her blouse was stained with blood. She was however prevented from calling the police for assistance as she was effectively “imprisoned” inside the flat.
3. The incident which triggered the Plaintiff’s decision to escape from the flat and call for assistance on 3 June, 2002 was when the Defendant, according to the Plaintiff, had firstly accused her of getting up late in the morning and then she took out a wooden ruler of about 12 inch long and beat her at her face for about ten times. Later, at about noon, the Defendant suddenly lost her temper again and used the same ruler and hit her face again for another ten times. As a result, the Plaintiff suffered from what she described as extreme pain, bruises and humiliation. Eventually, in the same evening while the Defendant had left home to go to work and the Defendant’s husband and son were asleep, the Plaintiff made good her escape by climbing over the back balcony and down the drainage pipes to the street as the door of the flat was locked. She found a police car in the street and she immediately reported her ordeal to the police and she was sent to Queen Elizabeth Hospital for treatment.
4. Dr. Joseph Yao of the Accident & Emergency Department of the Queen Elizabeth Hospital examined the Plaintiff and found that the Plaintiff suffered from bruising and swelling over both orbital areas, upper lip laceration, one fractured incisor tooth, swollen over left eye lid and right foot, abrasions over anterior chest wall and back, blood oozing from anterior chest wound, tendered wrists, multiple abrasions over both arms and hands. According to Dr. Yao, the clinical diagnosis was *assault* and *chronic abuse*.
5. A year after the incident, the Plaintiff was referred to Yaumatei Psychiatric Centre by the police. According to the Psychiatrist Dr. K. L. Chan, after the incident, she suffered from adjustment disorder with depressive features as a result of *physical* and *mental assault* by the Defendant during her employment period. The depressive features including depressed mood, crying spells, anger, fluctuating sleep but theses depressive features had subsided afterwards when the stressors were removed.
6. In July, 2003, the Plaintiff was examined by Dr. W.K. Lui, a dentist of the Dental unit of Queen Elizabeth Hospital. Dr. Lui advised that the Plaintiff sustained dental injury and should receive dental treatment. Following that advice, she went to see Dr. Mike J. Smith, a private dentist in May 2004. Dr. Smith, after examining the X-ray of her incisor 11 formed the opinion that her sound incisor 11 was fractured which could be attributed to the *assault* and *battery*.
7. The Plaintiff was later referred to and examined by a plastic surgery specialist, Dr Otto Au in May 2006. According to the report, the scars on her body were the result of injuries inflicted by objects most likely blunt in nature, the scars on her left breast were similar to scald injuries or abrasion caused by blunt objects. They were consistent with a form of assault and battery *given by another person* *or persons*. The Plaintiff suffered from mental trauma as well as body trauma as a result of the assaults. Scars were left on her scalp, left upper eyelid, right medial upper eyelid, left forehead, mid nose, upper lip, left chest and left breast. He assessed that her cosmetic disability to be 3 % of a whole person and such disability would affect her earning capacity about 1 % approximately. Dr Au advised that the Plaintiff’s scars on the face and body might be improved by plastic surgery. The whole treatment amounts to $64,000 as shown in his break-down.(pp163-4) The Plaintiff was hospitalized from the date of the incident to 7 June, 2002. Not surprisingly, she did not return to work for the Defendant after her discharge from the hospital. She was however prevented from looking for a new job in Hong Kong as her application for change of employer was rejected by the Immigration Department on the ground that the criminal trial (under which the Defendant was prosecuted for wounding and occasioning actual bodily harm to the Plaintiff) was still on-going at the time. Finally, the Immigration Department granted the permission to the Plaintiff to look for a new job and she found the present employment in August 2004 earning $3,270 per month.
8. After the incident, the Plaintiff first sought assistance from the Labour Department and later brought a claim before the Labour Tribunal in August, 2002 for a total sum of $23,780.23 for her entitlements under the Employment Ordinance. On 9 September, 2002, by admission, the Defendant agreed firstly to pay to the Plaintiff three non-contentious items totaling $2,190 while the remaining contentious items be adjourned pending the result of the criminal investigation. Following a trial before a magistrate, the Defendant was finally acquitted of all the charges on 25 March, 2004. On 7 June, 2004, the hearing in the Labour Tribunal was restored and judgment was entered against the Defendant for the balance of the claims in the sum of $21,329.80, the Defendant being absent in that hearing. On 7 September, 2004, the Defendant applied to the presiding officer to set aside the judgment order on the ground that she had earlier moved to a new address and as such took no notice of the restored hearing. The presiding officer finally set aside the order on 22 November, 2004 and after learning that Plaintiff have already commenced an action in the District Court, he also transferred the whole claim to the District Court for disposal. (DCCJ 6091/2004 and DCCJ 6417/2004 refers) By an order of master K. W. Wong dated 13 July, 2005, the two cases were consolidated and by another order of master S. T. Poon dated 10 November, 2005, the case was to be listed in the Personal Injuries List, hence the present action. All along, the Defendant was unrepresented in the pre-trial direction hearings before masters and apart from the home-made Defence which she had filed in DCCJ 6091/2004 on 7 May, 2005, she did not file any Defence for the present action. In fact, the Defendant was absent throughout since her last appearance on 2 March, 2006 when she was ordered by a master to file her Defence and Counterclaim (if any) before 13 April, 2006. Defendant did not file any document as a result and she had chosen to absent herself in the subsequent pre-trial hearings and even the trial hearings before me to put forward her defence.

***Liability***

1. I have carefully considered the evidence of the Defendant’s assault on the Plaintiff which was given in great details in her witness statement and supplemented by her oral testimony. There is no doubt that the Plaintiff has suffered from physical as well as mental injuries when she said she escaped from the Defendant’s flat to avoid further abuse on 3 June, 2002 which is corroborated by the exhibits produced during the trial including sets of photographs taken shortly after the incident (pp174-184); contemporaneous statements to the police (p108, p115, p128 & p138); the statement of the police officer who also saw her injuries(pp135-6); the various medical reports as stated above and also the Police Force Medical Examination Form (pp145-6) as well as the medical report of Dr. Philip Wong (pp147-8).
2. As said, the Defendant was absent in this trial and no evidence was ever adduced to substantiate her defence. According to her defence which was previously filed, the Defendant denied to have ever assaulted the Plaintiff during her employment. She mentioned however that the Plaintiff seemed to be running into financial difficulty by having to borrow salary from her although she maintained that she had paid her salary as contracted. In particular, she mentioned an incident in May, 2002 when someone from a finance company suddenly turned up at the Defendant’s flat to look for the Plaintiff but of no avail. Later, when the Plaintiff returned, the Defendant said she had asked the Plaintiff if she had borrowed money from anyone and was being chased for payment but the Plaintiff did not reply. According to the defendant, she warned the Plaintiff to handle her personal affairs more properly as she was entrusted by her to take care of her son which was a still an infant.
3. The plaintiff affirmed that she did not borrow any money before coming to Hong Kong or during the material times. In any event, the possibility that the injuries on the Plaintiff was caused by debt collectors was speculative and appears to be far fetched. As the Plaintiff’s unchallenged evidence was that she was “imprisoned” in the flat and locked up by the Defendant during her employment, it would be difficult for person(s) other than the Defendant or her husband to have inflicted the injuries on the Plaintiff. Also, Mr. Ludwig Ng, solicitor for the Plaintiff had reminded me that injuries were caused from fall has been inconsistent with the forensic pathologist’s findings (p150). Dr. K. L. Hau, the pathologist, had said that it was hard to perceive that a single episode of fall could have accounted for the findings of multiple *bruises and scars* of *different ages* as described in the medical reports and revealed on the photos as well as the findings of multiple *rib fractures of different* *ages* mentioned in the medical report. In summary, the Defendant’s version that the Plaintiff had fallen from the 3/F veranda to the 2/F did not appear to be a plausible explanation for all the injuries encountered.
4. While I did not lose sight of the fact that following the criminal trial during which the Defendant was prosecuted for wounding and assault occasioning actual bodily harm on the Plaintiff, the Defendant was acquitted of all the charges by the magistrate, I have to bear in mind firstly, that the standard of proof in a criminal trial and a civil trial is different and secondly, that the Defendant was only acquitted on doubt after the magistrate ruled that there was a case to answer in respect of the charges.
5. During the present trial, however, for reasons best known to the Defendant, she voluntarily absent herself in the latter parts of the direction hearings and even in the trial proper. She failed to adduce any documentary evidence or call any witness including herself to support her case. The Plaintiff’s case in effect is that the Defendant committed criminal offences, such as wounding and false imprisonment. The civil standard of proof on the balance of probabilities is applicable here but a higher degree of probability is required. See **AG v. Tsui Kwok Leung** [1991] 704 and **HKSAR v. Lee Ming Tee and Securities and Futures Commission** [2004] 1 HKLRD As a result, there is nothing from the Defendant to challenge, undermine or even to explain the evidence adduced by the Plaintiff. I therefore decline to attach any sufficient weight to the evidence adduced by the Defendant in the magistrate court for the above reason. On the other hand, the Plaintiff, who was the only witness in the trial, had given straight forward evidence in this trial and as said, not only that her testimony was not subject to any challenge, it was also supported by other corroborating evidence. She had emphatically denied all that was said against her by her ex-employer under affirmation. I am particularly not convinced that the bodily injuries found on the Plaintiff which took the forms of multiple bruises and scars of different ages as well as multiple rid fractures could have been self-inflicted or attributed to any single accident of fall or assault by any third party. Her testimony aside, based on the cumulative effects of all the evidence adduced before me, I am satisfied on the balance of probability, as Lord Nicholls put it in **Re H(minors)**[1996] AC 563 that the more serious the allegation the less likely it is that the event occurred and hence the stronger should be the evidence, an inference could still properly be drawn that the injuries suffered by the Plaintiff were inflicted by the Defendant during her employment in the manner as the Plaintiff have described.

***Quantum of Damages***

1. The Plaintiff was born on 7 February 1976. She was 26 at the time of the assault. She commenced working with the Defendant as a domestic helper on 2 February 2002. Her salary was $3,670 a month with a food allowance of $300 per month if food was not provided. She was entitled to $1,000 accommodation allowance under her contract if she was not provided with a proper and suitable live-in accommodation. From her testimony, the Defendant did not provide food for her during the employment and she was made to sleep on the kitchen’s floor during the night. Therefore an average earning of $4,970 was derived. I would take this amount to be the average earning of the Plaintiff for the purpose of this assessment.

***Pain, Suffering and Loss of Amenities (“PSLA”)***

1. On Pain, Suffering and Loss of Amenities (“PSLA”), Plaintiff’s solicitor referred to **Hoi Wai Yee v Yip Chuen, Yip Wing** **Choi** HCPI 291 of 1996, unreported, and asked for an assessment of an award of $320,000 under this head. With respect to Mr. Ng, **Ho Wai Yee**(supra.) is a much more serious case as the plastic surgeon there assessed the Plaintiff’s scar as “*permanent, unsightly scars with a cosmetic* *disability of 8%.*” In the judgment, the court had the following comment:

“Although the plaintiff has no functional disabilities, it cannot be denied that her injuries had a profound impact on her life. She suffered pain, discomfort and inconvenience for at least three years after the accident and will continue to suffer the indignity and embarrassment of the scars for the rest of her life…The quality of her life has been noticeably impaired and this must place her close to the “ serious injury” category.”

By comparison, the various scars as found by the plastic surgeon, Dr. Otto Au on Plaintiff appeared to be slight and small. According to Dr. Au, her scars may be improved by plastic surgery (total treatment fees $64,000 (p163-4) plus 15 days of sick leaves required to undergo those surgeries $3,270 x 15/30 = $1,635) and her cosmetic disability would only be 3%. What is more, her disability have little or no effect on her future earning capacity. In so far as her psychological impact is concerned, Dr. K.L. Chan of the Yaumatei Psychiatric Centre had confirmed that the depressive features of the Plaintiff had subsided afterwards when the stressors were removed. This demonstrated that the Plaintiff’s mental health is not likely to be permanently injured. Mr. Ng also cited **Lau Choi Chung v. Xie Renlan & Anor.** DCPI 468/2004for my reference where my learned brother had referred to a good number of cases for comparison. As rightly pointed out in the judgment, none of the cases cited bind me. Each case has to be decided on its own facts. Reference to decided cases can only provide comparables which is useful as courts should strive to achieve consistency in awards made. In **Lau Choi Chung** (supra), the PSLA was assessed to be $120,000 and by comparison, theextent of injuries suffered by the Plaintiff in the present case is far more serious which apart from the scars also involves fractured ribs and incisor tooth. There were also multiple abrasions and bruises of different ages over her body which tended to suggest that she had been subject to chronic physical abuse by her employer for a period of time. Taking into account of all these disparities, I would assess $280,000 to be the more appropriate and reasonable award for PSLA here.

***Past Loss of Earnings***

16. On loss of pre-trial earnings, the Plaintiff is taken to have been constructively dismissed on 3rd June 2002. Both under common law and s 10 of the Employment Ordinance, an employee is justified in terminating the employment contract without notice and refusing to go on further in the event of his having a reasonable apprehension of danger to life or personal injury as a result of continuing the work. She wanted to mitigate her loss but she was not allowed by the Immigration Department to change her employer until August 2004. The monthly loss of earning is $4,970 as stated in paragraph 14. The period involved under this head is 26 months between June, 2002 and August, 2004 and the total loss of pre-trial hearings would be $4,970 x 26 = $129,220. Mr. Ng submitted that the loss of income during this period is a natural and foreseeable loss arising from the Defendant’s breach of trust and confidence, to this I agree.

***Compensatory and Aggravated Damages for False Imprisonment***

17. As said in **McGregor on Damages**(16th edition),

“The details of how the damages are worked out in false imprisonment are few:generally it is not a pecuniary loss but a loss of dignity and the like, and is left much to the jury’s discretion. The principal heads of damages would appear to be injury to liberty i.e. the loss of time considered primarily from a non-pecuniary niewpoint, and the injury to feelings, i.e. the indignity, mental suffering, disgrace and humiliation, with any attendant loss of social status.” (para 1850 at p1199)

18. The details of the false imprisonment has been particularly described in the beginning of this judgment. When the Plaintiff gave evidence, she spoke of the fact that the main door was always locked to prevent her from leaving when there was no adult at home. Even disposing of garbage outside the home would be brief and under special permission. The Plaintiff dared not ask for holidays as she has been warned by the employer and she feared that by asking would result in more scolding and abuse in return.

1. Mr. Ng submitted that the following factors could be taken into account when I come to consider this head:
   * The Plaintiff was a foreigner newly arrived in Hong Kong, with no social support whatsoever. Being prevented from meeting fellow countrymen during holidays would cause further distress, especially when this also meant she had no one to talk to about her sufferings in the Defendant’s home;
   * The total period of false imprisonment would be twenty odd days if only Sundays and other statutory holidays were counted which was substantial;
   * She was forced to work long hours during the day and to deny her of the rest days would simply increase her mental stress.

20. In **Thompson v. Commissioner of Police of the Metropolis** [1998] QB 498, the English Court of Appeal laid down some useful guidelines that should be given to the jury when they are called upon to assess damages under false imprisonment. The guidelines which are applicable to the present discussion includes, inter alias, that compensatory damages are of two types: (a) ordinary damages which should be described as basic, and (b) aggravated damages; that aggravated damages can only be awarded where they are claimed by the Plaintiff and where there are aggravating features about the Defendant which justify the award; that the basic damages will depend on the circumstances and degree of harm suffered by the Plaintiff; that in the case of aggravated damages, such damages can be awarded where there are aggravating features about the case which would result in the Plaintiff not receiving sufficient compensation for the injury suffered if the award were restricted to a basic award and finally that aggravating features can include oppressive manner in relation to the imprisonment.

21. In the trial, only one local case on false imprisonment was cited: **William Crawley v. AG** HCA 4675/1985. The Plaintiff, a chartered accountant, sued for damages for false imprisonment by the police for improper use of handcuffs and exposing in public as such. The whole incident lasted for about 2.5 hours only and the exact period during which Mr. Crawley was unjustifiably handcuffed and exposed outside could not be more than 20 minutes and doing the best it can to arrive at an appropriate figure in the circumstances of the case, the court awarded a sum of $4,500.

1. 22. After the close of submission, Mr. Ng was able to find another more recent Hong Kong case and my attention was drawn to **Godagan Denivalage Prema C v. Cheung Kwn Fong & anor.** DCCJ 2488 0f 2003. In this case, a Indonesian maid was falsely accused by her employer of theft and was convicted after trial in a magistrate court. She served 19 days in prison before she obtained bail pending appeal. She later succeeded in the appeal and had her conviction overturned, hence the civil claim of damages for malicious prosecution and false imprisonment. In assessment of damages, the court treated the damages for malicious prosecution the same way as false imprisonment and awarded $200,000 to the Plaintiff. Mr. Ng relied on this quantum and suggested that a possible approach is to apportion this award into two equal parts which tended to support his claim for $100,000 for damages for false imprisonment. Mr. Ng submitted that the figure $100,000 is appropriate in total for *basic* as well as *aggravated* damages. In the case of aggravated damages, he relied on the fact that the false imprisonment was imposed by abuse of the Defendant of her position as employer, by threat of violence on a foreign domestic helper who just arrived in Hong Kong and had no social support whatsoever. In my judgment, the basic damages would overlap and be absorbed largely in the Plaintiff’s claim for rest days and statutory holidays but the aggravated damages is certainly applicable as there were clearly aggravating features of the case which involved the oppressive manner in which the Plaintiff was subjected to false imprisonment. The injuries to the mental feelings and the dignity of the Plaintiff as a new foreign domestic helper coming to work in Hong Kong could not be overlooked. That said, the stigma and the injury to a person’s reputation following a malicious prosecution and the ensuing false imprisonment in a prison environment is in my view a much more serious predicament and hence merits a much higher award. For my part, in terms of severity, in so far as the damages for false imprisonment in this case is concerned, I would only award a total figure of $60,000 under this head.

***Exemplary Damages for False imprisonment***

23. In **Thompson v. Commissioner of Police** (supra.), the guidelines suggested that it is possible to award damages with the object of punishing the Defendant where there is evidence to support such a claim. However, the jury should bear in mind that (a) the aggravated damages award will have already provided compensation for the injury suffered by the Plaintiff as a result of the oppressive and insulting behaviour of the Defendant; (b) that exemplary damages should be awarded if, but only if, they consider the compensation awarded by way of basic and aggravated damages is in the circumstances an inadequate punishment for the Defendant; (c). that the sum awarded by way of exemplary damages should be sufficient to mark the jury or court’s disapproval of the oppressive or arbitrary behaviour but should be no more than is required for this purpose. There is mentioning of another $50,000 award under this head but it seems to be quite obvious to me that this is not a case for exemplary damages as I consider the $50,000 award under the basic and aggravated damages would by itself be a severe and adequate punishment for the Defendant. Moreover, the award of exemplary damages is always a matter of discretion.

***Aggravated Damages for the Assaults***

24. Relying on the case of **Achacoso, Warly Cabaneros** **v. Liu** **Man Kuen** HCPI 121/2001, another case for damages for assault on an Indonesian domestic helper against the employer, the Plaintiff also claimed under this head and since $50,000 was awarded in that case which was a single incident, Mr. Ng asked for an award of $100,000 to reflect the severity and the frequency of the attacks inflicted upon the Plaintiff by the Defendant.

25. In **Achacoso** (supra), at paragraph 26, the following judgment was cited: **Appleton v. Garrett** [1996] PIQR. P1

"In Rookes v Barnard Lord Devlin said that aggravated awards were appropriate where the manner in which the wrong was committed was such as to injure the plaintiff's proper feelings of pride and dignity or gave rise to humiliation, distress, insult or pain. Examples of the sort of conduct which would lead to these forms of intangible loss were conduct which was offensive or which was accompanied by malevolence, spite, malice, insolence or arrogance. In other words the type of conduct which had previously been regarded as capable of sustaining a punitive award. It would therefore seem that there are two elements relevant to the availability of an aggravated award, first, exceptional or contumelious conduct or motive on the part of the defendant in committing the wrong and second, intangible loss suffered as a result by the plaintiff, that is injury to personality."

26. By comparison, the contumelious conduct of the Defendant in this case was very similar to that of the employer in **Achacoso** (supra) in terms of the magnitude as well as the extent of injuries suffered by the Plaintiff. As said, the injury also gave rise to humiliation, distress, insult and pain. If anything, the present case involves more than a single incident of assault but the permanent cosmetic disability is 2 % less due to the fact that the Filipinos maid in **Achacoso** (supra) had her hands being burnt by a hot electric iron held by the employer.

27. In my judgment, I also found that an award of $50,000 is fair and appropriate under this head.

***Special Damages***

28. Special Damages consists of two parts. The first being the sums of items 1-7 on p.76 of the Statement of Damages. Those were actually the claims by the Plaintiff for unpaid wages and his other statutory and contractual entitlements under Employment Ordinance with a break down as provided in the total sum of $22,754 which were transferred by the Labour Tribunal. In my judgment, these are all proper and legitimate claims in accordance with the statute and the contract. Once the Defendant was found to have constructively dismissed the Plaintiff, the compensation awards as claimed would be inevitable. I would allow this first part. As for the second part, namely items 8-11 and 13 on page 77-78 of the Statement of Damages, theses are relatively small and uncontroversial items. A break down of these expenses was also provided and the description was self-explanatory. An amount of $400 for hospital fees and an amount of $100 for damaged clothing would be allowed. I would also award $6,460 for dental treatment and repair which was well supported by invoices and receipts. There was a remaining claim for $2,844 for actual labour expended in taking care of the infant of a colleague of the Defendant. I should think this claim was a little remote as it was unclear whether this was a duty which was carried out by the Plaintiff in additional to or in lieu of her existing domestic duties in practice. Given the attitude of the Defendant, I doubt if the Plaintiff would be allowed to be remaining idle even if she was not required to take care of the infant. I therefore declined to make this award. The total sum for this second part would only be $9,390. The total amount for Special Damages therefore came up to $22,754 + $9,390 = $32,144

***Future Medical Expenses***

29. As stated in paragraph 15 above, the Plaintiff referred to Dr. Otto Au’s report (p163-4) which stated that her scars might be improved by certain operations. There was a break down in relation to the surgeries required as well as the sick leave days required to undergo those operations. The total amount claim would be $65,635 which I consider is also just and appropriate.

30. To summarise, the amounts awarded therefore are:

(1) PSLA $280,000

(2) Loss of pre-trial earnings $129,220

(3) Compensatory and aggravated

damages for

false imprisonment $60,000

(4) Exemplary damages for

false imprisonment $nil (5) Aggravated damages for

the assault $50,000

(6)Special damages $32,144

(7)Future medical expenses $65,634

total: $616,998

31. Judgment is therefore given in favour of the Plaintiff against the Defendant for the amount of $616,998. All general damages shall carry interest at 2% p.a. from the date of the writ until judgment (handing down) and thereafter at judgment rate until full satisfaction of the judgment award to the Plaintiff. All special damages shall carry interest at half judgment rate from the date of the accident until judgment and thereafter at judgment rate until full payment.

32. I also order the Defendant to pay the Plaintiff’s costs of this action, to be taxed, if not agreed. This shall be a cost order nisi and be made absolute 14 days after judgment.

(Anthony Kwok)

Deputy District Judge

Representation:

Mr. Ludwig Ng of Messrs Or, Ng & Chan for the Plaintiff

The Defendant, in person, absent