

IN THE DISTRICT COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
PERSONAL INJURIES ACTION NO. 22 2002

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BETWEEN                      Sami'an Sutinah                      Plaintiff

and

Katrina Leung Wai-kuen                      1st Defendant

QBE Hongkong and Shanghai                      2nd Defendant  
Insurance Limited (formerly  
known as Hongkong & Shanghai  
Insurance Company Limited)

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DCPI23/2002

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Coram:      H H Judge Carlson in Chambers

Date:        24 May 2002

Present:    Mr George Sit, of Messrs Boase, Cohen & Collins,  
              assigned by the Legal Aid Department, for the  
              Plaintiff  
              D1 in person

R U L I N G

1.            It seems to me in this matter that I ought to strike out the defence of the 1st defendant, because in my view it discloses no reasonable defence. This is a situation where the

plaintiff is suing the 1st defendant for personal injury, pain and suffering and for other consequential losses arising out of two separate assaults on 10 and 11 October 2000, when the plaintiff was the 1st defendant's domestic helper.

2. As a result of those two incidents, the police were called, the defendant was then arrested and charged with assault. The matter was heard by the magistrates' court. After trial the defendant was convicted and sentenced to a term of 22 months' imprisonment.

3. The plaintiff, as she is entitled to, relies on those convictions and it seems to me the matter is now beyond doubt, that there can be no possible defence in the way that the action is framed against the defendant. Consequently, I shall do what Mr Sit asks me and I take this course under Order 18 rule 19 of the Rules of the District Court. Accordingly, the defences will be struck out and there will be judgment to the plaintiff with damages to be assessed.

4. The plaintiff will have her costs of the action up to and including today, to be taxed on a party and party basis, together with an order for Legal Aid taxation of her costs. I will say more about this in a moment.

(Discussion re assessment of damages)

5. The first thing is discovery by list, say, 21 days, inspection seven days thereafter.

6. Witness statements are to be exchanged within 42 days.

7. The reports of government doctors are to be admitted in evidence without calling the maker.

8. The medical evidence is to be limited to one expert on either side, whose evidence will be exchanged within 56 days.

9. The revised statement of damages is to be served within 63 days.

10. The defendant's answer thereto to be served and filed 28 days thereafter.

11. A pre-trial review not before expiry of 70 days from today.

**Ian Carlson**  
**District Court Judge**