

索償
附件 1.

Claim nature :

A. Mixed claim

B. Mortgage action (under O88 of the rules of District Court (Cap.336))

We hereby confirm that the relief sought falls within the jurisdiction of the District Court under Sections 32 and 35 of the District Court Ordinance, Cap.336.

Mortgage action
按揭訴訟

DCMP 254 /2018

IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
MISCELLANEOUS PROCEEDINGS NO. 254 OF 2018

更亂寫一通！

關於(a) 的財產所知如全部那7個相等的沒有分開
的第2,260個部分或者一份及所有部分或處於橫臥
的地面部份與註冊在土地登記內如官塘地區劃分
的NO.83, 及在家宅建築物和房屋在其上目前已知
如永興工業大廈及永泰中心連同單獨的及獨有的
在右保持使用佔據及欣賞所有工廠所講的興業街
14號永興工業大廈(後街區) 13th C-4 層如沒有分開
的第2,260個部分或者一份及所有部分或處於橫臥
的地面部份與註冊在土地登記內如官塘地區劃分
的NO.83, 及在家宅建築物和房屋在其上目前已知
如永泰中心連同單獨的及獨有的在右保持使用佔
據及欣賞所有C4 屋頂所講的永興工業大廈(後街
區), 在興業街14號, 九龍, 香港

IN THE MATTER of (a) the property known as ALL
THOSE 7 equal undivided 2,260th parts or shares of
and in ALL THAT piece or parcel of ground situate
lying and registered in the Land Registry as KUN
TONG INLAND LOT NO.83 and of and in the
messuages erections and buildings thereon now
known as WING HING INDUSTRIAL BUILDING
and WING TAI CENTER together with the sole and
exclusive right to hold use occupy and enjoy ALL
THAT FACTORY C4 on the 13TH FLOOR of the said
WING HING INDUSTRIAL BUILDING (REAR
BLOCK), No.14 Hing Yip Street, Kowloon, Hong
Kong and (b) the property known as ALL THAT 1
equal undivided 2,260th parts or shares of and in ALL
THAT piece or parcel of ground situate lying and
registered in the Land Registry as KUN TONG
INLAND LOT NO.83 and of and in the messuages
erections and buildings thereon now known as WING
HING INDUSTRIAL BUILDING and WING TAI
CENTER together with the sole and exclusive right to
hold use occupy and enjoy ALL THAT PORTION C4
of MAIN ROOF of the said WING HING
INDUSTRIAL BUILDING (REAR BLOCK), No.14
Hing Yip Street, Kowloon, Hong Kong

and

IN THE MATTER of 3 Memoranda of Charge dated
28th May 2002, 25th April 2013 and 30th December
2016 respectively registered in the Land Registry by
Memorial Nos.UB8692879, 13042600450151 and
17010400170106 respectively

and

IN THE MATTER of Order 31 Rule 1 and Order 88
Rule 1 of the Rules of the District Court

本事件關於區域法院命令31規章1 及88規章

就3個備忘錄的索價之 2002.5.28, 2013.4.25 及
2016.12.30日期註冊在土地登記處由記錄號碼
UB8692879, 13042600450151及17010400170106
分別而論！



EQUAL PROPERTY MANAGEMENT LIMITED

Plaintiff

and

TSOI HUNG CHU

Defendant

ORIGINATING SUMMONS

To the Defendant Tsoi Hung Chu of Factory C4, 13th Floor, Wing Hing Industrial Building (Rear Block), No.14 Hing Yip Street, Kwun Tong, Kowloon, Hong Kong

致香港九龍觀塘興業街14號永興工業大廈（後座）13樓C4工廠被告人蔡鴻珠

Let the Defendant, within (14 days) after service of this Originating Summons on them, counting the day of service, return the accompanying Acknowledgment of Service to the Registry of the District Court.

讓被告人在（14天內）送達本發出傳票後，算上送達日期，並將隨同的送達確認書交回區域法院註冊處。

By this Summons, which is issued on the application of the Plaintiff, EQUAL PROPERTY MANAGEMENT LIMITED, whose registered office is situate at Room 2702, 27/F., Wealth Commercial Centre, No.48 Kwong Wa Street, Mongkok, Kowloon Hong Kong, the Plaintiff claims against the Defendant for the following reliefs or seek the determination of the Court on the following questions, namely:-

根據原告人申請所發出的“傳票”，宜高物業管理有限公司的註冊辦事處位於香港九龍旺角廣華街48號廣發商業中心27樓2702室，原告人就以下的問題向被告提出下列的寬免或法庭的裁定，即：

1. An Order for sale of (a) the property known as ALL THOSE 7 equal undivided 2,260th parts or shares of and in ALL THAT piece or parcel of ground situate lying and registered in the Land Registry as KUN TONG INLAND LOT NO.83 and of and in the messuages erections and buildings thereon now known as WING HING INDUSTRIAL BUILDING and WING TAI CENTER together with the sole and exclusive right to hold use occupy and enjoy ALL THAT FACTORY C4 on the 13TH FLOOR of the said WING HING INDUSTRIAL

1. (a) 出售 (a) 名為ALL THOSE 7的財產，相等於第2,260部分或該等土地的一部分或全部土地註冊登記為昆東內地第83號及而在現在被稱為永興工業大廈及永泰中心的地盤及其建築物上，以及唯一專有的佔用權利佔用及享用上述永興工業大廈13樓的所有工廠C4（後座）興業街14號；

(b) 名為ALL THAT 1的財產，相等於第2,260部分或該等土地的全部或部分土地，並在土地註冊處註冊為KUN TONG INLAND LOT NO.83及而在現時稱為永興工業大廈及永泰中心的地盤及其建築物，以及持有使用權的唯一及專有權利佔用及享有上述永興工業大廈（後臺）的主屋頂C4部分，香港九龍興業街14號（統稱「物業」）根據日期為2002.5.28日，2013.4.25及30日2016.12.30日第13042600450151月0.2016在土地註冊處的紀念Nos.UBS692879分別登記，分別為17010400170106（統稱為“收費備忘錄”）之指示，以實現銷售為法院認為適當除非被告千萬要所有的管理（九龍自九月起）在土地註冊處註冊的1981.10.29日的公契（“公契”）所累積及/或應付的應計費用及其他費用 收費 利息 繳款 維持基金2001年截至全額付款日期。

BUILDING (REAR BLOCK), No.14 Hing Yip Street, Kowloon, Hong Kong and

(b) the property known as ALL THAT 1 equal undivided 2,260th parts or shares of and in ALL THAT piece or parcel of ground situate lying and registered in the Land Registry as KUN TONG INLAND LOT NO.83 and of and in the messuages erections and buildings thereon now known as WING HING INDUSTRIAL BUILDING and WING TAI CENTER together with the sole and exclusive right to hold use occupy and enjoy ALL THAT PORTION C4 of MAIN ROOF of the said WING HING INDUSTRIAL BUILDING (REAR BLOCK), No.14 Hing Yip Street, Kowloon, Hong Kong (collectively “the Property”) pursuant to and by virtue of 3 Memoranda of Charge dated 28th May 2002, 25th April 2013 and 30th December 2016 respectively registered in the Land Registry by Memorial Nos.UB8692879, 13042600450151 and 17010400170106 respectively (collectively “the Memoranda of Charge”) with such directions as to effecting the sale as the Court may deem fit unless the Defendant do pay all management fee and other costs/charges/interest/contributions/maintenance fund accrued and to be accrued and/or payable under the Deed of Mutual Covenant dated 29th October 1981 registered in the Land Registry by Memorial No.UB2164278 (“the DMC”) since September 2001 up to the date of full payment.

2. An Order that the Defendant do deliver up vacant possession of the Property to the Plaintiff;

被告將該物業的空置物業交給原告命令；

3. An Order that the Plaintiff’s Solicitors shall have conduct of the sale of the Property at market price by privy treaty or public auction and be entrusted

3.原告律師應當以公開招標的方式，按照市場價格或者公開拍賣的方式進行該物業的銷售，並委託執行包括銷售收入在內的銷售收入按照成本進行分配的命令；

to execute the Order to be made herein including distribution of sale proceeds as ordered with costs;

4. An Order that an enquiry be taken as to whether there are any and if any, what other liens charges or encumbrances upon the Property or upon any part or parts thereof are and what their priorities are and what is due on account thereof;

4. 有關查詢是否存在任何有關財產或其任何部分或其部分的其他留置權收費或產權負擔的調查，以及該等財產的任何部分或部分有何優先權；

5. An Order that unless otherwise agreed by the parties interested therein, the proceeds of sale of the Property, after payments of all the proper costs charges and expenses incurred in connection with the said sale and/or pursuant to the Order to be made herein and after payment to any encumbrancers (if any) who have a prior interest in the Property than the Plaintiff, shall be paid to the Plaintiff and by way of enforcement of the Memoranda of Charge for the Plaintiff's use in satisfaction of all arrears of management fee, contributions, maintenance fund, charges, legal costs and accrued interest due to the Plaintiff under the DMC and the costs of these proceedings and all other sum(s) which the court may order the Defendant to pay, and that any balance if any shall be paid into Court to the credit of this action subject to further order;

5. 除非有關方面另有協議，否則該命令在支付與該銷售有關的適當成本費用及開支後，或依據本命令所產的費用後，出售該物業所得款項在向原告擁有先前權益的任何產後負擔（如有）支付應支付給原告，並通過強制執行原告用於滿足所有拖欠“管理費用”的備忘錄費用，繳費，維修基金費用，法律費用，以及根的定費用和應計利息以及這些訴訟的費用以及法庭可能命令被告支付的所有其他款項，以及任何餘額應按照進一步的命令向法院支付這筆款項的抵免額。

6. An Order that the Defendant do such acts or things necessary for the transfer of their legal title and beneficial interest in the Property to the purchaser thereof, and in default of the Defendant so doing the Registrar of the District Court or such other person as the Court thinks fit shall execute the necessary

6. 命令被告人為將該物業的法定業權及實益權益轉讓予購買人而作出該等所需的作為或事情，而被告人如此行事則使該區域法院的司法常務官或其他人士法院認為適合執行必要的運輸或轉讓以實施本命令；

conveyance or assignment to give effect to this Order;

7. Further and/or other relief; and

進一步和/或其他救濟; 和

8. Costs of and occasioned by this Action, including the costs of execution and of carrying the order for sale into effect, be paid by the Defendant to the Plaintiff pursuant to Clauses 6(a) and 6(c)(i) of the DMC or as the Court deems fit, and be added to the amounts owing by the Defendant to the Plaintiff.

8. 本訴訟所產生的費用，包括執行費用和履行銷售費用，由被告根據本法第6(a)和6(c)(i)款向原告支付DMC或法院認為合適的數額，並加入被告欠付原告的款項。

根據“地方法院條例”(第336章)第32及35條，本條所尋求的寬免屬於區域法院的管轄範圍，因為在此索償不超過1,000,000.00港元，而年租金或應課差餉租值物業分別不超過240,000.00港元。

The reliefs sought herein do fall within the jurisdiction of the District Court in Sections 32 and 35 of the District Court Ordinance, Cap.336 as the claim herein does not exceed HK\$1,000,000.00 and the annual rent or the rateable value or the annual value of the Property does not exceed HK\$240,000.00 respectively.

如果被告人不承認服務，則法院可能會認為這樣的判決可能是公正和有利的。

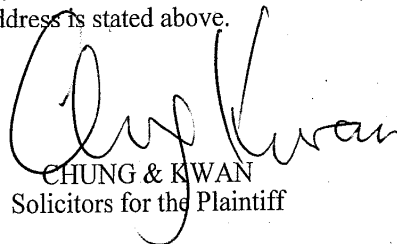
If the Defendant does not acknowledge service, such Judgment may be given or order made against or in relation to them as the Court may think just and expedient.

Dated the 23rd day of January 2018

Registrar

This Summons was taken out by Messrs. Chung & Kwan, Solicitors of 14th Floor, Tung Yip Commercial Building, 244-252 Des Voeux Road Central, Hong Kong, Solicitors for the Plaintiff whose address is stated above.

該傳票由香港德輔道中244-252號同業商業大廈14樓律師鐘仲關先生，原告律師，地址如上所述。


CHUNG & KWAN
Solicitors for the Plaintiff

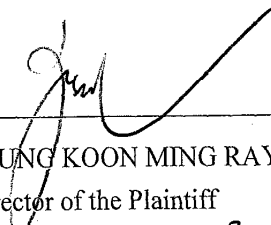
Note: This Summons may not be served later than 12 calendar months beginning with the above date unless renewed by order of the Court.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

STATEMENT OF TRUTH

I, LEUNG KOON MING RAYMOND, Director of the Plaintiff,
believe that the facts stated in this Originating Summons are true.



LEUNG KOON MING RAYMOND
Director of the Plaintiff
Date: 15 JAN. 2018

IN THE DISTRICT COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
MISCELLANEOUS PROCEEDINGS NO. 254 OF 2018

IN THE MATTER of (a) the property known as ALL THOSE 7 equal undivided 2,260th parts or shares of and in ALL THAT piece or parcel of ground situate lying and registered in the Land Registry as KUN TONG INLAND LOT NO.83 and of and in the messuages erections and buildings thereon now known as WING HING INDUSTRIAL BUILDING and WING TAI CENTER together with the sole and exclusive right to hold use occupy and enjoy ALL THAT FACTORY C4 on the 13TH FLOOR of the said WING HING INDUSTRIAL BUILDING (REAR BLOCK), No.14 Hing Yip Street, Kowloon, Hong Kong and (b) the property known as ALL THAT 1 equal undivided 2,260th parts or shares of and in ALL THAT piece or parcel of ground situate lying and registered in the Land Registry as KUN TONG INLAND LOT NO.83 and of and in the messuages erections and buildings thereon now known as WING HING INDUSTRIAL BUILDING and WING TAI CENTER together with the sole and exclusive right to hold use occupy and enjoy ALL THAT PORTION C4 of MAIN ROOF of the said WING HING INDUSTRIAL BUILDING (REAR BLOCK), No.14 Hing Yip Street, Kowloon, Hong Kong

and

IN THE MATTER of 3 Memoranda of Charge dated 28th May 2002, 25th April 2013 and 30th December 2016 respectively registered in the Land Registry by Memorial Nos.UB8692879, 13042600450151 and 17010400170106 respectively

and

IN THE MATTER of Order 31 Rule 1 and Order 88 Rule 1 of the Rules of the District Court

BETWEEN

EQUAL PROPERTY MANAGEMENT LIMITED Plaintiff
and
TSOI HUNG CHU Defendant

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

If you intend to instruct a Solicitor to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

see Notes 1,
3, 4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes no

See Direction 2.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

yes no

If yes, the Defendant may make the admission by completing Form No. 16 or Form No. 16C (as the case may require) accompanying the Originating Summons.

Where words appear between square brackets, delete if inapplicable.

Service of the Originating Summons is acknowledged accordingly.

(Signed) [Solicitor] ([Defendant in person])

Address for service:

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

Defendant in person. Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" (居所) means its registered or principal office.

CHUNG & KWAN,
Solicitors for the Plaintiff,
14th Floor,
Tung Hip Commercial Building,
244-252 Des Voeux Road Central,
Hong Kong.

Ref: CPL/92549/16/BMO/FN

See Direction 2.

3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

yes no

If yes, the Defendant may make the admission by completing Form No. 16 or Form No. 16C (as the case may require) accompanying the Originating Summons.

Where words appear between square brackets, delete if inapplicable.

Service of the Originating Summons is acknowledged accordingly.

(Signed) [Solicitor] ()

[Defendant in person]

Address for service:

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

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CHUNG & KWAN,
Solicitors for the Plaintiff,
14th Floor,
Tung Hip Commercial Building,
244-252 Des Voeux Road Central,
Hong Kong.

Ref: CPL/92549/16/BMO/FN