

香港特別行政區
高等法院
原訟法庭
高院民事訴訟 2023 年第 1109 號

原告人

林哲民 (Lin Zhen Man)
及
第一被告人 宜高物業管理有限公司 梁冠明經理
第二被告人 鴻茂裝飾有限公司 陳恒發先生
第三被告人 物業管理業監管局 黃江天主席
第四被告人 香港申訴專員公署 趙慧賢女士專員

此為張定康於 2023 年 11 月 23 日宣誓的誓章中的附件。

<u>日期</u>	<u>附件號</u>	<u>文件</u>	<u>頁數</u>
27/4/22 及 27/7/22	“CTH-4”	賣樓令及送達文件誓章	12

在本人面前作出


Kuan Man Chun
Solicitor, Hong Kong SAR.
Tsang, Chan & Woo, Solicitors & Notaries

鍾沛林律師行

DCMP 254/2018

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



- 1 JUN 2022

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 THE REMAINING PORTION OF 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 THE REMAINING PORTION OF 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 25th April 2013, 30th December 2016 and 29th August 2018 respectively registered in the Land Registry by Memorial Nos. 13042600450151, 17010400170106 and 18083100270038 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

BEFORE MASTER ISABELLA CHU OF THE DISTRICT COURT IN CHAMBERS

ORDER



註冊摘要編號 Memorial No.:

22060700550010

DOC

UPON THE APPLICATION of the Plaintiff by way of Originating Summons filed on 23rd January 2018

AND UPON HEARING the Solicitors for the Plaintiff and the Defendant being absent

AND UPON READING the Affirmation and 2nd Affirmation of Leung Koon Ming Raymond together with exhibits thereto in support of the Plaintiff's application filed herein on 24th December 2021 and 14th April 2022 respectively, Notice of Appointment to hear Originating Summons, Notice to Occupants, Certificate of No Acknowledgement of Service, all the aforesaid filed herein on 24th December 2021 and the Affirmations of Cheung Sai Ho filed herein on 19th October 2021, 30th December 2021, 13th January 2022, 2nd March 2022 and 20th April 2022 respectively

IT IS ORDERED that :-

1. Subject to the rights and powers of the prior encumbrancers, unless the Defendant do make payment of :-
 - (i) the sum of HK\$790,138.00 being outstanding management fee for 13th December 2007 to December 2021, maintenance fund, contributions, accrued interest and legal costs due by the Defendant to the Plaintiff as at 23rd December 2021 together with interest on the said sum of HK\$790,138.00 at judgment rate from 24th December 2021 until payment; and
 - (ii) costs referred to in paragraph 9 below,

within 28 days from the date of service of this Order, the Defendant do deliver to the Plaintiff vacant possession 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 THE REMAINING PORTION OF 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 THE REMAINING PORTION OF 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") which is the property charged in favour of the Plaintiff by 3 Memoranda of Charge dated 25th April 2013, 30th December 2016 and 29th August 2018 respectively registered in the Land Registry by Memorial Nos. 13042600450151, 17010400170106

and 18083100270038 respectively (collectively "the MoC") and the Property be sold without further reference to the Court.

2. The Defendant do within 28 days after service of this Order take all necessary steps to enable the sale of the Property to proceed to deliver to the Plaintiff vacant possession of the Property and all title deeds and documents in respect of the Property in the Defendant's custody power and possession for the purpose of the sale referred to in paragraph herein.
3. The Property be sold by public auction or private treaty in open market at a price not less than HK\$5,490,000.00 for Factory C4 on 13th Floor and HK\$420,000.00 for Portion C4 of Main Roof (value for sale under re-possession).
4. The conduct of sale of the Property be committed to Messrs. Chung & Kwan, the Plaintiff's Solicitors.
5. Upon such sale, the Defendant shall do all acts and things necessary to execute the Assignment or conveyance or transfer deeds and all other necessary documents in respect of the sale of the Property and in default thereof, Mr. Chan Chi Wah, a partner of Messrs. Chung & Kwan, Solicitors for the Plaintiff be appointed to execute the Assignment or conveyance or transfer deeds and other necessary documents in respect of the sale of the Property pursuant to Section 38A of the District Court

Ordinance, Cap.336.

6. The sale proceeds of the Property shall be paid to Messrs. Chung & Kwan, Solicitors for the Plaintiff as stakeholders and be applied in the following priority upon completion:-

- (i) to pay all Government rents, taxes, rates and other outgoings due and affecting the Property, if any;
 - (ii) unless the Property is sold subject to prior encumbrances, to pay off all the prior encumbrances;
 - (iii) to pay all lawful remuneration including but not limited to charges and expenses properly incurred in the sale of the Property namely -
 - auctioneer's commission and/or estate agent's commission in connection with the sale of the Property not exceeding 1% of the sale price; and
 - the legal costs not exceeding HK\$20,000.00 for the solicitors in conducting the sale and administering the distribution of the sale proceeds according to this Order in connection with the sale of the Property;
 - (iv) to repay the Plaintiff the sums and accrued interest referred to in paragraph 1 above;
 - (v) the costs of these proceedings referred to in paragraph 9 herein;
- and

(vi) the surplus be paid to the encumbrances, if any, ranking after the MoC, and in the absence of any encumbrances, the balance, if any, be paid to the Defendant.

7. Subject to the rights and powers of the prior encumbrancers, upon the Defendant paying to the Plaintiff the money due and secured under the MoC as set out in paragraph 1 above, the costs of these proceedings herein as set out in paragraph 9 below and costs of discharge of this Order and the MoC, subject to and without prejudice to the exercise of the power being vested in them or ordered by this Court, the Plaintiff do re-deliver to the Defendant possession of the Property, title deeds and documents and order for discharge of this Order and the MoC in the manner as agreed between the parties or as directed by the Court but without prejudice to the validity of any contract made prior to or without notice of such redemption and payments.
8. There be liberty to apply.
9. Costs of this action including the costs of this application be to the Plaintiff and assessed on indemnity basis by summary assessment at HK\$25,000.00.

Dated the 27th day of April 2022

Registrar

DCMP 254/2018

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 THE REMAINING
PORTION OF 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 THE
REMAINING PORTION OF 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 25th
April 2013, 30th December 2016 and 29th August 2018
respectively registered in the Land Registry by Memorial
Nos. 13042600450151, 17010400170106 and
18083100270038 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

ORDER

Filed this 1st day of June 2022

CHUNG & KWAN,
SOLICITORS FOR THE PLAINTIFF
14th Floor, Tung Hip Commercial Building,
244-252 Des Voeux Road Central,
Hong Kong.

Tel : 2543 3011 Fax : 2815 3571
Ref : CPL/92549/17/BMO/FN



註冊摘要編號 Memorial No.:
22060700550010

本文書於2022年6月7日在土地註冊處
以上述註冊摘要編號註冊。
This instrument was registered in the
Land Registry by the above Memorial
No. on 07 June 2022.

Joseph Tam

土地註冊處處長
Land Registrar

For filing

for Pl: CSH: 5th: 21/7/2022

DCMP 254/2018

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 THE REMAINING PORTION OF 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 THE REMAINING PORTION OF 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 25th April 2013, 30th December 2016 and 29th August 2018 respectively registered in the Land Registry by Memorial Nos.13042600450151, 17010400170106 and 18083100270038 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

5TH AFFIRMATION OF SERVICE OF CHEUNG SAI HO

I, CHEUNG SAI HO of 14th Floor, Tung Hip Commercial Building, 244-252 Des Voeux Road Central, Hong Kong, clerk to Messrs. Chung & Kwan, Solicitors for the Plaintiff, do solemnly and sincerely affirm as follows: -

1. I did on Monday, the 6th day of June 2022, serve on the Defendant TSOI HUNG CHU (“the said Defendant”) with sealed copies of (i) the Order made by Master Isabella Chu on 27th April 2022; and (ii) the Order made by Master Maurice Lam on 7th March 2022 by sending the same enclosed in a sealed envelope by ordinary post duly pre-paid and properly addressed to the said Defendant at Factory C4, 13th Floor, Wing Hing Industrial Building (Rear Block), 14 Hing Yip Street, Kwun Tong, Kowloon, Hong Kong (“the said Premises”), being the usual and last known address of the said Defendant. There is now produced and shown to me marked exhibit “CSH-5-1” a copy of covering letter dated the 6th day of June 2022.

And I solemnly and sincerely affirm that the contents of this Affirmation are true.



CHEUNG SAI HO

AFFIRMED at

this

day of

27 JUL 2022
2022.

Courts of Justice
Hong Kong SAR

Before me,

HO Wing Ki, Zero
Commissioner for Oaths
Judiciary

This Affirmation is filed on behalf of the Plaintiff.

DCMP 254/ 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 THE REMAINING PORTION OF 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 THE REMAINING PORTION OF 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 25th April 2013, 30th December 2016 and 29th August 2018 respectively registered in the Land Registry by Memorial Nos.13042600450151, 17010400170106 and 18083100270038 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

**5TH AFFIRMATION OF SERVICE OF
CHEUNG SAI HO**

Filed this day of 27 JUL 2022.

CHUNG & KWAN,
SOLICITORS FOR THE PLAINTIFF
14th Floor, Tung Hip Commercial Building,
244-252 Des Voeux Road Central,
Hong Kong.
Tel : 2543 3011 Fax : 2815 3571
Ref : CPL/92549/16/BMO/FN

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 THE REMAINING PORTION OF 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 THE REMAINING PORTION OF 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

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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

This is the exhibit marked "CSH-5-1" referred to in the 5th Affirmation of Service of Cheung Sai Ho affirmed herein on day of 2 July 2022.

<u>Date</u>	<u>Description</u>	<u>Exhibit marked</u>	<u>No. of sheet(s)</u>
06.06.2022	a copy of the covering letter	"CSH-5-1"	-1-

Before me

Messrs. Chung & Kwan,
Solicitors for the Plaintiff.

Commissioner for oaths
Judiciary

鍾沛林律師行
CHUNG & KWAN, SOLICITORS

4299

NOTARY PUBLIC, AGENTS FOR TRADE MARKS & PATENTS
ESTABLISHED 1981

Principals:

#*+ @ Ms. Chung Ching May 鍾靖薇律師 2852 9645
*+ @ Mr. Chung Pui Lam 鍾沛林律師 2543 7808
@ Mr. Chan Chi Wah 陳志華律師 2852 9620
@ Ms. Tong Yuk Chun 湯玉珍律師 2852 9618

Associates:

Mr. Wong Shing Tak 黃成德律師 2852 9644
Mr. So Chi Fu 蘇智富律師 2852 9636
@ Ms. Lau Mei Bo 劉美寶律師 2852 9616
Ms. Chan Yuen Ji Lydia 陳婉芝律師 2852-9616

Consultants:

Mr. Fung Ping Cheung 馮炳祥律師 2545 1216
Mr. Ng Kai Fan Frankie 伍啟帆律師 2852 9636
Mr. Chan Chi Hong 陳智康律師 2852 9644
Mr. Chan Ka Lok 陳家樂律師 2852 9642

Registered Foreign Lawyer :

Mr. Zhang Kang Feng 張康峰律師 2852 9643
(P.R.C. Lawyer 中華人民共和國律師)

14/F., Tung Hip Commercial Building, 244-252 Des Voeux Road Central, Hong Kong
香港德輔道中 244-252 號東協商業大廈十四樓

Tel. 電話 : 2543 3011 Fax 傳真: 2815 3571
E-mail 電郵 : office@chungandkwan.com

* Notary Public 國際公證人 + China-Appointed Attesting Officer 中國委託公證人 • Justice of the Peace 太平紳士 @ Civil Celebrant of Marriages 婚姻監禮人
Managing Partner 管理合夥人

Our Ref : CPL/92549/16/BMO/FN Your Ref :
(Contact Person : Mr. Ernest Au)

Date : - 6 JUN 2022

TSOI HUNG CHU,
Factory C4, 13th Floor,
Wing Hing Industrial Building (Rear Block),
14 Hing Yip Street,
Kwun Tong,
Kowloon.

BY POST

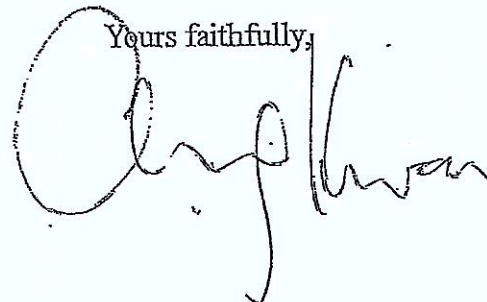
Dear Sir/Madam,

Re: DCMP 354/2018

We enclose herewith, by way of service on you, sealed copies of the following Orders for your retention:-

- 1 Order made by Master Isabella Chu on 27th April 2022; and
- 2 Order made by Master Maurice Lam on 7th March 2022.

Yours faithfully,



Encl.
FN/ea
c.c. client
92549.let.service.order