

HONG KONG / JUDGMENT

YKC v. LMYT**[2019] HKFC 197****COURT**

Family Court

DECIDED

2 August 2019

CASE / FILE NUMBER

FCMC9062/2015

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bjbj FCMC9062/2015 [2019]HKFC197 IN THE DISTRICT COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION MATRIMONIAL CAUSES NUMBER 9062 OF 2015

BETWEEN YKC Petitioner and LMYT Respondent

Coram: Before Deputy District Judge K. K. PANG (disposal on papers) Date of Petitioner Husband s Submissions: 9 July 2019 Date of Respondent Wife s Submissions: 10 July 2019 Date of Handing Down this Ruling: 2 August 2019

RULING

(Appointment of Single Joint Expert)

AUTONUMOUT By the Ruling dated 17 December 2018, Mr. Ian Ng of HKAAL was appointed as the parties single joint expert () for the preparation of the valuation report of Shop 9, MHV and Parc Palais, and Ms. Rita Lau of HKAAL was appointed as the parties SJE for the preparation of the valuation report of M L Ltd. Regrettably, Ms. Lau has resigned without producing a valuation report of M L Ltd. and, after having already prepared the valuation reports of Shop 9, MHV and Parc Palais, all dated 13 February 2019, by the letter dated 29 April 2019, Mr. Ng sought to resign from the appointment as the parties SJE. By the Order dated 12 June 2019, it is directed that new SJE be agreed and appointed by the parties to prepare the update valuation reports of the said landed properties and the valuation report of M L Ltd. The parties were unable to reach an agreement on the appointment of new SJE. Both parties wrote to the court for further directions on the choice of SJE pursuant to Order 38 r.4A(2). AUTONUMOUT For the update valuation of the three landed properties, H suggested Mr. Chan Wing Fun Joannau (Mr. Chan) of BMI Appraisals

Ltd (), and W suggested Ms. Pamela W.I. Lam (Mr. Lam) of Centaline Surveyors (Centaline). It is beyond dispute that both of them are experienced surveyors and qualified to prepare the update valuation reports. Mr. Chan has indicated that he needs about 14 working days for the report whilst Ms. Lam s estimate is that the update valuations reports can be completed within 7 working days after inspection. Mr. Chan s fee is HK\$48,000, and Ms. Lam s fee is HK\$17,000. In light of the fact that Ms. Lam s fee is only a fraction of Mr. Chan s, other things being equal, I am naturally in favour of Ms. Lam. I give the parties until 30 August 2019 for the completion of the updated valuation reports. AUTONUMOUT For the valuation of M L Ltd., H suggested Mr. Lai Wing Lun Johnathan (Mr. Lai) of RSM, and W suggested Mr. Jerome McDonagh (Mr. McDonagh) of Matson Driscoll & Diamico Ltd. Mr. Lai has indicated that he needs about 8-10 weeks for the report. It was said that Mr. McDonagh estimated that the report would require 3 4 weeks. Mr. Lai s quoted fee is HK\$270,000, and Mr. McDonagh s fee is HK\$100,000. Having carefully read both Mr. Lai and Mr. McDonagh s C.V., I am satisfied that both of them are qualified to prepare the valuation report. I accept W s argument that Mr. McDonagh is obviously a more cost-effective choice than Mr. Lai. I give the parties 4 weeks to send out the joint instructions and the necessary materials and informations, and further 4 weeks for the completion of the valuation report.

4. IT IS therefore ORDERED that: Mr. Lam of Centaline be appointed as the parties SJE for the preparation of the update valuation reports of the three landed properties; Mr. Lam s report be filed with court by W on or before 30 August 2019; Mr. McDonagh of of Matson Driscoll & Diamico Ltd be appointed as the parties SJE for the preparation of the valuation report of M L Ltd; Mr. McDonagh s report be filed with court by W on or before 27 September 2019; The costs of the preparation of the above SJE reports be borne by parties in equal share initially and be in the cause of the ancillary relief proceedings eventually; Liberty to apply.
5. W s choices are plainly preferable to H s and it is therefore unreasonable for H having been unable to agree with W. I make the order nisi that H shall pay W s costs of the present application, to be taxed if not agreed. The order nisi becomes absolute unless a party has applied for varying the order within the next 14 days. (K K PANG) Deputy District Judge Pauline Wong & Co., solicitors for the petitioner Haldanes, solicitors for the respondent -
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