

Market Misconduct Tribunal Proceedings
Yue Da Mining Holdings Limited

The Government's Costs and Expenses

Item	Costs and Expenses (\$)
Market Misconduct Tribunal	
Chairman, Members, Secretariat, Court Interpreters, Court Reporters and Video Conference	2,252,400.00
Department of Justice	
Costs incurred as at 9 May 2014	2,133,558.00
Costs incurred from 10 May 2014	136,863.00
Total for Government	4,522,821.00

**IN THE MATTER OF THE
SECURITIES AND FUTURES ORDINANCE (CAP 571)
AND
IN THE MATTER OF THE LISTED SECURITIES
OF YUE DA MINING HOLDINGS LIMITED
(STOCK CODE:629)**

**Statement of Costs for Summary Assessment
[costs as at 9 May 2014]**

A. General Information

- A1 Order dated the
- A2 Type of Proceedings: Inquiry of market misconduct
- A3 Receiving Party : Financial Secretary
- A4 Fee Earners' Rates of Charges per hour:
- a) Senior Government Counsel : Ms. Cecilia
Siu ("CS") - \$4,000.00. Year of
admission: 2004
- b) Senior Government Counsel : Ms. Winnie
Ho ("WH") - \$4,000.00. Year of
admission: 1997
- c) Law Clerk ("LC") - \$1,000.00

B. Communication (including exchange of letters, telephone calls, emails, fax)

- B1 Conference(s) with Counsel : (25/10/12, 1/11/12, 8/11/12, 5/2/13, 26/6/13 & 28/6/13) WH – 7 hours 55 mins.
- B2 Communication with Financial Services and The Treasury Bureau : CS – 8 mins.
(For obtaining information and for communication throughout)
- B3 Communication with Securities and Futures Commission : CS – 18 mins.
(For obtaining information and for communication throughout) WH – 19 hours 10 mins.
- B4 Communication with Yue Da Group (HK) Company Limited : WH – 30 mins.
(For obtaining information and for communication throughout)

- B5 Communication with Yue Da Mining Holdings Limited :
(For obtaining information and for communication throughout) WH – 25 mins.
- B6 Communication with Mr. Dong Liyong :
(For obtaining information and for communication throughout) WH – 25 mins.
- B7 Communication with Mr. Qian Jinbiao :
(For obtaining information and for communication throughout) WH – 35 mins.
- B8 Communication with Mr. Li Libin :
(For obtaining information and for communication throughout) WH – 46 mins.
- B9 Communication with Mr. Chiu Kwok Wai :
(For obtaining information and for communication throughout) WH – 5 mins.
- B10 Communication with Mr. Eric Cheng of Expert :
(For obtaining information, obtaining Expert Report and for communication throughout) WH – 8 hours 1 min.
- B11 Communication with Ms. Wong Ying Chun :
(For obtaining information and for communication throughout) WH – 5 mins.
- B12 Communication with Ms. Ip Hung :
(For obtaining information and for communication throughout) WH – 5 mins.
- B13 Communication with Ms. Zheng Juan :
(For obtaining information and for communication throughout) WH – 5 mins.

- B14 Communication with Ms. Su Linian : WH – 5 mins.
(For obtaining information and for communication throughout)
- B15 Communication with Mr. Bai Zhaoxiang : WH – 5 mins.
(For obtaining information and for communication throughout)
- B16 Communication with Ms. Zhang Hongyan : WH – 5 mins.
(For obtaining information and for communication throughout)
- B17 Communication with Mr. Jiang Chun : WH – 5 mins.
(For obtaining information and for communication throughout)
- B18 Communication with Mr. Hui Chi Ping : WH – 5 mins.
(For obtaining information and for communication throughout)
- B19 Communication with Ms. Ng Yuen Wah : WH – 5 mins.
(For obtaining information and for communication throughout)
- B20 Communication with Mr. Ho Kwong Yan : WH – 5 mins.
(For obtaining information and for communication throughout)
- B21 Communication with Mr. Leung Yat Shing : WH – 5 mins.
(For obtaining information and for communication throughout)
- B22 Communication with Ms. Tam Wai Yan : WH – 5 mins.
(For obtaining information and for communication throughout)
- B23 Communication with Ms. Ng Siu Chi : WH – 5 mins.
(For obtaining information and for communication throughout)

- B24 Communication with Mr. Ma Man Shun : WH – 5 mins.
(For obtaining information and for communication throughout)
- B25 Communication with Messrs. Chiu & Partners : WH – 3 hours 33 mins.
(For obtaining information and for communication throughout)
- B26 Communication with Messrs. Iu, Lai & Li : WH – 1 hour 28 mins.
(For obtaining information and for communication throughout)
- B27 Communication with Counsel : CS – 31 mins.
(for sending over documents, seeking advice and for communication throughout) WH – 19 hours 21 mins.
- B28 Communication with Market Misconduct Tribunal : WH – 9 hours 55 mins.
(For obtaining information and for communication throughout)

Sub-total of B :

CS – 57 mins.

= \$3,800.00

WH – 73 hours 19 mins.

= \$293,267.00

Totalling = \$297,067.00

C. Professional Work

- C1 Preparation of Documents: WH – 10 hours 15 mins.
LC – 20 hours
- C2 Perusal of Documents: CS – 60 hours 40 mins.
WH – 145 hours 13 mins.
- C3 Preparation for hearing: WH – 5 hours 30 mins.
- C4 Hearing: WH – 65 hours 28 mins.

C5 Attending inspection of Unused Materials
on 20/3/12

WH – 2 hours 10 mins.

Sub-total of C :

CS – 60 hours 40 mins.

= \$242,667.00

WH – 228 hours 36 mins.

= \$914,400.00

LC – 20 hours

= \$20,000.00

Totalling = \$1,177,067.00

D. Counsel Fee: (over 10 years of experience)

D1 Mr. Jonathan Kwan of Counsel (called in
2003) :

- 1) Preparation and Drafting (inspection of
Unused Materials at SFC, perusal of
additional materials, drafting index and
compiling of hearing bundle taking into
consideration the additional materials,
preliminary conference, perusal and
consideration of Dong Liyong & YDM
Holdings submissions and authorities,
perusal and consideration of SFC's
submissions and authorities, 2nd
preliminary conference, conferences with
expert)

\$61,695.00

(Fee Note No.0817)

- 2) Brief fee for hearing on 5/11/12
(Fee Note No.0817)

\$100,000.00

- 3) Refresher on 9/11/12
(Fee Note No.0817)

\$12,500.00

- 4) Perusal of draft expert report with exhibits, conference with Winnie Ho and Eric Cheng, review of final draft of expert report, attending directions hearing, perusal of Mr. Pascutto's Report, perusal of Mr. John Lee's Report, perusal of Mr. Eric Cheng's Supplementary statement in response to Mr. Pascutto's Report
(Fee Note No.0855) \$75,750.00
- 5) 15 Refreshers, preparation of Charts as requested by the Tribunal on 12/6/13, 15/6/13 and 16/6/13, perusal of additional telephone recording transcripts as ordered by the Tribunal on 22/6/13, conference with Eric Cheng on 26/6/13, conference with Counsel representing YDM, YDG(HK) and Dong Liyong on matters relating to Eric Cheng's report on 28/6/13, perusal and consideration of Dong Liyong's witness statement on 5/7/13
(Fee Note No.0861) \$222,375.00
- 6) Perusal and considering of transcripts, consideration and research of the law for the purposes of drafting the closing submissions and Drafting Closing Submissions (between 24/7/13 and 5/8/13)
(Fee Note No. 0868) \$50,000.00

Sub-total of D : \$522,320.00

E. Other disbursements :

- E1. Photocopying charges \$44,744.00

E2.	Scale charges (filing : 16 times)	\$1,760.00
E3.	Airmail and courier charges	\$1,000.00
E4.	Professional charges paid to Law Costs Draftsman for perusing a total of 23 files of papers and preparing this Statement of Costs (LCD – 8 full days and spent no less than 56 hours in total @ \$1,600 each)	\$89,600.00

Sub-total E : **\$137,104.00**

Grand Total of B to E: **\$2,133,558.00**

**IN THE MATTER OF THE
SECURITIES AND FUTURES ORDINANCE (CAP 571)
AND
IN THE MATTER OF THE LISTED SECURITIES
OF YUE DA MINING HOLDINGS LIMITED
(STOCK CODE:629)**

**2nd Statement of Costs for Summary Assessment
[costs from 10 May 2014]**

A. General Information

- A1 Order dated the
- A2 Type of Proceedings: Inquiry of market misconduct
- A3 Receiving Party : Financial Secretary
- A4 Fee Earners' Rates of Charges per hour:
 - a) Senior Government Counsel : Ms. Cecilia Siu ("CS") - \$4,000.00. Year of admission: 2004
 - b) Senior Government Counsel : Ms. Winnie Ho ("WH") - \$4,000.00. Year of admission: 1997
 - c) Law Clerk ("LC") - \$1,000.00

B. Communication (including exchange of letters, telephone calls, emails, fax)

- B1 Conference(s) with Counsel : (9/6/14) WH – 25 mins.
- B2 Communication with Securities and Futures Commission : WH – 1 hour 57 mins.
(For obtaining information and for communication throughout)
- B3 Communication with Mr. Eric Cheng of Expert : WH – 4 hours 14 mins.
(For obtaining information, obtaining Expert Report and for communication throughout)
- B4 Communication with Messrs. Chiu & Partners : WH – 1 hour 4 mins.
(For obtaining information and for communication throughout)

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| B5 | Communication with Messrs. Iu, Lai & Li :
(For obtaining information and for communication throughout) | WH – 49 mins. |
| B6 | Communication with Counsel :
(for sending over documents, seeking advice and for communication throughout) | WH – 4 hours 46 mins. |
| B7 | Communication with Market Misconduct Tribunal :
(For obtaining information and for communication throughout) | WH – 1 hour 16 mins. |

Sub-total of B : WH – 14 hours 31 mins.
=\$58,067.00

Totaling = \$58,067.00

C. Professional Work

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| C1 | Perusal of Documents: | WH – 5 hours 5 mins. |
| C2 | Preparation for hearing: | WH – 15 mins. |
| C3 | Hearing: | WH – 1 hour 15 mins. |

Sub-total of C : WH – 6 hours 35 mins.
= \$26,333.00

Totalling = \$26,333.00

D. Counsel Fee: (over 10 years of experience)

- D1 Mr. Jonathan Kwan of Counsel (called in 2003) :

1)	Perusal and consideration of Part I Report on 4/6/14; Conference with Eric Cheng on 9/6/14; Legal research and draft of submission regarding Part 2 on 10/6/14; Perusal and consideration of Eric Cheng's draft report on 23/6/14; Perusal and consideration of Eric Cheng's draft report on 24/6/14; Perusal and consideration of Eric Cheng's draft report on 27/6/14; perusal and consideration of submission from YDG (HK), YDM and Dong on 16/10/14; Drafting of Reply Submission on 18/10/14 and Perusal and consideration of submission from SFC on 23/10/14 (Fee Note No.0952)	\$30,000.00
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2)	Refresher on 31/10/14 (Fee Note No.0952)	\$12,500.00
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Sub-total of D : **\$42,500.00**

E. Other disbursements :

E1.	Photocopying charges	\$33.00
E2.	Scale charges (filing : 3 times)	\$330.00
E3.	Professional charges paid to Law Costs Draftsman for perusing 2 files of papers, drafting/finalizing this 2 nd Statement of Costs (LCD – spent no less than 6 hours in total @ \$1,600 each)	\$9,600.00

Sub-total E : **\$9,963.00**

Grand Total of B to E: \$136,863.00