

香港高等法院
執達主任辦事處總部
香港金鐘道 38 號



BAILIFF'S OFFICE HEADQUARTERS
HIGH COURT
38 Queensway
Hong Kong

本署檔號 OUR REF.: BAJ 34/2009
來函檔號 YOUR REF.:
電 話 TEL.: 2825 4230
傳 真 FAX: 2530 3543
查詢電話 ENQUIRY:

To Whom It May Concern

17 March 2010

Dear Sirs/Madam,

**Re: Invitation for Quotation for Bulk Cement
Action No. HCAJ 238 of 2009
The ship or vessel "MED INTEGRITY"**

The Bailiff Section of the Judiciary of Hong Kong SAR ("the Bailiff Section") is responsible for the execution of warrants of arrest against vessels under the admiralty jurisdiction - Order 75 of Cap 4A of Laws of Hong Kong. Currently we are detaining a vessel "M.V. MED INTEGRITY" in North Lamma Anchorage, Hong Kong Waters. We have been informed by the master of the vessel that she has loaded on board about 30,700 metric tonnes of cement in bulk ("the Cement"). The Bailiff Section, however, has no means of verifying and has not verified the weight, contents of quality of the Cement.

In pursuance of an order made by the Honourable Mr. Justice Reyes on 27 January 2010, the Chief Bailiff is at liberty to sell the Cement by private treaty, public auction or otherwise, if delivery of the said cargo is not made.

We now invite interested buyers to submit their tenders for the purchase of the Cement upon the following terms:-

- (1) The Cement will be sold on an "as is" and "where is" bases as it lies in the hold of the vessel "M.V. MED INTEGRITY" at the date of delivery without warranties or guarantees. The Cement is sold free from encumbrances.

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- (2) The Bailiff Section makes no representations and gives no warranty as to the quality or quantity of the Cement. It remains the responsibility of prospective buyers to ascertain its quantity and quality. Inspection of the Cement can be done with prior arrangement with the Bailiff Section on or before 1200 noon on 19 March 2010.
- (3) A tender must specify the earliest date for complete discharge of the Cement from the hold of the vessel "M.V. MED INTEGRITY".
- (4) Tenders for the purchase of the Cement must:
 - (a) be expressed in Hong Kong dollars with payment made in the same currency as the tender;
 - (b) be accompanied by way of deposit by a cashier's order or bank draft drawn by a Hong Kong bank or a bank having a branch office or banking correspondents in Hong Kong or certified cheque drawn on such bank of 10% of the offer payable to "**Registrar, High Court**" and crossed in "HCAJ 238 of 2009" (the "Deposit"); and
 - (c) be expressed to be irrevocable until 29 March 2010.
- (5) The Registrar is not bound to accept the highest or any tender.
- (6) If a tender is accepted the balance of the purchase price is to be paid by a cashier's order, bank draft or certified cheque payable as aforesaid and must be paid by 1430 hours on 29 March 2010 or before discharge of the Cement whichever is the earlier. If not, the deposit is forfeited, in which event the Registrar will be at liberty to dispose of the Cement.
- (7) On completion of the sale, the successful buyer shall bear all charges or expenses in connection with the discharging of the Cement or removal of the Cement from the hold of the "M.V. MED INTEGRITY".
- (8) If shifting of the vessel "M.V. MED INTEGRITY" is required, the buyer shall also be responsible for all associated costs including but not limited to bunkers, insurance, additional port dues, re-shifting costs, damage and other possible exposures.
- (9) Deposit will be refunded to unsuccessful tenders.
- (10) Any tenderer who does not receive notice by 29 March 2010 that his tender has been accepted may assume that such tender has been rejected.

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- (11) Should the Cement become a total loss (or be accepted by underwriters as a constructive total loss) before discharge of the Cement to the buyer the sale shall be null and void and the deposit will be refunded to the buyer.
- (12) The buyer shall be liable for any fees duties taxes or dues of whatever nature which may become payable upon the purchase of the Cement.
- (13) On completion of the sale the buyer will assume all responsibility for complying with all directions given by relevant Hong Kong Government Departments regarding the handling of the Cement.
- (14) This invitation and the sale of the Cement is made and effected without any liability of whatsoever nature of the High Court of the Hong Kong Special Administrative Region, the Bailiff Section, or the Court's officers, employees or agents.

If you are interested in accepting this invitation, please submit your tender in writing addressed to the Chief Bailiff (Admin. & Admiralty) in a sealed envelope so addressed and marked "**HCAJ 238 of 2009 – Confidential**" which must reach the following address no later than 1200 noon on 22 March 2010. Late tenders will be treated as invalid.

Bailiff's Office Headquarters
High Court
38 Queensway
Hong Kong

Should you need any further information regarding this invitation for tender, please feel free to contact the undersigned at Tel.: 2825 4230 or my Ag. Senior Bailiff, Mr. C. H. CHIU at Tel.: 2825 4546.

Yours faithfully,



(Sunny S N KWAN)
Chief Bailiff (Administration & Admiralty)
for Registrar, High Court