

**IN THE HIGH COURT OF THE  
HONG KONG SPECIAL ADMINISTRATIVE REGION  
COURT OF FIRST INSTANCE**  
MISCELLANEOUS PROCEEDINGS NO 1987 OF 2018

IN THE MATTER of FONFAIR  
COMPANY LIMITED

and

IN THE MATTER of sections 724  
and 725 of the Companies Ordinance  
(Cap 622)

BETWEEN

HARBOUR FRONT LIMITED

Petitioner

and

MONEY FACTS LIMITED

1<sup>st</sup> Respondent

LEUNG YUET WAH, LEUNG YUET  
KEUNG and LEUNG YUET HOI

2<sup>nd</sup> Respondent

**LEUNG YUET KEUNG**

**3<sup>rd</sup> Respondent**

MARCON INVESTMENT LIMITED

4<sup>th</sup> Respondent

FONFAIR COMPANY LIMITED

5<sup>th</sup> Respondent

Before: Deputy High Court Judge Kenneth Wong in Chambers

Date of Last Written Submissions: 20 February 2019

Date of Decision: 12 March 2019

**DECISION**

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

1. This is an application by the 3<sup>rd</sup> respondent for leave to appeal against the order this Court made on 26 November 2018. In that order, an interlocutory injunction was granted to restrain the 3<sup>rd</sup> respondent by himself or through the 1<sup>st</sup> respondent or the 4<sup>th</sup> respondent from causing or procuring the 5<sup>th</sup> respondent to dispose of or sell a property known as Yau Tong Marine Lot Nos 2, 3 and 4 unless with the prior approval or consent of the petitioner. It should also be noted that the injunction was given against the petitioner's undertaking as to any loss which the 3<sup>rd</sup> respondent or any other party suffered and should be compensated, as well as its payment into court a sum of \$4,149,411.76 being legal costs asserted to be due by it to the 5<sup>th</sup> respondent pending final determination of the figure, see paragraph 29(j) of my Reasons for Decision dated 26 November 2018.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

2. It is common ground that interlocutory injunction is within the discretion of this Court to make. I have detailed the reasons for the exercising of my discretion in granting the said injunction in the said Reasons for Decision.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

3. It has been well established that an appeal will not be entertained from an order which it was within the discretion of the judge to make, unless it be shown that he exercised his discretion under a mistake of law or in disregard of principle, or that he took into account irrelevant matters or the conclusion which the judge reached in the exercise of his discretion was outside the generous ambit within which a reasonable disagreement is possible, see paragraph 59/0/54 of *Hong Kong Civil Procedure 2019*, Volume 1, Part A.

A  
B  
C  
D  
E  
F  
G  
H  
I  
J  
K  
L  
M  
N  
O  
P  
Q  
R  
S  
T  
U  
V

4. Ms Frances Lok, counsel for the 3<sup>rd</sup> respondent, in the draft Notice of Appeal and in her written submissions for this application, set out six grounds of appeal to demonstrate that the order was erred, namely (1) delay and abuse; (2) that “the interim orders sought would effectively dispose of the part of the substantive claim in the Petition”; (3) no question of keeping the *status quo*; (4) lack of substantive merits; (5) damages adequate; and (6) balance of convenience against granting the order. In essence, the 3<sup>rd</sup> respondent is rehashing the arguments deployed at the last hearing before this Court when the order was made. All of these arguments have been dealt with in the said Reasons for Decision.

5. I am not persuaded that the proposed appeal has a reasonable prospect of success or there is any reason in the interest of justice why the proposed appeal should be heard.

6. I therefore dismiss the application with costs be paid by the 3<sup>rd</sup> respondent to the petitioner, such amount to be taxed if not agreed.

(Kenneth Wong)  
Deputy High Court Judge

Written submissions by Ms Sabrina Ho, instructed by Yiu & Associates,  
for the petitioner

Written submissions by Ms Frances Lok, instructed by Ho & Ip,  
for the 3<sup>rd</sup> respondent