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Restriction on removal of documents
(The Rules of the High Court,
Order 63 Rule 9)

Mixed Claim
Statutory Order

HCMP 176 /2011

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
MISCELLANEOUS PROCEEDINGS NO. 176 OF 2011

IN THE MATTER OF Section 213 of
the Securities and Futures Ordinance
(Cap. 571)

BETWEEN

SECURITIES AND FUTURES COMMISSION

Plaintiff

and

LI HAN CHUN

1st Defendant

TOP WISDOM OVERSEAS HOLDINGS LIMITED

2nd Defendant

ORIGINATING SUMMONS

Section 213
of the Securities
and Futures
Ordinance
and
Section 21L of
the High Court
Ordinance

- TO: (1) the 1st Defendant, Li Han Chun, of (i) 102 Block 2 Building 1, Zi Rui Jia Yuan, 54 Xi Wai Tai Ping Zhuang Village, Haidian District, the People's Republic of China; (ii) 北京市朝陽區朝外大街甲 6 號萬通中心 B 座 23 層 2301 室; and (iii) B-15H, 9 Xiaoying Road, Chaoyang District, Beijing, PRC
- (2) the 2nd Defendant, Top Wisdom Overseas Holdings Limited, whose registered office is situate at Palm Grove House, P.O. Box 438, Road Town, Tortola, British Virgin Islands

LET the Defendants, within 14 days after service of this summons on them, counting the day of service, return the accompanying Acknowledgement of Service to the Registry of the High Court.

By this summons, which is issued on the application of the Plaintiff, the Securities and Futures Commission, of 8th Floor, Chater House, 8 Connaught Road Central, Hong Kong, the Plaintiff claims against the Defendants for:

1. An order restraining the Defendants from dealing in the listed securities of China Forestry Holdings Co., Ltd. (“**the Company**”) whilst in possession of unpublished information about accounting irregularities in the Company;
2. An Injunction prohibiting disposal of assets in Hong Kong by the Defendants in the terms of the draft Order attached as Appendix 1 to this summons;
3. Further and other directions or orders as this Honourable Court thinks fit; and
4. Costs of this application be to the Plaintiff.

If the Defendants do not acknowledge service, such judgment may be given or order made against or in relation to them as the Court may think just and expedient.

Dated the 7th day of February 2011

Registrar

Note:- This summons may not be served later than 12 calendar months beginning with the above date unless renewed by order of the Court.

This summons was taken out by (1) Maureen Garrett and (2) Fung Ying Wai, Solicitors for the Securities and Futures Commission, the Plaintiff whose address is 8th Floor, Chater House, 8 Connaught Road Central, Hong Kong.



Maureen Garrett
Solicitor, HKSAR



Fung Ying Wai
Solicitor, HKSAR
Solicitors for the Plaintiff

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

ORDER

An application was made on the day of 2011 by the Plaintiff, the Securities and Futures Commission against the Defendants, to the Judge who read the Originating Summons, the Affidavit listed in Schedule 1 and accepted the undertakings in Schedule 3 at the end of this Order. After hearing submissions from Counsel for the Plaintiff and the Defendants, the Judge made the following order.

IT IS ORDERED THAT:

A. RESTRICTION ON DISPOSAL OF ASSETS

1. Each of the Defendants (whether acting by himself and/or through others, including but not limited to his agents and/or nominees and/or servants) must not:
 - (a) remove from Hong Kong any of his assets which are within Hong Kong, whether in his own name or not, and whether solely or jointly owned, up to the value of HK\$398,219,458; or
 - (b) in any way dispose of or deal with or diminish the value of any of his assets which are within Hong Kong, whether in his own name or not, and whether solely or jointly owned, up to the value of HK\$398,219,458. This prohibition includes in particular the money in the accounts listed in Schedule 2 to this Order.

2. If the total unencumbered value of the Defendants' assets in Hong Kong exceeds HK\$398,219,458, the Defendants may remove any of those assets from Hong Kong or may dispose or deal with them so long as the total unencumbered value of the assets of the Defendants still in Hong Kong remains above HK\$398,219,458.

B. DISCLOSURE OF INFORMATION

3. Each of the Defendants must inform the Plaintiff in writing at once of all his assets of an individual value of HK\$50,000.00 up to the value of HK\$398,219,458 in Hong Kong, whether in his own name or not and whether solely or jointly owned, giving the value, location and details of all such assets and, in the case of bank accounts, the name and address of the branch; the name of the account holder, the amount of the balance and a list of all the authorized signatories to the account.
4. The information sought in paragraph 3 above must be confirmed in an affidavit which must be served on the Plaintiff within 7 days after this Order has been served on the Defendant. Each of the Defendants may be entitled to refuse to provide some or all of the information sought in paragraph 3 above on the grounds that it may incriminate him.

C. DURATION OF THIS ORDER

5. This Order will remain in force until it is varied or discharged by a further Order of the Court or the Defendants pay the sum of HK\$398,219,458 into court or make provision for security in that sum by some other method.

D. EXCEPTIONS TO THIS ORDER

6. This Order does not prohibit the Defendants from spending a reasonable sum (not exceeding HK\$100,000) on legal advice and representation.
7. The Defendants may agree with the Plaintiff that the above spending limits should be increased or that this Order should be varied in any other respect, but any such agreement must be in writing.

E. EFFECT OF THIS ORDER

8. The Defendants who are ordered not to do something must not do it themselves or in any other way. They must not do it through others acting on their behalf or their instructions or with their encouragement.

F. THIRD PARTIES

9. Effect of this Order. It is a contempt of Court for any person notified of this Order knowingly to assist in or permit a breach of this Order. Any person doing so may be imprisoned, fined, or have his assets seized.
10. Set off by Banks. This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to the Defendants before it was notified of this Order.
11. Withdrawal by the Defendants. No bank need inquire as to the application or proposed application of any money withdrawn by the Defendants if the withdrawal appears to be permitted by this Order.

G. SERVICE

12. The Plaintiff do have leave to serve this Order on the Defendants out of jurisdiction at their last known addresses.

H. UNDERTAKINGS

13. The Plaintiff gives to the Court the undertakings set out in Schedule 3 to this Order.

H. VARIATION OR DISCHARGE OF THIS ORDER

14. Any of the Defendants (or anyone notified of this Order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so should first inform the Plaintiff and give the Court and the Plaintiff 48 hours' notice of any such application.

I. NAME AND ADDRESS OF PLAINTIFF

15. Securities and Futures Commission, 8th Floor, Chater House, 8 Connaught Road Central, Hong Kong. Telephone: 2840 9222. The solicitors for the Plaintiff

Maureen Garrett and Fung Ying Wai can be contacted during office hours at the address and telephone number as given.

J. COSTS

16. Costs of this application be to the Plaintiff.

K. INTERPRETATION OF THIS ORDER

17. In this Order “he”, “him” or “his” include “she”, “her”, “hers” and “it” or “its”.

18. When there are two or more Defendants then (unless otherwise stated)

- (a) References to “the Defendant” mean both or all of them;
- (b) An Order requiring “the Defendant” to do or not to do anything requires each Defendant to do it or not to do it; and
- (c) A requirement relating to service of this Order, or of any legal proceedings on “the Defendant” means on each of them.

L. PUBLICATION OF THE ORDER

19. Leave to publish the broad import of this Order by press release by the Plaintiff.

Dated the day of 2011.

Registrar

SCHEDULE 1

Affidavit

The Judge read the following affidavit before making this Order:

- (1) The Affidavit of Luk King Yip and the exhibits.

SCHEDULE 2

List of Accounts

Bank	Account No.	Name of Account Holder	Remarks
UBS AG, Hong Kong Branch	315536	Top Wisdom Overseas Holdings Limited	Balance as at 2 February 2011:- HK\$394 million
Standard Chartered Bank (Hong Kong) Limited	400188162	Top Wisdom Overseas Holdings Limited	

SCHEDULE 3

Undertakings Given to the Court by the Plaintiff

1. Anyone notified of this Order will be given a copy of it by the Plaintiff.
2. The Plaintiff will pay the reasonable costs of anyone, other than the Defendants, which have been incurred as a result of this Order including the costs of ascertaining whether that person holds any of the Defendants' assets and if the Court later finds that this Order has caused such a person loss, and decides that such person should be compensated for that loss, the Plaintiff will comply with any Order the Court may make.
3. The Plaintiff will not without the leave of the Court begin proceedings against any of the Defendants in any other jurisdiction or use information obtained as a result of an Order of the Court in Hong Kong for the purpose of civil or criminal proceedings in any other jurisdiction.
4. The Plaintiff will not without the leave of the Court seek to enforce this Order outside Hong Kong or seek an Order of a similar nature including Orders conferring a charge or other security against the Defendants' assets.
5. If for any reason this Order ceases to have effect, the Plaintiff will forthwith take all reasonable steps to inform, in writing, any person or company to whom it has given notice of this Order, or who it has reasonable grounds for supposing may act upon this Order, that it has ceased to have effect.

HCMP No. /2011

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MISCELLANEOUS PROCEEDINGS NO. OF 2011

IN THE MATTER OF Section 213 of the
Securities and Futures Ordinance (Cap. 571)

BETWEEN

SECURITIES AND FUTURES COMMISSION **Plaintiff**

and

LI HAN CHUN **1st Defendant**

TOP WISDOM OVERSEAS HOLDINGS LIMITED **2nd Defendant**

ORDER

Dated the day of 2011.
Filed the day of 2011.

Securities and Futures Commission
8th Floor, Chater House
8 Connaught Road Central
Hong Kong
Tel: 2840 9482 / 2840 9222
Fax: 2521 7884
Ref: 122/LG/1000/0029

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Plaintiff

and

LI HAN CHUN

1st Defendant

TOP WISDOM OVERSEAS HOLDINGS LIMITED

2nd Defendant

ORIGINATING SUMMONS

Dated the 7th day of February 2011
Filed the 7th day of February 2011

Securities and Futures Commission
8th Floor, Chater House
8 Connaught Road Central
Hong Kong
Tel: 2840 9482 / 2840 9222
Fax: 2521 7884
Ref: 122/LG/1000/0029

Notes for Guidance

1. Each Defendant (if there are more than one) is required to complete an Acknowledgment of Service and return it to the Registry of the High Court.

[2. For the purpose of calculating the period of 14 days for acknowledging service, an Originating Summons served on the Defendant personally is treated as having been served on the day it was delivered to him and an originating summons served by post or by insertion through the Defendant's letter box is treated as having been served on the seventh day after the date of posting or insertion.]

(Note: Not applicable if the Defendant is a company served at its registered office.)

3. Where the Defendant is sued in a name different from his own, the form must be completed by him with the addition in paragraph 1 of the words "sued as (the name stated on the Originating Summons)".

4. Where the Defendant is a FIRM and a Solicitor is not instructed, the form must be completed by a PARTNER by name, with the addition in paragraph 1 of the description "partner in the firm of (.....)" after his name.

5. Where the Defendant is sued as an individual TRADING IN A NAME OTHER THAN HIS OWN, the form must be completed by him with the addition in paragraph 1 of the description "trading as (.....)" after his name.

6. Where the Defendant is a LIMITED COMPANY the form must be completed by a Solicitor or by someone authorized to act on behalf of the Company, but the Company can take no further step in the proceedings without a Solicitor acting on its behalf.

7. Where the Defendant is a MINOR or a MENTAL Patient, the form must be completed by a Solicitor acting for a guardian ad litem.

8. A Defendant acting in person may obtain help in completing the form at the Registry of the High Court.

9. These notes deal only with the more usual cases. In case of difficulty a Defendant in person should refer to paragraph 8 above.

**Acknowledgment of Service of Originating Summons –
for all cases other than costs-only proceedings under section 52B
of the High Court Ordinance**

(O. 10 r. 5; O. 12 r. 3(1))

Directions for Acknowledgment of Service

1. The accompanying form of ACKNOWLEDGMENT OF SERVICE should be detached and completed by a Solicitor acting on behalf of the Defendant or by the Defendant if acting in person. After completion it must be delivered or sent by post to the Registry of the High Court of the following address: –

LG1, High Court Building, 38 Queensway, Hong Kong.

2. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, you may admit the Plaintiff's claim in whole or in part by completing Form No. 16 or 16C (as the case may require) accompanying the Originating Summons.

A completed Form No. 16 or 16C must be filed with the Registry of the High Court and served on the Plaintiff [or the Plaintiff's Solicitors] within the period for filing of the Defendant's affidavit evidence.

3. A Defendant who wishes to dispute the jurisdiction of the Court of First Instance in the proceedings or to argue that the Court of First Instance should not exercise its jurisdiction in the proceedings, and wishes to apply to the Court of First Instance for an order staying the proceedings, must give notice of intention to defend the proceedings and make the application within the time limited for service of a defence.

See over for Notes for Guidance

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MISCELLANEOUS PROCEEDINGS NO. : 176 OF 2011

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BETWEEN

SECURITIES AND FUTURES COMMISSION

Plaintiff

and

LI HAN CHUN

1st Defendant

TOP WISDOM OVERSEAS HOLDINGS LIMITED

2nd Defendant

ACKNOWLEDGMENT OF SERVICE
OF ORIGINATING SUMMONS

If you intend to instruct a Solicitor to act for you, give him this form IMMEDIATELY.

Important. Read the accompanying directions and notes for guidance carefully before completing this form. If any information required is omitted or given wrongly, THIS FORM MAY HAVE TO BE RETURNED.

see Notes 1,
3, 4 and 5.

1. State the full name of the Defendant by whom or on whose behalf the service of the Originating Summons is being acknowledged.

2. State whether the Defendant intends to contest the proceedings (tick appropriate box)

yes

no

See Direction 3. If the only remedy that the Plaintiff is seeking is the payment of a liquidated amount of money or the payment of an unliquidated amount of money, state whether the Defendant intends to make an admission (tick appropriate box).

yes no

If yes, the Defendant may make the admission by completing Form No. 16 or 16C (as the case may require) accompanying the Originating Summons.

Where words appear between square brackets, delete if inapplicable.

Service of the Originating Summons is acknowledged accordingly.

(Signed) [Solicitor] ()
[Defendant in person]

Address for service

Notes as to Address for Service

Solicitor. Where the Defendant is represented by a Solicitor, state the Solicitor's place of business in Hong Kong.

~~Defendant in person. Where the Defendant is acting in person, he must give his residence OR, if he does not reside in Hong Kong, he must give an address in Hong Kong where communications for him should be sent. In the case of a limited company, "residence" (居所) means its registered or principal office.~~

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