

HONG KONG / JUDGMENT

HCMJ v. HYM

[2021] HKCA 878

COURT

Court of Appeal

DECIDED

17 June 2021

CASE / FILE NUMBER

CAMP244/2020

Source: legalref.judiciary.hk · Research copy typeset by Esheria. Not court-issued or certified.

CAMP 244/2020

[2021] HKCA 878 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE REGION COURT OF APPEAL MISCELLANEOUS PROCEEDINGS NO. 244 OF 2020 (ON AN INTENDED APPEAL FROM FCMC NO. 12078 OF 2014) BETWEEN HCMJ Petitioner and HYM Respondent Before : Hon Cheung and Chu JJA in Court Date of Decision : 17 June 2021 D E C I S I O N Hon Cheung JA (giving the Decision of the Court) : Leave to appeal 1 Deputy District Judge J Chow, on the petitioner wife's ('Wife') application for ancillary relief for herself and the two children of the family, made the following orders against the respondent husband ('Husband') : the husband to pay lump sum payments to the wife including (i) maintenance for the wife of HK\$12,607,755.17; (ii) maintenance for the elder son of HK\$1,379,484; and (iii) maintenance of the younger daughter of HK\$3,127,950 within one month from the decree absolute and failing which the husband shall transfer the matrimonial property, namely, a piece of land in Hunghom, Hong Kong to the wife ('the Land'). The Husband applied for leave to appeal against the Judge's decision which was refused by the Judge. The Husband now renews his application before us. The Husband also applies for a stay of execution of the Judge's decision. We will deal with the application on paper. The wife and the husband are in their forties and fifties. The son and the daughter who were aged 20 and 14 at the time of the trial below are pursuing their education in Australia. The Wife has relocated to Australia to look after the children on a student guardian visa. The Judge had evaluated and capitalised their needs at \$17,178,189.17. The Judge considered a clean break order is appropriate. The Land is valued by joint experts at \$17,200,000. In 2014, the Husband was arrested and charged with money laundering for over HK\$10,000,000 (DCCC 787/2014). He was convicted and imprisoned, and is expected to be released from prison in June 2021. The Judge found that the Husband's evidence on his financial position to be totally unsatisfactory and he has failed to make proper disclosure of his assets. The Judge drew the inference that the Husband has sufficient resource to pay the needs of the Wife and the children. The Husband's draft grounds of appeal focused on the Judge's finding of his nondisclosure. We

are not satisfied that the challenge is reasonably arguable. The Judge has properly considered the law on nondisclosure and evaluated the evidence. We are not satisfied that the Husband can reasonably show that the findings of fact and the exercise of discretion by the Judge are plainly wrong. The Husband has failed to satisfy the threshold for obtaining leave. As the leave application is dismissed, the stay application is also dismissed. Accordingly, the application is dismissed with costs to the Wife. This Court will assess the costs summarily. As this is a renewed application the costs are assessed at HK\$100,000 which includes \$75,000 counsel fee to the Wife. As the Husband's application is totally without merit, pursuant to Order 59, rule 2A(8) of the Rules of the High Court, we will make an order that no party may request our determination to be reconsidered at an oral hearing inter partes. (Peter Cheung) (Carlye Chu) Justice of Appeal Justice of Appeal Ms Dora KH Chan, instructed by Messrs Robinsons Lawyers, assigned by the Director of Legal Aid, for the Petitioner Ms Queenie WS Ng, instructed by Messrs Jimmie KS Wong & Partners, for the Respondent

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=136588

CASE PAGE <https://chat.esheria.ai/case-law/hong-kong/hcmj-v-hym-2021>

Prepared on 26 October 2026 · Esheria