

HONG KONG / JUDGMENT

RE HONG FENG ENGINEERING LTD

COURT

Court of First Instance

DECIDED

25 August 2003

CASE / FILE NUMBER

HCCW742/2003

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bjbj HCCW 742/2003 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION COURT OF FIRST INSTANCE COMPANIES (WINDING-UP) NO. 742 OF 2003

IN THE MATTER of HONG FENG ENGINEERING LIMITED and IN THE MATTER of the
Companies Ordinance, Cap. 32

Before: Hon Kwan J in Court Date of Hearing: 25 August 2003 Date of Judgment: 25 August 2003

J U D G M E N T

This is a petition to wind up Hong Feng Engineering Limited (the Company) presented by its former employee, Mr Wong Ki Sim Samuel. The petitioning debt is based on an award made by the Labour Tribunal in LBTC No. 10707 of 2002 consolidated with LBTC No. 10800 of 2002 and LBTC No. 10890 of 2002. The award, made on 2 December 2002, was by consent. The Company was the 4th defendant in the proceedings. According to paragraph 4 of the order by consent, the Company was ordered to pay to the petitioner HK\$24,700 in full and final settlement of the petitioner s claim. Apart from the petitioner, the Company was also ordered to pay to two other employees the aggregate sum of HK\$52,800. The petitioner served a demand for his debt on the Company on 16 May 2003 and the petition herein was presented on 9 July 2003. A Notice to Act for the Company was filed by a firm of solicitors on 19 August 2003 but on 23 August 2003, the solicitors wrote to the petitioner s solicitors stating that they have no further instructions to act for the Company. The Company has not appeared today nor has any application been made for leave to be given for a director to represent the Company. No evidence in opposition has been filed by the Company. In the circumstances, as there is no apparent basis for challenging the judgment debt in favour of the petitioner, I make a winding-up order against the Company. I order that the petitioner s costs are to be paid out of the Company s assets. (S Kwan) Judge of the

Court of First Instance High Court Mr Joseph Lo of Director of Legal Aid, for the Petitioner
Messrs Benny Kong & Peter Tang, for the Company, absent Miss Sara Chung for the Official
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