

IN THE HIGH COURT OF THE
HONG KONG SPECIAL ADMINISTRATIVE REGION
COURT OF FIRST INSTANCE
MISCELLANEOUS PROCEEDINGS NO. 166 OF 2017



IN THE MATTER OF HANERGY THIN FILM
POWER GROUP LIMITED

and

IN THE MATTER OF SECTION 214 OF THE
SECURITIES AND FUTURES ORDINANCE,
CAP 571

BETWEEN

SECURITIES AND FUTURES COMMISSION

Petitioner

and

LI HEJUN
ZHAO LAN
WANG TONGBO
XU ZHENG
WANG WENJING
HANERGY THIN FILM POWER GROUP LIMITED

1st Respondent
2nd Respondent
3rd Respondent
4th Respondent
5th Respondent
6th Respondent

BEFORE THE HONOURABLE MR. JUSTICE CHOW IN COURT

ORDER

UPON the Petition of the Petitioner presented to the Court on 23 January 2017 (the “Petition”)

AND UPON reading Affidavit of Luk King Yip filed on 23 January 2017 and the exhibits therein and the 2nd Affidavit of Luk King Yip filed on 16 May 2017 and the exhibits therein (including the Statements of Agreed Facts signed on behalf of the Petitioner on 9 March 2017 and by each of the 1st, 2nd, 3rd, 4th and 5th Respondents on 23 January 2017)

AND UPON hearing Leading Counsel for the Petitioner and Leading Counsel for the 1st to 5th Respondents

IT IS ORDERED THAT:

1. Pursuant to section 214(2)(e) of the Securities and Futures Ordinance (“SFO”), the 1st Respondent shall procure Hanergy Holding (as defined in paragraph 8 of the Petition) and/or Hanergy Affiliates (as defined in paragraph 32 of the Petition) to pay all outstanding receivables due under the 2010 Sales Contract and 2011 Sales Contract as varied and supplemented (as defined and described in paragraphs 26, 30 and 31 of the Petition) within 2 years from the date of the Order.
2. Pursuant to section 214(2)(d) of the SFO, the 1st Respondent, shall not, without leave of the Court, for a period of 8 years with effect from the date of the Order:-
 - (a) be, or continue to be, a director, liquidator, or receiver or manager of the property or business, of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates; and
 - (b) in any way, directly or indirectly, be concerned, or take part, in the management of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates.
3. Pursuant to section 214(2)(d) of the SFO, the 2nd Respondent, shall not, without leave of the Court, for a period of 4 years with effect from the date of the Order:-
 - (a) be, or continue to be, a director, liquidator, or receiver or manager of the property or business, of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates; and

- (b) in any way, directly or indirectly, be concerned, or take part, in the management of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates.
4. Pursuant to section 214(2)(d) of the SFO, the 3rd Respondent, shall not, without leave of the Court, for a period of 4 years with effect from the date of the Order:-
- (a) be, or continue to be, a director, liquidator, or receiver or manager of the property or business, of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates; and
- (b) in any way, directly or indirectly, be concerned, or take part, in the management of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates.
5. Pursuant to section 214(2)(d) of the SFO, the 4th Respondent, shall not, without leave of the Court, for a period of 3 years with effect from the date of the Order:-
- (a) be, or continue to be, a director, liquidator, or receiver or manager of the property or business, of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates; and
- (b) in any way, directly or indirectly, be concerned, or take part, in the management of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates.
6. Pursuant to section 214(2)(d) of the SFO, the 5th Respondent, shall not, without leave of the Court, for a period of 3 years with effect from the date of the Order:-
- (a) be, or continue to be, a director, liquidator, or receiver or manager of the property or business, of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates; and

(b) in any way, directly or indirectly, be concerned, or take part, in the management of any listed or unlisted company in Hong Kong including the 6th Respondent or any of its subsidiaries and affiliates.

7. The 1st, 2nd, 3rd, 4th and 5th Respondents shall pay the Petitioner's costs, to be taxed if not agreed with a certificate for 2 Counsel.

Dated this 4th day of September 2017

Registrar

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5th Respondent

HANERGY THIN FILM POWER GROUP LIMITED

6th Respondent

ORDER

Dated the 4th day of September 2017.

Filed the 12th day of September 2017.

Securities and Futures Commission,
The Petitioner
35th Floor, Cheung Kong Center,
2 Queen's Road Central, Hong Kong
Tel: 2231 1222 Fax: 2521 7884
Ref: 122/LG/0800/0342