

## **Alan C. Y. Yung**

容至賢大律師

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### **RW Chambers**

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**Call:** 2007 (HK)

### **Practice Profile**

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Alan has a broad civil practice. He has acted and advised as sole or junior counsel involving a wide range of commercial matters, including contractual disputes, company and shareholders' disputes, liquidations and bankruptcies, nuisance and personal injuries. He has been instructed to act and advise in construction disputes, disputes involving breach of confidence and fiduciary duty, conflict of laws, building management disputes, discrimination, trespass, defamation, wills and probate, trusts and proceedings under the Mental Health Ordinance.

Alan has been instructed as junior counsel in securities cases by the SFC in market misconduct related matters and as prosecutor in the Magistrate Court. He has also given legal advices on compliance related matters for the issuers' listing applications in Hong Kong (including Kelfred Holdings Limited (Stock Code: 1134), Sunray Engineering Group Limited (Stock Code: 8616) and Asiaray Media Group Limited (Stock Code: 1993).

Alan also undertakes criminal work and has been instructed to conduct criminal trials as defence counsel in the Magistrates' Courts and Magistracy Appeal.

Alan is regularly appointed as a Mediator in a wide range of disputes. He has mediated over 300 cases for disputes involving adverse possession, building management, companies winding up and shareholders' disputes, commercial/contractual disputes, conveyancing, copyright, defamation, nuisance, personal injuries, and employees' compensation and probate related matters.

### **Education**

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LLM, University of Hong Kong  
PCLL, University of Hong Kong  
LLB, London School of Economics and Political Science  
Li Po Chun United World College

## Qualifications

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CEDR and HKMAAL Accredited Mediator

## Experience

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### Commercial and Contractual Disputes

- *Natural Dairy (NZ) Holdings Ltd v. Chen Keen & Ors*, HCA 2218/2017 – for variation of injunction to allow spending on legal costs and mortgage repayments (led by William Wong SC)
- *Li Nanfeng v. Wong Chun Hong*, HCA 3447/2016, CAMP 82/2018, CACV 547/2019 – for a contractual claim of over HK\$100 million (include opposing application for interpleader relief and leave to appeal to the Court of Appeal, application for summary judgment and opposing D’s appeal and leave to appeal to the Court of Final Appeal) (led by Bernard Man SC)
- *Xiao Long v. Great Wall Securities Ltd*, HCA 369/2018 – to appeal against a decision of Master for O.14 Judgment (led by Edward Chan SC) and to oppose leave to appeal, to obtain security for costs and relief from sanctions
- *Jiang Xi An Fa Da Wine Co. Ltd v. Zhan King*, HCMP 1574/2017 – for interim injunctive relief under s.21M of HCO from disposing shares of a HK listco in aid of foreign proceedings
- *Miao Xizhu v. Shum Sai Chit & Anor*, HCA 1960/2014 – for specific discovery and non-party discovery of financial accounts of its subsidiaries in a misrepresentation claim against directors of a listed company
- *Yu Tai Kan and Lai Heung Tze Angie v. Morewell Engineering Limited*, DCCJ 537/2013 – trial in relation to a decoration contract dispute
- *Yang Long Shan v Chan Hau Kong and Anor*, HCA 1265/2011 – Acted for the defendant in a claim regarding promissory notes (in the sum of HK\$40 million) (led by Ronny FH Wong SC) and for security for costs
- *Yau Ngai & Anor v Yau Tak & Anor*, HCA 1255/2007 & HCA 1309/2007 – a case involving a dispute amongst the family on the ownership of a substantial business in the manufacture and sale of imitation jewellery, including to oppose an application for interlocutory injunction to restrain breach of a negative covenant (led by Jason Pow SC) and to oppose an application to vary an undertaking to the Court (led by Jat Sew-Tong SC)

## Company and Insolvency

- *Re EAC Prosperity Logistics Enterprise Limited*, HCCW 286/2013 – 9-day trial to oppose a petitioner’s misfeasance summons issued pursuant to s.276 of the predecessor Companies Ordinance
- *Wei Zhuofu v. China Investment and Finance Group Limited & Ors*, HCMP 1432/2014 – for application for interlocutory injunction under s.728-729 of the Companies Ordinance (led by Adrian Bell SC)
- Acted for the respondents in relation to a claim under s.168A of the old Companies Ordinance involving an established catering group in Hong Kong (led by Victor Dawes SC)
- Acted for the applicants/plaintiffs for relief under s.111, 114B and 122 of the old CO

## Equity & Trust

- *Zhao Zhi Qiang v. Zhao Zhiguang & Anor*, HCA 1614/2019 – for a claim of ownership between brothers of a garment business, including for proprietary injunction to restrain D from dealing with the shares of P’s company and its assets (led by Victor Dawes SC) and to oppose D’s application to the Court of Appeal for leave to appeal (led by Laurence Li SC)
- *Chan Koon Hau v. Lam Kong Man & Ors*, HCA 327/2017, HCMP 1092/2018, HCMP 2182/2018 – for claim amongst the family over the ownership of a business in PRC, including for interlocutory injunction to restrain the defendants from dealing with her assets in HK and PRC and to commit the defendants for contempt of court for breach of undertaking (led by Po Wing Kay)
- *NEC Tokin Hong Kong Limited v Cheung Kin Keung and Anor* [2013] 3 HKLRD 250 – for claim against ex-employee for fraud, including Mareva injunction based on a proprietary claim for over HK\$51 million, to remove the provision for the defendants’ living and legal expenses and for disclosure for the purpose to trace misappropriated funds (led by Ronny FH Wong SC) and for Norwich Pharmacal discovery order against a 3<sup>rd</sup> party, HCMP 453/2013
- *蕭美娟 v 林珀熊 & Ors*, HCA 1615/2014 – for default judgment for a declaration that the defendants have been holding property on trust for the plaintiff
- *Lau Hang Ping v. Chow Yun Nin*, HCA 1067/2013 – trial to defend a claim for the legal and beneficiary title of a property in reliance of resulting trust

## Land & Property

- *黃金安 & Anor v. 新鴻基地產發展有限公司 & 地政總署*, DCCJ 346/2022 – to strike out P’s claim for damages arising from a development project in the New Territories of the Sun Hung Kai Group
- *Diamond Rex Enterprised Ltd v. Livingstone Realty (Int’l) Ltd*, DCCJ 6472/2020 – acted for a company under the Chinachem Group for summary judgment for vacant possession and damages in a landlord and tenant dispute
- *Choi Chi Wai trading as Oliva Chocolate Company v. Hsiu Jui Hein*, DCCJ 1175/2015 – to strike out and to apply for summary judgment in a landlord and tenant dispute based on the res judicata principle

## Tort, Personal Injuries & Insurance

- *Lam Ching Kwong v. Man Wing Sum & Anor*, DCCJ 1888/2019 – trial to defend a water seepage claim between neighbours
- *Sheng Kung Hui Diocesan Welfare Council v. National Insurance Company Limited*, HCA 1106/2015 – to obtain summary judgment for enforcement action against the insurer pursuant to s.10 of Motor Vehicles (Third Party Risks) Ordinance
- *Japan Travel Agency Limited v. Wong Lei Wah*, DCCJ 260/2015 – trial to claim damages caused by water seepage

## Probate

- *Re Estate of Lam Tim Stan*, HCMP 1924/2020 – acted for a beneficiary concerning administration (with dispute on entitlements amongst the family members) of an estate with assets that worth over 200 million dollars
- *Lam Sik Ying, Administrator for Estate of Lam Tim v. Lam Sik Shi*, HCA 4713/2001, CACV 283/2017 – to strike out parts of the plaintiff’s claim on the ground of re-litigation (led by Russell Coleman SC) and to strike out the plaintiff’s notice of appeal for lack of locus standi and want of prosecution
- *Lam Sik Shi v Lam Sik Ying & Anor*, HCA 1605/2004 – over 23-day trial for reliefs including damages and declaration that a sale by an administrator of a land in a prime location at Causeway Bay be void (led by Adrian Bell SC)
- *Lam Wong Kwan Ying & Anor v Lam Sik Se, Tony*, HCMP 1885/1987 – to oppose an application to enforce a Tomlin Order for accounts (led by Adrian Bell SC) and to oppose the consequential application for leave to appeal

## **Regulatory and Disciplinary**

- *SFC v. Tsoi Bun*, ESS 46433-7/2008 – Acted for the SFC for a retrial for offences in entering into artificial transactions for the purpose of price rigging in the futures market (led by Adrian Bell SC)
- Provided advice to SFC as junior counsel in market misconduct related matters (led by Horace Wong SC)

## **Intellectual Property**

- *Vantage Technology Limited v. Cheung Chor Keung and Ors*, HCA 873/2015 – to oppose injunction regarding a breach of confidence dispute (led by John Yan SC)
- Acted for the respondent to oppose an application to invalidate registered trademarks registered in the applicant's name (led by Stewart Wong SC)

## **Mental Health**

- Acted for the applicants for directions for inquiry of the mental capacity of mentally incapacitated persons and for appointment of the applicant as the Administrator/Committee of the estate of the MIPs

## **Defamation**

- *Pak Ko Batteries Factory Ltd and Ors v New Leader Battery Industry Ltd*, HCA 1139/2007 – to oppose an application to strike out the plaintiff's claim for defamation involving issues of foreign law

## **Scholarships / Awards**

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Middle Temple Scholarship for Advocacy Training

## **Languages**

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English, Cantonese and Mandarin