

Kestrel Lam

林子康大律師

Chambers of Ronny Wong SC

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Call: 2009 (HK)

Deputy Magistrate (January to August 2018)

Fellow, Hong Kong Institute of Arbitrators (2018)

Practice Profile

Kestrel obtained his law degree at the University of Durham (United Kingdom) and joined Chambers as a tenant in October 2009.

Kestrel has since developed a broad civil practice, with particular emphasis on company law (shareholder disputes and derivative actions), trusts, probate, commercial and land disputes. Kestrel also has solid experience in criminal litigations, with particular emphasis on white collar crimes.

Kestrel accepts instructions in all areas of work. He is regularly instructed to appear in court and has appeared at all levels from the Magistracies to the Court of Final Appeal.

Education

2008 PCLL (University of Hong Kong)
2007 LLB (Hons.) (University of Durham)

Selected Cases

Company

Luck Continent Ltd v Cheng Chee Tock & Others [2013] 4 HKLRD 181 (Court of Appeal); FACV 4 of 2014 (Court of Final Appeal)

Represented the former chairman/director and the minority shareholders of a listed company in the appeal of an unfair prejudice petition. This case concerns

important principles in relation to the superimposition of equitable constraints on the exercise of shareholders' strict legal powers (led by Mr. Victor Joffe).

C Y Foundation Group Ltd v Cheng Chee Tock & Others [2012] 1 HKLRD 532

Represented the former chairman/director and the Vice-President of the HR & Administration Departments of a listed company and successfully resisted an application by the company for an interlocutory injunction. This case concerns the possibility of tracing funds deposited into an overdrawn bank account (led by Mr. John Litton).

Liu Man Ho Simon and Others v Opus Logistics Ltd and Others HCA 997 of 2011 & HCA 1674 of 2011

Represented the Plaintiff shareholder in derivative actions brought against an ex-director for the latter's breach of fiduciary duties (diversion of business) and successfully obtained an account of profits.

Probate/Administration of Estates

Chiu Man Fu & Others v Chiu Chung Kwan Ying HCAP 9 of 2005; CACV 40 of 2012; FAMV 42 of 2013

Represented the Defendant (CFI)/Respondent (CA & CFA) in a contentious probate matter concerning an estate reported to be worth more than \$0.4 billion (led by Mr. Benjamin Yu SC, Mr. Johnny Mok SC and Ms. Wing Kay Po).

Leung Jeong Wai Cheng v Yeung Chi Wing & Others HCMP 1966 of 2010

Represented a residuary beneficiary of an estate and successfully obtained against delinquent executors an order that the residue of the estate be ascertained and distributed.

General Civil and Commercial

成都中泰交通建設發展有限公司 v Neo-China Land Group (Holdings) Limited (中新地產集團(控股)有限公司) HCA 2196 of 2009

Represented a listed company and successfully defended a contractual claim for over RMB¥72 million (led by Mr. Ronny Wong SC).

China Sciences Conservational Power Ltd v Chan Tat Chee HCA 870 of 2009 & Chan Tat Chee v Hon Ming Kong HCA 1234 of 2009

Represented the former director and chairman of a listed company in an application for stay of proceedings pending the conclusion of parallel criminal proceedings (led by Ms. Wing Kay Po).

Chan Kung Kee v Wen Xiaoling HCA 1635 of 2010, 1st November 2010

Represented the Plaintiff and succeeded in obtaining an urgent Mareva injunction.

Leung Wing Keung Eddy v Leung Wing Kwong Victor DCCJ 1097 of 2011, 26th March 2012

Represented the Plaintiff and successfully obtained summary judgment against the Defendant for the sum of HK\$0.99 million odd being the unpaid consideration for shares transferred to the Defendant.

Sun Li v The Owner of Flat F, 6/F, Block 3, Majestic Park, No.11 Farm Road, Tokwawan, Kowloon HCA 807 of 2012, 18th May 2012

Represented the Defendant and successfully resisted the Plaintiff's application for an interlocutory injunction (on the basis of nuisance).

Criminal

HKSAR v Hon Ming Kong & Others DCCC 661B of 2006 (District Court); [2014] 2 HKLRD 710 (Court of Appeal); FAMC 25 of 2014 (Appeal Committee of the Court of Final Appeal)

Represented the former chairman/director of 2 listed companies who was charged with 10 counts of conspiracies and 1 count of publishing a false statement involving over \$60 million. This case raised a novel and important issue of constitutional law concerning the availability and practical effectiveness of mutual legal assistance between Hong Kong and the PRC.

(led by Ms. Clare Montgomery QC, Mr. Alexander King SC, Mr. Jason Pow SC and Ms. Wing Kay Po in the District Court)

(led by Mr. Tim Owen QC, Mr. Robert Pang SC and Ms. Wing Kay Po in the Court of Appeal)

(led by Ms. Clare Montgomery QC, Mr. Eric Kwok SC and Ms. Vivian Ho in the Appeal Committee of the Court of Final Appeal)

Other Matters

Represented and successfully defended an estate agent against allegations of misconduct in a disciplinary hearing conducted by the Estate Agents Authority.

Advised a listed company on the legal implications of shareholders' ratifications of certain undisclosed and/or connected transactions against the background of a Petition

brought by the Securities and Futures Commission pursuant to Section 214 of the Securities and Futures Ordinance (Cap. 571) (Joint Opinion with Mr. Ronny Wong SC).