

Alan C. Y. Yung

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Call: 2007 (HK)

Practice Profile

Alan Yung has a broad civil practice and has acted and advised as sole or junior counsel on a wide range of commercial matters, including company and shareholders' disputes, contractual disputes and property and trust disputes. He also has experience and acted in cases relating to building management disputes, nuisance (water seepage, noise), personal injuries and employees' compensation, probate, defamation, contempt proceedings 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 Magistrates' Court. He has also given legal advice on compliance-related matters for the issuers' listing applications in Hong Kong including for Kelfred Holdings Limited (Stock Code: 1134), Sunray Engineering Group Limited (Stock Code: 8616) and Asiaray Media Group Limited (Stock Code: 1993).

Alan's practice spans criminal work too and he has experience conducting criminal trials as defence counsel in the Magistrates' Courts and Magistracy Appeal.

Accredited as a mediator by CEDR and HKMAAL, Alan is regularly appointed to mediate on a wide range of disputes. To date, he has mediated over 300 cases (with experience in conducting mediation in mandarin and online) 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

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

CEDR and HKMAAL Accredited Mediator

Experience

Commercial and Contractual Disputes

- *Natural Dairy (NZ) Holdings Ltd v. Chen Keen & Ors*, HCA 2218/2017 – 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 – contractual claim of over HK\$100 million (include an 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 – appealed 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 sanction
- *Jiang Xi An Fa Da Wine Co. Ltd v. Zhan King*, HCMP 1574/2017 – 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 – specific discovery and non-party discovery in a misrepresentation claim against directors of listed company regarding financial accounts of its subsidiaries
- *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 – to defend a claim regarding promissory notes (in the sum of HK\$40 million) (led by Ronny 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 – trial to oppose a petitioner’s misfeasance summons issued pursuant to s.276 of the predecessor Companies Ordinance (with Acorn Lau)
- *Wei Zhuofu v. China Investment and Finance Group Limited & Ors*, HCMP 1432/2014 – 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)

Equity & Trust

- *Zhao Zhi Qiang v. Zhao Zhiguang & Anor*, HCA 1614/2019 – claim for beneficial ownership of a property holding company (led by Victor Dawes SC, with Jonathan Fung), 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 – 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 Wong SC) and for Norwich Pharmacal discovery order against a 3rd party (HCMP 453/2013)
- *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 Enterprises 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 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 – 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 a multi-million dollar estate
- *Lam Sik Ying, Administrator for Estate of Lam Tim v. Lam Sik Shi*, HCA 4713/2001, CACV 283/2017 – to strike out substantial parts of the plaintiff's claim on the grounds 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 20 days trial for reliefs including damages and declaration that a sale by an administrator of a land in prime location at Causeway Bay be void (led by Adrian Bell SC)

Regulatory and Disciplinary

- SFC - provided advice as junior counsel in market misconduct-related matters (led by Horace Wong SC)
- *SFC v. Tsoi Bun*, ESS 46433-7/2008 – retrial for an offence of price rigging (led by Adrian Bell SC)

Other Cases

- *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
- *Vantage Technology Limited v. Cheung Chor Keung and Ors*, HCA 873/2015 – to oppose an 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)

Scholarships / Awards

Middle Temple Scholarship for Advocacy Training

Languages

English, Cantonese and Mandarin