



## BIANCA YU 余思穎大律師

Call: 2013 (HK)

### PROFILE

Bianca joined Chambers as a tenant in 2013 upon completion of her pupillages with Mr Victor Dawes SC and Ms Yvonne Cheng SC. She has appeared as an advocate (either in her own right or as a led junior) in the District Court, the Court of First Instance and the Court of Appeal. She is developing a broad civil practice and accepts instructions in all areas of Chambers' work.

### CONTACT

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### PRACTICE AREAS

- Banking / Finance
- Insolvency
- Commercial
- Injunction / Contempt
- Professional Liability
- Personal Injury / Medical Negligence
- Property & Conveyancing
- Equity / Trust
- Probate / Succession
- Public Law / Judicial Review
- Defamation / Media
- Disciplinary
- Commission of Inquiry / Inquest

### EDUCATION

2012 PCLL, University of Hong Kong  
2011 LLB (Hons), London School of Economics

### PUBLICATIONS AND ARTICLES

- LexisNexis Practice Note contributor

## SELECTED CASES

### BANKING / FINANCE

- *Lo Yuk Sui v Fubon (Hong Kong) Ltd, formerly known as International Bank of Asia Ltd* [2019] HKCA 261 - acted for the appellant Bank with Benjamin Yu SC on case involving the proper construction of a letter agreement in the context of a debt restructuring proposal not having been approved and implemented.
- *Indian Overseas Bank v Seabulk Systems Inc* [2018] HKCFI 112 - acted for the Plaintiff bank in a six day trial involving claims of misrepresentation, negligent advice and breaches of various duties owed by a security holder in relation to the handling of security (sole advocate).
- *Indian Overseas Bank v. Vee Pee Global Ltd, HCMP 2114/2011 (6-day trial)*– acted for the Plaintiff bank in an action for vacant possession of mortgaged property, involving claims of misrepresentation, undue influence and non est factum (sole advocate).

### INSOLVENCY

- *Re Leung Cherng Jiunn, HCB 244/2014 21.5.2015 (CFI); [2016] 1 HKLRD 850 (CA)*– acted for the Respondent in an appeal against a judgment dismissing the creditor’s bankruptcy petition; involved consideration of the applicable test of a bona fide dispute (sole advocate).
- *Mann Kevin Patrick v the Hong Kong and Shanghai Banking Corporation*, unreported, CACV 84/2015; CACV 86/2015, 7, 16 October 2015 (sole advocate)
- *Re Dayuan International Development Ltd, HCCW 103/2015*, acted for the company in a winding up petition involving shareholders’ disputes (led by Victor Dawes SC).
- *Si Tou Choi Kam v Wealth Credit Limited* [2018] HKCA 250 – acted for a judgment creditor in an appeal involving the question of the validity of charging orders where the judgment creditor allowed a declaration that the judgment debtor had no beneficial interest in the property to be made without intervening (sole advocate)
- *David Paul Steicke v Raymond Gatt and Others*, unreported, HCA 1095/2015, 15 July 2015 (led by Benjamin Yu SC)

### COMMERCIAL

- *Lo Yuk Sui v Fubon (Hong Kong) Ltd, formerly known as International Bank of Asia Ltd* [2019] HKCA 261 - acted for the appellant Bank with Benjamin Yu SC on case involving the proper construction of a letter agreement in the context of a debt restructuring proposal not having been approved and implemented.
- *Glory Sky Finance Ltd v Chen Jianhua and Another* [2018] HKCFI 578 - concerning, inter alia, payment into court under Order 2, rule 3 of the Rules of High Court.
- *Indian Overseas Bank v Seabulk Systems Inc* [2018] HKCFI 112 - acted for the Plaintiff bank in a six day trial involving claims of misrepresentation, negligent advice and breaches of various duties owed by a security holder in relation to the handling of security (sole advocate).
- *Indian Overseas Bank v. Vee Pee Global Ltd, HCMP 2114/2011 (6-day trial)*– acted for the Plaintiff bank in an action for vacant possession of mortgaged property, involving claims of misrepresentation, undue influence and non est factum (sole advocate).
- *Goldon Investment Ltd v. Persons who erected or placed or maintained obstructions or otherwise do any act to cause obstruction, or to prevent or hinder the clearance and removal of the obstructions at the entrances or exits of CITIC Tower, 1 Tim Mei Avenue, Central, Hong Kong (“CITIC Tower”) and/or the vehicular/pedestrian passageway at Tim Mei Avenue and/or Lung Wui Road which block vehicular or pedestrian access to CITIC Tower, HCA 2094/2014* (led by Benjamin Yu SC at the ex parte hearing on 20 Oct 2014; by Benjamin Yu SC and Mr Victor Dawes SC at the inter partes hearing on 24 Oct 2014; by Benjamin Yu SC and Mr Bernard Man on 27 Oct 2014); re blockages to CITIC Tower as a result of the “Occupy Central” movement.
- Advised the owner of a commercial building in a dispute regarding the signage located on the roof of two commercial buildings (with Mr. Russell Coleman SC).
- *Scott Michael Hawkins v Innovative Network Ltd, HCA 60/2015*, acted for the Defendant money changers in a knowing receipt case (sole advocate).
- *Dawn Jade Ltd and Anor v. Gao Fu Holdings Ltd and Anor, CACV 4/2014* (led by Roxanne Ismail SC); HCA 581/2012: (led by Ashley Burns SC): acted for the Defendant to have a default judgment set aside, involving issues of estoppel and repudiation of agreements
- Advised a commercial buyer of electronic products on the applicable measure of damages against the seller where it had made a profit on a sub-sale of defective goods and the sub-buyer had made no claim against the buyer for delivery of defective goods.
- Advised a senior employee of a commercial bank on issues involving his remuneration and constructive dismissal (with Ms. Audrey Eu SC).
- Advised a well known artiste on issues involving the termination of and remuneration under an artiste management contract.

- Advised a commercial bank in a claim involving around HK\$57 million on issues involving the equitable duty of care owed by a security holder to a debtor based on the equity of redemption and the equity of subrogation in respect of Advance Payment Guarantees and Performance Guarantees the enforceability of which had been determined in proceedings in China.
- Advised a commercial bank on merits of appeal in respect of disputes arising from a debt restructuring agreement involving claims of up to HK\$37 million (with Mr. Benjamin Yu SC).
- Advised a commercial shipping group in a dispute in relation to the sale of a vessel involving the tort of unlawful interference.

#### PROPERTY & CONVEYANCING

- Advised in family disputes over ownership of residential premises.
- Advised a property owner in respect of the right of way of a passage in a commercial building (with Ms. Audrey Eu SC).
- *Lee Yuk Tong, Lee Sin Yi Edith v Chan Wai Hing Amy* [2019] HKDC 229 dispute in respect of beneficial ownership of property in a family context

#### EQUITY / TRUST

- *Si Tou Choi Kam v Wealth Credit Ltd* [2018] 4 HKC 247; [2018] HKCA 250: acted for the defendant in case concerning the effect of a declaration of existence of trust in favour of the plaintiff (sole advocate)
- HCMP 3245/2015: Acted for the 2nd Respondent in a trust and probate matter involving an estate worth billions of HK dollars; re an application under O.85 r.2 of the Rules of High Court for directions from the Court regarding the scope of the power conferred on trustees by s.34 of the Trustee Ordinance (Cap.29) (led by Mr Benjamin Yu SC)

#### PROBATE / SUCCESSION

- HCMP 3245/2015: Acted for the 2nd Respondent in a trust and probate matter involving an estate worth billions of HK dollars; re an application under O.85 r.2 of the Rules of High Court for directions from the Court regarding the scope of the power conferred on trustees by s.34 of the Trustee Ordinance (Cap.29) (led by Mr Benjamin Yu SC)

#### PUBLIC LAW / JUDICIAL REVIEW

- DCCJ 4751/2014; DCCJ 327/2015; DCCJ 1616/2015: acted for the Plaintiffs against the Director of Immigration for damages for unlawful detention; re challenges to the Immigration Department's policies after the implementation of the Unified Screening Mechanism, and the factors in the Director's consideration in exercising his discretion to detain the Plaintiffs.
- *Sunevision Holdings Ltd v Hong Kong Science and Technology Parks Corporation* [2019] HKCFI 539 (with Ms. Sara Tong)
- *Balraj Singh v Toture Claims Appeal Board, Director of Immigration (Interested Party)* [2018] HKCFI 2087
- Advised in unlawful detention claims on liability and quantum.

#### DEFAMATION / MEDIA

- *Centa-City Index Company Ltd and Others v. Hong Kong Economic Journal Company and Another*, HCA 237/2011, 22 October 2014 (led by Mr Jason Pow SC and Mr Victor Dawes SC)
- Advised an executive director of a broadcasting company on his defence in respect of a defamation action against him.
- Advised an artiste on a claim for damages for defamation.
- Advised an artiste on claims based on an artiste management contract.

#### PROFESSIONAL LIABILITY

- Advised a hospital on liability and quantum in a medical negligence/personal injuries action involving a patient who is diagnosed to be in a persistent vegetative state.
- Advised a practicing barrister in respect of claims against him for professional negligence.

#### PERSONAL INJURY / MEDICAL NEGLIGENCE

- Rendered numerous advices on personal injury/medical negligence cases, involving, inter alia, the liability of a school, a sports union, and three claims involving hospitals

#### INJUNCTION / CONTEMPT

- *Goldon Investment Ltd v. Persons who erected or placed or maintained obstructions or otherwise do any act to cause obstruction, or to prevent or hinder the clearance and removal of the obstructions at the entrances or exits of CITIC Tower, 1 Tim Mei Avenue, Central, Hong Kong ("CITIC Tower") and/or the vehicular/pedestrian passageway at Tim Mei Avenue and/or Lung Wui Road which block vehicular or pedestrian access to CITIC Tower, HCA 2094/2014* (led by Benjamin Yu SC at the ex parte hearing on 20 Oct 2014; by Benjamin Yu SC and Mr Victor Dawes SC at the inter partes hearing on 24 Oct 2014; by Benjamin Yu SC and Mr Bernard Man on 27 Oct 2014); re blockages to CITIC Tower as a result of the "Occupy Central" movement.
- Appeared for the Applicant in an urgent injunction where the Applicant successfully obtained injunction against the respondent from disseminating materials of an intimate nature.
- Advised the owner of a commercial building in a dispute regarding the signage located on the roof of two commercial buildings (with Mr. Russell Coleman SC).

#### DISCIPLINARY

- Acted as legal counsel for the prosecutor in a disciplinary case involving a customs and excise officer

#### COMMISSION OF INQUIRY / INQUEST

- Commission of Inquiry into the collision of vessels near Lamma Island (2013) (as pupil to Mr. Roger Beresford, for the Commissioner)