



BRIAN LEE 李俊軒大律師

Call: 2019 (HK)

PROFILE

Brian joined Chambers after completing his pupillage with Mr Bernard Man SC, Mr Derek Chan SC, Mr Keith Lam and Ms Bonnie Cheng. He is developing a broad civil practice and accepts instructions in all areas of Chambers' work.

CONTACT

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SECRETARY

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PRACTICE AREAS

- Arbitration
- Commercial
- Company
- Competition
- Equity / Trust
- Insolvency
- Probate / Succession
- Property & Conveyancing
- Restitution / Unjust Enrichment

EDUCATION

- | | |
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| 2018 | PCLL, University of Hong Kong (Distinction) |
| 2017 | BCL, University of Oxford (Distinction) |
| 2016 | BA (Jurisprudence), University of Oxford (First Class Honours) |

SCHOLARSHIP AND PRIZES

2019	Bar Scholarship
2018	Philip C. Jessup International Law Moot Court Competition – HK Champion; Best Oralist 17 th Place at the international rounds
2018	Sweet & Maxwell Edlyn Yap Prize for Litigation for highest average mark in litigation-specific courses in the PCLL
2018	Thomas Reuters Prize for most promising student who intends to become a barrister in the PCLL
2017	Oxford Law Faculty Prize for best performance in International Law of the Sea in the BCL
2016	Anne Campbell Scholarship, Christ Church, University of Oxford
2015 - 2016	Open Scholarship, Christ Church, University of Oxford
2014	Hogan Lovells Scholarship, Christ Church, University of Oxford

LANGUAGES

English, Chinese

SELECTED CASES

ARBITRATION

- Appeared on behalf of the respondent company in an arbitration defending claims for an injunction and damages for breach of contract (led by Benjamin Yu SC and with Bonnie Cheng)
- *C v D HCCT 24/2020*
 - a. [2021] HKCFI 1474 - appeared on behalf of the plaintiff in an application to set aside an arbitral award under s. 81 of the Arbitration Ordinance (Cap. 609), where the Court considered whether fulfilment of a pre-arbitral condition precedent is a question of “jurisdiction” or “admissibility” (led by Benjamin Yu SC)
 - b. [2022] HKCA 729 - appeared on behalf of the appellant on appeal from the judgment of the Court of First Instance (led by Benjamin Yu SC and with Bonnie Cheng)
- Appeared on behalf of the applicant company in an arbitration and successfully enforced the exercise of a put option under a share subscription agreement (led by Linda Chan SC)
- Advised on an intended arbitration concerning repudiation of a share transfer agreement (led by Bernard Man SC)

COMMERCIAL

- *TZG Partners v Peng Gang & Others* [2021] HKCFI 3234 – appeared on behalf of the 2nd and 5th Defendants and successfully set aside the extension of the validity period of the Writ of Summons, and successfully struck out the entirety of the Plaintiff’s claims on the grounds of res judicata, forum non conveniens, and that they disclose no reasonable cause of action (led by Bernard Man SC)

CIVIL FRAUD / ASSET RECOVERY

- *Essilor Manufacturing (Thailand) Co Ltd v G Doulatram and Sons (HK) Ltd & Others* [2020] HKCFI 2489 – appeared on behalf of the 3rd Defendant in an application for payment out from the Court and discharge of an interlocutory injunction obtained by the Plaintiff (led by Jonathan Chang SC)
- *CRP/PE Munroe Street Owner LLC v Junwei Consulting Trade Co Ltd & Another* DCCJ 4700/2019
 - a. [2020] HKDC 566 – appeared on behalf of the Plaintiff and successfully obtained summary judgment against the Defendant (sole advocate)
 - b. [2021] HKDC 71 – appeared on behalf of the Plaintiff in resisting the Defendant’s appeal against the master’s decision to grant summary judgment and successfully obtained an alternative order for interim payment (sole advocate)

c. [2021] HKDC 377 – appeared on behalf of the Plaintiff and successfully resisted the Defendant's application for leave to appeal to the Court of Appeal against the judge's order for interim payment (sole advocate)

- *YingGao Resources Ltd & Another v HSBC* [2022] HKCFI 306 – appeared on behalf of the Defendant to resist an application by the Plaintiffs for leave to re-amend their Amended Statement of Claim (led by Eugene Fung SC)

COMPANY

- *Tuenbo Company Limited v Cheung Sung Lam & Others* HCA 566/2019 – acted on behalf of the Defendants in resisting the recovery of books and records of the company on the ground that the action was commenced without authority
 - a. [2021] HKCFI 1620 – appeared on behalf of the Defendants in an application to strike out the action and in resisting an interlocutory injunction sought by the Plaintiff (led by Bernard Man SC and with Danny Tang)
 - b. [2021] HKCFI 2532 – appeared on behalf of the Defendants and successfully resisted an application by the Plaintiff to vary a costs order nisi (with Danny Tang)
 - c. [2021] HKCFI 2742 – appeared on behalf of the Defendants seeking a stay of the filing of the Defence until determination of a consolidation summons (sole advocate)
- *Re Bank of East Asia Limited* HCMP 1812/2016 – acted on behalf of the Respondents in an unfair prejudice petition concerning the effect of certain terms and conditions contained in share subscription agreements
 - a. [2019] HKCFI 2744 – appeared on behalf of the Respondents resisting an application by the Petitioners to adduce expert evidence (led by Eva Sit SC)
 - b. [2020] HKCFI 310 – appeared on behalf of the Respondents in applications for discovery under Order 24 rule 3 and Order 24 rule 10 of the Rules of High Court (Cap. 4A) (led by Benjamin Yu SC and Bernard Man SC, with Esther Mak)
- *Vigers Hong Kong Ltd (in creditors' voluntary liquidation) v Michael Andrew Barclay Binney & Others* [2022] HKCFI 261 – appeared on behalf of the Defendants at trial and successfully defended the entirety of the Plaintiff's claims concerning breach of fiduciary duties, unfair preference, fraudulent disposition and negligence (led by Bernard Man SC).

EQUITY / TRUST

- *Steadfast International Limited v Tuenbo Company Limited & Others* HCA 2095/2016 – acted on behalf of the 2nd to 4th and 6th to 7th Defendants in an action resisting enforcement of a share charge and seeking redemption of the charged shares
 - a. [2021] HKCFI 3094 – appeared on behalf of the 2nd to 4th and 6th to 7th Defendants and successfully resisted an appeal by the Plaintiff against a master's decision granting leave to the 2nd to 4th and 6th to 7th Defendants to amend their Defence (led by Bernard Man SC and with Danny Tang)
 - b. [2022] HKCFI 717 – appeared on behalf of the 2nd to 4th and 6th to 7th Defendants in an application for summary judgment for redemption of the charged shares and discharge of an injunction restraining the chargors from holding themselves out as directors of the company (led by Bernard Man SC and with Danny Tang)
- *Li Yong Ming v Chen Jian Ming* HCA 1981/2019 – acted on behalf of the Plaintiff in an action for recovery of debt under a loan agreement and enforcement of the underlying security
 - a. Appeared on behalf of the Plaintiff and successfully obtained an interlocutory injunction restraining the Defendant from disposing of the charged shares (sole advocate)
 - b. [2021] HKCFI 1893 – appeared on behalf of the Plaintiff and successfully obtained an order for sale of the security (sole advocate)

EMPLOYMENT

- *Hu Yangyong v ALBA Asia Ltd* [2020] HKCFI 2773 – appeared on behalf of the Plaintiff and successfully

resisted an application by the Defendant for stay of the action and to strike out certain paragraphs in the statement of claim on the ground that they refer to without prejudice communications (with Justin Ho)

INSOLVENCY

- *Re: Li Liu Zhu* [2020] HKCFI 2194 – appeared on behalf of the petitioner and successfully obtained a bankruptcy order against the respondent (sole advocate)

INSURANCE

- *Re: Target Insurance Company Limited* IAT/1/2022 – appeared on behalf of the Insurance Authority in resisting applications by the applicant for review of certain specified decisions made by the Insurance Authority, and for stay of execution pending the determination of substantive review (with Queenie Lau)

PROPERTY & CONVEYANCING

- *Action Rich Investment Ltd v Midland Corporate Leasing (XXXIV) Ltd* HCA 171/2020 – acted on behalf of the Defendant in an action concerning the exercise of an option to renew a lease and estoppel
 - a. [2020] HKCFI 550 – appeared on behalf of the Defendant in resisting an application by the Plaintiff for interlocutory injunction to evict the Defendant from the leased property (led by Victor Dawes SC)
 - b. [2020] HKCFI 565 – appeared on behalf of the Defendant in an application for leave to appeal (sole advocate)
- Advised a landlord on the merits of obtaining summary judgment for rent due under a lease in face of a defence of frustration due to the effects of COVID-19 (led by Eva Sit SC)

MENTAL HEALTH

- *Re CCY HCMH* 56/2019 – appeared on behalf of the intervener in mental health proceedings (sole advocate)