



BYRON CHIU 趙博安大律師

Call: 2017 (HK)

ACI Arb: 2015

PROFILE

Byron joined Chambers after completing his pupillage with Mr Bernard Man SC, Mr Derek Chan SC, Mr Laurence Li SC and Mr Keith Lam. He has a broad civil practice and accepts instructions in all areas of Chambers' work. He is recommended as a "rising star" and cited as an "excellent counsel who gives clear and concise advice, and is familiar with a range of aspects of financial regulatory matters" (Legal 500).

Since commencing practice, Byron has appeared as an advocate (either in his own right or as a led junior) in the Court of Appeal, the Court of First Instance, the Competition Tribunal, the Securities and Futures Appeals Tribunal, the Market Misconduct Tribunal and the District Court. He has also conducted civil trials (either in his own right or as a led junior) in English and Chinese.

Byron completed his Juris Doctor degree at the University of Hong Kong as the top graduate. He subsequently obtained his Bachelor of Civil Law degree at the University of Oxford. An active moot court participant, Byron won two international mooting competitions with the University of Hong Kong team, namely the Herbert Smith Freehills Competition Law Moot in 2016, in which his team also won the award for Best Written Memoranda, and the Oxford International Intellectual Property Moot in 2014, in which he was also awarded the Sir Nicholas Pumfrey Award for Best Individual Mooter.

CONTACT

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SECRETARY

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PRACTICE AREAS

- Banking / Finance
- Securities & Regulation
- Commercial
- Company
- Competition
- Injunction / Contempt
- Arbitration
- Civil Fraud / Asset Recovery
- Disciplinary
- Employment
- Equity / Trust
- Restitution / Unjust Enrichment

- Insurance
- Insolvency
- Probate / Succession
- Professional Liability
- Property & Conveyancing
- Public Law / Judicial Review
- Rating & Valuation

APPOINTMENTS AND PUBLIC OFFICE

- Member, Committee on Financial and Securities Law, Hong Kong Bar Association (2019 to present)

EDUCATION

2016	PCLL, University of Hong Kong
2015	BCL, University of Oxford
2014	JD, University of Hong Kong (Top Graduate, First Class Honours)
2012	BA (Economics, Political Science), University of California, Berkeley (High Distinction)

PUBLICATIONS AND ARTICLES

- Co-author, *Annotated Ordinances of Hong Kong – Evidence Ordinance (Cap 8)* (forthcoming)
- Contributing Editor, *Hong Kong Securities and Futures Ordinance (Cap 571), Commentary and Annotations* (2019)
- Associate Editor, *Hong Kong Journal of Legal Studies* (2015-16)
- Student Editor, *Asia-Pacific Journal on Human Rights and the Law* (2012-13, 2015-16)

SCHOLARSHIP AND PRIZES

2017	Charles Ching Memorial Scholarship
2016	HKSAR Government Scholarship
2016	JAC Hui Bon Hoa Prize in Wills, Trusts and Estate Planning
2016	Champion, Herbert Smith Freehills Competition Law Moot (International Competition)
2016	Best Written Memoranda, Herbert Smith Freehills Competition Law Moot (International Competition)
2015	Runner-Up, Shearman & Sterling University of Oxford Moot Competition
2014	Betty Ho Prize in Law for Best Overall Performance in the Academic Year
2014	HKU JD Prize (Equity and Trusts)
2014	HKU JD Prize (Land Law)
2014	Hong Kong Mediation and Arbitration Centre Professional Award
2014	Champion, Oxford International Intellectual Property Moot (International Competition)
2014	Sir Nicholas Pumfrey Award for Best Individual Mooter, Oxford International Intellectual Property Moot (International Competition)
2014	Champion, Oxford Hong Kong Mooting Competition

2014	Temple Chambers Pupillage Award
2014	Des Voeux Chambers Junior Scholarship
2013	Betty Ho Prize in Law for Best Overall Performance in the Academic Year
2013	HKU JD Prize (Tort Law)
2013	HKU JD Prize (Criminal Law)
2012	High Distinction in General Scholarship (University of California, Berkeley)
2012	Dean's List (University of California, Berkeley)

LANGUAGES

English, Cantonese, Putonghua

SELECTED CASES

SECURITIES & REGULATION

- *UBS AG and UBS Securities Hong Kong Ltd v SFC* (SFAT 2/2018) – acted for UBS; application for review of SFC's disciplinary decision relating to UBS's role as a joint sponsor in an IPO; instructed to appear in the 19-day substantive hearing (settled) (led by Benjamin Yu SC and with Laurence Li (now Laurence Li SC))
- Acting for respondent firm and partners against the Registrar of the HKICPA in proceedings before the Disciplinary Committee of the HKICPA; 4-day substantive hearing; audit of financial information and financial statements of listed company during the IPO engagement and post-IPO financial years (led by Paul Shieh SC)
- *SFC v Andrew Liu & Ors* (HCMP 2653/2016) – acting for former director of listed company; ongoing proceedings under s.214 of the SFO, Cap. 571 (led by Benjamin Yu SC and Laurence Li (now Laurence Li SC))
- *Re Magic Holdings International Ltd* (Market Misconduct Tribunal proceedings) – acted for the listed company (now owned by L'Oreal) in the 22-day substantive hearing; SFO Part XIVA (disclosure of inside information and first case on safe harbour provisions) (led by Laurence Li SC)
- *SFC v Superb Summit International Group Ltd & Ors* (HCMP 2305/2020) – advising and acting for the SFC in its application by way of petition under s.214 of the SFO, Cap. 571 (led by Victor Dawes SC)
- *Longrun Tea Group Co Ltd v The Stock Exchange of Hong Kong Ltd* (HCAL 3809/2019) – acting for the applicant in a judicial review application against the SEHK's decisions to, *inter alia*, delist the company (led by Rimsky Yuen SC)
- Acting for the company and all parties concerned in disciplinary proceedings before Listing (Disciplinary) Committee of the Hong Kong Stock Exchange (led by Rimsky Yuen SC)
- Advised listed company in respect of regulatory investigation in relation to voting control, shareholding structure and disclosure obligations (led by Gerard McCoy SC and Victor Dawes SC)
- Advised company on potential initial coin offering (ICO); whether it falls within the ambit of "securities", "regulated investment agreement", "structured product", "collective investment scheme" or other regulated offerings under the SFO, Cap. 571 (with Laurence Li (now Laurence Li SC))
- Advised licenced person on the scope of SFC's disciplinary powers under ss. 194, 196 and 201, and the SFAT's jurisdiction and power, under the SFO, Cap. 571 (with Laurence Li (now Laurence Li SC) and Elizabeth Cheung)
- Advised on potential application to set up commodities exchange; applications for licence to engage in regulated activities and for Automated Trading Services authorization under Part III of the SFO, Cap. 571 (led by Laurence Li SC)
- Advised company on blockchain-driven employee incentive scheme; whether it falls within the ambit of "securities", "regulated investment agreement", "structured product", "collective investment scheme" or other regulated offerings under the SFO, Cap. 571
- Advised a Stored Value Facility licensee in respect of compliance issues under the Payment Systems and Stored Value Facilities Ordinance, Cap 584 and in response to the supervisory concerns of the Hong Kong

Monetary Authority

- Advising a “person under investigation” in s.182 investigation conducted by the SFC under the SFO, Cap. 571
- Attended, as legal representative, interview conducted by the SFC pursuant to s.183 of the SFO, Cap. 571 (with Laurence Li (now Laurence Li SC))

BANKING / FINANCE

- *Shine Grace Investment Ltd & Ors v Citibank NA & Anor* [2018] HKCFI 1737 – appeared for investor and guarantors in 13-day trial; HK\$ 478 million claim for mis-selling of equity accumulators (led by Paul Shieh SC and with Jin Pao (now Jin Pao SC))
- *Hang Seng Bank Ltd v Interpro Manufacturing Ltd & Ors* (HCA 878/2016) – acting for third party; allegations of, inter alia, lack of authority in making investment decisions and entering into currency swap derivative contracts on behalf of the company (led by Bernard Man SC)
- Appeared before the Appeal Committee of the Professional Insurance Brokers Association in an appeal concerning producing intermediaries and placing brokers (with Jin Pao (now Jin Pao SC))
- Advised bank on claims of negligence and vicarious liability in connection with bank employee's fraudulent conduct (with Laurence Li (now Laurence Li SC))
- Advised founder of a TSE-listed company on the operation of and withdrawal from a Hong Kong corporate bank account in the midst of shareholder and boardroom disputes (led by Rimsky Yuen SC)

COMPETITION

- *Competition Commission v W Hing Construction Company Ltd & Ors* (CTEA 2/2017) – acting for the Competition Commission; [2019] HKCT 3, [2019] 3 HKLRD 46 – four-week trial in the first (and successful) enforcement action on market sharing and price fixing (led by Daniel Beard QC and Abraham Chan SC); [2020] HKCT 1, [2020] 2 HKLRD 1229 – first judgment on pecuniary penalties (led by Daniel Beard QC and Abraham Chan SC); see also [2018] HKCT 5 and [2018] HKCT 6 (both led by Abraham Chan SC); see also [2020] HKCA 930 (strike out); [2018] HKCT 2 (expert evidence) (both as sole advocate)

COMPANY

- *Re The Bank of East Asia Ltd* [2018] 4 HKLRD 396 – appeared for the bank in a 3-day hearing of discovery summonses in unfair prejudice petition alleging share placements passed for improper purposes (led by Charles Hollander QC)
- *Yeung Bing Kwong Kenneth and Anor v Yeung Chi Shing Estates Ltd and Ors* (HCA 1564/2017) – acting for two defendants in shareholder / boardroom disputes involving allegations of breaches of shareholders' agreement (led by Victor Dawes SC)
- Appeared on behalf of petitioners, company, supporting and opposing creditors in short hearings in the Companies Court as sole advocate in respect of petitions to wind-up companies (e.g. *Re Blockchain Group Co Ltd* [2018] HKCFI 2590 – successfully wound up publicly listed company; *Re General Nice Development Ltd* (HCCW 418/2016)) and petitions for relief from unfair prejudice (e.g. *Re HK Metal Trading Ltd* (HCCW 380/2017); *Re T-Hero Industrial Co Ltd* (HCCW 403/2017))
- Advised founder of a TSE-listed company on the operation of and withdrawal from a Hong Kong corporate bank account in the midst of shareholder and boardroom disputes (led by Rimsky Yuen SC)
- Advised company limited by guarantee on the construction of its Articles of Association and whether they contravene, *inter alia*, discrimination law in Hong Kong (led by Ashley Burns SC)

COMMERCIAL

- *Shenzhen Futaihong Precision Industry Co Ltd & Ors v BYD Co. Ltd & Ors* (HCA 2114/2007) – acting for plaintiffs by original action and defendants by counterclaim involving, inter alia, breach of confidence; [2018] HKCA 408 (led by Wong Yan Lung SC and with Law Man-Chung)
- *Hong Kong Zhixin Financial News Agency Ltd v China Maple Leaf Educational Systems Ltd* (HCA 2973/2016) – acting for plaintiff; seeking specific performance of issuance and allotment of option shares in listed company; defending against allegations of insider dealing and misrepresentation (with Laurence Li (now Laurence Li SC))
- *Deltatre SPA v LeTV Sports Culture Develop (HongKong) Co Ltd* [2018] 4 HKLRD 478 – acted for LeTV; resisted summary judgment and stay of proceedings granted; whether stay of proceedings on the basis of exclusive jurisdiction clause should be refused simply because there is no credible defence (sole advocate)
- *Lam & Lai Solicitors v Ho Chun Yan Albert* [2018] 2 HKLRD 127 – appeared for plaintiff in successful appeal against taxation of costs (led by Bernard Man SC); see also [2018] HKCA 199 (led by Bernard Man SC); [2018] 5 HKLRD 323 (sole advocate); HCMP 555/2015, 27.07.17 (sole advocate)
- *Pakon Industrial Ltd v Donny International Ltd* (HCA 491/2017) – appeared for plaintiff in obtaining summary

judgment for vacant possession of premises and mesne profits for wrongful occupation (led by Bernard Man SC); [2019] HKCFI 654 – assessment of damages involving expert valuation (sole advocate)

- *Kristen Lee v Santa Fe Transportation International Ltd* (DCCJ 1904/2016) – appeared for plaintiff in appeal from Master's decision to Judge in Chambers in respect of compliance with unless order and application for relief from sanction (sole advocate)
- Advised listed company directors on merits and strength of their defence in a claim involving allegations of misrepresentation, deceit and conspiracy to induce sale of shares (led by Bernard Man SC)
- Advised airline company in respect of obligations and liabilities under a contract for the supply of avionics and aircraft equipment

CIVIL FRAUD / ASSET RECOVERY

- *Linden Capital LP & Ors v Luckin Coffee Inc & Ors* (HCMP 472/2020) – acting for the plaintiff investors against the Luckin Coffee Group (瑞幸咖啡); claims relating to bonds offering based on substantial (but fictitious) inflation of the Group's sales revenue and fraudulent misrepresentations as to the Group's financial performance (led by Victor Dawes SC)
- *Pacific Andes Enterprises (BVI) Ltd (in liq) & Ors v Ng Joo Siang & Ors* (HCA 688/2019) – acting for the Liquidators against, *inter alia*, directors for massive fraud allegedly perpetrated on the companies in liquidation (led by Laurence Li SC)
- *Ding Huirong v China Times Securities Ltd & Anor* [2020] HKCFI 376; [2021] HKCA 419 – O.14A procedure for determination of question of law; transaction (re)characterization; equity of redemption (led by Jose Maurellet SC)
- *Wismettac Asian Foods v ZL Trade Ltd & Ors* (HCA 2315/2019, HCA 252/2020, HCA 384/2020 and HCA 1410/2020) – acting for victim of fraud in asset-tracing claims against first, second and third tier recipients; obtained, *inter alia*, *Mareva* and proprietary injunctions and bankers' records orders; successfully obtained vesting order (see [2020] 3 HKLRD 732) (sole advocate)
- *J Safra Sarasin (Deutschland) GmbH v Big Dragon International Trading Ltd & Anor* (HCA 2371/2019) – acting for victim of fraud in asset-tracing claims; obtained, *inter alia*, *Mareva* and proprietary injunctions and bankers' records order (sole advocate)
- *Built Procurement Pty Ltd v Sheng Ji Trade Ltd & Ors* (HCA 1817/2019) – acting for victim of fraud in asset-tracing claims; obtained, *inter alia*, *Mareva* and proprietary injunctions and bankers' records orders; [2020] HKCFI 582, cross-applications for default judgment and retrospective leave for extension of time to file defence out of time (sole advocate)
- *Windsong Farm Golf Club LLC v Faithful Source (Hong Kong) Co Ltd* (HCA 169/2020) – acted for victim of fraud in asset-tracing claims; obtained, *inter alia*, *Mareva* and proprietary injunctions and bankers' records orders
- *Lesnina H. D.O.O. v HK Xiangguo Int'l Group Industry Ltd, Chen Zhiying & Ors* (HCA 154/2020) – acting for victim of fraud in asset-tracing claims; summary judgment applications against second tier recipients (sole advocate)
- *Predicine Holdings Ltd v Bianchi (Hong Kong) Ltd, Hong Kong Mingcheng Trading Co Ltd and Gideon Agri Pte Ltd* (HCA 1195/2020), [2021] HKCFI 123, [2021] HKCFI 631 – acting for third tier indirect recipient of funds involving alleged fraud; *Mareva* and proprietary injunctions; unjust enrichment; constructive trust; *bona fide* purchaser for value without notice (sole advocate)
- *Seridom Servicios Integrados IDOM SAU v Heng Wen Trade Co Ltd & Ors* [2019] HKCFI 85 – appeared for two indirect recipients of funds involving alleged fraud; *Mareva* and proprietary injunctions; RMB currency exchange arrangements; unjust enrichment; constructive trust; *bona fide* purchaser for value without notice (sole advocate)
- *The Industrial Bank of Kuwait K.S.C. v Express Mount Ltd & Tecno Mobile Ltd* (HCA 909/2018) – acted for Tecno Mobile, indirect recipient of funds involving alleged fraud; *Mareva* and proprietary injunctions; foreign currency exchange arrangements; unjust enrichment; constructive trust; *bona fide* purchaser for value without notice (sole advocate)
- *Cencosud Retail SA v Leimage Apparel SDN BHD* (HCA 2981/2018) – appeared for plaintiff; sought and obtained, *inter alia*, *ex parte Mareva* injunction and bankers' records order (sole advocate)
- *Alexander Tugushev v Vitaly Orlov* (HCMP 1116/2018) – appeared for plaintiff seeking and obtaining a s. 21M *Mareva* Injunction in aid of UK proceedings in respect of US\$350,000,000 (with Laurence Li (now Laurence Li SC))
- *Silver Universe Investments Ltd v China Times Securities Ltd & Ors* [2019] HKCFI 834; [2021] HKCA 105 – acting for one of the defendants; compliance with disclosure order ancillary to *Mareva* injunction order;

resisting interim payment applications (sole advocate)

- *Tsang Yan Kwong v 360HK Ltd (incorporated in Belize)* [2018] HKCFI 1886 – appeared for defendant resisting interlocutory mandatory injunction in respect of “pledged” and hypothecated shares (led by Victor Dawes SC)

INJUNCTION / CONTEMPT

- Acted and appeared in numerous injunction applications on behalf of applicants, respondents as well as third parties thereto, particularly in the series of above matters involving civil fraud / asset recovery.
- *China Merchants Bank Co Ltd (Taiyuan Branch) v Cai Sui Xin* [2018] HKCFI 2228 – appeared for defendant in a third party application for variation of terms of *Mareva* injunction (sole advocate)
- *JJB Link Logistics Company Ltd & Ors v Wang Chung Leong & Ors* (HCA 197/2018) – appeared for plaintiffs applying for interim negative and *Mareva* injunctions against former and current directors and employees (led by Bernard Man SC)
- *AESO Holding Ltd & Anor v Dragon Success Enterprise Ltd & Ors* (HCMP 1737/2017) – appeared for defendants in opposition to continuation of *Mareva* injunction and preservation order (with Laurence Li (now Laurence Li SC))
- *張果喜 v 陳伏蘭* (HCMP 708/2018) – appeared for plaintiff seeking and obtaining a “notification injunction” against disposition of specific property in anticipation of enforcing PRC divorce decree pursuant to Part IX of the Matrimonial Cause Ordinance (Cap 179) (led by Bernard Man SC)
- *Clark Quantum Kent v Hai Tin Ltd & Ors* [2019] HKCFI 1145 – appeared for plaintiff beneficiary seeking mandatory injunction against trustee (led by Alexander Stock SC)

RATING & VALUATION

- Advised on the powers of the Commissioner for Rating and Valuation and the principles concerning assessment of rates under the Rating Ordinance, Cap 116 and the Government Rent (Assessment and Collection) Ordinance, Cap 515 (led by Bernard Man SC)
- Advised in respect of rating appeal concerning the receipts and expenditure method of valuation, the *rebus sic stantibus* principle, the hindsight principle, and the determination of tenant’s share (led by Benjamin Yu SC)
- Advised in respect of the Rating and Valuation Department’s rating assessment under ss.7 and 7A of the Rating Ordinance, Cap 116 amidst the COVID-19 pandemic and the effect of certain private arrangements (led by Benjamin Yu SC)
- Advised in respect of rating appeal concerning in *cumulo* assessment, definition and treatment of “tenement” under the Rating Ordinance, Cap 116, and rates concession (led by Bernard Man SC)

EQUITY / TRUST

- *Clark Quantum Kent v Hai Tin Ltd & Ors* (HCA 961/2017) – acted for plaintiff beneficiary against trustee and 12 other defendants for misappropriation of trust funds, breach of duties, dishonest assistance, knowing receipt, conspiracy, tracing and other claims (led by Richard Todd QC)

PROBATE / SUCCESSION

- *Re the Estate of Tjhung See Gan* (HCMP 322/2015) – acted for the administrator in application for service out of jurisdiction and substituted service of the OS and for extension of the validity of the OS (sole advocate)
- Advised administrators on merits of claiming, on behalf of the estate, beneficial ownership in landed properties and matters arising therefrom (with Sara Tong)

PROPERTY & CONVEYANCING

- *Chan Pak Hung v Keung Lai Nor Winnie* (HCA 1158/2017) – conducted 4-day trial for the plaintiff in seeking an order for sale of a co-owned property; defending against allegations of common intention constructive trust (sole advocate)
- *Winland Mortgage Ltd & Ors v Star Rainbow Investments Ltd* [2020] HKCFI 3163 – conducted 6-day trial for the defendant; successfully resisted monetary claims related to payments for the purchase of land and the hotel situated thereon (with Anthony Chan)
- *Pakon Industrial Ltd v Donny International Ltd* (HCA 491/2017) – appeared for plaintiff; obtained summary judgment for vacant possession of premises and mesne profits for wrongful occupation (led by Bernard Man SC); [2019] HKCFI 654, assessment of damages involving expert valuation (sole advocate)
- *New Dorset Investments Ltd v Ho Sui Kuen Wanly* (HCA 2899/2017) – acted for the plaintiff seeking specific performance of a provisional agreement for sale and purchase of landed property; potential application

under Order 86, RHC, Cap 4A (led by Bernard Man SC)

- Advised hotel developer and operator on claim for compensation of land resumption under the Lands Resumption Ordinance, Cap. 124, and Roads (Works, Use and Compensation) Ordinance, Cap 370, and related issues (led by Bernard Man SC)

OTHERS

- *Secretary for Justice v Chan Thao Phuomy & Anor* [2018] 3 HKLRD 310 – as amici curiae, in defendants' application to oppose registration of "external confiscation order" under s. 29(1) of the Drug Trafficking (Recovery of Proceeds) Ordinance, Cap 405 (led by Jat Sew-Tong SC and with Janet Ho)