



## LAW MAN-CHUNG 羅敏聰大律師

Call: 1997 (HK)

Accredited as Mediator by CEDR in 2010

### PROFILE

MC Law has a broad civil and commercial practice, with focus on cross-border disputes and company disputes. He advises and acts in disputes in various fields, including conflict of laws, company and shareholders disputes, PRC joint ventures, corporate finance, insolvency, general commercial and contractual disputes, libel and slander, banking, probate, land and conveyancing (including DMC disputes, land resumption, etc), confidential information; discrimination, trusts and arbitration. He has also involved in various applications for interlocutory injunctions, appointment and removal of receivers and provisional liquidators.

Recent cases include *Competition Commission v. Nutanix* (first competition trial in Hong Kong); *China Life Insurance v. Li Xiaoming, Yu Rui Co Ltd* (acting for China Life in investment disputes in Mongolia and winding up of foreign company); *Shenzhen Futaihong v. BYD* (acting for Foxconn companies against BYD companies for breach of confidence claims).

### CONTACT

Email: [mclaw@templechambers.com](mailto:mclaw@templechambers.com)

Tel: [\(+852\) 2523 2003](tel:+85225232003)

Fax: [\(+852\) 2810 0302](tel:+85228100302)

### SECRETARY

Name: Amy Chan

Email: [amychan@templechambers.com](mailto:amychan@templechambers.com)

Tel: [\(+852\) 2248 1894](tel:+85222481894)

### PRACTICE AREAS

- Conflict of Laws
- Company
- Commercial
- Injunction / Contempt
- Insolvency
- Equity / Trust
- Banking / Finance
- Professional Liability
- Defamation / Media
- Securities & Regulation
- Discrimination
- Civil Fraud / Asset Recovery
- Probate / Succession
- Restitution / Unjust Enrichment
- Arbitration
- Confidentiality / Privacy

- Telecommunications
- Property & Conveyancing
- Insurance
- Competition
- Mediation

## APPOINTMENTS AND PUBLIC OFFICE

- External Examiner – Chinese University of Hong Kong PCLL (2008 - )
- External Examiner - City University of Hong Kong PCLL (2008 - )

## EDUCATION

1986 - 1993 Queen's College, Hong Kong

1996 BA (Jurisprudence), University of Oxford

## SCHOLARSHIP AND PRIZES

1993 - 1996 Lee Shau Kee Scholarship tenable at Wadham College, University of Oxford

## SELECTED CASES

### CONFLICT OF LAWS

- *First Laser Ltd v. Fujian Enterprises (Holdings) Co Ltd* (*forum non conveniens*; issue estoppel; constructive trust; estoppel; anti-suit injunction; CFI, CA, CFA)
- *Tremendous Success Holdings Ltd v. Sinosoft Technology Group Ltd* (O12 r8; cross-border joint venture disputes; breach of fiduciary duties; malicious falsehood)
- *Employees under the Zhang Trust v. Zhang Caikui* (O12 r8; breach of trust)
- *China Baoli Technologies Holdings Ltd v. Orient Equal International Group Ltd & Ors* HCA 1399/2016 (exclusive jurisdiction clause)
- *Xiamen Xinjingdi Group v Eton Properties Ltd & Ors* (foreign torts; double actionability)
- *Zhao Yongkui v. Zhang Caikui* (*forum non conveniens*)

### COMPANY

- *Yu Yuchuan & Ors v. China Shanshui Investment Co Ltd* (statutory leave to commence unfair prejudice petition)
- *Re China Shanshui Investment Co Ltd* (interlocutory injunction restraining meetings and grant of share options)
- *Re China Kingstone Mining Holdings Ltd* (unfair prejudice; interlocutory injunction on open offer)
- *Pacas Worldwide Ltd v Re China Health Group Ltd* (interlocutory injunctions; convertible bonds)
- *Waddington Ltd v. Chan Chun Hoo Thomas* (derivative action; indemnity in derivative action, CFI and CA)

### INSOLVENCY

- *Re Grande Holdings Ltd (No.1)* (*proof of debts*)
- *Re Wongs Investment Development Holdings Group Ltd* (in liq) (urgent injunction and application for directions against provisional liquidators)
- *Re Centre Rise Trading Ltd* (appointment of provisional liquidators)

- *Re Plus Holdings Ltd* (appointment of provisional liquidators with powers for corporate rescue)

#### INJUNCTION / CONTEMPT

- *Re China Health Group Ltd* (interlocutory injunctions; convertible bonds)
- *China Baoli Technologies Holdings Ltd v. Orient Equal International Group Ltd & Ors* (*Chabra* injunction)
- *Pacas Worldwide Ltd v. China Health Group Ltd* (Mareva injunction; repo lending)
- *Praise Fortune Ltd v. Alegana Enterprises Ltd* (interlocutory injunction; repo lending)
- *First Laser Ltd v. Fujian Enterprises (Holdings) Co Ltd & Ors, HCA 4414 / 2001* (interlocutory injunction and anti-suit injunction)
- *Macau First Universal v. Ding Xiaohong & Ors* (appointment and discharge of interim receivers of company which owns Citicorp Tower Shanghai)
- *Beneficiaries under the Zhang Trust v. Zhang Caikui* (appointment and removal of interim receivers)
- *Re Full Billion Shipping Ltd* [2003] 2 HKLRD 674 (appointment of interim receivers)

#### COMMERCIAL

- *Shenzhen Futaihong Precision Industry Co Ltd v. BYD Co Ltd* (for Foxconn in breach of confidence claims against BYD)
- *China Life Insurance Co Ltd v. Lee Tak Ming* (for China Life in recovering its investment in Mongolian mining projects)
- *Aspial Investment Ltd v. Mayer Corporation Development International Ltd* (CFI and CFA)
- *Xiamen Xinjingdi Group v Eton Properties Ltd* (economic torts; double actionability; CFI and CA)
- *Sky Joy Investment Ltd v. Zheng Dunmu* (priority of claims over shares involving forged share certificates)
- Acting for a local entertainment and agency manager in proceedings against an artiste for breach of management contract; defending the artiste's claim against the manager for wrongful restraint of trade (settled)

#### SECURITIES & REGULATION

- *Securities & Futures Commission v. Wong Kwong Yu, Du Juan & Ors* (Gome share repurchase; s213 SFO)
- *Securities & Futures Commission v. Li Wo Hing & Ors* (disqualification orders; s214 SFO)
- Advising regulator on regulatory investigation on shareholding structure and disclosure obligations of a listed company

#### EQUITY / TRUST

- *Li Ming & Ors v. Zhang Caikui* (breach of trust; implied trust & discretionary trust)
- *Li Sin Man Seline v. Li Shu Chung* (discretionary trust; constructive trust and resulting trust in family and company disputes)

#### PROFESSIONAL LIABILITY

- *Sino Bright Ltd v. Fok Hei Yu* (negligence and misrepresentation claims against provisional liquidators of The Grande Holdings Ltd)
- Defending an international law firm on a professional negligence claim over US\$200 million
- Defending a HK law firm on a professional negligence claim over HK\$50 million

#### DEFAMATION / MEDIA

- *Oriental Daily Publisher Ltd v. Ming Pao Holdings Ltd & Ors* (quantum of damages, CFI and CFA)
- *Pui Kwan Kay v. Ming Pao Holdings Ltd* (qualified privilege, CFI, CA & CFA)
- *Yu Ming Investment Ltd v. Peng Ru Chuan Richard* (libel trial)
- Acting for a local newspaper and his former chief-editor in their libel claims against another local newspaper and its former deputy editor (settled)
- *Lau Hei Wing v. Apple Daily Ltd* (settled)

#### ARBITRATION

- *Karaha Bodas Co LLC v. Pertamina* (resisting enforcement of arbitral award)
- *TNB Fuel Services SDN BHD v. China National Coal Group Corporation* (state immunity)

- *China Baoli Technologies Holdings Ltd v. Orient Equal International Group Ltd* (stay of proceedings for arbitration)

#### CONFIDENTIALITY / PRIVACY

- *Shenzhen Futaihong Precision Industry Co Ltd v. BYD Co Ltd* (Foxconn's breach of confidence claims against BYD, CA)
- *AXA China Region Insurance Co Ltd v. Pacific Century Insurance Co Ltd et al* [2003] 1 HKC 1

#### DISCRIMINATION

- *Ma Bik Yung v. Ko Chuen* (2006) 9 HKCFAR 888 (first case in Hong Kong on discrimination, CFA)
- Acting for a major public transport service provider in defending a disability discrimination claim

#### COMPETITION

- *Competition Commission v. Nutanix & Ors* (first competition trial in Hong Kong)

#### PROPERTY & CONVEYANCING

- *Aberdeen Winner Investment Co Ltd v. The Incorporated Owners of Albert House* (contribution claims against co-owners)
- *Add-Field Investment Limited & Ors v. I/O of Mei Sun Building* (construction of DMC)
- *Super Town Investments Ltd v. Ives Developments Ltd & Ors* (estoppel; summary judgment)
- *Fortune Asset Development Ltd v. De Monsa Investments Ltd* (rescission of contract; undue influence and mental incapacity)
- *Madam Chung Mui Teck et al v. Hang Tak Buddhist Hall Association* (Small House Policy)
- *Gallium Development Ltd v. Winning Properties Management Ltd* (building management, CA)
- *Leverson Ltd v. Secretary for Transport* (compensation for creation of statutory easement)

#### PROBATE / SUCCESSION

- *Re the estate of Tao Hiu Ming*
- *Re the estate of Lu Han Yung*