



## LINDA CHAN SC 陳靜芬資深大律師

Call: 1996 (HK); 1996 (England & Wales)  
Inner Bar: 2011

Accredited as mediator by CEDR in 2007

### PROFILE

Linda Chan's practice comprises litigation and advisory work in the fields of company law, insolvency law, commercial dispute and professional negligence, with particular focus on applications under the Companies Ordinance, matters relating to directors' duties, shareholders' rights and remedies, corporate restructuring, capital restructuring and schemes of arrangement.

She has been instructed in relation to numerous shareholders disputes, derivative actions, unfair prejudice petitions, "just and equitable" winding up petitions and bankruptcy matters.

She has also been instructed to advise the liquidators in relation to complicated liquidations involving substantial listed companies in Hong Kong including the liquidation of Akai Holdings Limited, Kong Wah Holdings Limited, The New China Hong Kong Group Ltd, Ocean Grand Holdings Ltd, China Metal Recycling (Holdings) Ltd and China Medical Technologies, Inc..

### CONTACT

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### PRACTICE AREAS

- Company
- Commercial
- Civil Fraud / Asset Recovery
- Insolvency
- Injunction / Contempt
- Professional Liability
- Securities & Regulation
- Arbitration

### APPOINTMENTS AND PUBLIC OFFICE

#### Current

- Recorder of the Court of First Instance, High Court (2015-)
- Board Member, Airport Authority Board (2018-)
- Member, Standing Committee on Company Law Reform (2017-)

- Council Member, Consumer Council (2014-)
- Convenor, Barristers Qualification Examination – Panel on Company Law (2013-)

#### Previous

- Deputy Judge of the Court of First Instance, High Court (2013, 2014)
- Chairman, Committee on Company Law, Hong Kong Bar Association (2013-2017)
- Member, Insolvency Advisory Group on Modernisation of Corporate Insolvency Law (2012-2013)
- Member, Barristers Qualification Examination – Panel on Company Law (2002-2012)
- Member, Rewrite of the Companies Ordinance: Advisory Group on Inspections, Investigations and Offences and Punishment Provisions (2007-2009)
- Deputy Chairman, Appeal Board Panel (Town Planning) (2012-2014)
- Vice Chairman, Municipal Services Appeals Board (2012-2014)

## EDUCATION

1982 - 1988 St Mary's Canossian College

1988 - 1992 BBA Hons (CUHK)

1993 - 1995 CPE, Commendation

1996 - 1998 LLM (HKU)

## SELECTED CASES

### COMPANY

- *Re China Sonangol International Ltd*, HCMP 670/2018; *Re China Sonangol International Holdings Ltd*, HCMP 2010/2018
- *Re Yung Kee Holdings Ltd* [2014] 2 HKLRD 313, (2015) 18 HKCFAR 501
- *Poon Ka Man Jason v Cheng Wai To & ors* (2016) 19 HKCFAR 144
- *Re Team Y&R Holdings Hong Kong Ltd* [2016] 3 HKLRD 778
- *Re Fok Ying Tung Ming Yuan Development Co Ltd* [2016] 2 HKLRD 292 (reduction of capital)
- *Re Fook Lam Moon Restaurant (HK) Ltd* [2011] 1 HKLRD 964
- *Re LDK Solar Co Ltd & others* [2015] 1 HKLRD 458
- *Re Union Asia Enterprise Holdings Ltd*, HCMP 1093/2018
- *Re The Hong Kong Building and Loan Agency Ltd*, HCMP 2268/2018
- *Re Okada Holdings Ltd*, HCMP 1324/2017
- *Re Dayuan International Development Ltd*, HCCW 103/2015
- *Re Masterwise International Ltd* [2014] 1 HKLRD 1129
- *World One Investments Ltd v Chow Cheuk Lap* [2013] 3 HKLRD 701
- *Re Transamerica Life Insurance Co* [2013] 2 HKLRD 897
- *Re Li Chung Shing Tong (Holdings) Limited* [2011] 5 HKLRD 274
- *Re CY Foundation Ltd*, HCA 2246/2009, CACV 42/2010, [2012] 3 HKLRD H2
- *Re Sino Resources Group Ltd*, HCCW 48/2010, HCA 2447/2009, CACV 201/2010
- *Re Wing Kai Investment Company Ltd* [2011] 1 HKLRD 537, [2011] 2 HKLRD 272, [2012] 2 HKLRD 1227
- *Re CIGNA Worldwide Life Insurance Company Ltd & CIGNA Hong Kong Holdings Company Limited*, HCMP 2022/2011 & 2023/2011
- *Re Guangdong Tannery Limited*, HCMP 197/2011
- *Shui On Investment Company Ltd v Shanghai Hotel Investments Ltd* [2010] 3 HKLRD 473
- *Re ThreeSixty Sourcing Limited*, HCMP 2473/2010

- *Re PCCW Limited*, HCMP 2382/2008 & CACV 85/2009
- *Cenky Ltd v. Zealot & Co. Ltd* [2008] 1 HKLRD 386
- *Re Lee Chung Shing Tong Holdings Ltd* [2007] 3 HKLRD 615
- *Re Principal Insurance Company (Hong Kong) Limited*, HCMP 1770/2007
- *Re Asean Interests Ltd* [2005] 4 HKLRD 665
- *Re Matrix Industries Ltd* [2004] 1 HKLRD 44
- *Re Boldwin Construction Company Ltd* [2001] 4 HKC 386, [2001] 4 HKC 403, [2001] 3 HKLRD 430, [2003] 4 HKC 156, [2003] 2 HKLRD 237, [2003] 3 HKLRD 618, [2004] 1 HKLRD 32
- *Re Chime Corporation Ltd*, HCMP 4146/2001, HCA 2152/2002
- *Junestar Investment Corporation v. Chan Shiu Chick* [2004] 1 HKLRD 32

#### COMMERCIAL

- *PCCW-HKT Datacom Services Ltd & anor v Hong Kong Broadband Network Ltd* [2018] 4 HKLRD 575
- *Symphony Partners Ltd & ors v Fullerton Bay Investment Ltd & anor* [2018] HKCFI 2240, [2019] HKCFI 3678 (ancillary relief in aid of arbitration); *Kasem Narongdej v Golden Music Ltd & ors*, HCA 1525/2018
- *Convoy Global Holdings Ltd v Cho Kwai Chee Roy & ors*, HCA 2922/2017

#### CIVIL FRAUD / ASSET RECOVERY

- *The Liquidator of Wing Fai Construction Company Ltd (in liq) v Yip Kwong Robert & ors*, HCCW 735/2012 (misfeasance proceedings vs former directors)
- *Akai Holdings Ltd (in liquidation) v The Grande Holdings Ltd & ors*, HCCL 37 & 40/2005, 1 September 2009 (appointment of interim receivers)

#### INSOLVENCY

- *The Joint & Several Liquidators of China Medical Technologies, Inc v KPMG (A firm) & ors* [2017] 2 HKLRD 1091 (private examination)
- *Official Receiver v Zhi Charles* [2015] 1 HKLRD 512, (2015) 18 HKCFAR 467 (constitutionality of s.30A(10) (a) of Bankruptcy Ordinance)
- *Re Lehman Brothers Asia Holdings Ltd & ors*, HCCW 437-438, 441-443, 452/2018 (ad valorem fees)
- *Revelry Gains Ltd v Joy Rich Development Ltd* [2017] 1 HKLRD 769 (intervention in proceedings against company in liquidation)
- *Re Grande Holdings Ltd* [2016] 1 HKLRD 435 (construction on rule 125)
- *Re MF Global Hong Kong Ltd & MF Global Holdings HK Ltd* [2015] 2 HKLRD 325 (fees payable by company upon conversion to voluntary liquidation)
- *The Joint & Several Liquidators of China Metal Recycling Holdings Ltd v Chun Chi Wai* [2015] 2 HKLRD 747 (private examination)
- *Re Joy Rich Development Ltd*, HCMP 188/2012 (extension of time to register charge against company)
- *Re New China Hong Kong Group Ltd* [2013] 2 HKLRD 897 (appeal against proof of debt)
- *Re Pioneer Iron & Steel Group Ltd (in liq)*, HCCW 322/2010 (jurisdiction to wind up foreign company, substitution of petitioner)
- *Suen Kin Ning v The Incorporated Owners of Tsui Wah Building* [2011] 1 HKLRD 982 (remission of scale fees)
- *The Joint and Several Liquidators of Akai Holdings Ltd v. The Grande Holdings Ltd* (2006) 9 HKCFAR 795, (2006) HKCFAR 766; [2007] 1 HKLRD 116; [2009] 5 HKLRD 804 (private examination)
- *David John Kennedy v Kelly Cheng* [2004] 3 HKLRD 357, [2006] 4 HKLRD 58, (2009) 12 HKCFAR 601 (contempt against liquidator)
- *Re Far East Structural Steelwork Engineering Limited* [2010] 1 HKLRD 156 (validity of security)
- *The Official Receiver and Trustee in Bankruptcy of Chan Wing Hing v Chan Wing Hing* (2006) 9 HKCFAR 545 (automatic discharge)
- *A-1 Business Limited v Chau Cham Wong Patrick* [2009] 5 HKLRD 579 (director's fiduciary duties)
- *The Joint and Several Liquidators of Akai Holdings Ltd v HSBC* [2007] 4 HKLRD 620 (private examination against third party bank)
- *The Joint and Several Liquidators of Akai Holdings Ltd v. James Ting* [2005] 1 HKLRD 847 (private examination, privilege against self incrimination)
- *The Joint and Several Liquidators of Akai Holdings Ltd v. Ernst & Young* [2008] 6 HKC 182, [2009] 5 HKC 218, (2009) 12 HKCFAR 376 (private examination, discovery of transcript & legal professional privilege)

- *Re Jackin Total Fulfilment Services Ltd* [2008] 3 HKLRD 475 (locus of contingent creditor)
- *Re New China Hong Kong Group Ltd* [2003] 3 HKLRD 799 (private examination against auditors)
- *Re B+B Construction Company Ltd* [2005] 2 HKLRD 478 (private examination, jurisdiction over foreign officers)
- *Re Zhu Kuan Group Company Ltd*, HCCW 874/2003 (winding up of unregistered company)
- *Re Li Tat Kong* [2000] 3 HKC 360, [2001] 1 HKC 207, [2003] HKLRD 501, [2003] 2 HKC 72 (automatic discharge)
- *Andrew Kee-Suan Koh v. Vincent Kay-Lo Ip* [2001] 3 HKLRD 439, FAMV 8 of 2001 (bankrupt's right to appeal)
- *Re Choi Lai Ming* [2006] 1 HKLRD 7 [2006] 1 HKLRD 7 (security in favour of Government)

#### PROFESSIONAL LIABILITY

- *Moulin Global Eyecare Holdings Ltd v Lee Sin Mei Olivia* [2009] 3 HKLRD 265 [2010] 2 HKLRD 1096 (negligence claim against former director)
- *Carlyle Asia Investment Advisors Ltd & ors v Neil Shen*, HCA 2502/2008 (breach of confidence, conspiracy to defraud)
- *Peconic Industrial Development Ltd v Lau Kwok Fai*, HCA 3803/2002 (dishonest assistance, limitation period)

#### SECURITIES & REGULATION

- *Securities and Futures Commission v Li Hejun & ors* [2017] 4 HKLRD 785 (s.214 SFO)
- *Re CITIC Ltd* (market misconduct under s.277 of SFO)
- *La Dolce Vita Fine Dining Group Holdings Ltd & anor v Zhang Lan & ors*, HCMP 473-474/2015 (ancillary injunction in aid of arbitration, CIETAC arbitration), HCMP 585-586/2017 (contempt proceedings)
- *Compania sud Americana de Vapores SA v Hin-Pro International Logistics Ltd*, FAMV 33/2015 (ancillary injunction under s.21M of High Court Ordinance)
- *Melvin Waxman v Li Fei Yu* [2013] 3 HKLRD 711 (forum non conveniens)
- *Fok Chun Yue Benjamin v Fok Chun Wan Ian & ors*, HCA 2155/2011 (removal of executors, stay of proceedings)
- *Re A*, HCMH 12/2012 (mental health proceedings)
- *Macau First Universal International Ltd v Ding Xiaohong & ors* [2012] 2 HKLRD 494
- *Akai Holdings Ltd v Thanakharn Kosikorn Thai Chamkat*, [2008] 6 HKC 82, CACV 177/2008, (2010) 13 HKCFAR 283 (ostensible authority of directors, knowing receipt)
- *Akai Holdings Ltd v Ernst & Young* (2009) 12 HKCFAR 376 (jurisdiction in relation to security for costs)