



WILSON LEUNG 梁允信大律師

Call: 2008 (HK)

Fellow, Chartered Institute of Arbitrators (FCIArb)
Diploma in International Commercial Arbitration (DipICArb), Chartered Institute of Arbitrators
Fellow, Hong Kong Institute of Arbitrators (FHKIArb)
Accredited mediator (HKIAC and HKMAAL)

PROFILE

With over 13 years of experience, Wilson focuses on complex commercial litigation, with particular experience in contract claims, trusts and probate, banking disputes, company matters, insolvency, arbitration, and tax. Wilson also has a substantial practice in judicial review and public law. He is recommended in Chambers Asia Pacific as a leading junior (an “academic high-flier who speaks with great flair”, an “absolutely superb” barrister, and a “very good and capable commercial junior who is very well regarded”). He is also ranked as a leading junior in Legal 500 (“always well-prepared with an excellent command of the facts and law”) and Who’s Who Legal (“thoughtful and articulate”). He has significant trial and appellate experience both as sole advocate and as junior counsel. He is a Fellow of the Chartered Institute of Arbitrators and holds the Diploma in International Commercial Arbitration.

CONTACT

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SECRETARY

Name: Candy Chau

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PRACTICE AREAS

- Commercial
- Equity / Trust
- Probate / Succession
- Property & Conveyancing
- Company
- Insolvency
- Public Law / Judicial Review
- Tax / Revenue
- Banking / Finance
- Professional Liability
- Arbitration
- Securities & Regulation
- Disciplinary
- Insurance

- Injunction / Contempt
- Conflict of Laws
- Restitution / Unjust Enrichment

APPOINTMENTS AND PUBLIC OFFICE

- Council member, Hong Kong Bar Association (2020-2021)
- Advocacy trainer, Hong Kong Advocacy Training Council (since 2014)
- Pro bono lawyer, Free Legal Advice Scheme, University of Hong Kong (since 2014)

EDUCATION

BSc (1st Hons) in Philosophy, London School of Economics & Political Science

MS in Political Science, Massachusetts Institute of Technology (MIT)

GDL (Commendation), BPP Law School

PCLL (Distinction), University of Hong Kong

PUBLICATIONS AND ARTICLES

- Author, *Atkin's Court Forms Hong Kong – Bankruptcy* (forthcoming edition)
- Contributor, *Securities & Futures Ordinance: Commentary and Annotations*, Sweet & Maxwell (1st edition, 2015)

SCHOLARSHIP AND PRIZES

Bar Scholarship (awarded to the top pupils each year), Hong Kong Bar Association

Charles Ching Memorial Scholarship (for advocacy training), Hong Kong Bar Association

John Griffiths Prize (top in trial advocacy), University of Hong Kong

Graduate Fellowship, Massachusetts Institute of Technology

CS MacTaggart Prize (top 4 students in year, across all departments), London School of Economics & Political Science

Andrea Mannu Prize (top in department), London School of Economics & Political Science

SELECTED CASES

EQUITY / TRUST

- *Tao Soh Ngun v HSBC International Trustee Limited* [2019] HKCFI 1268 – Breach of trust claim involving multibillion-dollar family trust of tycoon Lo Ying-shek (founder of Great Eagle Holdings). Successful defence of trustee after 32-day trial.

BANKING / FINANCE

- *HSBC v SMI Holdings Group* [2020] 1 HKC 515 – Acted as sole advocate for HSBC in successful winding-up petition against client who claimed that the bank had breached its 'Quincecare' duty.
- *Re Li Xiaoming* [2020] HKCFI 361 – Acted as sole advocate for UBS in hearing of bankruptcy petition relating to mortgage of a private jet.

- *Chang Pui Yin v Bank of Singapore* [2017] 4 HKLRD 458 (Court of Appeal) and [2016] 5 HKC 329 (first instance) – Successful investment mis-selling claim against private bank; leading case in Hong Kong on Unconscionable Contracts Ordinance.
- *Bank of China v Ho Chi Lui* (31 Aug 2016) HCA 10239/1999 – Acted as sole advocate representing the Bank of China in claim against guarantor; striking out for want of prosecution.

PROFESSIONAL LIABILITY

- *Asia-Pac Infrastructure Development v Shearman & Sterling* [2020] 1 HKC 13 and [2018] 1 HKLRD 113 – Representing multinational law firm in defence of US\$330m negligence claim relating to debt restructuring advice.

PROBATE / SUCCESSION

- *Re Estate of Fok Ying Tung Henry* [2015] 2 HKLRD 212 (Court of Appeal) – Challenge to settlement agreement relating to multibillion dollar estate of famed tycoon. Acted as sole advocate (representing the eldest son) before the Court of Appeal.

INSOLVENCY

- *Chung Sun Kwan v Official Receiver* [2021] HKCFI 712 – Acted as sole advocate for Official Receiver at trial in successful defence of a bankrupt's negligence claim against her qua trustee-in-bankruptcy.
- *China Medical Technologies Inc v Abbiss & ors* [2019] 1 HKLRD 755 and [2019] HKCFI 501 – Acted for 90 partners of KPMG to defend against contempt proceedings over alleged failure to provide discovery.
- *China Medical Technologies Inc v KPMG* [2017] 2 HKLRD 1091 (Court of Appeal); (24 Feb 2016) HCCW 435/2012 (first instance) – Represented KPMG in resisting liquidators' cross-border (Hong Kong-China) discovery application in major corporate collapse.
- *Official Receiver v Zhi Charles* (2015) 18 HKCFAR 467 – Acted for Official Receiver in Court of Final Appeal regarding constitutionality of s.30A Bankruptcy Ordinance (delayed commencement of bankruptcy period where bankrupt is not in Hong Kong).
- *Tradepower (Holdings) Ltd v Tradepower (HK) Ltd* (2009) 12 HKCFAR 417 – Acted for liquidators in Court of Final Appeal; leading case in Hong Kong on s.60 Conveyancing and Property Ordinance (setting aside disposition of property with intent to defraud creditors).

COMPANY

- *Elliott International v Bank of East Asia* [2019] HKCFI 1555 and [2018] 5 HKLRD 819 – Represented 18 directors of Bank of East Asia in unfair prejudice petition brought by leading 'activist' hedge fund.
- *Convoy Global Holdings v Cho Kwai Chee Roy* [2018] HKCFI 2675 and [2018] HKCFI 2111 – Defending against action to rescind share placement allegedly used to entrench controlling shareholder.
- *China Baoli Technologies Holdings v Orient Equal* (12 Jun 2017) HCA 1399/2016 and (23 Aug 2016) HCA 1399/2016 – Acted for listed company to restrain shareholders' breach of lock-up undertaking.
- *Re Birmingham Int'l Holdings Ltd* (28 Aug 2015) HCMP 395/2015 – Acted for receivers of parent company of Birmingham City FC to resist discharge application.

COMMERCIAL

- *Cantab International Ltd v Luk Ngai Ling Irene* [2019] HKCA 1002 and (1 Nov 2016) HCA 926/1012 – Acted as sole advocate (at trial and before the Court of Appeal) in contract dispute over sale of tutorial school chain.
- *Yu Man Fung v Chiau Sing Chi Stephen* (4 Apr 2014) CACV 50/2013 – Action against renowned film star for investment consultancy fees.
- *Yu Jiang v Cheng Wai Lin Rosalind* (11 Jun 2014) HCA 2562/2005 – 21-day trial of claim for partnership share of tobacco business in China.

PROPERTY & CONVEYANCING

- *Greens Nursery & Tree Planting Design Ltd v Secretary for Justice* [2018] HKCFI 2558 – Acted as sole advocate for the government at trial to successfully defend against a tenant's claim for breach of warranty that land be fit for specific purpose.
- *Baynard Ltd v Secretary for Justice* [2020] 2 HKC 165 – Acted for developer of Hong Kong Gold Coast (a subsidiary of Sino Group) in dispute over legality of lease modification letters granted by government.
- *Real Estate Developers Association v Building Authority* (2016) 19 HKCFAR 243 – Acted for trade association of leading property developers in Court of Final Appeal to challenge government's policy for building plan

submission.

SECURITIES & REGULATION

- *Re Egana Goldpfeil (Holdings) Ltd* [2020] 3 HKLRD 664 and [2020] 3 HKLRD 606 – Acted for Securities & Futures Commission in trial of HK\$622 million claim and disqualification proceedings against former directors of listed company.
- *Re Yorkey Optical Int'l (Cayman) Ltd* – Acted for listed company in Market Misconduct Tribunal proceedings for failure to disclose price sensitive information.
- Acted for sponsor principal in SFC disciplinary proceedings for inadequate supervision of listing application.

PUBLIC LAW / JUDICIAL REVIEW

- *A v Secretary for Justice* [2020] 2 HKLRD 86 – Acted as sole advocate in judicial review against government's refusal to grant compensation for wrongful conviction.
- *Li Chiu Wah Joseph v Hong Kong Society of Notaries* [2020] HKCFI 2271 and [2020] HKCFI 1789 – Acted as sole advocate for Society of Notaries to successfully defend against a member's judicial review against imposition of late payment fees.
- *MK v Government of HKSAR* [2019] 2 HKLRD 978 – Acted as sole advocate for Kowloon Union Church and other religious groups to intervene in judicial review re same-sex marriage.
- *QT v Director of Immigration (Leave to Intervene)* (2018) 21 HKCFAR 150 – Acted as sole advocate for 31 major banks and law firms to intervene at Court of Final Appeal in judicial review against dependant visa policy for same-sex couples.

TAX / REVENUE

- *Zarin v Commissioner of Inland Revenue* [2020] HKCA 147; [2020] 2 HKLRD 229 and [2019] HKCFI 3101 – Acted for Revenue as sole advocate (before the Board of Review, Court of First Instance, and Court of Appeal) in salaries tax appeal; whether vesting of share grant represented sums from employment.
- Acted for Revenue (before the Board of Review) in HK\$300 million claim for profits tax against major retail conglomerate; dispute over whether intra-group trademark royalties were deductible expenses.
- *Dairyfarm Establishment v Commissioner of Inland Revenue* [2018] 5 HKLRD 179 – Judicial review against order to purchase tax reserve certificates as security for appeal against multiple alternative assessments.
- *Commissioner of Inland Revenue v Sheng Kung Hui* (2016) 19 HKCFAR 54 – Acted for Revenue in Court of Final Appeal; leading case in Hong Kong on inferring intention to trade from property enhancement activities.

ARBITRATION

- Arbitration in dispute over directors & officers liability insurance (UNCITRAL Rules) – Successful resistance of insurance claim on ground of illegality.
- Arbitration over manufacturing joint venture in PRC (UNCITRAL Rules).
- *Chan Shu Chun v Right Margin Ltd* [2015] 3 HKLRD 409 – Anti-suit injunction to restrain Chinese arbitration in relation to company dispute in China.

DISCIPLINARY

- *Dr Fung Yee Leung Wilson v Medical Council* [2019] HKCFA 15 and [2018] HKCA 393 – Acted for Medical Council (before the Court of Final Appeal and Court of Appeal) to successfully uphold its suspension order for doctor's inappropriate prescription of steroids.
- *Dr F v Education & Accreditation Committee of Medical Council* (18 Jan 2017) CACV 274/2015 (Court of Appeal); [2016] 4 HKLRD 728 (Court of Appeal) and (13 Nov 2015) HCAL 26/2014 (first instance) – Acted for Accreditation Committee of Medical Council to successfully defend its recommendation to remove doctor from specialist register.
- *Law Yiu Wai v Medical Council* [2016] 4 HKC 1 – Acted as sole advocate for Medical Council regarding complainant's challenge to Preliminary Investigation Committee's dismissal of complaint against doctor.