

Avery Chan

BCL, University of Oxford
PCLL, University of Hong Kong
LLB (First Class Honours), University of Nottingham

Email Address:

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Year Of Call:

2016

Practice Areas: Arbitration, Mediation, Chancery, Commercial Law, Company Law and Insolvency, Competition Law, Construction Law, Employment and Anti-Discrimination, Family Law, Intellectual Property, International Trade, Land & Planning Law, Securities Law,



Avery is developing a broad civil practice with an emphasis on commercial, company, and probate cases. He has appeared as trial and appellate counsel in practice areas including probate, commercial, company, construction, and property disputes both as sole advocate and led junior. Avery also has experience in a multitude of interlocutory applications, including summary judgment, specific discovery, striking out, and expert evidence.

Prior to joining the bar in 2016, Avery obtained his LLB from the University of Nottingham with first class honours. He went onto complete his BCL in the University of Oxford.

Expertise:

Memberships and Appointments

- Lecturer (Non-clinical), HKU (2017-present)

Selected Cases

Land and Property

- ***Sogo Hong Kong Co. Ltd. v Commissioner of Rating and Valuation*** [2019] HKLdT 68, appeared for the Appellant in a 4-day trial on liability of rate and Government rent for two advertising signs concerning issues on interpretation of statute and definition of advertisement (led by C.Y. Li SC)
- ***好順利大廈業主立案法團 v Wealth Gear Limited and others*** (LDBM 220-222&226/2014), appeared for the Appellant for leave to appeal and substantive appeal against judgment on breach of DMC (led by C.Y. Li SC and with K.K. Lau)

- **Lee Ping Sum v The Personal Representatives of the Estate of Ng Hoi Ling Pauline, Deceased** [2019] HKDC 925, appeared for the Plaintiff and successfully obtained a declaratory default judgment for adverse possession (sole advocate)
- **Suen Chap Lam v Suen Kit Lin** [2020] HKCFI 2643, appeared for the Plaintiff in a 4-day trial and successfully asserted a claim over a property based on common intention constructive trust by satisfying the “very high” evidential threshold in showing that the common intention had changed subsequent to purchase of the subject property (with Adrian But).
- **Price Club Limited v Bizsmart Consultants Limited** [2019] HKCFI 2137, appeared for the Plaintiff in a vendor-purchaser summons regarding issue on interpretation of DMC (with David Tang)

Probate and Succession

- **Chang Wing Ka John v Chang Wing Dee** [2021] HKCFI 47, appeared for the administrator and beneficiaries respondents in a 7-day trial and succeeded in both defending the 1st Respondent from being removed as administrator of two Estates and counterclaiming to replace the Applicant as trustee in Canada (led by C.Y. Li SC)
- **WSI represented by SLHL also known as LLH v WKT, the executrix of WYC** (FCMP 141/2016), appeared for the applicant in a 4-day trial and successfully applied for financial provision under the Inheritance (Provision for Family and Dependents) Ordinance Cap. 481 for a minor (sole advocate)

Company

- **Forever Up Holdings Ltd v Tong Yan Wa** [2018] HKCFI 2775, appeared for the Plaintiff and successfully applied for the removal of false company records filed by a fraudster impersonating its director (sole advocate)
- **Jen Kit Josephine v Chan Sau Wai Shirley & Ors** (HCMP 1151/2018) appeared for the Respondent companies to resist an application to call for an EGM (sole advocate)

Commercial

- **胡少芬 v 葉玉枝 and Another** [2019] HKCFI 2329, appeared for the 1st and 2nd Defendants and successfully set-aside a substituted service order and a default judgment on grounds of material non-disclosure (led by C.Y. Li SC)
- **Bangkok Bank Public Co Ltd v Hui Yan Moon and another** [2019] HKCFI 32, appeared for the 2nd Defendant in appealing against a summary judgment on personal guarantee (led by Edward Chan SC)

Employment and Post-employment restrictive covenants

- **Europtex Fashion Limited v Lam Kwai Seung** (HCA 1986/2017), appeared for the plaintiffs applying for an injunction against the disclosure and for the delivery-up order of confidential

information (with Adrian But)

- ***Greater China Appraisal Ltd v Tsang Kang Po and others*** [2018] HKCFI 2552, appeared for the Defendants resisting an application for an injunction against breach of confidence and a spring-board injunction (with Adrian But)

Winding Up and Bankruptcy

- ***Re Guangdong Zhenrong Energy Co. Ltd.*** (HCCW 231/2016), appeared for the Petitioner and successfully applied for winding up order against an overseas company based in the Mainland (with Lawrence Hui)
- ***Re: Tsoi Wai Tai (a bankrupt)*** (HCB 7534/2016), appeared for the Petitioner and successfully applied for a non-commencement order against a bankrupt (sole advocate)

Anti-suit Injunction

- ***Capital Wealth Holdings Ltd v 南通嘉禾科技投资开发有限公司*** [2020] HKCFI 3025, appeared for the Plaintiffs and successfully apply for an interim anti-suit injunction based on an arbitration agreement (with Gary CC Lam)

Others

- ***Chung Ming Pui v Sze Wai Lan*** (FCMC 9506/2014), appeared for the applicant and successfully applied for an order for committal and warrant for arrest for contempt of court (sole advocate)

Scholarship and Awards

- Middle Temple Advocacy Scholarship (2016)