

## 钱孝良 大律师

香港大学法学士  
牛津大学法学硕士

### Email Address:

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### Year Of Call:

2008 (香港)

**Practice Areas:** Arbitration, Construction Law, Chancery, Commercial Law, Company Law and Insolvency, Competition Law, Employment and Anti-Discrimination, Family Law, Intellectual Property, Securities Law,



钱孝良大律师曾获得香港大律师公会奖学金，并于2008年获得香港大律师执业资格。十九岁便于香港大学毕业，获法学士学位，其后更于牛津大学取得法学硕士学位。

钱大律师在一审诉讼和上诉领域均具有极其丰富的经验，尤其是在他执业第一年便单独参与了在终审法院进行的实体性上诉。

钱大律师被钱伯斯认可为“一个非常忙碌的年轻一辈从业者”，并获得了诸如“非常敏捷的头脑”、“令人印象深刻的辩护技巧”，以及“非常具有创意地从不同的角度切入进行辩护”等赞誉。

钱大律师的执业领域非常广泛。他经常处理各项民事领域中复杂且包含不寻常因素的案件，从一般商业和公司案件，到更专业的领域，例如航空、保险、医疗事故、证券等领域均有涉猎。

钱大律师目前为香港特区区域法院暂委法官、五个上诉委员会成员，并曾在高等法院中被任命为法庭之友参与聆讯。

## Directory Quotes:

德辅大律师事务所的钱孝良大律师吸引了越来越多的关注，因为他是“一个非常忙碌的年轻一辈从业者，拥有高水平的实践能力”，被访者同时强调他拥有“非常敏捷的头脑”、“令人印象深刻的辩护技巧”以及“非常具有创意地从不同的角度切入进行辩论。”在其广泛的执业领域中，他涵盖了一般商事、公司法、金融服务和与清盘相关的争议，他同时在航运和航空领域的案件中积累了特别值得关注的经验。

《钱伯斯指南（亚太）》(2020)

## Expertise:

### 职务及任命

- 香港特区区域法院暂委法官 (2018年6月)
- 旅馆业上诉委员会成员 (2016年4月21日至今)
- 会社 (房产安全) 上诉委员会成员 (2016年4月21日至今)
- 床位寓所上诉委员会成员 (2016年4月21日至今)
- 上诉审裁团 (建筑物) 主席 (2015年12月1日至今)
- 在 **Director of Agriculture, Fisheries, and Conservation v Administrative Appeals Board** (HCAL 165/2014) 司法复核案件中被高等法院任命为法庭之友

### 重要案件

#### **COMMERCIAL**

**Ageas Insurance Co (Asia) Ltd v Lam Hau Wah Inneo** (HCA 1840/2009) – Dispute between insurance company and management level insurance agent concerning loans, insurance commission, and remuneration of agents (led by Clifford Smith SC)

**ALC B738 37760, LLC v Siam Air Transport Company Ltd** (HCA 1007/2016) – Successfully obtained a proprietary injunction restraining a passenger airliner from leaving Hong Kong

**Art Master Investment Ltd v Ng Wing Ka** (HCA 646/2011) – Claim brought by company (managed by court-appointed receivers) against directors for breach of fiduciary duty concerning leasing of company's hotel property

**Big Island Construction (HK) Ltd v Wu Yi Development Company Ltd** (HCA 1957/2005, 714/2007, 886/2007, 1364/2008; CACV 189, 190, 191/2012; FACV 1/2015) – HK\$106 million loan agreement and unjust enrichment dispute between PRC state-owned enterprise and former business partner (reported at (2015) 18 HKCFAR 364; [2014] 2 HKLRD 1054) (led by Denis Chang SC, Ambrose Ho SC)

**CEP Solar v Wuxi Jiacheng Solar Energy Technology Co Ltd** (HCCL 12/2012; CACV 97/2014, CACV165/2014) – Breach of contract on sale of photovoltaic solar cells Involving interpretation of letter of credit terms and economic duress (reported at [2016] 1 HKLRD 960)

**China Cinda (HK) Asset Management Co Ltd v Peacever Ltd** (HCCT 59/2015) – Successfully obtained a HK\$2.9 billion worldwide Mareva injunction in aid of CIETAC arbitration proceedings

**Cheer Signal Development Ltd v Wong Siu Fan** (HCA 646/2015) – Mareva injunction based on HK\$127 million commercial fraud claim brought by PRC state-owned enterprise

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***Dextra China Ltd v Lam Wing Kit*** (HCA 38, 967/2010) – Dispute between company selling construction products and former director-level employee concerning breach of confidence, misappropriation of trade secrets, and restraint of trade

***Excel Courage Holdings Ltd v Wong Sin Lai*** (HCCL 34/2013; CACV 28/2014) – Mareva and proprietary injunctions based on fraud claim brought by beneficiary against bare trustee holding HK\$149 million investment assets on trust (reported at [2014] 3 HKLRD 642) (led by Charles Sussex SC)

***MG Charter Ltd v Beijing Caissa International Travel Service Ltd*** (HCA 1635/2012; HCCL 7/2014) – Dispute over wholesale sale of airline seats on Beijing-Maldives route

***Sea Powerful II Special Maritime Enterprises (ENE) v Bank of China Ltd*** (HCMP 2399/2015, CACV 36/2016) – Application for anti-suit injunction based on contractual arbitration clause (reported at [2016] 1 HKLRD 1032; [2016] 3 HKLRD 352 (led by Charles Sussex SC)

#### **COMPANY & INSOLVENCY**

***Hansen International Ltd v High Fashion Apparel Ltd*** (HCA 1724, 1953/2014) – Dispute between shareholders of corporate group engaged in garment sales and distribution business involving breach of shareholders' agreement (led by Johnny Mok SC)

***Lasmos Ltd v Southwest Pacific Bauxite (HK) Ltd*** (HCCW 277/2017) - Winding up petition presented by minority shareholder of joint venture company engaged in developing a bauxite mine on the Solomon Islands; in dismissing the petition the Companies Court adopted a new practice regarding arbitration clauses in context of winding up petitions (reported at [2018] 2 HKLRD 449)

***Liu Liguang v Decade Technology Ltd*** (HCCW 463/2010) – Winding up petition presented against off-shore company on just and equitable grounds, in the context of a dispute between private equity fund investor and PRC joint venture partner (led by Jeremy Bartlett SC)

***Re Days International Ltd*** (HCCW 299/2011) – Application against Liquidators to direct meeting to be held for reconstituting committee of inspection (reported at [2014] 1 HKLRD 20)

***Re Gabriel Ricardo Dias-Azedo*** (HCB 2212/2010) – Bankruptcy petition brought against former managing partner of international accounting firm who had absconded with client monies (reported at [2010] 5 HKLRD 474) (with Richard Zimmern)

***Re Guinness HK Ltd*** (HCMP 339, 374/2015) – Dispute between shareholders of joint venture company engaged in telecommunications business involving breach of fiduciary duty and breach of shareholders' agreement

***Re Joy Rich Development Ltd*** (HCCW 146/2013) – Successful application to reconstitute committee of inspection (reported at [2016] 2 HKLRD 1058) (led by William Wong SC)

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**Re Kong Sun Holdings Ltd** (HCMP 1683/2016) – Successful application for extension of time for directors of listed company to lay financial accounts before AGM, following unexpected resignation of auditors

**Re Paladin Ltd** (HCMP 1453/2014) – Urgent application to injunct Hong Kong listed-company from holding improperly constituted board meeting for removal of directors

**Re Sinom Investments Ltd v CCMD Overseas Ltd** (HCCT 43/2015) – Dispute between shareholders of joint venture company engaged in iron ore mining business in Western Australia, concerning breach of best endeavours funding clause within shareholders’ agreement (led by Charles Sussex SC)

**Re The Grande Holdings Ltd** (HCCW 177/2011) – Recognition of solicitor’s bills as valid proofs of debt for voting purposes in winding-up proceedings (reported at [2015] 1 HKLRD 743)

**Re Yu On Securities Ltd** (HCMP 1296/2013) – Application for payment of trust assets into court by securities brokerage company undergoing voluntary liquidation and wind down of business

**Song Lianzhong v China NTG Investment Ltd** (HCMP 1823/2011) – Application by majority shareholder for company meeting to be held to remove directors (reported at [2012] 2 HKLRD 296)

## **BANKING & FINANCE**

**Antwerp Diamond Bank v Rolling Stone** (HCA 2499/2009) – US\$1.8 million claim brought by bank against diamond wholesaler under dishonored bills of exchange (reported at [2010] 5 HKLRD 509)

**Bank of Baroda v Vee Pee Global Ltd** (HCA 342/2011) – Setting aside of regularly obtained default judgment based on bank guarantee

**Bank of China (Hong Kong) Ltd v Charter Point Enterprises Ltd** (HCA 401/2011) – Enforcement of bank guarantee against directors of private company

**China Baoli Technologies Holdings Ltd v Orient Equal International Group Ltd** (HCA 1399/2016) – Application by third-party financial institutions inadvertently caught by injunction between parties in a financial mis-selling dispute, concerning issue of whether a cutting edge financial product created a security interest or involved an outright transfer of ownership

**Christine Ruth Ong v Lam Kin Chung** (HCA 1793/2012) – Investment fraud case involving fraudulent scheme to induce pre-IPO investment in company

**Indian Overseas Bank v Vee Pee Global Ltd** (HCMP 2114/2011) – Enforcement of bank guarantee and mortgage with defences of misrepresentation and undue influence raised

**Jeremy Paul Egerton Hobbins v Royal Skandia Life Assurance Ltd** (HCCL 15/2010) – Financial mis-selling case brought against independent financial advisor for sale of investment-linked insurance

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products (reported at [2012] 1 HKLRD 977) (led by Charles Sussex SC)

### **PROPERTY & TRUSTS**

***Ho Kwok Cheong v Yim Yee Mui*** (HCA 1605/2012) - Constructive trust claim over industrial and residential properties arising from cohabitation relationship

***Hollywood Palace Co Ltd v Trans-global Hong Kong Investment Ltd*** (HCMP 151/2010) - Commercial tenancy dispute over substantial commercial premises in Tsimshatsui with monthly rental value of HK\$500,000 (reported at [2011] 1 HKLRD 833)

***Kingcity Investment Ltd v Spring Victory Ltd*** (DCCJ 561/2009) - Dispute over ownership of car park space in residential estate between joint developers of the estate

***Mak Ho Fung v Mak Kai*** (DCCJ 2027/2008; CACV 246/2011) - Proprietary estoppel claim over residential property

***Pang Ketian Sally v Tam Yuk Hung Annie*** (HCA 298/2012; CACV 147/2013) - Constructive trust claim arising from tripartite agreement to invest in residential property

***Secretary for Justice v Lau Hon Mo*** (HCA 2136/2014) - Adverse possession case concerning government land in Shek O (led by Chua Guan-Hock SC)

***Tong Kwok Cheong v Tong Wai Lin*** (HCA 1939/2007; CACV 268/2012) - Specific enforcement of contract for sale of commercial shop premises with defence of unconscionable bargain raised (reported at [2014] 1 HKLRD 339)

***William Thomson v Roland John Jeans & Anor*** (DCCJ 3388/2005, HCMP 333/2015) - Constructive trust claim concerning monies paid by third party into solicitor's client account

### **INTELLECTUAL PROPERTY & CONFIDENTIALITY, & DEFAMATION**

***Chor Ki Kwong David v Lorea Solabarrieta Cheung*** (HCA 1870/2012) - Breach of confidence claim over misuse of private and personal information imparted under circumstances of confidence (reported at [2013] 2 HKLRD 95) (led by Winnie Tam SC)

***Go Wireless Ltd v Simeray Jannick Jaques*** (HCA 1480/2010) - Dispute involving breach and further threatened breaches of licensing agreement and economic tort of unlawful interference

***Lewis Road Creamery Ltd v Keen Top International Ltd*** (HCA 1529/2015) - Jurisdictional forum non conveniens challenge premised on underlying dispute being concerned with PRC trademarks

***Menfond Electronic Art & Computer Design Co Ltd v Wong Wang Tat*** (HCA 293/2011; CACV 18/2013) - Passing off by use of website and incorporation of company with similar name



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***Sky King Machinery Engineering Ltd v Chun Wo Construction & Engineering Co Ltd*** (HCA 1918/2013) – Copyright dispute over construction plans of construction waste sorting facility (led by Winnie Tam SC)

***Zhang Xuecheng v Egon Zehnder*** (HCA 2956/2015, 2957/2015) – Dispute between global headhunting firm and former employee concerning issues of defamation and breach of contractual confidentiality and non-derogatory clauses (led by Jason Pow SC)

## **SHIPPING**

***Calm Ocean Shipping SA v Win Goal Trading Ltd*** (HCAJ 118/2015) – Successfully resisted application by vessel owner seeking to exercise self-help rights for shipper to hand over original bills of lading (reported at [2016] 1 HKLRD 149)

***Intraline Resources Sdn Bhd v The Owners of the Ship or Vessel "Hua Tian Long"*** (HCAJ 59/2008) – US\$100 million claim concerning issues of breach of charterparty, fraudulent misrepresentation, and groundbreaking issue of entitlement to crown immunity of PRC state-owned enterprise (reported at [2010] 3 HKLRD 611) (led by Charles Sussex SC)

***Meiko Trans Co Ltd v Chan Kwan Yiu*** (HCA 1024/2011) – Recovery of misdelivered EUR€1 million luxury sports car by holder of original bill of lading (led by Charles Sussex SC)

***Parakou Shipping Pte Ltd v Jinhui Shipping And Transportation Ltd*** (HCAJ 184/2009) – US\$44 million claim for breach of charterparty against disponent owner which mirrored London arbitration proceedings (reported at [2011] 2 HKLRD 1) (led by Charles Sussex SC)

***Re the "TS Singapore", the "MCC Jakarta", and the "Xin Nan Tai 77"*** (HCAJ 48/2011, 148/2012, 49/2013) – Dispute involving collision between 3 vessels in crossing situation near East Lamma Traffic Separation Scheme (reported at [2016] 1 HKLRD 149)

## **OTHER SELECTED CASES**

***CLP Power Hong Kong Ltd v Kong Chung Sang*** (DCCJ 2775/2010) – Claim by electric company against customer who tampered with electricity meter

***Pong Seong Teresa v Chan Norman, Tam Seen Mann Estefania v Chan Norman*** (HCA 627/2010, 726/2011; CACV 186, 167/2014) – Dispute between neighbours in luxury residential estate concerning nuisance, harassment, assault, and consequential injunctive relief (reported at [2014] 5 HKLRD 60)

***Richful Engineering Ltd v Pine Year Development Ltd*** (HCA 2906/2004) – Construction dispute over whether sub-contracted maintenance and waterproofing works over railway station were properly performed (with José-Antonio Maurellet SC)

***Securities and Futures Commission v Chan Pak Hoe Pablo*** (ESS 28970/2009; HCMA 754/2010) –

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One of the first substantively argued insider dealing cases prosecuted as a criminal offence under the Securities and Futures Ordinance (Cap. 571) (led by Gerard McCoy SC and William Wong)

**Wong Hon Sun v HKSAR** (HCMA 608/2007; FACC 1/2000) – Case concerning civil forfeiture of goods seized during commission of crime, involving human rights issues of applicable standard of proof and presumption of innocence (reported at (2009) 12 HKCFAR 877)

**Yung Tai Yin v Chan Yuen Tung & China Zenith Chemical Group Ltd** (HCPI 1225/2014) – striking-out of frivolous HK\$34 million claim brought against listed company

### 奖学金及奖项

- Bar Scholarship (2007)
- Middle Temple Advocacy Scholarship (2007)
- Awarded 12 scholarships and prizes during LLB

### 出版物及讲座

- Chairman of the 2012 Publications Sub-Committee of the Hong Kong Bar Association
- Contributing Author, “Commercial Litigation in Hong Kong: A Practical Guide” (Sweet & Maxwell, 2012)
- Associate Editor, Oxford University Commonwealth Law Journal (2006-2007)

### 联系方式

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