

## 刘祉仁 大律师

牛津大学法学士（2010）  
牛津大学法学硕士（2011）

**Email Address:**  
kerbylau@dvc.hk

**Year Of Call:**  
2013（香港）

**Practice Areas:** Commercial Law, Company Law and  
Insolvency, Chancery,



刘祉仁大律师通过中六生优先录取计划升入大学，并获得全额奖学金。他毕业于牛津大学，获法学士一级荣誉学位和法学硕士学位。

刘大律师就读于牛津大学时，于衡平法科目取得年级第一的优异成绩，并于信托法和公司法两个科目获颁最佳表现奖。

刘大律师曾跟随蔡维邦大律师、王鸣峰资深大律师、毛乐礼大律师和黄文杰大律师进行实习。他于2013年加入德辅大律师事务所，目前正在拓展其民事和商事领域的业务。他对于涉及遗嘱认证、公司、企业破产清盘和信托法等领域的事务有着特别浓厚的兴趣。

刘大律师曾参与各级法院的聆讯，并经常单独或协助资深大律师处理案件。

此外，刘大律师还与王鸣峰资深大律师及罗修章先生合著编写了《公司法 - 权力与责任》一书的第二版，该书于2017年出版上市。

## Expertise:

### 重要案件

#### **Probate and Administration of Estates:**

- Fok Chun Yue Benjamin (in his capacity as a co-executor of the estate of Fok Ying Tung Henry, deceased and in his personal capacity) v. Fok Chun Wan Ian and Ors HCA 2155/2011; CACV 13,16,17/2014. Case involving the multi-billion estate of the late Henry Fok Ying Tung; junior counsel (led by Clifford Smith S.C at first instance and Victor Joffe Q.C on appeal) acting for one of the beneficiaries and appellants.
- Wu Wing Ching And Another v. Ding Yufang HCMP 2471/2012. Acted for the administratrix in an administration action in which inter alia an account of the Estate was sought.
- Vidhya Nativivat and Ors v. Vitoon Nativivat CACV 23/2013. Junior counsel acting for the

executor pending grant of probate, in an appeal relating to a strike out application.

- Kwok Shuk Kuen Maria And Another v. Li Wun And Another HCAP8/2011 . Junior counsel in probate trial acting for the executors in propounding of a will (involving the Estate of the founder of Shun Hing Hoo).
- Kong Colin Chung Ping And Another v. Kong Wing On And Others HCMP 2045/2012 . Acted for the executor in an administration action for inter alia, accounts of the Estate and payments due to the Estate (involving the Estate of a co-founder of the On Hong Ning Drug Company).
- Re Ngan Chow Wah HCCA 2790/2014. Acted for the beneficiaries of the Estate in a passing over application pursuant to s.36 of the Probate and Administration Ordinance.
- Re Yuan Ru Tian HCMP 876/2015. Acted for the beneficiaries seeking vesting order against estate of trustee holding property hold trust

### **Company law and corporate insolvency:**

- Akai Holdings Ltd v. James Henry Ting and Ors HCCL 42/2005. Case involving one of the largest company liquidations in Hong Kong; junior counsel assisting in discovery application.
- Re Shiamas International Ltd HCCW 80/2014. Acted for the Petitioner in a winding up petition.
- Re Hong Kong Mercantile Exchange Ltd HCCW 10/2014. Acted for the supporting creditor in a winding up petition.
- Re SASCO Asia Limited HCMP 3217/2013; HCMP 3218/2013. Acted for the applicant in applications under s.111 and s.122 of the Companies Ordinance (Cap. 32).
- Ultra Solution Holdings Ltd v. Chan Yui Hang (liquidator of Leco Watch Case Manufactory Ltd) HCMP 1101/2013. Acted for the appellant in an appeal against rejection of proof of debt in excess of \$20 million.
- Ho Yuk Lun Alan v. Chan Yui Hang (liquidator of Leco Watch Case Manufactory Ltd) HCMP 1013/2013. Acted for the appellant in an appeal against rejection of proof of debt by the company' s liquidator.
- Re SEC (HK) Co. Ltd HCCW 215/2013. Acted for the petitioner in a winding up petition.
- Re Yiu Wing Entertainment Company Limited HCCW 154/2014. Acted for the petitioner in a winding up petition.
- Re Yueshou Environmental Holdings Ltd HCCW 142/2013. Junior Counsel acting for the company applying to strike out winding up petition.
- Re Dragon Concept HK Limited HCCW 434/2012. Acted for the company in a winding up petition at the interlocutory stage.
- Re LDK Solar Co., Ltd HCMP 2215, 2216, 2218/2014. Junior counsel acting for the company in a multi-jurisdictional scheme of arrangement application.
- The Joint Administrators of African Minerals Ltd (In Administration) v. Madison Pacific Trust Ltd HCMP 865/2015. Junior counsel acting for secured creditor seeking to resist application for interim cross-border enforcement of administration order granted in the U.K involving cross-border insolvency issues.

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## **General civil and commercial cases:**

- Tam Ying Man v. Leung Ka Chun and Ors HCA 2166/2011. Case involving a contractual and property dispute; acted for the 3rd Defendant at the interlocutory stage.
- HKSAR v. Wong Kwok Wai FAMC 49/2013. Junior counsel acting for the applicant in the Court of Final Appeal proceedings in relation to the interpretation of the Money Lenders Ordinance (Cap. 163).
- TYG Capital Fund (In Liquidation) v. Hilda Hor Yee Chan And Others HCA 1585/2014 . Acted for one of the defendants in an application to discharge an interlocutory injunction.
- X v. Y [2014] 5 HKLRD 823. Acted for the respondent in an interlocutory injunction for protection of privacy.
- Shanghai Fusheng Soya Food Co Ltd And Another v. Pulmuone Holdings COHCCT 48/2012 . Junior counsel acting for applicants seeking to set aside an arbitration award.
- Arbitration Case (2013). Junior counsel acting for the respondent in an arbitration case involving dispute over a PRC loan agreement
- Re Allied Treasure Ltd and Millions Horses Trading Ltd BVI HC (Com) Claim Nos: 2013/0123 AND 2013/0124. Instructed to provide legal expert opinion on Hong Kong law (together with John Griffiths SC, CMG, QC) in the context of BVI insolvency proceedings

## **出版物及讲座**

### **Publications:**

- Co-authored "Company Law: Powers & Accountability (2017) - 2nd Edition" with William Wong SC and Dato Loh Siew Cheang
- Contributor, Atkin's Court Forms Hong Kong, Chapter on Probate (both contentious and non-contentious)
- "Should legal advice privilege be confined to natural persons?" (2012) 6 HKJLS 17
- "Protecting Minority Shareholders: different actions for different wrongs" Journal of the HK Institute of Chartered Secretaries; September 2013
- Contributor, The Hong Kong Companies Ordinance (Cap. 622): Commentary and Annotations (2014 ed); Sweet & Maxwell

### **Talks/Academic positions:**

- Part-time lecturer, Equity and Trusts, University of Hong Kong (2012-13)
- Part-time lecturer, Tort, University of Hong Kong (2013-14)
- Speaker, "Update of the Recent Developments on the law relating to shareholders' rights"

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(together with Mr. Anson Wong S.C)

- Speaker, “Updates on the law relating to Contentious Probate and Administration of Estates”

## 奖学金及奖项

- Bar Scholarship 2012
- Middle Temple Advocacy Scholarship 2013
- Haldanes Prize in Litigation 2012
- Norton Rose Prize for Best Performance in Company Law in Oxford Law Finals, 2010
- 5 Stone Buildings Prize for Best Performance in Trusts Law in Oxford Law Finals, 2010
- Swire Postgraduate Scholarship 2010 (Full scholarship for Postgraduate Studies, inclusive of living expenses)
- University College Prize for Outstanding Performance in Final Honour Schools, 2010
- Swire Undergraduate Scholarship 2007-2010 (Full scholarship for living expenses, University and College fees, return tickets to Hong Kong (Only 1 award each year) )
- University College Scholarship for Distinction in Law Moderations 2008
- HKU Foundation Scholarship 2007
- Various Mooting Prizes