

## 萧子谦 大律师

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香港中文大学法律 JD  
香港中文大学法学专业证书

**Email Address:**  
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**Year Of Call:**  
2011

**Practice Areas:** Company Law and Insolvency, Chancery,  
Family Law, Intellectual Property, Securities Law, Land Law,  
Tort Law



萧子谦大律师执业重点为商事及民事法。萧大律师执业经验涉及土地、公司、证券、遗嘱认证、家庭、知识产权、公法以及人身伤亡等各类民事案件。萧大律师执业重点领域为土地法，他经常参与土地法的聆讯并在土地审裁处有丰富的审讯经验。

在成为大律师之前，萧大律师曾在香港政府担任四年政务主任。

## Expertise:

### 职务及任命

- 小额钱债审裁处暂委审裁官（2017年9月-12月）
- 香港仲裁司学会资深会员
- 信托与财产执业者协会成员

### 重要案件

#### Company

- Re Belgravia Properties Limited [2013] 5 HKLRD 337 A leading authority on the circumstances under which the Court would order an AGM pursuant to section 610 of the Companies Ordinance.
- Re Hempstone Limited (in Compulsory Liquidation) HCCW 279/2010 (12 February 2015) Acted for the former accounting firm to which the liquidator belonged, dealing with complex issues on the basis of remuneration of liquidator and taxation of liquidator's fees.
- Re: All Our Kids Hong Kong Limited HCCW 141/2007 (29 August 2014) Conducted a 15-day trial on behalf of the petitioner in an unfair prejudice claim in relation to a well-known brand of prams and strollers.
- De Coro Limited (in Liquidation) v Luca Ricci HCA 594/2010 (14 August 2014) Acted for the company in obtaining judgment against a former shareholder/director for a sum of over HK\$100

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million.

## **Land**

- National Resources Properties Limited v Ma Kwok Keung HCMP 1612/2014 (20 May 2015) Acted for the judgement creditor in enforcing by sale a lien on a property, dealing with issues on the scope and enforcement mechanism of a lien.
- Party for Civic Rights and Livelihood of the People of Hong Kong Limited v China-Tech Surveyors Limited HCMP 603/2012 (24 October 2012) Acted for the incorporated owners in staying a tenant's claim by invoking an arbitration clause in the deed of mutual covenants.
- Chan Yau Wing v Chan Yau Hing DCMP 600/2013 (12 February 2014) An authority on the equity jurisdiction of the District Court involving claims of constructive trust over a property.

## **Family**

- Poon Lok To Otto v Kan Lai Kwan (2014) 17 HKCFAR 414, [2013] 2 HKLRD 1089 (CA) Acted for the appellant wife on appeal to the Court of Appeal and the Court of Final Appeal, resulting in an ancillary relief to the wife of HK\$832.5 million in place of the trial judge's award of HK\$432 million, dealing with complex issues on the treatment of offshore discretionary trusts and the proper approach to separation and post-separation accruals;
- LWS v TNN CACV 183/2010 (29 January 2014) Acted for the appellant wife in overturning the order for committal on appeal, dealing with important issues on the proper procedure for handling contempt of Court proceedings; led by Mr. Anson Wong SC.
- L v W FCMP178/2013 (4 June 2015) Acted for the wife in resisting the husband's application to set aside leave granted to the wife under section 29AC of the Matrimonial Proceedings and Property Ordinance; the first published judgment dealing with the test for such set-aside application.

## **Probate**

- Re the Estate of Kong Wing Hong CACV 72/2014 (8 May 2015), [2014] 2 HKLRD 517 (CFI) Acted for the new executor in relation to beneficiaries' claims against the former executor, raising complex issues on the proper approach in interpreting tenancy agreements in the context of probate and administration and the duties of executor.
- Re the Estate of Pang Ning HCMP 2352/2012 (13 December 2013) Acted for the beneficiary in seeking costs against the administratrix for failing to furnish a full and complete up-to-date account of the estate.
- Yu Meei Ju v Dong Xi Cheng HCMP1409/2012 (10 April 2013) Acted for the administrators in seeking directions from Court for distributing shares in private companies in specie.

## **Civil Procedure**

- Director of Immigration v Lam Hon Muk [2016] 5 HKC 98. An authority on the forfeiture

application under the Immigration Ordinance.

- *Numeric City Limited v Lau Chi Wing* [2016] 1 HKLRD 794 Acted for the defendant in dismissing an application for committal; an authority on how the findings of a civil Court may be used in subsequent contempt proceedings.
- *YN v NA* [2014] 5 HKC 49 Acted for the appellant wife in setting aside leave to appeal granted by the District Court to the husband, establishing that there is no jurisdictional obstacle to the bringing of an appeal from the grant of extension of time for leave to appeal; with Mr. Andrew Lynn.
- *ICICI Bank Limited v Diamart Limited* HCA 618/2014 (4 September 2014) An authority on the Court's considerations in allowing a plaintiff to accept sanctioned payment in a case involving multiple defendants, multiple proceedings and non-monetary claims; led by Mr. Anson Wong SC.
- *廈門新景地集團有限公司 v Eton Properties Limited* HCCL 13/2011 (14 June 2012) Acted for the plaintiff in a 22-day trial, dealing with complex issues on the relationship between the jurisdiction and powers of the Hong Kong Court and the enforcement of a foreign arbitral award; led by Mr. Barrie Barlow SC, Mr. Anson Wong SC and Mr. David Tsang.

## 奖学金及奖项

- Lee Shau Kee Scholarship (2002-2005)
- Wadham College Undergraduate Scholarship (2003-2005)
- Henry Wai Prizes for Litigation and Professional Practice (1st Prize) (2010)
- Hong Kong Bar Association Prize for Trial Advocacy (2010)
- Boase Cohen & Collins Prize for Civil Litigation Practice (2010)

## 出版物及讲座

- Author, “涉港商貿與歸復信托”, *Shanghai Lawyer* (2017)
- Author, “Sanctioned Offers”, *LexisNexis Practical Guidance*
- Contributor, “Trespass to Land”, *Tort Law and Practice in Hong Kong* (3rd Ed 2014)
- Contributor, “Contractual Remedies”, *Hong Kong Construction Law* (loose-leaf)
- Author, “The Law on Relocation of Children: Bringing about Change”, *Hong Kong Lawyer* (2012)
- Speaker, “Family Advocacy – Drafting & Advocacy in Children Law Cases”, with Deputy High Court Judge Carlson ( 22 October 2011)
- Author, “Principal-Agent Relationship in Corruption Law”, *Archbold News (Hong Kong)* (Issue 3 of 2011 Service, April 2011)

## 工作语言

广东话; 普通话; 英语