

## 吴家彰 大律师

牛津大学法学硕士  
香港大学工商管理学士（法学）及法学士（一级荣誉毕业）  
香港大律师奖学金（2015）  
沈澄纪念奖学金（2016）  
香港仲裁司学会资深会员

### Email Address:

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### Year Of Call:

2016

**Practice Areas:** 仲裁, 调解, 衡平法, 商事法, 公司法及清盘, 土地法与规划法, 证券法, ,



吴家彰大律师为香港大律师奖学金及沈澄纪念奖学金获得者。吴大律师跟随毛乐礼资深大律师、谢志浩大律师、许其昌大律师及钱孝良大律师完成实习后，加入德辅大律师事务所。吴大律师曾单独或协助大律师参与案件审讯，并且广泛参与民事及商事领域法律业务，侧重于公司与清盘法和信托与遗嘱认证等领域。吴大律师是一名受认可的调解员，同时也是香港仲裁司学会资深会员。

在获得大律师执业资格前，吴大律师于2013年获得香港大学法学士学位（一级荣誉毕业），并随后于2015年获得牛津大学法学硕士学位。他还于2009年及2014年分别担任原讼法庭芮安牟法官及英格兰与威尔斯高等法院大法庭Colin Birss爵士的法官助理。

吴大律师曾于本地及国际同行评审类刊物中发表十余篇学术文章，包括《法学季刊》及《剑桥法律期刊》等。吴大律师的著作曾被多部供法律执业者参考的著作所引用，例如合同法著作Chitty on Contracts (Volume 2, 32nd edn., 2015, at [34-409]) 及侵权法著作 Clerk & Lindsell on Torts (21st edn., 2014, at [16-01] and [16-62])。他亦多次于证监会的公众咨询中提交陈述。

## Expertise:

### 职务及任命

- 香港大学衡平法与信托课程兼职导师（2016-2017）
- 香港仲裁司学会资深会员

### 重要案件

#### 公司及清盘

- ***Re Allied Weli Development Ltd*** (CACV 58/2016, 18 July 2017) (在三名法官的上诉庭独自参与聆讯：法庭是否有管辖权对一家外国公司进行清盘)
- ***Re Gain Semiconductor Ltd*** [2020] HKCFI 596 (不公平损害补救审讯)

- ***Re Minloy Ltd*** [2019] HKCA 461 (不公平损害补救上诉聆讯)
- ***Re Golden Gate International Kindergarten and Nursery Ltd*** [2018] HKCFI 641\_(清盘; 债务是否或然)
- ***Re Posismo Ltd*** [2018] HKCFI 344 (清盘; 协议是否虚假)
- ***Garson Real Property Agencies (HK) Ltd v Ho Pui Fong*** [2018] HKCFI 911\_(对前独任董事提起的禁制令)
- ***Re Kaisa Group Holdings Ltd*** [2017] 1 HKLRD 18 (债务重组计划: 非香港公司申请法庭批准)
- ***Re Luen Tat Watchband Manufacturer Limited*** (HCCW 497/2009, 27 November 2017) (中止清盘令)
- ***Re Petrocom Energy Limited*** (HCCW 20/2014, 8 September 2017) (中止清盘令)
- ***Re CIF International Construction Co Ltd*** (HCMP 3219/2016, 14.3.2017) (申请宣告清盘无效及免任清盘人)
- ***Re New Resources Holdings Ltd*** (HCMP 2985/2014, 8 June 2017) (股权移交是否需要注册)
- ***Re Lucky Resources (HK) Ltd*** [2016] 4 HKLRD 301 (就仲裁裁决提起清盘呈请)
- ***Re Minloy Ltd*** (HCMP 1526/2013) (不公平损害补救; 后期救济及法庭命令; 中止执行; 申请上诉许可)

## 银行

- ***Habib Bank Zurich (Hong Kong) Ltd v Creation Castle Ltd*** [2020] HKCFI 1062 (银行对顾客的职责)
- ***HSBC v SMI Holdings Group Ltd*** [2019] HKCFI 1948 (银行对顾客的职责)
- ***PT Tugu Pratama Indonesia v Citibank N.A.*** [2018] 5 HKLRD 277 (审讯; 银行对顾客的职责)
- ***Liquidator of Almond Ltd v Citibank*** [2019] HKCFI 634 (代表花旗银行(香港))
- ***AKBank v Mainford Ltd*** [2018] HKCFI 405 (禁制令)
- ***AKBank v Mainford Ltd*** [2018] HKCFI 363 (查阅银行记录)
- ***浙江省鐵投國際貿易有限公司 v HK Zexin Resources Co Ltd*** (HCA 3243/2016, 8 September 2017) (查阅银行记录)

## 土地、信托及遗产

- ***Li Ping Chun v Liang Tonghua*** (CACV 220/2016, 19 October 2017) (在三名法官的上诉庭独自参与聆讯; 代表原告管理人)
- ***Kong Hon Kui Thomas v Wu Yuk Chun Judy*** [2019] HKCA 1449 (上诉; 作为个人代表的代理)
- ***Kong Hon Kui Thomas v Wu Yuk Chun Judy*** [2019] HKCFI 742 (独自代表原告管理人参与审讯)
- ***Fok Chun Yue Benjamin v Fok Chun Wan Ian & Ors*** (HCA 92/2016) (代表原告)
- ***Re the Estate of Lim Por Yen*** [2018] HKCFI 637 (对遗嘱执行人提出质询)
- ***Re Fortune King Trading Ltd*** (HCCW 432/2012, 19 May 2017) (公司是否以信托形式持有土地)
- ***Cheung Ping Sum v Wong Chi Hang*** (HCMP 1490/2016, 15 July 2016) (对遗产管理人作出的驱

赶提起预防性禁制令)

- ***Perrine Chamonix Ltd v Star League Ltd*** (HCA 1139/2017, 13 September 2017) (讼费; 滋扰及违反公契)

## 管辖权质疑

- ***Madison Communications Private Ltd v Le Ecosystem Technology India Private Ltd*** [2017] 5 HKLRD 284 (管辖权质疑; 专有管辖权条款是否适用; 被告是否有抗辩)
- ***Excelsior Capital Asia (HK) Ltd v Zhang Hengshun*** [2018] HKCFI 181 (管辖权质疑; 申请撤销送达文件的批准; 代表被告合伙人)
- ***PAG Holdings Ltd v Gorthy*** (HCA 3040/2016, HCMP 282/2017, 21 July 2017) (申请反诉禁制令及因仲裁中止法庭程序)

## 民事、商事及资产追踪

- ***Progetto Jewellery Co Ltd v Lau Chiu Ying*** [2020] HKCFI 209 (为期13天的审讯; 原告的独任代理人)
- ***Acute Result Holdings Ltd v Lioncap Global Management Ltd*** [2019] HKCFI 1580
- ***Mathnasium Center Licensing LLC v Chang Chi Hung*** [2019] 2 HKLRD 375
- ***Chinacast Education v Mozart Management Co Ltd*** [2018] HKCFI 851 (特定披露)
- ***Mi Jingtian v Stephen Liu & China Shanshui Cement Group Ltd*** (HCA1103/2017, 24 May 2017)
- ***Wong Chi Ching v Bocom International Holdings Co Ltd*** [2018] HKCFI 227
- ***Heitkamp & Thumann KG v Oumeisi Ltd*** (HCA 2006/2016, 18 October 2017)

## 公法、人权与公共机构

- ***MTR v Tsang Kin Shing*** [2018] HKCFA 56 (代理港铁)
- ***MTR v Kwok Wing Kin*** [2020] HKCFI 185; [2019] 5 HKLRD 385 (代理港铁)
- ***TVB v Persons unlawfully and willfully damaging any property of the Plaintiff*** [2019] HKCFI 2723
- ***Lingnan University v Alan Tang*** [2019] HKCFI 2749 (代理岭南大学)

## 奖学金及奖项

- Bar Scholar
- Charles Ching Scholar

- Sir Edward Youde Memorial Fellowships
- Peter Vine Postgraduate Law Scholarships
- Des Voeux Chambers Oxford Scholarship
- Brian McElney Medal in Law
- Brasenose College Prize
- 21 other scholarships and awards

## 出版物及讲座

### Peer-reviewed publications

1. Referred to by Chitty on Contracts: Volume 2, 32nd edn. (2015), [34-409]: “Misdirected Funds and the Bank’s Right to Debit the Originator’s Account” (2015) 131 Law Quarterly Review 202
2. Referred to by Clerk & Lindsell on Torts, 21st edn. (2014), [16-01], [16-62]: “The Torts of Malicious Prosecution and Abuse of Legal Process” (2014) 130 Law Quarterly Review 43
3. “Directors’ Duty not to Prefer One Creditor to Another” [2015] Cambridge Law Journal 20
4. “Rectification and Rescission of Trust Appointment for Mistake” [2015] Conveyancer 266
5. “Liability Insurance, Contractual Indemnity and Subrogation” [2015] LMCLQ 167
6. “Disgorgement Remedy for Dishonest Assistance” (2015) 21 Trusts & Trustees 571
7. “Judicial Enforcement of the Listing Rules in Hong Kong” (2015) 45 HKLJ 389
8. “Sale and Rent Back, Vendor-Purchaser Constructive Trust and Scintilla Temporis” (2015) 24 Nottingham LJ 143
9. “The Proper Scope of the ‘Without Prejudice’ Rule” (2015) 34 Civil Justice Quarterly 316
10. “Fiduciary Duties and Equitable Compensation in Hong Kong” (2015) 26 KLJ 14 (with SHK Wong)
11. “The Protection of Well-known Trade Marks in Hong Kong” (2013) 43 Hong Kong LJ 435
12. “Res Judicata, Disciplinary Actions and Public Law Proceedings” (2011) 22 King’s LJ 397

### Other academic publications

13. “The Doctrine of Encroachment: Theories and Problems” (2013) 7 HKJLS 215
14. Headnote: HKSAR v. Lau Hok Tung [2011] 2 HKLRD 205
15. “Abuse of Legal Process as a Cause of Action” (2011) 5 HKJLS 183
16. “Shooting Stars”, 29 April 2009, The Student Standard (article on restrictive covenant)

### Regulatory: Submission to the SFC/Administration in Response to Public Consultation

17. “Submission to Open-Ended Fund Companies Consultation Paper issued by Financial Services and the Treasury Bureau”, May 2014 (with J. Chung)
18. “Submission to the Consultation Paper on an Effective Resolution Regime for Financial Institutions in Hong Kong”, Mar 2014 (with J. Chung)
19. “Submission to the Consultation on Amendments to the REITS Code”, Feb 2014 (with J. Chung)
20. “Submission to the SFC Consultation Paper on the Proposed Amendments to the Professional

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- Investor Regime and the Client Agreement Requirements”, Jul 2013 (With J. Chung)
21. “Submission to the SFC consultation on the regulation of sponsors”, Jun 2012 (With J. Chung)
22. “SFC’s Consultation to amend the Code of Conduct in relation to establishment of the FDRC”, Jan 2012 (With J. Chung)
23. “SFC’s Consultation on the Proposed Guideline on Anti-money Laundering and Counter-terrorist Financing”, Nov 2011 (With J. Chung and J. Lai)
24. “SFC’s Consultation Conclusions and Further Consultation on the Securities and Futures (Short Position Reporting) Rules”, Oct 2011 (With J. Chung)
25. “Submission in response to the SFC’s consultation paper on Proposed Amendments to the Securities and Futures (Financial Resources) Rules”, May 2011 (With J. Chung)
26. “Submission to the SFC’s consultation paper on Proposed Amendments to Specified Stock and Futures Exchanges”, Apr 2011 (With J. Chung)
27. “Submission to the SFC consultation Concerning Pre-deal Research”, Nov 2010 (With J. Chung)
28. “Submission to the SFC consultation paper Concerning the Regulatory Oversight of Credit Rating Agencies”, Aug 2010 (With J. Chung and J. Yip)
29. “Submission to the SFC consultation on the Draft Guidelines on Disclosure of Inside Information”, Jun 2010 (With J. Chung and S. Wong)

## 工作语言

英文； 中文