

张东伟 大律师

牛津大学莫德林学院法学硕士（成绩优异）
香港大学法学专业证书（成绩优异）
香港大学法学士（一级荣誉毕业，第一名）
香港大学工商管理学学士（法学）（一级荣誉毕业，第一名）
香港大律师公会大律师奖学金（2016）

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Year Of Call:

2017 (Hong Kong)

Practice Areas: 行政法与公法，仲裁，调解，衡平法，商事法，公司法及清盘，竞争法，建筑和房屋，雇佣及反歧视法，家事法，知识产权法，国际贸易，土地法与规划法，证券法，



张东伟大律师为香港大律师公会奖学金的得奖者。在加入德辅大律师事务所前，张大律师以优异成绩于英国牛津大学取得法学硕士学位，并且在企业破产法范畴中获得最优秀表现奖。张大律师亦为香港大学法学士及工商管理学学士（法学）双学位的一级荣誉毕业生，并在该年度中排名第一。

张大律师一向活跃于有关清盘及破产法的法律工作。值得一提的是，张大律师参与了两宗重要的清盘法案件：**Re CW Advanced Technologies Ltd [2018] 3 HKLRD 552**（与王鸣峰资深大律师同任法庭之友以协助法庭分析涉及清盘法下普通法认可及跨境协助的法律原则）以及**Re CEFC Shanghai International Group Ltd [2020] 1 HKLRD 676**（协同何禄赞大律师提出首个香港法庭在普通法下认可中国内地清盘程序并提供跨境协助的申请）。此外，张大律师亦获霸王集团创办人委聘向霸王国际（集团）控股有限公司的母公司提出清盘呈请。

张大律师亦具有在银行法、土地法、信托法、遗嘱认证法、知识产权法、竞争法、雇佣法、家事法、商业法及公司法等领域的执业经验。近期，张大律师代表当事人在竞争事务审裁处参与了一个为期4周的审讯：**Competition Commission v W Hing Construction Co Ltd and Others [2020] 2 HKLRD 1229; [2019] 3 HKLRD 46; [2018] 5 HKLRD 437**（协同李匡怡大律师处理香港第一个有关瓜分市场、合谋定价及竞争法罚款的案件）。张大律师亦经常参与非正审申请，包括独自申请单方面命令以及紧急禁制令。张大律师能够以中英文提供法律意见及参与聆讯，并曾就香港法向中国内地人民法院提交中文法律意见。

在大律师本业之外，张大律师同时兼任香港大学法律学院的讲师，教授过土地法、物业转易法、商业法以及法律研究等课程。张大律师亦曾多次获邀参与各类型的法律讲座及研讨会。

重要案件

Company and Insolvency

- *Re CW Advanced Technologies Ltd* [2018] 3 HKLRD 552 - Appeared as *amicus curiae* to assist the Court in determining the relevant issues for common law recognition and assistance in cross-border insolvency (led by Dr William Wong SC)
- *Re CEFC Shanghai International Group Ltd* [2020] 1 HKLRD 676 - Appeared for the joint and several liquidators of the company in the first application to Hong Kong Court for recognition of liquidation in Mainland China and cross-border insolvency assistance at common law (with Mr Look-Chan Ho)
- *Re Hsin Chong Construction Co Ltd* [2021] 5 HKLRD 489; HCCW 239/2018 - Supporting the application by the provisional liquidators of the company for a regulating order (led by Mr Daniel Fung SC); opposing West Kowloon Cultural District Authority's application to challenge the voting procedures at the creditors' meeting (led by Mr Douglas Lam SC)
- *Re UIL Hong Kong Ltd* HCCW 205/2019 - Opposing the Petitioner's applications for the appointment of provisional liquidators and for a winding up of the company (as sole advocate)
- *Re Asia Today Ltd* HCCW 76/2020 - Application for the appointment of provisional liquidators (with Mr Look-Chan Ho)
- *Geng Hua Zhong & Another v Li Shu Hon & Another* HCCW 403/2017 - Opposing the 1st Respondent's application to strike out the winding up relief (with Mr John Hui)
- *Re China City Construction (International) Co Ltd* [2019] 3 HKLRD 491 - Opposing the Petitioner's application to convert a creditors' voluntary liquidation into a compulsory liquidation (as sole advocate)
- *Anna Grüter & Others v Reign Digital Creatives Ltd & Another* HCMP 964/2020 - Applications for inspection of the company's documents and for the holding of a general meeting (as sole advocate)
- *Wong Ho Kwan & Another v Hsin Kuang Restaurant (Holdings) Ltd* HCMP 481/2019 - Application for leave to commence statutory derivative action on behalf of Hsin Kuang Restaurant (Holdings) Ltd (led by Mr Douglas Lam SC and with Ms Sabrina Ho)
- Various petitions against private and/or public companies, involving **(1)** inability to pay debts, **(2)** unfair prejudice, **(3)** just and equitable winding up, **(4)** restructuring and/or **(5)** validation orders

Land, Trust and Probate

- *Tse's Brothers Co Ltd v Kinghall Development Ltd & Another* CACV 371, 372, 391 & 392/2018 - Opposing appeals against findings of trust over an industrial unit (led by Mr Jenkin Suen SC)
- *Wong Tin Chee Tinly & Others v Wong To Yick & Another* HCMP 1316/2018 - Application by the beneficiaries to collapse a trust for sale under the rule in *Saunders v Vautier* (with Ms Sabrina Ho)
- *Lee Goo Lynette Siu Yin & Others v Cheung Wai Ming Daisy & Others* HCMP 1836/2017 - Opposing application for removal of executor (led by Mr Douglas Lam SC and with Ms Jacqueline Law)
- *Tsang Yee Kam v Yip Kwun Lun* HCA 608/2014 - Application for a declaration that certain

properties were trust assets held by the Deceased for the benefit of the Plaintiff, and therefore do not form part of the estate of the Deceased administered by the Defendant (with Mr Richard Leung)

- *Sunterly Ltd v The IO of Far East Mansion* HCA 1049/2019 - Opposing the Plaintiff's application for injunction to restrain the IO from carrying out building and construction works of and relating to an escalator at the common parts of the building (as sole advocate)
- *Lam Clansmen Mutual Aid Association Ltd v Lam Kam Loi* HCA 2005/2018 - Application for default judgment on declaratory relief of possessory title acquired by adverse possession (as sole advocate)
- *Wu Kai Wai & Others v Lui Chun Shing & Another* DCCJ 3740/2017 - Application for vacant possession and opposing counterclaim of adverse possession (as sole advocate)
- Various land, property and/or building management cases, involving **(1)** constructive and resulting trusts, **(2)** adverse possession, **(3)** landlord and tenant disputes, **(4)** construction of DMCs and other agreements concerning land and/or **(5)** orders for partition and/or sale under the Partition Ordinance (Cap 352)

Commercial and Tort

- *Raafat Imam v Life (China) Co Ltd & Others* [2018] 4 HKLRD 152 - Opposing on jurisdictional and procedural grounds the Plaintiff's application for a declaration that a civil action funding agreement does not offend the law prohibiting maintenance and champerty (led by Mr Clifford Smith SC and with Ms Sabrina Ho)
- *Citibank NA v Hunter Socks & Apparel International Ltd & Others* HCMP 2063/2016 - Represented Citibank NA in opposing an application for stay of proceedings and enforcing a mortgage for the sum of around HKD 6.8 million (with Mr John Hui)
- *Chief Holdings (HK) Ltd & Another v He Chenguang & Others* HCA 2415/2014 & HCA 414/2015 - Application for an order that the Hong Kong proceedings concerning the return of HKD 270 million be stayed, pending the determination of the Beijing proceedings (led by Dr William Wong SC)
- *Siu Nai Ying & Another v Octagon Workshop Ltd & Others* HCA 375/2019 - Application to strike out various parts of the amended statement of claim against the director of the company (led by Mr Simon Westbrook SC)
- *Lam Kit Ieng v Wise Empire Investments Ltd* HCMP 476/2021 - Application for declaratory relief on cessation of licence agreement (as sole advocate)
- *Li Kuen Kwai Jay & Another v Lok Chun Cheong & Another* DCCJ 1922/2016 - Opposing claims concerning water leakage allegedly caused by the Defendants (with Mr Kaiser Leung)

Injunctive Relief

- *Tang Jialin v Sinopac Securities (Asia) Ltd & Others* HCA 90/2018 - Opposing a co-Defendant's application for Mareva injunction based on alternative causes of action that it will rely upon if and when its defences to the Plaintiff's claims fail (led by Ms Rachel Lam SC)

- *Hiroimi Okada v Tomohiro Okada & Another* HCMP 2446/2017 - Application for interim proprietary injunction to restrain Tomohiro Okada from disposing of or otherwise dealing with the disputed shares valued at around HKD 1.38 billion in Okada Holdings Ltd (led by Mr Charles Sussex SC and with Mr Justin Lam)
- *ADL Express Ltd v A&B Logistics Ltd & Others* HCA 3033/2017 - Application for *ex parte* domestic Mareva injunction in the sum of around HKD 23 million (with Mr John Hui); application for *ex parte* worldwide Mareva injunction (as sole advocate); opposing application for variation of the worldwide Mareva injunction (as sole advocate)
- *Sensing Technology Investment Ltd v Liu Haitao & Others* HCMP 812/2018 - Application for *ex parte* interlocutory injunction to restrain unauthorised individuals from holding out as having the authority of the company (with Mr John Hui)
- *Wang Linping & Another v Huang Keqin & Others* HCMP 632/2012 & HCA 373/2014 - Opposing the 1st Defendant's applications for interlocutory injunction and withdrawal of part of his undertakings given in 2012 (as sole advocate)
- *Chan Chee Tseng Christopher & Another v Chan Hon Tai Jason* DCCJ 6578/2019 - Application for injunction to restrain the Defendant from committing acts of nuisance, intimidation and harassment against the Plaintiffs (as sole advocate)
- Various asset recovery and/or civil fraud cases, involving applications for **(1)** Mareva and/or proprietary injunctions, **(2)** disclosure orders, **(3)** gagging orders and/or **(4)** anonymity orders

Matrimonial

- *CCYL v CCSR* FCMC 15718/2018 - Opposing the Wife's applications for maintenance pending suit and legal costs provision (as sole advocate); opposing the Wife's application for leave to release the Husband's documents filed in the family proceedings for use in the bankruptcy proceedings (as sole advocate); representing the Husband at the Children's Dispute Resolution hearing (as sole advocate)
- *L v W* FCMC 5026/2015 - Application for an immediate taxation of the 1st Intervener's costs (as sole advocate)

Employment

- *Law Ting Pong Secondary School v Chen Wai Wah* [2021] 3 HKLRD 185; HCLA 22/2018 - Opposing the teacher's refusal to make payment in lieu of notice on the grounds that the payment in lieu of notice clause relied upon by the school had been incorporated into the employment agreement and was not an unenforceable penalty clause (as sole advocate)
- *Wong Lan v Yung Kit Ping & Others* HCA 1020/2019 - Application for variation of undertakings on the ground that the 1st to 5th Defendants have resigned from the company (led by Mr Douglas Lam SC and with Ms Sabrina Ho)

Competition

- *Competition Commission v W Hing Construction Co Ltd & Others* [2020] 2 HKLRD 1229; [2019] 3 HKLRD 46; [2018] 5 HKLRD 437 - Acting for one of the parties in the Competition Commission's enforcement action in relation to contravention of the first conduct rule by price fixing and market sharing agreements (with Ms Connie Lee)

Enforcement of Judgment

- *Li Ping Chun v Liang Tonghua & Others* HCA 745/2011 & HCA 2239/2017 - Applications for post-judgment Mareva and proprietary injunctions in the sum of around HKD 15 million (as sole advocate); applications for ancillary disclosure orders and continuation of post-judgment Mareva and proprietary injunctions (as sole advocate)
- *China CITIC Bank Corporation Ltd (Quanzhou Branch) v Li Kwai Chun & Others* HCMP 1408/2017 & HCMP 1439/2017 - Application for stay of execution pending appeal (as sole advocate)
- *Agorai Pte Ltd v Hongkong Yinxan Ltd & Another* HCA 2099/2018 - Application for garnishee order to enforce a money judgment of around HKD 3.3 million (as sole advocate)

Expertise:

奖项

- 香港大律师公会大律师奖学金
- 香港大律师公会沈澄纪念奖学金
- 德辅大律师事务所奖学金
- 牛津大学莫德林学院法学硕士优异奖学金
- 牛津大学莫德林学院香港奖学金
- South Square 企业破产法第一名奖学金
- Baker & McKenzie 商业法第一名奖学金
- Minvie Leung 物业诉讼法第一名奖学金
- 香港建筑法学会奖学金
- LexisNexis 法律研究奖学金
- 香港律师会 Bloomsbury 奖学金
- 中国委托公证人协会奖学金
- 香港特别行政区政府奖学金
- 汇丰海外奖学金
- 中银香港奖学金
- 东亚银行奖学金
- 大新银行奖学金
- 香港证券及投资学会奖学金
- 英国特许管理会计师公会奖学金

- 院长嘉许名单得主
- 其他 15 个由香港大学颁发的奖学金和奖项

职务及任命

- 香港大学法律学院土地法及商业法兼职讲师（2017至今）
- 香港大学附属学院兼职讲师（2018）
- 香港大学法律学院讼辩课程兼职导师（2018至今）
- 香港大律师公会土地、信託及遗嘱认证法委员会委员（2020至今）
- 香港大律师公会竞争法委员会委员（2019至今）
- 香港大律师公会建筑法委员会委员（2019至2021）

著作及讲座

著作

- Hong Kong Civil Procedure (White Book) (contributing editor)
- Bullen & Leake & Jacob's Hong Kong Precedents of Pleadings – Property (Sweet & Maxwell) (with Mr Alan Kwong)
- Bullen & Leake & Jacob's Hong Kong Precedents of Pleadings – Defamation (Sweet & Maxwell) (with Mr John Hui)
- Tort Law and Practice in Hong Kong – Defamation (Sweet & Maxwell) (with Mr John Hui)
- The Annotated Ordinances of Hong Kong – Estate Duty Ordinance (Cap 111) (contributing annotator)
- Lexis Practice Guidance – Dispute Resolution (contributing author)
- Liability for Antitrust Law Infringements & Protection of IP Rights in Distribution – Hong Kong (2019, Springer) (with Ms Catrina Lam and Ms Cherry Xu)
- International Arbitration: Issues, Perspectives and Practice: Liber Amicorum Neil Kaplan – The Mayers Decision (2019, Wolters Kluwer) (with Mr John Scott SC, KC)

讲座

- Seminars and talks were delivered in Hong Kong and/or Mainland China for professional bodies and/or practitioners on, among others, the following legal topics:

(1) Land, trusts and estoppels (2018, 2019)

(2) Adverse possession (2018, 2020, 2021)

(3) Building management (2018)

(4) Directors' duties (2018, 2020, 2021)

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- (5) Minority shareholders' rights (2018, 2020, 2021)
 - (6) Creditors' winding up petitions (2020, 2021)
 - (7) Cross-border insolvency (2022)
 - (8) Injunctions (2018, 2019)
 - (9) Competition law (2018, 2019, 2020, 2021, 2022)
 - (10) Town planning (2023)
 - (11) Interim measures in international arbitration (2017)
 - (12) Recognition and enforcement of judgments and arbitral awards (2019)
 - (13) Costs (2018)

语言

英语、普通话及广东话