

## Eva Leung

B.B.A., The Chinese University of Hong Kong (First Class Honours)

B.A. in Jurisprudence, Oxford University [2012]

PCLL, University of Hong Kong [2013]

### Email Address:

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### Year Of Call:

2014(Hong Kong)

**Practice Areas:** Administrative and Public Law, Arbitration, Chancery, Commercial Law, Company Law and Insolvency, Criminal Law, Intellectual Property, Land & Planning Law, Securities Law, Tax Law, Conveyancing & Property, Public International, Regulatory & Securities, Trust & Probate, Land Law



Eva joined Des Voeux Chambers as a tenant in 2014. She has been involved in a wide range of civil cases, including trusts, land, and public law matters. She is also interested in developing her practice in further the areas of commercial crime and tax.

Prior to obtaining her degree in Jurisprudence from Oxford University in 2012, Eva graduated from the Chinese University of Hong Kong with a Bachelor of Business Administration degree majoring in Economics, with First Class Honours.

Between her legal studies and pupillage, in 2012 and 2013, Eva assisted Mr. David Perry Q.C. in two cases in the United Kingdom Supreme Court, namely **R v Varma** [2012] UKSC 44 (concerning confiscation orders) and **R (Nicklinson) v Ministry of Justice** [2014] UKSC 38 (concerning assisted suicide and euthanasia). She also served as Judge's Marshall for a few months, in the Court of Final Appeal (with the Hon. Ma CJ) and the Court of Appeal (with the Hon. Lam V-P), and the Divisional Court of England and Wales (Royal Courts of Justice) in London (with the Honourable Royce J).

## Expertise:

## Scholarships and Awards

- Charles Ching Memorial Scholarship [2013]
- Swire Scholarships [2007]
- Dean's List, CUHK [consecutive 3 years]

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## Selected Cases

### Public Nuisance/Trespass

- ***Lai Hoi Ping and Another v Unknown Persons***, HCA 2104/2014. Public nuisance injunction (successfully obtained an *ex parte* injunction and continued *inter partes* injunction restraining public nuisance - led by Mr. Johnny Mok S.C. and Mr. José-Antonio Maurellet S.C.)
- ***Best Galaxy v Unknown Persons***, HCA 1731/2016. Trespass and private nuisance injunction (successfully obtained an *ex parte* injunction and continued *inter partes* injunction restraining trespass and private nuisance concerning a piece of land in Fanling - led by Mr. Johnny Mok S.C. and Dr. William Wong S.C.)

### Human Rights

- ***Luk Yuk Han v Hong Kong Housing Authority & The Appeal Panel (Housing)***, HCAL 87/2016 Judicial Review. (Acted for the Housing Authority as sole counsel and successfully resisted an application for leave to apply for judicial review in relation to constitutional rights guaranteed by the Basic Law and the Bill of Rights.)

### Intellectual Property

- ***Acron International Technology Ltd v Chan Yiu Wai and Another***, HCA 1709/2010; CACV 32/2016 ([2017] 3 HKLRD 799); FAMV 13/2018. Employees' Invention. (Appeared as junior counsel in the trial and successfully claimed against a former employee for patent of an invention innovated during the course of her employment; the first Hong Kong trial in this regard; successfully resisted the appeals to the Court of Appeal as well as the application for leave before the **Court of Final Appeal** - led by Ms. Winnie Tam S.C. and Ms. Rachel Lam S.C.)

### Arbitration and Anti-Suit Injunction

- ***Giorgio Armani SpA and Others v Elan Clothes Co Ltd***, CACV 9/2020; [2020] HKCA 384; HCCT 71/2018; [2019] 2 HKLRD 313; [2020] 1 HKLRD 354. On-going arbitration and anti-suit Injunction (successfully obtained the *ex parte* and *inter partes* anti-suit injunction concerning a parallel set of PRC proceedings - led by Mr. Barrie Barlow S.C.; successfully resisted application for change or substitute of expert, with indemnity costs - as sole counsel)

### Company and Commercial Litigation

- ***Re L&A International Holdings Limited***, HCCW 72/2019. Winding-up Petition. (Represented the Petitioners in the Petition and various applications, including validation order, security for costs, etc. - led by Mr. Barrie Barlow S.C.)
- ***China Medical Technologies. Inc. (in liquidation) and Others v Wu Xiadong and Others***, HCA 3391/2016; [2019] HKCFI 1488. *Chabra* injunction. (Successfully dismissed an

inter partes injunction against the Interested Party - with Ms. Teresa Wu)

- ***High Fashion New Media Corporation Ltd v Leong Ma Li and Another***, HCA 1953/2014. Breach of fiduciary duties. (Acted for the company and obtained an *inter partes* injunction for compliance with directors' resolutions - led by Dr. William Wong S.C., JP)
- ***Hansen International Ltd v High Fashion Apparel Ltd & Others***, HCA 1724/2014. Shareholders disputes. (Acted for the company in interlocutory hearings concerning shareholders' dispute - led by Dr. William Wong S.C., JP)

### **Committal Proceedings**

- ***High Fashion New Media Corporation Ltd v Leong Ma Li***, HCMP 108/2016 & 1707/2016. Committal - breaches of undertaking and injunction order (Acted for the company as sole counsel in two related committal proceedings; trials conducted with by Mr. Jonathan Chang S.C.)

### **Land/Property**

- ***Mok Yim Hei v. Hong Kong Housing Authority***, CACV 147/2015 (successfully appealed against Lands Tribunal's judgment concerning quantum of management fees awarded against HKHA - led by Mr. Johnny Mok S.C.)
- ***Yan Caiping v Diamond Dragon Finance Company***, DCCJ 4395/2013. Mortgage action. (appeared as sole trial counsel concerning redemption of property in a mortgage action; judgment pending)

### **Chancery Litigation**

- ***Chung Pui Tong v The Personal Representative Chung Sau Miu (also known as Chung Sau Mui, or Sau Mui Chung), deceased, and Others***, HCA 3150/2016; [2019] HKCFI 2966. Proprietary injunction, Knowing Receipt and Dishonest Assistance. (Successfully applied and continued an inter partes injunction against the Defendants for the disposal of estate properties - as sole counsel)
- ***Highmax Overseas Ltd and Others v Chau Kar Hon, Quinton and Another***, [2014] 3 HKLRD 584. Beddoe Order. (Acted for a trustee company in a Beddoe Order appeal - led by Mr. Douglas Lam S.C.)
- ***Menno Leendert Vos v Global Fair Industrial Ltd and Others***, CACV 281/2009. Knowing Receipt and Dishonest Assistance. (Successfully resisted an appeal by a constructive trustee in a case involving knowing receipt and dishonest assistance - led by Mr. Douglas Lam S.C.)
- ***Global Fair Industrial Ltd v Menno Leendert Vos***, FAMV 7/2015. Knowing Receipt and Dishonest Assistance - factual appeal to the CFA. (Successfully resisted an application for leave to appeal to the **Court of Final Appeal** - led by Mr. Douglas Lam S.C.)

Acting as sole counsel in a resulting/constructive trust proceedings involving the purchase of properties by a business partnership.

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## Revenue/Tax Related

- Various advisory work concerning tax-related litigation or prosecution under the Inland Revenue Ordinance, Cap. 112 (including non-compliance incidents and tax evasion - led by Mr. Chua Guan-Hock S.C., and as sole counsel)
- Advisory work concerning tax-related settlement agreement with the Inland Revenue Department under the Inland Revenue Ordinance, Cap. 112 (including procedural practice and common law issues - led by Mr. Chua Guan-Hock S.C.)

## Matrimonial Proceedings

- **WMY v CSK**. Ancillary Relief (Appeared as junior counsel in the trial for ancillary relief and successfully claimed the relief proposed by the petitioner - led by Mr. Douglas Lam S.C.)

## Regulatory and Securities

- Advised on matters concerning regulations of SFA and HKMA, and anti-money laundry related issues (as sole counsel and with Ms. Rachel Lam S.C.)

## Employment

- Advised on matters concerning trade union (led by Mr. Johnny Mok S.C.)

## Personal Injuries and Employees' Compensation

- **Tsang Sau Yan v Man Shing Cleaning Service Co. Ltd**, DCPI 2757/2012. Personal Injuries Trial. (Appeared as sole trial counsel concerning a personal injuries claim against the employer on vicarious liabilities and negligence.)
- **Chan Kam Wing Johnny v Moy Yuk Ki Caroline & Ors**, DCPI 2859/2014. Personal Injuries Trial. (Appeared as sole trial counsel concerning a personal injuries claim against the occupiers under the Occupiers' Liability Ordinance, Cap. 314 and common law. Case settled during trial with favourable terms.)
- **Wang Jinhong v Anway Limited and MTR Corporation Limited**, DCPI 2789/2015. Expert Evidence. (Appeared as sole counsel and successfully applied for adducing expert evidence concerning psychiatric illnesses.)
- Advised, as sole counsel, on personal injuries and employees' compensation claims including trials and interlocutory matters.

## Languages

English, Cantonese and Mandarin