

## Gary Lam

LLM, Harvard (2006)  
PCLL, University of Hong Kong (2005)  
LLB, University of Hong Kong (2004)  
BBA (LAW), University of Hong Kong (2003)

### Email Address:

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### Year Of Call:

2007 (HK)

**Practice Areas:** Administrative and Public Law, Arbitration, Mediation, Commercial Law, Company Law and Insolvency, Family Law, Intellectual Property, Land & Planning Law, Tax Law, Banking, Conveyancing & Property, Trust & Probate



Gary has his practice mainly in Commercial Law (including Insolvency), Administrative and Public Law, Probate and Lands. He has constantly been involved in high profile big money cases like ***Hui Chi Ming v Koon Wing Yee*** [2023] HKCFI 93 and ***Cheung Kong Property (Business Development) Ltd v Gold Brilliant Investment Ltd & anor*** [2021] HKCFI 603, as well as public-attention drawing judicial reviews like ***China Concrete Company Ltd v Environmental Protection Department & anor*** [2023] HKCFI 211 and ***Tang Chiu Man & anor v Secretary for Justice (for Director of Lands)***, HCAL 68 & 916/2021. He has been recognised as a Leading Junior in Legal 500 and Recommended Junior Counsel in Doyles Guide Leading Estates & Probate Litigation Barristers. He has been appointed as a Deputy District Judge and a Deputy High Court Master every now and then, and has also been appointed as member of the Board of Review, and Chairman of Appeal Tribunal under the Buildings Ordinance.

## Directory Quotes:

Gary Lam is acting in a ongoing shareholder dispute case. '*A first-class litigator with a magnificent commercial sense.*' He is recognised as a Leading Junior for Commercial Disputes.

Legal 500 Asia Pacific HK Bar (2022)

"He is very solid on the law and always provides commercially-minded legal advice." Gary Lam is recognised as a Leading Junior for Commercial Disputes.

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Legal 500 Asia Pacific HK Bar (2021)

## Expertise:

## Memberships & Appointments

- Temporary Deputy Registrar, High Court, September 2022
- Deputy District Judge, July, August, November 2022
- Member of the Board of Review, 2022 - current
- Chairman of Appeal Tribunal, Buildings Ordinance, 2022 - current
- Temporary Deputy Registrar, High Court, June 2020
- Temporary Deputy Registrar, High Court, January 2018
- Member of Torture Claims Appeal Board/Non-refoulement Claims Petition Office, February 2017 - February 2021
- Deputy District Judge, February 2017
- Deputy District Judge, May - Jun 2016
- Member of the Transport Tribunal's Panel, 2015 - current
- Adjudicator of the Immigration Tribunal, 2013 - 2019
- Adjudicator of the Registration of Persons Tribunal, 2013 - 2018

## Selected Cases

### Administrative and public law

- ***China Concrete Company Ltd v Environmental Protection Department & anor*** [2023] HKCFI 211 - one of a series of litigation launched by the Applicant, where Gary acted for the Environmental Protection Department and successfully persuaded the Court to dismiss the Applicant's application for leave to apply for judicial review
- ***Tang Chiu Man & anor v Secretary for Justice (for Director of Lands)***, HCAL 68 & 916/2021 - a judicial review where Gary acts for the Secretary for Justice and the Applicants raise the novel point that the Director of Lands had bad faith and thus even a contractual decision under a Government lease is amenable to judicial review
- ***Secretary for Justice v China Concrete Company Ltd & ors***, HCA 403/2022 - a writ action where Gary acts for Secretary for Justice claiming that the defendants' joint polluting activities constituting public nuisance
- ***Central Harvest Development Ltd v Secretary for Justice***, HCA 2386/2019 - a writ action where Gary acts for the Secretary for Justice in an action commenced by the plaintiff on the terms of a lost grant
- ***Wong Wing Wah v The Collector of Stamp Revenue*** [2022] 1 HKLRD 926, an appeal from refusal of leave to apply for judicial review where Gary acted for the Applicant to argue that proportionality test should be applicable to buyers' stamp duty

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## Commercial

- ***Hui Chi Ming v Koon Wing Yee*** [2023] HKCFI 93 - a 13-day trial where Gary, acting for the Plaintiff (led by Mr Daniel Fung SC), successfully persuaded the Court to find that the defendant criminally intimidated the plaintiff for public listed company shares worth of HK\$135 million dollars and to award HK\$135 million damages with indemnity costs, despite that the defendant had been acquitted of criminal intimidation in criminal trial
- ***Hou Hsiao Bing v China Technology Solar Power Holdings Ltd*** [2021] HKCA 1548, an appeal from the Court's refusal of leave to the appellant to take up a company's ongoing derivative action against its directors, where Gary, acting for the respondent (led by Mr Douglas Lam SC), successfully persuade the Court of Appeal to dismiss the appeal
- ***Wang Fang Fang v China Asia Group (HK) Ltd & anor*** [2022] HKCFI 2109, an appeal from Master's dismissal of the plaintiff's O 14 application, where Gary, acting for the defendant (led by Mr Jonathan Chang SC), successfully persuaded the Court to dismiss the appeal
- ***Cheung Kong Property (Business Development) Ltd v Gold Brilliant Investment Ltd & anor***, HCA 280/2021, an ongoing case where the plaintiff sues the defendants for breach of right of first refusal in respect of an MTR development in Homantin
- ***Agency for Policy Coordination on State Property & ors v Batbold Sukhbaatar & ors***, HCMP 2153/2020, where Gary acted for the plaintiff who was the agent for the government of the Mongolia People's Republic and obtained injunction against its former prime minister and others for suspected corruption
- ***Symphony Partners Ltd v Fullerton Bay Investment Ltd*** [2018] 4 HKLRD 264, an appeal where Gary, acting for the 3rd defendant (led by Mr Charles Manzoni SC), successfully persuaded the Court to dismiss the plaintiff's application for appointment of receiver under the Arbitration Ordinance
- ***Chen Lingxia v China Jingu & ors*** [2019] HKCFI 379; [2019] HKCFI 913, where Gary, acting for defendants (led by Mr Ambrose Ho SC), persuaded the Court to dismiss the plaintiff's action on ground of forum non conveniens
- ***Sea Powerful II Special Maritime Enterprises (ENE) v Bank of China Ltd***, [2016] 3 HKLRD 52; [2016] 1 HKLRD 1032 - where Gary, acting for the defendant (led by Mr YL Wong SC at first instance and Mr Edward Chan SC on appeal), persuaded the Courts to refuse anti-suit injunction on alleged breach of jurisdictional agreement
- ***Richly Bright International Ltd v De Monsa Investments Ltd*** (2015) 18 HKCFAR 232, where Gary, acting for the defendant, argued on the legal point whether assumption of responsibility should have a role in contractual compensation
- ***Fok Chun Yue Benjamin v Yau Wing Co Ltd & another*** [2015] HKCFI 182, where Gary acted for the plaintiff (led by Mr Clifford Smith) in his application for leave to commence derivative action on behalf of the defendant
- ***Winbless Inc v Silver Shadow Co Ltd***, HCCW 369, 370 and 375/2011 - Company law - winding-up petitions against unregistered foreign companies
- ***Joint and Several Liquidators of Faith Dee Ltd v Yip Shu Chee***, HCCW 237/2005 - Insolvency - unfair preference - limitation of actions

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- ***Re Moulin Global Eyecare Holdings Ltd*** (2009) 12 HKCFAR 621, [2010] 1 HKC 90 - Company law - charges

### **Compulsory sale for redevelopment**

- ***First Kind Limited & anor v Liu Keng Chor & anor***, [2016] 3 HKLRD 39 - compulsory sale for redevelopment

### **Adverse possession**

- ***Ngan Cheung Wah v Kwong Shook Ling***, CACV 92/2014, DCCJ 578/2011 - *Adverse possession*

### **Probate**

- ***So Yee Mui v Lam Pui Chi***, CACV 283/2010 - Probate
- ***Estate of Cheng Yung*** [2011] 2 HKLRD 661 - Probate

### **Family**

- ***CYYC v TVKT***, FCMC 14649/2014 - Family - ancillary relief
- ***LPC v CYC***, FCMP 61/201- Provision for dependant2

### **Scholarships and Awards**

- Bar Scholarship (2006)
- Charles Ching Scholarship (2006)

### **Spoken Language**

Cantonese, English, Mandarin