

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:

clam@post.harvard.edu

Year Of Call:

2007 (HK)

Practice Areas: Administrative and Public Law, Commercial Law, Company Law and Insolvency, Chancery, Intellectual Property, Family Law, Tax Law, Mediation, Securities Law, Employment and Anti-Discrimination, Arbitration, Land & Planning Law, Banking, Conveyancing & Property, Employment, Trust & Probate



Gary has a general commercial practice (including insolvency, companies, lands, conveyancing, defamation and intellectual property), contentious probate practice, family practice mainly including ancillary relief and dependents' maintenance and public law practice. His competence and advocacy skills have gained trust and confidence from his solicitors to instruct him (then called to the Bar for less than 8 years) to appear in the Court of Final Appeal in his own right in a substantive appeal in ***De Monsa Investments Ltd v Richly Bright International Ltd*** (2015) 18 HKCFAR 232, about the approach to measuring the quantum of damages in a chain of confirmors' sales where the ultimate purchaser defaulted, followed by defaults of the confirmors all the way up the chain.

Gary also has received the following judicial appointments.

- Temporary Deputy Registrar, High Court (January 2018)
- Deputy District Judge (February 2017)
- Deputy District Judge (May - Jun 2016)
- Deputy Adjudicator of the Small Claims Tribunal (Dec 2014 - Jan 2015)
- Deputy Adjudicator of the Small Claims Tribunal (Dec 2013 - Jan 2014)

As Deputy District Judge, Gary extensively reviewed the law of unjust enrichment on mistake and the defence of change of position in good faith in ***Globenet Droid Ltd v Hong Kong Hang Lung Electronic Co.*** [2016] 3 HKLRD 863, and the defence of tender under the CJR in ***Wong Yau Sui v Moral Accord Ltd*** [2017] HKLRD (to be reported soon); [2017] 2 HKC 303.

Gary is also an accredited mediator.

Expertise:

Memberships & Appointments

- Member of Torture Claims Appeal Board/Non-refoulement Claims Petition Office (February 2017 - current)
- Deputy District Judge (February 2017)
- Deputy District Judge (May-June 2016)
- Deputy Adjudicator of the Small Claims Tribunal (December 2014-January 2015)
- Deputy Adjudicator of the Small Claims Tribunal (December 2013-January 2014)
- Member of the Transport Tribunal's Panel (2015 - current)
- Adjudicator of the Immigration Tribunal (2013 - current)
- Adjudicator of the Registration of Persons Tribunal (2013 - current)

Selected Cases

Lands and contract

- Richly Bright International Ltd v De Monsa Investments Ltd (2015) 18 HKCFAR 232 - Contract law - damages; Land law - title/sale of land
- Join Win Holdings Ltd v City Target Ltd & another, CACV 190/2015

Company and insolvency

- Fok Chun Yue Benjamin v Yau Wing Co Ltd & another, HCCW 3250/2015 - Company law - *derivative action*
- 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*
- Re Moulin Global Eyecare Holdings Ltd (2009) 12 HKCFAR 621, [2010] 1 HKC 90 - Company law - *charges*

Judicial review

- Asia Television Ltd v CE in Council [2012] 3 HKLRD 1 - *Judicial review*
- Mok Charles v Tam Wai Ho (2010) 13 HKCFAR 762, [2011] 2 HKC 119 - *Elections*
- Shek Lai San v SFC & anor [2010] 4 HKC 168 - *Judicial review*

Anti-suit injunction

- Sea Powerful II Special Maritime Enterprises (ENE) v Bank of China Ltd, [2016] 3 HKLRD 52; [2016] 1 HKLRD 1032 - *anti-suit injunction to enforce arbitration agreement*

Remedies

- Globenet Droid Ltd v Hong Kong Hang Lung Electronic Co [2016] 3 HKLRD 863 - *restitution - unjust enrichment*

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 61/2012 - *Provision for dependant*

Compulsory sale for redevelopment

- First Kind Limited & anor v Liu Keng Chor & anor, LDCS 12000, 13000, 14000, 15000 & 21000/2014

Intellectual property

- Tsit Wing (Hong Kong) Co Ltd v TWG Tea Co Pte Ltd [2013] 2 HKLRD 505, [2013] 5 HKC 578 - Intellectual property - *trade marks*

Town planning

- Regal Shining Ltd v Secretary for Justice [2014] 5 HKLRD 832, [2014] 6 HKC 265 - Land law - *town planning*

Inland revenue

- Good Mark Industrial Ltd v Commissioner of Inland Revenue [2014] 2 HKLRD 981, [2014] 4 HKC 401 - *Inland revenue*

Defence of tender

-
- Wong Yau Sui v Moral Accord Ltd [2017] HKLRD (to be reported soon); [2017] 2 HKC 303 - *Defence of tender*

Landlord and tenant

- Chan Po King v Yau Wai Yin [2015] 4 HKLRD 54 - *Landlord and tenant*
- Cheung Shuk Han v Chik Wai Yin [2013] 4 HKC 311 - *Landlord and tenant*

Scholarships and Awards

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

Spoken Language

Cantonese, English, Mandarin