

Kerby Lau

BA (Jurisprudence), University College, Oxford (2010)
BCL, University College, Oxford (2011)

Email Address:

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Year Of Call:

2013 (Hong Kong)

Practice Areas: Chancery, Commercial Law, Company Law
and Insolvency, Trusts & Probate, Administration of Estates



Kerby was admitted to University under the Early Admissions Scheme with a full scholarship and obtained first class honours in his undergraduate degree and his Bachelor of Civil Law degree from the University of Oxford.

He came top at Oxford for chancery law subjects, being awarded prizes for best performance in Trusts Law and Company Law.

Kerby joined Des Voeux Chambers in 2013. His practice has a particular emphasis on advisory and advocacy work involving (i) contentious probate, wills, trusts and estates litigation; and (ii) company and insolvency law. He has provided expert evidence on HK probate and estates law in foreign proceedings. He has also appeared in all levels of court, and argues cases regularly both on his own and as junior counsel.

Kerby has authored and contributed to numerous books and publications, including “Company Law - Powers and Accountability” (2nd Edition) which he co-authored with DVC’s William Wong SC, JP and Dato Loh Siew Cheang in 2017. He is a Contributing Editor to Hong Kong Company Law Cases (2008 - 2019) - published in 2020 by DVC in collaboration with Kluwer and the Hong Kong Civil Procedure (the White Book).

Directory Quotes:

Kerby Lau is noted for his experience in acting high-value probate and trusts cases, often featuring international elements. He is commended as a Rising Star for Family and Private Client.

Legal 500 Asia Pacific HK Bar (2022)

Kerby has been singled out as “one of the few barristers in Hong Kong who focuses on private client and trust law.” He is praised for being “a strong advocate that is well-prepared”, and is commended as a Rising Star in Family & Private Client Law for his trusts and probate expertise.

Legal 500 Asia Pacific HK Bar (2021)

Kerby has been ranked by [Doyle’s Guide 2021 list of Leading Estates & Probate Litigation Barristers in Hong Kong](#) as a leading junior counsel

Doyles Guide (2021)

Kerby has been named in Doyle’s Guide 2020 list of Leading Estates & Probate Litigation Barristers in Hong Kong as a recommended junior counsel

Doyles Guide (2020)

Expertise:

Selected Cases

I. Trusts Probate and Administration of Estates

Re Estate of Au Kong Tim HCAP 7/2010 (CFI); [2018] 2 HKLRD 864 (CA); [2018] HKCFA 61 (CFA)

Junior counsel in probate trial acting for intended beneficiary/executor seeking to propound a will concerning a billion-dollar estate.

Fok Chun Yue Benjamin (in his capacity as a co-executor of the estate of Fok Ying Tung Henry, deceased and in his personal capacity) v. Fok Chun Wan Ian and Ors HCA 2155/2011; CACV 13,16,17/2014

Case involving the multi-billion dollar estate of the late Henry Fok Ying Tung; junior counsel (led by Clifford Smith S.C at first instance and Victor Joffe Q.C on appeal) acting for one of the beneficiaries and appellants

HSBC Trustee (Hong Kong) Ltd v. Alexander Laufer And Others HCMP 2967/2015

Acted for beneficiaries resident in Ireland in a leading case concerning power and duty of an executor to pay for foreign estate duties for a multi-million dollar estate

Vidhya Nativivat and Ors v. Vitoon Nativivat CACV 23/2013

Junior counsel acting for the executor pending grant of probate in a cross-border context, in an appeal relating to a strike out application; main issue concerned standing of executor to commence action before grant of probate

Re Estate of Chan Chung Han (various)

Acted for independent administratrix appointed by Court in proceedings concerning administration of estate and contentious disputes, and litigation concerning the family company

Re Estate of HXZ

Acted for beneficiaries seeking revocation of grant of probate and discretionary grant of letters of administration, concerning a multi-million dollar estate involving large tracts of commercial and agricultural land in PRC and various family companies

Re Lai Suet Ching HCCA 1364/2015

Acted for beneficiaries in a caveat action, involving disputes among siblings as to who should administer the estate of their mother, including the un-administered estate of their father.

Re Estate of Chan Kan Ying HCMP 888/2013

Acted for beneficiaries in a RHC O.85 action seeking to remove the administrator.

Re Estate of Yeung Wai Him HCAP 11/2013

Acted for beneficiary/administrator seeking grant of administration of estate and declaration as to identity of beneficiaries where deceased died domiciled abroad

Wu Wing Ching And Another v. Ding Yufang HCMP 2471/2012

Acted for the administratrix in an administration action in which *inter alia* an account of the Estate was sought

Kwok Shuk Kuen Maria And Another v. Li Wun And Another HCAP8/2011

Junior counsel in probate trial acting for the executors in propounding of a will (involving the Estate of the founder of Shun Hing Hoo)

Lee Lap Yan v. Li Kong On and Others HCAP 24/2014

Acted for beneficiary seeking to propound will and rescind wrongful distributions contrary to the will

Kong Colin Chung Ping And Another v. Kong Wing On And Others HCMP 2045/2012

Acted for the executor in an administration action for *inter alia*, accounts of the Estate (involving the Estate of a co-founder of the On Hong Ning Drug Company)

Re Ngan Chow Wah HCCA 2790/2014

Acted for the beneficiaries of the Estate in a passing over application pursuant to s.36 of the Probate and Administration Ordinance

Re Estate of Soemiati HCAP 10/2018

Acted for beneficiaries striking out action to challenge validity of will

Re Estate of Kwok Wing Fai HCMP 2742/2017

Acted for independent administratrix appointed by Court in proceedings concerning interpretation of a will

Re Estates of Wong Shing Kwong and Poon Pau Chee (various)

Acted for beneficiaries in applications for accounts, removal of administrator, and interlocutory injunctions

Re Yuan Ru Tian HCMP 876/2015

Acted for the beneficiaries seeking vesting order against estate of trustee holding property hold trust

Re Wong Ping Kuen HCCA 2803/2014

Acted for a beneficiary of the Estate in an application for grant of letters of administration heard together with a passing over application pursuant to s.36 of the Probate and Administration Ordinance

Re Estate of Poon Shun Oi HCCA 2837/2017

Acted for beneficiaries seeking discretionary grant of letters of administration

Re Estate of Kwok Mei Lung HCMP 302/2018

Acted for executrix of estate in an application to revoke grant of administration made in favour of spouse of the deceased.

Re Estate of Yuen Sau Wai HCAP 20/2019

Acted for defendant in an application to propound a will involving issues concerning testamentary capacity.

Re Estate of Louie Yuet Lin HCMP 1021/2019

Acted for beneficiary seeking accounts from co-executor who was resident abroad

Re Estate of Lau Tung HCMP 591/2019

Acted for beneficiary in an administration action involving issues concerning remuneration of professional administrator

Re Estate of Hau Ming Sang Johnny HCMP 1947/2019

Acted for beneficiary to seek accounts from administrator and order for sale concerning landed property

Re Estate of Ho Kam Lok HCAP 43/2019

Acted for beneficiary seeking to passover person with priority to grant and to appoint independent administrator

Re Estate of CDLS

Engaged as expert on HK probate law in Australian proceedings concerning the estate of the widow of the late shipping tycoon Robert de la Sala

II. Company law and corporate insolvency

Re Aeso Holding Ltd (various)

Junior counsel acting in a series of different legal proceedings concerning shareholder dispute/board fight over a GEM board company

Akai Holdings Ltd v. v. James Henry Ting and Ors HCCL 42/2005

Case involving one of the largest company liquidations in Hong Kong; junior counsel assisting in discovery application

Re Shiamas International Ltd HCCW 80/2014

Acted for the Petitioner in a winding up petition

Re Hong Kong Mercantile Exchange Ltd HCCW 10/2014

Acted for the supporting creditor in a winding up petition

Re SASCO Asia Limited HCMP 3217/2013; HCMP 3218/2013

Acted for the applicant in applications under s.111 and s.122 of the Companies Ordinance (Cap. 32)

Re Sino Pacific Corporation Ltd HCCW 257/2015

Acted for the company in resisting a petition for winding up.

Ultra Solution Holdings Ltd v. Chan Yui Hang (liquidator of Leco Watch Case Manufactory Ltd) HCMP 1101/2013

Acted for the appellant in an appeal against rejection of proof of debt in excess of \$20 million

Ho Yuk Lun Alan v. Chan Yui Hang (liquidator of Leco Watch Case Manufactory Ltd) HCMP 1013/2013

Acted for the appellant in an appeal against rejection of proof of debt by the company's liquidator

Re SEC (HK) Co. Ltd HCCW 215/2013

Acted for the petitioner in a winding up petition

Re Dragon Concept HK Limited HCCW 434/2012

Acted for the company in a winding up petition at the interlocutory stage

Re LDK Solar Co., Ltd HCMP 2215, 2216, 2218/2014

Junior counsel acting for the company in a multi-jurisdictional scheme of arrangement application

The Joint Administrators of African Minerals Ltd (In Administration) v. Madison Pacific Trust Ltd HCMP 865/2015

Junior counsel acting for secured creditor seeking to resist application for interim cross-border enforcement of administration order granted in the U.K involving cross-border insolvency issues

Re Sing Pao Media Enterprises Limited HCCW 120/2015

Junior counsel acting for a major creditor in an application to appoint provisional liquidators over the holding company of a local newspaper, Sing Pao Daily News

Re Birmingham International Holdings Limited HCMP 395/2015

Junior counsel acting for a significant shareholder in an application to remove receivers appointed over the holding company of an English football club, Birmingham City Football Club

Joseph Ghossoub v. Team Y&R Holdings Hong Kong Ltd And Others HCMP 1074/2015

Junior counsel acting for party to shareholder agreement in an unfair prejudice petition where the issue was whether the petition ought to be stayed in favour of foreign jurisdiction due to jurisdiction clause

III. General civil and commercial cases

Pacific Rainbow International Inc v. Shenzhen Wolverine Tech Ltd And Others HCA 3023/2016

Acted for the plaintiff in obtaining interlocutory and Mareva injunctions against recipients of unauthorized transfers of funds.

Tam Ying Man v. Leung Ka Chun and Ors HCA 2166/2011

Case involving a contractual and property dispute; acted for the 3rd Defendant at the interlocutory stage

TYG Capital Fund (In Liquidation) v. Hilda Hor Yee Chan And Others HCA 1585/2014

Acted for one of the defendants in an application to discharge an interlocutory injunction

X v. Y [2014] 5 HKLRD 823

Acted for the respondent in an interlocutory injunction for protection of privacy

Shanghai Fusheng Soya Food Co Ltd And Another v. Pulmuone Holdings CO HCCT 48/2012

Junior counsel acting for applicants seeking to set aside an arbitration award

Arbitration Case (2013)

Junior counsel acting for the respondent in an arbitration case involving dispute over a PRC loan agreement

Re Allied Treasure Ltd and Millions Horses Trading Ltd BVI HC (Com) Claim Nos:

2013/0123 AND 2013/0124

Instructed to provide legal expert opinion on Hong Kong law (together with John Griffiths SC, CMG, QC) in the context of BVI insolvency proceedings

Re Bank of St. Peterburg OJSC v. Eurocapital Limited and Anor HCMP 399/2015

Acted for a Russian bank to obtain freezing injunctions and receivership order over shares in a Hong Kong Company

Fast Track Holdings Ltd v. Boci Securities Ltd And Others HCA 2480/2016

Acted for company seeking injunctions over bank account and third parties concerning unauthorized trading in shares

Dymocks Franchise Systems (China) Ltd v. Norton Rose Fulbright Hong Kong HCA 613/2015

Junior counsel acting for the defendant in a claim for breach of contractual and tortious duties.

Publications, Lectures and Talks

Books and Publications:

Contributing Editor, *Hong Kong Company Law Cases* (2008 - 2019) - published in 2020 by DVC in collaboration with Kluwer

Co-Author, *Company Law: Powers and Accountability* (2nd ed.); LexisNexis

Contributor, *Atkin's Court Forms Hong Kong*, Chapter on Probate (both contentious and non-contentious)

Contributor, *The Hong Kong Companies Ordinance (Cap. 622): Commentary and Annotations* (2014 ed); Sweet & Maxwell

Contributor, *LexisNexis HK Practical Guidance*, Chapter on Cross-border Estates

Contributor, Hong Kong White Book (2016 - present)

"Should legal advice privilege be confined to natural persons?" (2012) 6 Hong Kong Journal of Legal Studies 17

"Protecting Minority Shareholders: different actions for different wrongs" Journal of the HK Institute of Chartered Secretaries; September 2013

Memberships & Appointments

Legal Consultant, Shanghai Universe Law Firm (2015 - 2017)

Member, Young Barristers' Committee, HK Bar Association (2013-2020)

Part-time lecturer, University of Hong Kong (2012- present)

Deputy Adjudicator, Small Claims Tribunal (November to December 2019)

Scholarships and Awards

Bar Scholarship 2012

Middle Temple Advocacy Scholarship 2013

Haldanes Prize in Litigation 2012

Norton Rose Prize for Best Performance in Company Law in Oxford Law Finals, 2010

5 Stone Buildings Prize for Best Performance in Trusts Law in Oxford Law Finals, 2010

Swire Postgraduate Scholarship 2010 (Full scholarship for Postgraduate Studies, inclusive of living expenses)

University College Prize for Outstanding Performance in Final Honour Schools, 2010

Swire Undergraduate Scholarship 2007-2010 (Full scholarship for living expenses, University and College fees, return tickets to Hong Kong (Only 1 award each year))

University College Scholarship for Distinction in Law Moderations 2008

HKU Foundation Scholarship 2007

Various Mooting Prizes

Language

English

Cantonese

Mandarin