

## **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, and was awarded prizes for best performance in Trusts Law and Company Law.

Kerby completed his pupillage with Mr. Edwin Choy S.C, Mr. William Wong S.C., JP, Mr. Jose Maurellet S.C and Mr. Anson Wong S.C, and became a tenant of Des Voeux Chambers in 2013. He is developing a broad civil and commercial practice. He has a particularly keen interest in matters involving (i) contentious probate, wills, trusts and administration of estates; and (ii) company and insolvency law.

He has appeared in all levels of court, and argues cases regularly both on his own and as junior counsel.

## **Expertise:**

### **Selected Cases**

**Probate and Administration of Estates:**

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

Counsel acting on behalf of beneficiaries in applications for accounts, removal of administrator, and interlocutory injunctions

**Choy Po Chun And Another v. Au Wing Lun And Another HCAP 7/2010 (CFI); [2018] 2**

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**HKLRD 864 (CA); [2018] HKCFA 61 (CFA)**

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

**Fok ChunYuen 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 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

**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 Chan Kan Ying HCMP 888/2013**

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

**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

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

Junior counsel acting for the executor pending grant of probate, in an appeal relating to a strike out application

**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)

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

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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 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**

Acting 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**

Counsel acting on behalf of beneficiaries seeking discretionary grant of letters of administration.

**Re Estate of Huang Xu Zhong HCMP 2493/2017**

Counsel acting on behalf of 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

**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. 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**

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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**

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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

**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

**HKSAR v. Wong Kwok Wai FAMC 49/2013**

Junior counsel acting for the applicant in the Court of Final Appeal proceedings in relation to the interpretation of the Money Lenders Ordinance (Cap. 163)

**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**

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## **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 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**

### **Publications:**

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

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

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

"Should legal advice privilege be confined to natural persons?" (2012) 6 HKJLS 17

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

### **Talks/Academic positions:**

Part-time lecturer, Equity and Trusts, University of Hong Kong (2012-13)

Part-time lecturer, Law of Business Associations, University of Hong Kong (2015 - present)

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Speaker, “Update of the Recent Developments on the law relating to shareholders’ rights” (together with Mr. Anson Wong S.C)

Speaker, “Updates on the law relating to Contentious Probate and Administration of Estates”

## **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**