

## Michael Ng

LL.M., University of Cambridge (First Class)

LL.B., King's College London (First Class)

### Email Address:

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### Year Of Call:

2018

**Practice Areas:** Company Law and Insolvency, Commercial Law, Land & Planning Law, Chancery, Intellectual Property, Arbitration, Construction Law, Administrative and Public Law, Defamation



Michael obtained First Class Honours in both his LL.M. at the University of Cambridge and LL.B. at King's College London. He joined Des Voeux Chambers in 2018 upon completion of his pupillage.

Since joining Chambers, Michael has developed a broad civil practice, with a focus on commercial, company, and insolvency litigation. In particular, Michael has often been instructed to handle shareholder disputes involving, *inter alia*, unfair prejudice claims, winding-up on just and equitable grounds, derivative actions, and applications for injunctive reliefs under s.729 of the Companies Ordinance (Cap 622). He has been instructed to act as counsel for listed companies and state-owned enterprises both in his own right and as a led junior.

Michael has regularly handled commercial injunctions and asset recovery/commercial fraud cases. He has also been involved in cases with a cross-border or conflict of laws element (such as applications for anti-suit injunctions and jurisdictional challenges) and cases concerning property, defamation, and intellectual property. Apart from advocacy work in Court, Michael has handled a range of commercial arbitrations under HKIAC or UNCITRAL rules and related Court applications. Michael accepts instructions for both advocacy and advisory work.

## Expertise:

### Selected Cases

#### Company & Insolvency

- *Re Jutal Offshore Old Services Limited* [2023] 2 HKLRD 242 - application for a final injunction restraining the passing of board resolutions undermining the existing corporate governance structure pursuant to sections 728-730 of the Companies Ordinance (Cap 622) (led by Dr. William Wong SC, JP)

- *Re Ping An Securities Group (Holdings) Limited* [2020] 1 HKLRD 429 - unfair prejudice petition and application under s.729 of the Companies Ordinance (Cap 622) for injunctive reliefs restraining a listed company's proposed rights issue with an estimated net proceeds of over HK\$100 million (led by Dr. William Wong SC, JP, with Mr. Peter Chung)
- *Re Dickson Valora Group (Holdings) Company Limited* [2019] 3 HKLRD 210 - unfair prejudice petition in relation to a joint-venture company for a business in developing a shopping mall and hotel complex in the PRC in cooperation with Walmart, involving resisting **(i)** an application for striking out the unfair prejudice petition on the ground of lack of *locus standi* and **(ii)** an application for stay of the petition in favour of arbitration (led by Mr. Anson Wong SC, with Mr. Alan Kwong)
- *Re Lehman Brothers Asia Holdings Ltd* [2021] 3 HKLRD 769 - appearing on behalf of the Official Receiver in opposition to a bonus payment sought by the liquidator of the Company (led by Dr. William Wong SC, JP)
- *Re L&A International Holdings Limited* [2021] HKCFI 3095 - appearing on behalf of a contributory in a 5-day trial opposing a petition for just and equitable winding-up (led by Mr. José-Antonio Maurellet SC and with Mr. Alan Kwong)
- *Re General Appliance (Holdings) Limited* [2019] HKCFI 1669, [2020] HKCFI 356, [2020] HKCFI 1247 - a petition for unfair prejudice and just and equitable winding-up, involving an application for interlocutory injunction and resisting a striking out application (with Mr. Alan Kwong)
- *Re Winasia Industries Limited* [2019] HKCFI 527 - petition for unfair prejudice and just and equitable winding-up of a company running a business of trading and manufacturing metal and electronics products, involving an application for validation order and indemnity costs order against the petitioner (as sole advocate)
- *Re Founder Information (Hong Kong) Limited* [2021] HKCFI 311 - appearing for a company ultimately owned by the PRC Ministry of Finance to resist a winding-up petition in connection with a series of floating-rate bonds totalling US\$310 million (as sole advocate).
- *Re Wealthy Up Finance Limited* [2019] HKCFI 3137; [2021] HKCFI 401 - appearing for a creditor dismissing a winding-up petition on the ground of abuse of process (as sole advocate); application for non-party costs order (led by José-Antonio Maurellet SC)
- *Re Glory Sky Financial Limited* [2019] HKCFI 2982 - appearing for the petitioner to dismiss the winding up petition and oppose an appeal against a garnishee order absolute, with an application for indemnity costs order (as sole advocate)

## Commercial Arbitration

- Commercial Arbitration - HKIAC Rules - shareholder dispute in relation to the operation of a PRC energy business with over 150 subsidiaries, involving a claim by institutional investors for RMB1,000 million
  - Resisting Court application for appointment of interim receiver, interim injunctions, and

Mareva injunction (led by Dr. William Wong SC, JP, with Mr. Martin Kok)

- Application to the Arbitral Tribunal for security for costs (led by Mr. Nicholas Vineall QC, with Mr. Martin Kok)
- Commercial Arbitration - UNCITRAL Rules - intellectual property dispute in relation to breaches of licence agreement of technologies used in the manufacture of central process units (with Mr. Philips Wong)
- Commercial Arbitration - HKIAC Rules - Chinese contractual dispute in relation to the operation of a wharf business in the PRC, involving a claim of over RMB17 million and a counterclaim of over RMB35 million (as sole advocate)

## Commercial Injunctions

- *Smart Edge Limited (Receivers and Managers Appointed) v Lun Hau Mun & Ors* [2020] HKCFI 1900 - resisting an application for a mandatory injunction against directors for delivery up of the Company's assets, involving disputes over the validity of the receivers' appointment under a Mezzanine facility and senior secured notes in the total value of over HK\$10 billion (led by Dr. William Wong SC, JP)
- *China Travel Logistics and Trading Hong Kong Ltd v China Travel Hip Kee Godown Hong Kong Ltd* [2021] HKCFI 1427, [2022] HKCFI 2510 - application for an injunction on behalf of a company ultimately owned by the State Council restraining the Defendant from, *inter alia*, interfering with its quiet enjoyment of 2 Godowns in Hung Hom based on an express/implied periodic tenancy and proprietary estoppel (led by Mr. Ambrose Ho SC, with Mr. Johnny Ma)
- *Sky Motion Holdings Limited v China Create Capital Limited* [2021] HKCA 875, [2019] HKCFI 2408, [2021] HKCFI 54, [2021] HKCFI 405 - **(i)** Application for a *Mareva* injunction up to the value of HK\$500 million and a proprietary injunction in connection with a dispute over the sale and purchase of shares in and senior secured notes issued by a listed company (as the sole advocate at the *ex parte* hearing; with Mr. Patrick Chong at the *inter partes* hearing); and **(ii)** Appeal against refusal to grant summary judgment (with Mr. Patrick Chong)
- *Jin Jiang Investment Ltd & Anor. v. 深圳市威廉金融控股有限公司 & 32 Ors* [2022] HKCFI 378 - Application for a *Mareva* injunction up to the value of HK\$1,029 million for a claim of commercial fraud and resisting application for variation of the injunction (with Mr. Patrick Chong and Mr. Brian Fan)
- *Dickson Valora Group (Holdings) Co Ltd & Anor. v Fan Ji Qian* [2019] 2 HKLRD 173, [2019] HKCFI 2953 - **(i)** Resisting application for a quasi-contractual anti-suit injunction (led by Mr. Anson Wong SC, with Mr. Alan Kwong); and **(ii)** resisting application for indemnity costs for a successful quasi-contractual anti-suit injunction (as sole advocate)
- *Plain Sail Holdings Limited & Anor. v Lau Wing Yan* [2020] HKCFI 653 - application for an antisuit injunction to restrain Panamanian proceedings on grounds of unconscionability (led by Mr. Ambrose Ho SC)
- *Fan Yuxi v. Linbiao Tang and Ors* [2021] HKCFI 2652, [2021] HKCFI 3598 - **(i)** Application for

a Mareva/proprietary injunction for a sum of around US\$2.5 million; **(ii)** resisting an application to set aside default judgment, involving issues of illegality in the context of bona fide purchaser and change of position defences; and **(iii)** resisting an application for stay of execution pending appeal (as sole advocate)

- *Dragon Access Holdings Ltd v. Estate Generation Group Ltd and Ors* [2021] HKCFI 2360 - Application of an interlocutory injunction restraining the sale of a landed property based on an equitable lien for a claim of HK\$36,800,000 (as sole advocate)
- *Biel Crystal (HK) Manufactory Ltd v U-Borne Environmental Ltd & Anor* [2021] HKCFI 2097 - **(i)** Application for an injunction restraining the disposal of stolen property; and **(ii)** application for summary judgment in respect of a claim for *inter alia* breach of contract and confidence (as sole advocate)
- *General Appliance (Hong Kong) Ltd v Friendship Investments Ltd* [2019] HKCFI 631 - resisting an application for a mandatory injunction for delivery up of title deeds (with Mr. Alan Kwong)
- *BRM Mobilier SAS (In Liquidation) v Yee Kok-Siong & Titans Genesis Limited* [2019] HKCFI 1324 - application for Mareva/proprietary injunctions against second-level recipients of proceeds of an international fraud (as sole advocate)

## General Commercial

- *China Baoli Technologies Holdings Ltd & Ors v Orient Equal International Group Ltd & Ors v Lantau Holdings Ltd & Ors* [2019] HKCFI 288 - resisting application for payment of fortification for an injunction out of court, involving issues concerning authority, res judicata, and foreign law (led by Dr. William Wong SC, JP)
- *HEC Finance 03 Ltd v Chen Jiarong & Anor* [2019] HKCFI 2840 - resisting summary judgment application to enforce a guarantee for a HK\$300 million loan, involving the legal issue of non-disclosure of unusual features/arrangements in the context of guarantee (led by Dr. William Wong SC, JP, with Mr. Martin Kok)
- *Chan Kai Yan & Anor. v Leung Chi Kit & Ors* [2019] HKCFI 1828 - resisting application for striking out the action on the ground of, *inter alia*, reflective loss (led by Dr. William Wong SC, JP, with Mr. Alan Kwong)
- *Choi Lisa Mei Yin v Yau Pak Kin* [2019] HKCA 812 - civil appeal against the finding of forgery (led by Ms. Audrey Eu SC, with Mr. Alan Kwong)
- *Glory Sky Finance Limited v Chen Jianhua & Anor* [2022] 4 HKLRD 611 - resisting appeal against a decision made in taxation proceedings, involving the application of the statutory regime concerning setting aside taxation decision introduced after CJR (as sole advocate)
- *Air Charter Service (HK) Ltd v 美拓国际物流(上海)有限公司* [2021] HKCFI 56, [2020] HKCFI 2863 - trial of a claim for breach of an air charter contract (as sole advocate)
- *Euro Search (Hong Kong) Ltd v Snow Lake Capital (HK) Ltd* [2018] HKCFI 2292 - resisting application for indemnity costs (as sole advocate)
- *Alpha Financial Press Ltd v Shanghai Dazhong Public Utilities (Group) Co, Ltd.* [2020] HKCFI

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1505 - resisting summary judgment application arising out of a contractual claim (as sole advocate)

- *Lam Lai Hung & Anor. v Wang Chien Wei* [2020] HKDC 1034 - application for summary judgment based on a share purchase agreement (as sole advocate).
- *Choi Chee Ming & Anor. v Leclecq Yu Mi* [2019] HKDC 414 - resisting application for discharging Warrant of Distress in a distraint action (as sole advocate)

## Scholarships and Awards

- SCLHK Scholarship (2018)
- Corpus Christi College Cambridge Postgraduate Law Prize (2017)
- Jessica Learmond-Criqui Prize for Labour Law (2015)
- Associateship of King's College (2015)

## Publications, Lectures and Talks

- Contributing Annotator of The Annotated Ordinances of Hong Kong: Broadcasting (Miscellaneous Provisions) Ordinance (Cap 391); Estate Duty Ordinance (Cap 111)
- "Minority Shareholders' Remedies: Jurisdictional Issues and Case Update" (2019) CPD Seminar (with Mr. Vincent Chiu)
- "Recent Updates on Company and Insolvency Law" (2018) CPD Seminar (with Mr. Look Chan Ho and Ms. Rosa Lee)
- "Property Litigation: Constructive Trust, Proprietary Estoppel, and Adverse Possession" (2019) CPD Seminar (with Mr. Alan Kwong)

## Spoken Language

English, Mandarin and Cantonese