

## **Patrick Fung BBS, SC, QC, FCIArb**

LL.B. (Hons.)(Lond.)

Fellow of the Chartered Institute of Arbitrators

### **Email Address:**

pfungsc@netvigator.com

### **Year Of Call:**

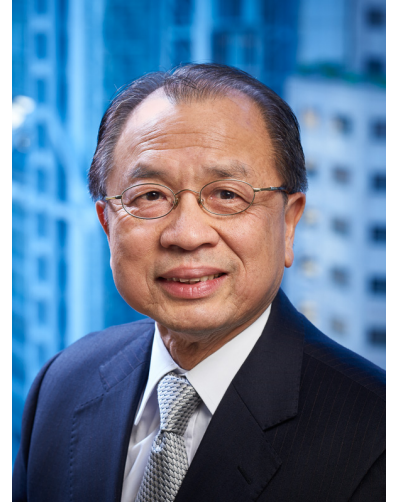
1968 (England and Wales)

1970 (Hong Kong)

1995 (Hong Kong Inner Bar)

1995 (Singapore Bar)

**Practice Areas:** Arbitration, Mediation, Chancery, Commercial Law, Company Law and Insolvency, Land & Planning Law, Securities Law, Common Law, Liquidation and Receivership, Real Property, Compulsory Sale for Redevelopment, Conveyancing, Probate and Trust, Charities, New Territories Law, Chinese Law and Custom, Administrative Law, Town Planning



Patrick Fung has been in practice at the Bar for over 40 years and at the Inner Bar for over 20 years.

In the course of his career, he has dealt with a great variety of cases involving many branches of the law, spanning over fields of common law, company and commercial law, liquidation and receivership, real properties, trust, probate and charities, Chinese law and custom and New Territories law, judicial reviews etc. and has taken part as Counsel in public inquiries such as the Hong Kong University Inquiry (2000) and the Hong Kong Institute of Education Inquiry (2007) both investigating into allegations of interference with academic freedom.

He is a general litigation lawyer and is skilled in dealing with cases involving the use of English and Chinese (Cantonese and Putonghua) the number of which has increased considerably in the Courts since the Handover in 1997. He is particularly well-known for handling Chancery cases, especially conveyancing, trust, probate and companies cases. He also appears often in the Lands Tribunal conducting cases under the Land (Compulsory Sale for Redevelopment) Ordinance 545.

Besides acting as an advocate, he is also experienced in performing judicial and semi-judicial functions. He was a Recorder of the Court of First Instance of the High Court from 2006 to 2014. He had presided over appeals to the Inland Revenue Board of Review, the Securities and Futures Appeal Tribunal, the Appeal Tribunal (Buildings) and the Town Planning Appeal Board for many years. He also acts as an Arbitrator from time to time and is on the HKIAC Panel of Arbitrators. He still sits as a Deputy High Court Judge from time to time.

## Expertise:

### Selected Cases

#### As Counsel

- CACV 196/1999 Date: 20/10/1999  
**Brain Future Limited v. Century Crown Limited** [1999] HKCU 1341 C.A.
- HCA 1216/2006 (17/08/2006) and CACV 347/2006 (13/11/2007)  
**Mandecly Limited and another v. Hao Wei and others** [2006] HKCU 1395 and [2007] HKCU 1865
- HCAL 121/2006 Date: 22/12/2006  
**Lam Ping Cheung Andrew v. The Law Society of Hong Kong**
- HCA 344/2007 Date: 11/01/2008  
**China Merchants Kin Swiss Transportation Co. Ltd. and another v. Treasure Wise Limited and others** [2008] 4 HKLRD 9
- CACV 66/2008 Date: 18/07/2008  
**China Merchants Kin Swiss Transportation Co. Ltd. and another v. Treasure Wise Limited and others**
- HCA 344/2007 Date: 20/11/2008  
**China Merchants Kin Swiss Transportation Co. Ltd. and another v. Treasure Wise Limited and others** [2009] 2 HKLRD 462
- HCA 1768/2009 Date: 22/01/2010  
**Sun Lee Kyoung Sil v. Jia Weili** [2010] 2 HKLRD 30 and [2010] 2 HKC 117
- HCA 766/2008 Date: 10/03/2010  
**Lee Tak Yee v. Lee Tak Yan and others**
- HCAP 7/2008 Date: 01/12/2010  
**So Yee Mui and others v. Lam Pui Chi**
- HCA 421/2010 Date: 27/01/2011  
**Wang Mei Na v. Tang Mu Lien alias Julie Tang and others**
- HCCT 41/2010 Date: 12/04/2011  
**Gao HoiYan and another v. Keeneye Holdings Limited and another**
- HCA 2155/2011 Date: 03/01/2014  
**Fok Chun Yue Benjamin v. Fok Chun Wan Ian and others**
- FACV 9/2014 Date: 18/05/2015  
**Chinachem Charitable Foundation Ltd v. The Secretary for Justice and others**; Reported in : (2015) 18 HKCFAR 169
- LDCS 5000 and 6000/2013 Date: 12/06/2015  
**Cheer Capital Ltd v. Unibase Investment Ltd and others**
- CACV 61/2015 and CACV 110/2015 Date: 16/03/2016  
**Group Leader Limited and another v. Hui Sun Fat and Leung Chun Ha and another**

## As Recorder

- HCA 1194/2010 Date: 15/11/2012  
(upheld by Court of Appeal in CACV 275/2012 and Court of Final Appeal in FACV 7/2015)  
**Chau Hoi Shuen, Solina Holly v. Seec Media Group Limited**
- HCA 3291/2003 Date: 18/12/2013  
(upheld by Court of Appeal in CACV 10/2014 and Court of Final Appeal in FAMV 49/2016)  
**Waddington Ltd v. Chan Chun Hoo Thomas and others**

For other cases conducted by Patrick Fung S.C. as Counsel or decided by him as Recorder, please visit the Judiciary Website at

<http://legalref.judiciary.gov.hk/lrs/common/ju/judgment.jsp> or

<http://www.lexisnexis.com.hk> and use the “Advanced Search” function for a list of the cases in which the name “Patrick Fung S.C.” or “Patrick Fung” has appeared.

## **Memberships & Appointments**

- Hon. Secretary of the Hong Kong Bar Association (1975)
- Member of the Panel of Performing Right Tribunal and later the Performing Right Tribunal (1980 - 1991)
- Member of the Air Transport Licensing Authority (1981 - 1987)
- Member of the Law Reform Commission of Hong Kong - Sub-Committee on Control of Exemption Clauses (1983 - 1986)
- Member of the Barristers Disciplinary Tribunal Panel (1993 - 2003)
- Stock Exchange of Hong Kong Limited - Member of Listing Committee and Member of Working Party on Corporate Governance (1994 - 1996)
- Member of Advisory Committee on Chinese Translation of the Listing Rules of the Stock Exchange (1995 - 1996)
- Deputy High Court Judge (1996)
- Chairman of the Mandatory Provident Fund Schemes Appeal Board (1999 - 2005)
- Chairman of the Occupational Retirement Schemes Appeal Board (2000 - 2006)
- Deputy Chairman of the Inland Revenue Board of Review (2001 - 2006)
- Member of the Environmental Impact Assessment Appeal Board Panel (2001 - 2007)
- Deputy Chairman of the Takeovers Appeal Committee (2002 - 2003)
- Deputy Chairman of the Securities & Futures Appeal Panel (2003 - 2006)
- Chairman of the Appeal Tribunal Panel (Buildings) (2003 - 2010)
- Member of the Antiquities Advisory Board (2005-2010)
- Deputy Chairman of the Town Planning Appeal Board Panel (2005-2011)
- Recorder of the Court of First Instance of the High Court (2006 - 2014)
- Chairman of Unsolicited Electronic Messages (Enforcement Notices) Appeal Board (2007 - 2013)

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- Deputy Chairman of Review Body on Bid Challenges (2008 - 2013)
  - Member of the Beijing Municipal Committee of the Chinese People's Political Consultative Conference (10th and 11th Sessions)

## **Languages**

English, Cantonese, Putonghua