

Richard Leung JP

LLB (Hons) Manchester Metropolitan University (UK)
MA in Accounting and Finance, University of Lancaster(UK)

Email Address:

richardleung@dvc.com.hk

Year Of Call:

1994 (England and Wales)
1994 (Hong Kong)

Practice Areas: Mediation, Arbitration , Construction Law,
Commercial Law, Company Law and Insolvency,
Competition Law, Chancery, Land & Planning Law,



Richard joined the legal profession in 1994 after an extensive foray into the world of accounting. He brings together resourcefulness, energy and years of senior level experience at KPMG and Hutchison Paging Ltd to his legal practice - and has now been at the Bar for over 20 years. He specialises in commercial law, company law, construction, arbitration and civil law. His business acumen and thought-out advice has resulted in a healthy list of predominantly local clientele.

Richard has been involved in a slew of cases, which range from contentious estate duty matters to shareholder/director conspiracy.

His company law and civil expertise is augmented not only by his accounting background but also by his leading arbitration and Company Secretaryship credentials. Richard is a Chartered Arbitrator and Accredited Mediator. He was a Past President of the Hong Kong Institute of Chartered Secretaries (2006) and a Past Chair of the Chartered Institute of Arbitrators (East Asia Branch) (2015/16 and 2016/17).

On 1 July 2018, he was appointed Justice of the Peace.

Expertise:

Selected Cases

- Heung Kiu Chow v CIR [1997] HKLRD 743. A case which involved the strict definition of matrimonial home and whether a person could have more than one home as well as the important distinctions between occupying and residing.
- Lee Shing Yu Construction v Architectural Services Department [2001] 1 HKLRD 715. This case turned on whether or not the demerit point system managed by the ASD (to assess performance of government approved contractors) was amenable to judicial review.

- *China Everbright IH Pacific v Ch'n Poh* [2002] 5 HKCFAR 630. This case involved a suit brought by a company against its former shareholders, seeking remedies for breach of fiduciary duties.
- *Graceful Mark v CIR* [2005] 4 HKLRD 527. This was a case that involved estate duty and whether or not certain arrangements made prior to the deceased's death amounted to a sham.
- *Man Po Lo Paul v Cheung Kang Wah* [2007] 1 HKLRD 751. This case considered disputes between majority and minority shareholders and laid down the criteria used by the majority shareholders to strike out a winding up petition sought by the minority shareholders based upon relevant sections in the Companies Ordinance.
- *Ngai New Fung v Cheung Kwai Heung* [2008] 2 HKC 111. This case concerned the doctrine of *res judicata* and the circumstances amounting to an abuse of process in re-litigation.

Memberships and Appointments

- Director of the Financial Dispute Resolution Centre
- Fellow Member of the Hong Kong Institute of Chartered Secretaries (1995)
- Fellow Member of the Chartered Association of Certified Accountants (1995)
- Fellow Member of the Hong Kong Institute of Certified Public Accountants (1997)
- Past President of the Hong Kong Institute of Chartered Secretaries (2006)
- Former Councilor representing HK and China Division in the International Council of the Institute of Chartered Secretaries and Administrators (2008-2009)
- Chartered Arbitrator of the Chartered Institute of Arbitrators (2009)
- Past Chair of the Chartered Institute of Arbitrators (East Asia Branch) (2015/16 and 2016/17)
- Accredited Mediator (General Commercial) of the Mediation Council of the HKIAC
- Arbitrator (HKIAC, AIAC, SCIA, SHIAC, TJAC, FDRC) the HKIAC
- Presiding Member of the Guardianship Board (2007-2013)
- Adjudicator of the Registration of Persons Tribunal (2007-2013)
- Member of the Board of Review (2006-2016)
- Chairman of the Appeal Board for the Hotel and Guesthouse Accommodation (2012-2018)
- Chairman of the Appeal Board for the Clubs (safety of Premises) (2012-2018)
- Chairman of the Appeal Board for Bedspace Apartments (2012-2018)
- Member of the Obscene Articles Tribunal (since 2012)
- Chairman of the Appeal Tribunal Panel (Building Ordinance) (2018-2021)
- Member of the Disciplinary Board Panel, Land Survey Ordinance (2019-2021)

Publications, Lectures and Talks

- Asian Dispute Review - "A Case for Probate Mediation in Hong Kong" - October 2005.
- A presenter in various seminars about company law covering capital reduction, scheme of arrangement, privatization and corporate governance as well as taxation topics before the Board of Review