

Tommy Cheung

BCL (Distinction), Magdalen College, University of Oxford
PCLL (Distinction), University of Hong Kong
LLB & BBA(Law) (First Class Honours, First in Year),
University of Hong Kong
Bar Scholar (2016)

Email Address:

tommycheung@dvc.hk

Year Of Call:

2017 (Hong Kong)

Practice Areas: Administrative and Public Law, Arbitration, Construction Law, Chancery, Commercial Law, Company Law and Insolvency, Competition Law, Employment and Anti-Discrimination, Family Law, Intellectual Property, Mediation, Securities Law, Land & Planning Law, International Trade, Banking and Finance, Bankruptcy, Defamation, Regulatory, Wills, Probate and Administration



Tommy Cheung is a Bar Scholar. Prior to joining Des Voeux Chambers, he obtained his BCL (Distinction) from the University of Oxford, ranking first in corporate insolvency law. He also received First Class Honours in his LLB and BBA(Law) (Majoring in Accounting) from the University of Hong Kong, ranking first in his year for both degrees.

Tommy has actively worked on insolvency and bankruptcy matters. Notably, he appeared as junior counsel in two milestone decisions in insolvency law: **Re CW Advanced Technologies Ltd** [2018] 3 HKLRD 552 (as *amicus curiae*, on issues to consider for common law recognition and assistance of a moratorium granted by a foreign Court, led by Dr William Wong SC) and **Re CEFC Shanghai International Group Ltd** HCMP 2295/2019 (the first application to Hong Kong Court for recognition of liquidation in Mainland China and cross-border insolvency assistance at common law, with Mr Look-Chan Ho). He was also instructed by a co-founder of the BaWang Group as sole counsel to present a petition to wind up the parent company of BaWang International (Group) Holding Limited.

Moreover, Tommy has handled cases concerning banking, land, trusts, probate, intellectual property, competition, employment, commercial and companies. Recently, he acted for one of the parties in the second enforcement action brought before the Competition Tribunal (with Ms Connie Lee): **Competition Commission v W Hing Construction Co Ltd and Others** [2019] 3 HKLRD 46; [2018] 5 HKLRD 437. He is also regularly instructed to appear in interlocutory applications, including applications for *ex parte* orders and urgent injunctions as sole counsel. He is able to provide written submissions and conduct hearings in both English and Chinese, and has previously prepared Chinese opinions on diverse aspects of Hong Kong laws for use in the People's Courts in Mainland China.

Outside of his practice, Tommy is a part-time lecturer at the Department of Law of the University of Hong Kong, teaching land law, conveyancing, commercial law and legal research & writing. He also routinely gives seminars on recent developments in civil and commercial laws.

Expertise:

Selected Cases

Company and Insolvency

- *Re CW Advanced Technologies Limited* [2018] 3 HKLRD 552 - Appeared as *amicus curiae* to assist the Court in determining the relevant issues for common law recognition and assistance of a moratorium granted by a foreign Court of a jurisdiction not being the company's place of incorporation (led by Dr William Wong SC)
- *Re CEFC Shanghai International Group Limited* HCMP 2295/2019 - Appeared for the joint and several liquidators of the company in the first application to Hong Kong Court for recognition of liquidation in Mainland China and cross-border insolvency assistance at common law (with Mr Look-Chan Ho)
- *Re Prosperous GlobalChina Holding Limited* HCCW 279/2018 & HCMP 1374/2018 - Winding up petition on the ground of inability to pay debt in the sum of around GBP 7.5 million; unfair prejudice and just and equitable winding-up petition (with Mr Gary Lam)
- *Geng Hua Zhong and Another v Li Shu Hon and Another* HCCW 403/2017 - Opposing the 1st Respondent's application to strike out the winding up relief (with Mr John Hui)
- *Re China City Construction (International) Co Limited* [2019] 3 HKLRD 491 - Opposing the Petitioner's application to convert a creditors' voluntary liquidation into a compulsory liquidation (sole advocate)
- *Re UIL Hong Kong Limited* HCCW 205/2019 - Opposing the Petitioner's applications for the appointment of provisional liquidators and for a winding up of the company (sole advocate)
- *Wong Ho Kwan and Another v Hsin Kuang Restaurant (Holdings) Limited* HCMP 481/2019 - Application for leave to commence statutory derivative action on behalf of Hsin Kuang Restaurant (Holdings) Limited (led by Mr Douglas Lam SC and with Ms Sabrina Ho)
- *Re Sun Fung Timber Company Limited* HCCW 313/2017 - Winding up petition on the ground of inability to pay debt arising from a PRC arbitration award in the sum of around RMB 52 million (with Ms Sabrina Ho)
- *Re Fortune Station Limited* HCCW 410/2017 - Unfair prejudice and just and equitable winding-up petition against the parent company of BaWang International (Group) Holding Limited (sole advocate)
- *Re MoNi Studio Interactive Design Limited* HCCW 270/2018 - Opposing unfair prejudice and just and equitable winding-up petition (sole advocate); application for validation order (sole advocate)
- *Re Freeman FinTech Corporation Limited* HCCW 140/2019 - Application for validation order

(sole advocate)

- *Re China Energy Holdings (HK) Limited* HCCW 310/2017 - Opposing application for validation order (sole advocate)
- *Re Bloom Property Development and Investment Limited* HCCW 38/2018 - Application for joinder of parties (with Mr Richard Leung)

Land, Trust and Probate

- *Wong Tak Man Stephen v Chang Ching Wai and Another* [2017] 5 HKLRD 758 - Application for a declaration that co-owners shall be jointly and severally liable under S34 of the Building Management Ordinance (Cap 344) for all the debts and liabilities of the incorporated owners in the sum of around HKD 3.6 million upon its winding up (led by Dr William Wong SC)
- *Wong Tin Chee Tinly and Others v Wong To Yick and Another* HCMP 1316/2018 - Application by the beneficiaries to collapse a trust for sale under the rule in *Saunders v Vautier* (with Ms Sabrina Ho)
- *Lee Goo Lynette Siu Yin and Others v Cheung Wai Ming Daisy in her capacity as executor of the estate of Li Sing Kui and Others* HCMP 1836/2017 - Opposing application for removal of executor (led by Mr Douglas Lam SC and with Ms Jacqueline Law)
- *Tsang Yee Kam v Yip Kwun Lun, the executor of the estate of Yip Shing, Deceased* HCA 608/2014 - Application for a declaration that certain properties were trust assets held by the Deceased for the benefit of the Plaintiff, and therefore do not form part of the estate of the Deceased administered by the Defendant (with Mr Richard Leung)
- *Sunterly Limited v The Incorporated Owners of Far East Mansion* HCA 1049/2019 - Opposing the Plaintiff's application for injunction to restrain the Incorporated Owners from carrying out building and construction works of and relating to an escalator at the common parts of the building (sole advocate)
- *Mak Kam Chiu v The Incorporated Owners of Fu Ming Court* CAMP 196/2019; LDBM 204/2017 - Opposing the Incorporated Owners' strike-out applications on the grounds that there was neither abuse of process nor *res judicata* despite the concluded proceedings in the Small Claims Tribunal (sole advocate)
- Various land, property and building management cases, involving **(1)** constructive and resulting trusts, **(2)** adverse possession, **(3)** landlord and tenant disputes, **(4)** construction of DMCs and **(5)** orders for partition and/or sale under the Partition Ordinance (Cap 352)

Competition

- *Competition Commission v W Hing Construction Co Ltd and Others* [2019] 3 HKLRD 46; [2018] 5 HKLRD 437 - Acting for one of the parties in the Competition Commission's enforcement action for alleged contravention of the first conduct rule by price fixing and market sharing agreements (with Ms Connie Lee)

Employment

- *Chen Wai Wah v Law Ting Pong Secondary School* HCLA 22/2018 - Opposing the teacher's appeal on the grounds that the payment in lieu of notice clause relied upon by the school had been incorporated into the employment agreement and was not an unenforceable penalty clause (sole advocate)
- *Wong Lan v Yung Kit Ping and Others* HCA 1020/2019 - Application for variation of undertakings on the ground that the 1st to 5th Defendants have resigned from the company (led by Mr Douglas Lam SC and with Ms Sabrina Ho)

Civil and Commercial

- *Raafat Imam v Life (China) Company Limited and Others* [2018] 4 HKLRD 152 - Opposing on jurisdictional and procedural grounds the Plaintiff's application for a declaration that a civil action funding agreement does not offend the law prohibiting maintenance and champerty and/or falls within the recognised exception relating to access to justice (led by Mr Clifford Smith SC and with Ms Sabrina Ho)
- *Citibank NA v Hunter Socks & Apparel International Limited and Others* HCMP 2063/2016 - Represented Citibank NA for resisting an application for stay of proceedings and enforcing a mortgage for the sum of around HKD 6.8 million (with Mr John Hui)
- *Chief Holdings (HK) Limited and Another v He Chenguang and Others; Beijing Shen Tong Cultural Club Limited v Chau Chung Kai and Another* HCA 2415/2014 & HCA 414/2015 - Application for orders that the Hong Kong proceedings concerning the return of HKD 270 million be stayed, pending the determination of the Beijing proceedings (led by Dr William Wong SC)
- *Million Decade Limited v Tung Fai; Top Ample Limited v Tung Fai; Tung Fai v Wei Dong* HCA 1062, 1063 & 1660/2013 - Opposing strike-out applications on the grounds that there was neither abuse of process nor *res judicata* despite the concluded proceedings in the BVI (with Ms Connie Lee)
- *Li Kuen Kwai Jay and Leung Wing Tung Lilian v Lok Chun Cheong and Chung Kit Chu* DCCJ 1922/2016 - Acting for the Defendants in a water leakage trial (with Mr Kaiser Leung)
- *Siu Nai Ying and Another v Octagon Workshop Limited and Others* HCA 375/2019 - Application to strike out various parts of the amended statement of claim against the director of the company (led by Mr Simon Westbrook SC)
- *Wah Sun Hong Limited v Wong Lee Yuk Ping Agnes* HCA 333/2016 - Application for leave to amend amended statement of claim to include pleas of inconsistent alternatives (led by Mr Douglas Lam SC)
- *Chan Yeuk Ping v Wang Wei Ming* HCMP 1744/2016 - Opposing the Defendant's application to set aside a Court order on irregularity of service (with Mr Richard Leung)
- *A v B* HCMP 1050/2019 / *A v B* DCMP 3673/2019 - Applications for gagging order, anonymity order and Norwich Pharmacal order in an email fraud context (sole advocate)

Injunctive Relief

- *Tang Jialin v Sinopac Securities (Asia) Limited and Others* HCA 90/2018 - Opposing a co-defendant's application for Mareva injunction based on alternative causes of action that it will

rely upon if and when its defences to the Plaintiff's claims fail (led by Ms Rachel Lam SC)

- *Hiromi Okada v Tomohiro Okada and Another* HCMP 2446/2017 - Application for an interim proprietary injunction to restrain Tomohiro Okada from disposing of or otherwise dealing with the disputed shares valued at around HKD 1.38 billion in Okada Holdings Limited (led by Mr Charles Sussex SC and with Mr Justin Lam)
- *ADL Express Limited v A&B Logistics Limited and Others* HCA 3033/2017 - Application for *ex parte* domestic Mareva injunction in the sum of around HKD 23 million (with Mr John Hui); application for *ex parte* worldwide Mareva injunction (sole advocate); opposing application for variation of the worldwide Mareva injunction (sole advocate)
- *Wang Xiaojing v Li Boshou and Ka Wah Investment Holdings Limited* HCA 1405/2018 - Application for proprietary injunction against the 2nd Defendant in the sum of around HKD 30 million (with Ms Sabrina Ho)
- *Sensing Technology Investment Limited v Liu Haitao and Others* HCMP 812/2018 - Application for *ex parte* interlocutory injunction to restrain unauthorised individuals from holding out as having the authority of the company (with Mr John Hui)
- *Li Ping Chun v Liang Tonghua and Others* HCA 745/2011 & HCA 2239/2017 - Applications for Mareva and proprietary injunctions in the sum of around HKD 15 million; applications for ancillary disclosure orders and continuation of Mareva and proprietary injunctions (sole advocate)
- *Wang Linping and Another v Huang Keqin and Others* HCMP 632/2012 & HCA 373/2014 - Opposing the 1st Defendant's applications for interlocutory injunction and withdrawal of part of his undertakings given in 2012 (sole advocate)
- *Hong Kong Hans Grayson Engineering and Equipment Co Limited v Liu Jiang and Another* DCCJ 3327/2019 - Applications for Mareva and proprietary injunctions in the sum of around HKD 2.4 million (sole advocate)

Matrimonial

- *CCYL v CCSR* FCMC 15718/2018 - Opposing the Wife's applications for maintenance pending suit and legal costs provision (sole advocate); Opposing the Wife's application for leave to release the Husband's documents filed in the family proceedings for use in the bankruptcy proceedings (sole advocate)
- *L v W* FCMC 5026/2015 - Application for an immediate taxation of the 1st Intervener's costs (sole advocate)

Others

- *Agorai Pte Ltd v Hongkong Yinxan Limited and Another* HCA 2099/2018 - Application for garnishee order to enforce a money judgment of around HKD 3.3 million (sole advocate)
- *Tang Siu Ha v CN Medical Group Limited and Another* DCMP 1892/2016 - Applications for substituted service and examination of director under O48 r1 of the Rules of the District Court (Cap 336H) (sole advocate)

Scholarships and Awards

- Bar Scholarship
- Charles Ching Memorial Scholarship
- Des Voeux Chambers Scholarship
- Magdalen College Prize for Distinction in BCL
- Magdalen Hong Kong Scholarship for Postgraduate Studies in BCL
- South Square Prize for Corporate Insolvency Law
- Baker & McKenzie Prize in Commercial Law
- The Minvie Leung Prize for Property Litigation
- Society of Construction Law Hong Kong Scholarship
- LexisNexis Book Prize for Legal Research Skills
- Law Society of Hong Kong/ Bloomsbury Books Prizes
- Association of China-Appointed Attesting Officers Scholarship
- HKSAR Government Scholarship
- HSBC Overseas Scholarship
- Bank of China (Hong Kong) Scholarship
- The Bank of East Asia Scholarship
- Dah Sing Bank Scholarship
- Hong Kong Securities Institute Scholarship
- The Chartered Institute of Management Accountants Prize
- Dean's Honours List
- 15 other scholarships and awards by HKU

Memberships and Appointments

- Part-time Lecturer, Department of Law, University of Hong Kong (teaching Land Law, Conveyancing, Commercial Law and Legal Research & Writing) (2017 - Present)
- Part-time Lecturer, HKU SPACE (teaching Preparatory Courses for PCLL Admission Conversion Examination) (2018)
- Part-time Coach, Department of Law, University of Hong Kong (teaching the Mooting and Dispute Resolution Programme) (2018 - Present)
- Committee Member, Committee on Construction Law, Hong Kong Bar Association (2019 - Present)
- Committee Member, Committee on Competition Law, Hong Kong Bar Association (2019 - Present)

Publications, Lectures and Talks

- Lexis Practice Guidance - Dispute Resolution (contributing author)
- Liability for Antitrust Law Infringements & Protection of IP Rights in Distribution - Hong Kong (2019, Springer) (co-authored with Ms Catrina Lam and Ms Cherry Xu)
- International Arbitration: Issues, Perspectives and Practice: Liber Amicorum Neil Kaplan - The

- Mayers Decision (2019, Wolters Kluwer) (co-authored with Mr John Scott SC, QC)
- “Adverse Possession” (2020) Hong Kong Bar Association ALE Seminar (with Mr Jenkin Suen SC)
 - “The Law of Trusts in Property Litigation” (2019) CPD Seminar
 - “Pre-emptive Remedies in Commercial Litigation” (2019) CPD Seminar
 - “Mareva and Proprietary Injunctions in Civil and Commercial Litigation” (2019) CPD Seminar (with Mr Richard Leung)
 - “Trusts and Estoppels in Land and Property Disputes” (2019) CPD Seminar (with Mr Richard Leung)
 - “Recognition and Enforcement of Judgments and Arbitral Awards in Civil and Commercial Matters” (2019) Seminar
 - “Overview of the First Conduct Rule and Preparation for Trial of Enforcement Action under the Competition Ordinance” (2019) CPD Seminar (with Ms Connie Lee)
 - “Lessons from Hong Kong Competition Law Cases” (2019) CPD Seminar (with Mr Richard Leung and Ms Connie Lee)
 - “Minority Shareholders’ Rights” (2018) CPD Seminar (with Mr Richard Leung)
 - “Trusts, Estoppels, Adverse Possession and Aspects of Building Management” (2018) CPD Seminar (with Mr Richard Leung)
 - “Topical Issues in Adverse Possession” (2018) CPD Seminar (with Mr Richard Leung)
 - “The Competition Ordinance - Its Implementation and Updates” (2018) CPD Seminar (with Mr Richard Leung)
 - “Pre-emptive Remedies in Civil Litigation” (2018) Seminar (with Ms Winnie Tam SC and Mr Douglas Lam SC)
 - “Controlling Costs” (2018) CPD Seminar (with Mr Look-Chan Ho)
 - “The Bricks and Mortar of Construction Disputes” (2018) Seminar (with Mr Ian Pennicott SC, QC, Mr Kaiser Leung, Ms Ellen Pang and Mr Michael Ng)
 - “Interim Measures in International Arbitration” (2017) Seminar (with Dr William Wong SC, Ms Stephanie Wong and Ms Cherry Xu)

Spoken Language

Fluent in English, Mandarin and Cantonese