

Brian Tsui



Call

2015 (Hong Kong)

Languages

English

Cantonese

Mandarin (working knowledge)

Japanese (basic)

Areas of Practice

Commercial & Banking Law
Companies

Conflicts of Law

Criminal Law

Injunction & Contempt

Medical Negligence & Personal
Injury

Probate & Succession

Property & Land

Regulatory & Disciplinary

Unjust Enrichment

Contact

Secretary: **Ms. Winnie Fung**

winnie@bernacchichambers.com

Practice Profile

Brian has a broad practice in both civil and criminal matters. His practice covers trial and appellate advocacy and advisory work. He is equally comfortable with conducting cases in Chinese or English.

In his criminal practice, Brian has advised and defended a wide spectrum of clients, including business proprietors, corporations, doctors, bankers, civil servants (including police officers, immigration officers and Customs & Excise officers), insurance agents, school teachers/tutors, professional drivers, students/juvenile and foreign nationals who are faced with criminal allegations ranging from commercial crimes and trafficking in dangerous drugs to shop theft and traffic summonses. Brian is regularly instructed in cases which are more complex and lengthier in nature. Additionally, Brian also has experience in handling criminal proceedings arising from family/matrimonial disputes.

Drawing upon the breadth of his expertise, Brian fully understands the ramifications of a criminal conviction to all those he represents and the emotional stress and pressure they are experiencing. He is committed to

pursuing his clients' best interests and always strives to achieve the best possible outcome for his clients whether at investigation stage, trials, mitigations or appeals.

On the civil side, Brian has experience in commercial disputes, company & shareholders' disputes, injunctive reliefs, enforcement of foreign judgments, land and tenancy disputes, commercial fraud and civil contempt. Brian's experience in criminal cases renders him particularly capable of advising and representing clients in civil cases with criminal or regulatory elements which call for a multi-disciplinary approach.

Brian is regularly engaged at pre-action/investigation stage, trials and appeals in various levels of court. Brian's instructions are predominantly privately funded.

Education

- Bachelor of Arts, University of Warwick
- Graduate Diploma in Law, The College of Law
- Postgraduate Certificate in Law, University of Hong Kong

Selected Cases

Criminal Appeals

Court of Final Appeal

- *HKSAR v Choy* (2022) 25 HKCFAR 360; [2022] HKCFA 14 (led by Edwin Choy SC)

Court of Appeal

- *HKSAR v Ng* [2023] HKCA 969
- *HKSAR v Chu* (CACC 69/2023) (hearing fixed in April 2024)
- *HKSAR v Lam* [2017] HKCA 238 (led by Selwyn Yu SC)

Court of First Instance

- *HKSAR v Kwok & Anor* [2022] HKCFI 1248
- *HKSAR v Lau* [2022] HKCFI 2677 (with Ms. Jolie Chao)
- *HKSAR v Choy* [2022] HKCFI 712
- *HKSAR v Lui* [2021] HKCFI 3495
- *HKSAR v Lau* [2021] HKCFI 3431
- *HKSAR v Fu* [2021] 1 HKLRD 468
- *HKSAR v Hui* [2019] HKCFI 2987 (led by Selwyn Yu SC)
- *HKSAR v 天和工程有限公司* [2019] HKCFI 1868

- *HKSAR v Ng* [2019] HKCFI 1507
- *HKSAR v Ho* [2019] HKCFI 1508
- *HKSAR v Wan* [2019] HKCFI 504 (led by Selwyn Yu SC)
- *HKSAR v Ma* [2019] HKCFI 138
- *HKSAR v Wong* [2017] HKCFI 2326 (with Mr. Lawrence Hui)

Criminal trials and plea and sentence in District Court

- *HKSAR v Chiu* [2023] HKDC 1760 (led by Selwyn Yu SC)
- *HKSAR v Ng* [2022] HKDC 1341
- *HKSAR v Chu* [2023] HKDC 393; [2023] HKDC 400
- *HKSAR v Yeung* [2022] HKDC 232
- *HKSAR v Tam* [2022] HKDC 343; [2022] 3 HKC 522; [2021] HKDC 505; [2021] HKDC 506; [2020] HKDC 1153 (led by Philip Dykes SC, Edwin Choy SC)
- *HKSAR v Tsui & Anor* [2021] HKDC 845; [2021] HKDC 997
- *HKSAR v Wong* [2019] HKDC 747
- *HKSAR v Li* [2017] HKDC 803 (led by Selwyn Yu SC)
- *HKSAR v Lau & Ors* [2016] HKDC 768 (led by Selwyn Yu SC)

Civil Cases

Court of Appeal

- *Cheung Yuk Fung v Yip Chi Keung & Anor* [2023] HKCA 665
- *Cheng Sing Keung & Anor v Chan Ka Hay & Ors* [2023] HKCA 270

Court of First Instance (trials and interlocutory applications)

- *Re China People Creative APE Services Ltd* [2023] HKCFI 2671
- *Cheng Sing Keung & Anor v Chan Ka Hay & Ors* [2021] HKCFI 2646; [2021] HKCFI 1509
- *Yoe Han Yauw v Yoe Han Hian & Ors* [2020] HKCFI 2613
- *Lio Weng Tong v Fundpark Ltd* [2020] HKCFI 2540
- *Tak Shing Investment Co Ltd v Smart Choice International Ltd* [2020] HKCFI 1317
- *Gain East Investments Ltd v Chan Po Wing* [2019] HKCFI 3055
- *陳寶榮 v 駿豪國際(集團)發展有限公司* [2019] HKCFI 2697
- *Lin Chien Cheng v Hui Chi Keung* [2019] HKCFI 2686 (with Mr. Kevin Hon)
- *Tam Tak Yam v Man Shing Textiles Ltd & Ors* [2019] HKCFI 1449
- *China Money Asia Ltd v Yip Wai* [2017] HKCFI 2089
- *Fast Happy Ltd & Fast Famous Corporation Ltd v Lee Chun Pong Bruce* [2017] HKCFI 105, 106 (with Mr. Kevin Hon)



District Court (trials and interlocutory applications)

- *Amjad-ul-Mahmood v Profit Hill International Holdings Ltd and Anor* [2023] 3 HKLRD 109; [2023] HKDC 940; [2023] HKDC 715; [2023] HKDC 347
- *Cheung Yuk Fung v Yip Chi Keung & Anor* [2022] HKDC 1208; [2022] HKDC 266
- *Lui Cho Yin v 雷健邦 & Ors* [2021] HKDC 299; [2019] HKDC 1282
- *Medicface HK Ltd v Shu Ya Qin Trading Co. Ltd* [2021] HKDC 151
- *Triple Winner Ltd v Cheung Hau Yee T/A Farmers Import and Export and Ors* [2020] HKDC 989
- *Lee Chi Ming v E Entertainment Weekly Ltd* [2019] HKDC 771
- *Tong Yuk Tai v Chew Sooi Kuen* [2015] HKDC 1459