

Eugene Yim



Call

2001 (Hong Kong)

Professional Qualifications

CEDR Accredited Mediator (2011)

Areas of Practice

Conflicts of Law

Contract

Equity & Trusts

Family & Matrimonial Law

Injunction & Contempt

Mediation

Mental Health

Probate & Succession

Property & Land

Contact

Secretary: **Ms. Genevieve Cheng**

gen@bernacchichambers.com

Practice Profile

In full practice as a tenant of Bernacchi Chambers since October 2002, having a civil practice which comprises both litigation and advisory work, with a strong focus on matrimonial finance (including cases involving trusts, third party interests in land and property, nuptial agreements and cross-border divorces), children matters (such as custody disputes, applications under the Guardianship of Minors Ordinance, applications under the Parent and Child Ordinance and relocation cases), conflict of laws, probate and inheritance (including applications under the Inheritance (Provision for Family and Dependents) Ordinance), and land and property claims. Act as mediator in all areas of civil law.

Education

- Queen's College, Hong Kong
- LL.B. (Hons), University of Hong Kong
- LL.M., King's College London (Public International Law)

- P.C.LL., University of Hong Kong

Appointments

- Deputy District Judge (Oct - Nov 2018)
- Deputy District Judge, Family Court (Nov - Dec 2018)

Professional Membership

- Hong Kong Bar Association Committees
- Member, Standing Committee on Civic Education (since 2010)
- Member, Standing Committee on Professional Development (2017)

Selected Cases

Matrimonial & Family (financial disputes)

- *LCYP v JEK* [2018] HKCFI 1907 (litigation funding); [2019] HKCFI 237 (joinder of the trustee of an offshore trust); [2019] HKCFI 857 (costs on discovery)
- *TYT v LSC* [2019] HKFC 32 (joinder of a third party involving disputed ownership of company shares)
- *YKY v WSM* [2018] HKFC 224 (successfully resisting an application to make absolute a decree *nisi* on divorce) (led by Mr Selwyn Yu SC)
- *WYSL v FHCBA* [2018] HKCFI 1543 (trial on ancillary relief involving avoidance applications, discretionary trusts and third party property claims) (led by Mr Robert Pang SC)
- *鄧及謝* [2018] HKFC 178 (trial on preliminary issues involving constructive trust and resulting trust)
- *CWK v YCHS & Anor* [2018] HKFC 52 (successfully resisting an application to vary/ amend costs orders or to commence taxation before conclusion of proceedings)
- *劉及洗* [2018] HKFC 42 (*mareva* injunction involving dispositions of company shares and joinder of an offshore company)
- *官對李*, FCMC 3920/2002, 14 January 2015 (leave to restore ancillary relief proceedings under rule 68 of Matrimonial Causes Rules); 24 April 2017 (trial on ancillary relief, financial non-disclosure and adverse inferences); [2018] HKFC 36 (indemnity costs relating to ancillary relief proceedings)
- *CLS v LPKP & Ors* [2018] HKFC 17 (late amendment of pleadings in *TL v ML* proceedings)
- *LP v LWCF & Anor* [2018] HKFC 2 (costs of a third party on an injunction application)
- *LSDS v BX*, FCMC 8189/2017, 22 December 2017 (maintenance pending suit and litigation funding)
- *DA v SY*, FCMC 14138/2014, 13 July 2017 (jurisdiction and forum)
- *WSM v KYK*, FCMC 8306/2015, 10 July 2017 (trial on defended petition, length of separation, validity of separation agreement and estoppel by deed) (led by Mr Selwyn Yu SC)
- *QMY v GSS*, FCMP 147/2012, 14 January 2014; [2015] 4 HKLRD 641; FAMV 24/2016, 29 September 2016; (2017) 20 HKCFAR 303 (jurisdiction of Guardianship of Minors Ordinance, Cap 13) (led by Mr Robert Pang SC in CA and CFA)

- *CY v WTW*, FCMC 15393/2014, 14 March 2016 & 5 October 2016; HCMP 2775/2016, 18 November 2016 (costs on prohibition order)
- *TWYR v NMC*, FCMC 4937/2011, 15 November 2016 (interpretation of consent order)
- *郭對孫*, FCMP 97/2014, 31 October 2016 (financial relief for child born out of wedlock); 17 January 2017 (leave to appeal); HCMP 241/2017, 17 July 2017 (CA) (leave to appeal and paternity test)
- *胡對朱*, FCMC 16542/2013, 13 May 2016 (trial on preliminary issues and trust law)
- *DX v LN & Anor* [2016] 5 HKC 485 (principles on prohibition orders in matrimonial proceedings)
- *WSW v CKU*, CACV 249/2015, 3 August 2016 (appeal from final ancillary relief order)
- *TJ v XGM*, FCMC 220/2015, 22 January 2016 (leave for commencing financial relief proceedings under Part IIA of Matrimonial Proceedings and Property Ordinance, Cap 192)
- *CWK v YCHS & Anor*, [2015] HKLFR 509 (specific discovery); 10 December 2015 (maintenance pending suit) (led by Mr Robert Pang SC)
- *CMW v WTY & Anor*, FCMC 8759/2010, 5 October 2015 (*TL v ML* procedures & joinder of parties); HCMP 1064/2016, 26 May 2016 (leave to file late affirmation)
- *JEK v LCYP*, CACV 98/2015, 13 August 2015 (jurisdiction of divorce proceedings: domicile and substantial connections) (led by Ms Anita Yip SC)
- *DL v LRM*, FCMC 8507/2013, 7 July 2015 (disclosure of documents under r 121 of Matrimonial Causes Rules, Cap 179A and implied undertaking); 10 July 2014 (maintenance pending suit) (led by Mr Robert Pang SC); 13 March 2014 (non-molestation injunction under Domestic & Cohabitation Relationships Violence Ordinance Cap 198) (led by Mr Robert Whitehead SC)
- *官對李*, FCMC 3920/2002, 14 January 2015 (leave to restore ancillary relief proceedings under rule 68 of Matrimonial Causes Rules); 24 April 2017 (trial on ancillary relief, financial non-disclosure and adverse inferences)
- *W v C* [2014] HKFLR 54 (costs and Calderbank offers); 11 August 2014 (maintenance pending suit with legal costs contribution)
- *FCP v CLJY* [2014] HKFLR 373 (discovery in matrimonial proceedings)
- *SX v LW*, HMC 8/2011, 30 July 2013 (appointment of guardian ad litem) (with Ms Anita Yip)
- *FQL v SKMJ*, FCMC 10251/2011, 28 June 2013 (maintenance pending suit)
- *YCM v WHC*, FCMC 6876/2012, 19 August 2013 (maintenance pending suit)
- *LWTC v PTH & Anor*, FCMC 1648/2011, 28 May 2012 (ancillary relief and avoidance application re company shares)
- *YS v TTWD* (Substantial Connection: Forum) [2012] HKFLR 129 (with Ms Anita Yip); [2011] HKFLR 439 (maintenance pending jurisdictional challenge) (with Ms Anita Yip)
- *KWTM v NSH* (Maintenance Pending Suit) [2009] HKFLR 92 (contribution to legal costs)
- *L v L* (*Ancillary Relief Enforcement*) [2007] HKFLR 121 (attachment order over salaries of civil servant)

Matrimonial & Family (children disputes)

- *STY v LMSC* [2018] HKFC 170 (choice of children's education, choice of private tutoring, appointment of parenting coordinator and disputed school holidays)
- *周及蔡* [2018] HKFC 151 (costs of custody trial); [2018] HKFC 152 (leave to appeal on custody, care and control)

- *Y v C* [2018] HKFC 125 (trial on permanent relocation to Beijing, PRC)
- *ZJ v XWN* [2018] HKFC 66 and [2018] 3 HKLRD 644 (leave to appeal from an order on permanent relocation to Australia) (led by Mr Robert Pang SC in CA)
- *LCL v QCR*, FCMC 3953/2015, 26 January 2017 (trial on custody, care and control)
- *FCKY v WKK*, FCMC 11728/2014, 18 May 2016 (trial on permanent relocation to Canada)
- *W, Y v L, KP*, FCMC 4636/2015, 5 July 2016 (trial on permanent relocation to Shanghai, PRC) (led by Mr Robert Pang SC)
- *JEK v LCYP*, HCMP 465/2015, 8 May 2015 (led by Mr Robert Pang SC) [2015] 4 HKLRD 798; [2015] 5 HKC 293 (led by Ms Anita Yip SC) (Hague Convention: habitual residence, wrongful retention and child's objection defence)
- *TWC v LKL*, FCMC 8460/2013, 12 December 2013 (child custody and admissibility of surveillance evidence) (led by Mr Robert Pang SC)
- *CLL v SW (Custody: Child Abuse)* [2013] HKFLR 613 (variation of custody order involving allegations of child sexual abuse)

Other Civil Cases

- *Chan Wai Ming v Xie Weiqin & Ors*, HCAP 8/2016, 27 October 2017 (engagement of handwriting experts and discovery of testamentary documents)
- *Wong Sik Yuk v Tsui Len*, HCA 1194/2015, 9 January 2017 (striking-out); 17 February 2017 (costs on striking-out and principles on certificate for 2 counsel) (led by Mr Robert Pang SC)
- *Chan Sung Lai v Chan Sung Lim & Anor* [2015] 4 HKLRD 268 (constructive trust and whether use of CCTV evidence in breach of data privacy) (with Mr Andrew Mak)
- *Yuen Kin Tong v Lam Chi Sing*, HCA 430/2012, 9 April 2015 (trust and estoppel re company shares)
- *GTC Industries Ltd & Ors v Lee Man Hoi Ocean & Ors*, HCA 600/2012, 20 June 2014 (amendment of pleadings)
- *Charming Castle Investments Ltd v Mego Properties Ltd*, HCA 2211/2011, 18 June 2012 (security for costs under section 357 of Companies Ordinance Cap 32)
- *Re Titanium Technology Ltd* [2011] 3 HKC 394 (substitution of winding-up petitioner)
- *Kennedy v Cheng & Anor* [2004] 3 HKLRD 357 (CFI); [2006] 4 HKLRD 58 (CA); (2009) 12 HKCFAR 601 (CFA) (contempt of court, duties of liquidators and the use of documents obtained in private examination) (junior counsel to Mr John Jarvis QC, Mr Joseph Fok SC and Mr Robert Whitehead SC for the former directors)
- *Let-Win Plastic Products Factory Ltd v Lam Kei Kit*, HCA No 1769 of 2008, 25 June 2009 (equitable set-off and surety's right to indemnification)
- *Regal Honour Industrial Ltd v Matrix Crystal (Hong Kong) Ltd*, DCCJ No 5527 of 2007, 10 September 2008 (setting aside default judgment)
- *Re Cosmos Insurance Management Ltd*, HCMP No 652 of 2006, 9 June 2006 (reduction of capital)