

Jeff Yau



Call

2020 (Hong Kong)

Professional Qualifications

Member, Chartered Institute of Arbitrators (MCI Arb) (2022)
Accredited Civil & Commercial Mediator, Society of Mediators, UK (2019)
Insolvency Preparatory I & II (as part of the Professional Diploma in Insolvency programme), The Hong Kong Institute of Certified Public Accountants (2018, 2022)
HKSI Practising Certificates (Securities; Corporate Finance), Hong Kong Securities and Investment Institute (2015)

Languages

English
Cantonese
Mandarin

Areas of Practice

Arbitration
Chinese Customary Law
Commercial & Banking Law
Companies
Compulsory Sales of Land
Construction
Employment
Equity & Trusts
Insolvency
Intellectual Property
Land Resumption & Land Compensation
Mental Health
Probate & Succession
Property & Land
Public Law & Judicial Review
Unjust enrichment

Contact

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Practice Profile

Jeff has a broad civil practice spanning the areas of commercial disputes, company and insolvency law, land and property, probate and trusts as well as judicial review. He is also developing a practice in international commercial arbitration and is a member of the Chartered Institute of Arbitrators.

He is regularly instructed to appear in the High Court (including the Court of Appeal), the District Court, the

Lands Tribunal and arbitral proceedings, whilst also frequently briefed to undertake a wide range of substantial drafting and advisory work. He has experience in handling trials, various interlocutory applications, taxation proceedings as well as statutory appeals.

Apart from acting on his own, Jeff regularly works as part of a larger team in more complex and high-value matters, which usually involve listed companies, both in Hong Kong and abroad, and cross-border dimensions including choice of law issues and the application of foreign law. Further, many of Jeff's cases have resulted in court judgments with those which involved more important questions of law being reported by both the Hong Kong Law Reports & Digests and the Hong Kong Cases.

Jeff studied at the University of Hong Kong, where he graduated third in his cohort in law and was placed on the Dean's Honours List for three consecutive years. He went on to read for a Master of Laws degree at King's College London and graduated top of his class with the Dickson Poon School of Law Prize and distinctions in trusts, arbitration, information law and his dissertation on conflict of laws. He also participated in the Willem C. Vis International Commercial Arbitration Moot for King's College London and the Red Cross International Humanitarian Law Moot for the University of Hong Kong.

Prior to coming to the Bar, he was research assistant to Mr Henry Litton QC, former Permanent Judge of the Hong Kong Court of Final Appeal, for three years. He also assisted in research projects on trusts and mental health laws under the auspices of the Faculty of Law, University of Hong Kong.

Jeff's pupil masters were Mr Robert Pang SC, Mr Valentine Yim, Mr Andrew Mak, Ms Queenie Ng, Mr Vincent Chen and Mr Ken To.

Born and educated in Hong Kong, Jeff is adept at using of the Chinese language (both traditional and simplified) in drafting legal documents and in Court proceedings.

Education

LLM, King's College London

PCLL, The University of Hong Kong

LLB, The University of Hong Kong

BBA (Law), The University of Hong Kong

St Joseph's College, Hong Kong

Scholarship & Award

The Dickson Poon School of Law Prize (2019)

Second Honourable Mention for Best Mooter, the 16th Red Cross International Humanitarian Law Moot (Asia-Pacific Region) (2018)

MW Lo Memorial Scholarship (2017)

Dean's Honours List (2015, 2016, 2017)

CH Chan Scholarship (2012)

Publication

- Contributor, Lexis Advance® Hong Kong Practical Guidance on "Intestacy" and "Will Drafting" by LexisNexis

Selected Cases

Company & Commercial Disputes

- ***Target Insurance Company Limited v Ng Yu & Ors [2022] HKCFI 1362***, appeared for the former Chairman of Target Insurance Company Limited in successfully obtaining an interim stay of the disclosure order pending the determination of a summons to discharge an *ex parte Mareva* injunction for a claim of US\$150 million and continue to act for the 1st, 3rd and 4th Defendants in the matter (led by Robert Pang SC)
- ***Re Ashit Sud (Debtor) [2022] HKCFI 1269***, reported at **[2022] 2 HKLRD 898**, appeared for the company and the debtor in resisting a winding-up petition for a debt of US\$30 million on the ground that the creditor has rejected a reasonable offer to compromise and secure under s.178 (1)(a)(ii) of the Companies (Winding up and Miscellaneous Provisions) Ordinance (Cap. 32) and s.6D(3) of the Bankruptcy Ordinance (Cap. 6) (as sole counsel)
- ***Ngan In Leng & Ors v Chu Yuet Wah [2022] HKCFI 558***, appeared in a 10-day trial for the Defendant in successfully resisting a claim of over HK\$250 million involving a dispute arising from an acquisition of the interest in a hotel-cum-casino in Macao (led by Robert Whitehead SC and with Vincent Chen)
- ***Perpetual Trust Limited (as Administrator of the Estate of Alexander Gavin Brown) v Kobe Investments Limited (HCA 1353/2021)*** [pending judgment], appeared for the majority shareholder of an Australian listed company in resisting a proprietary claim by a foreign administrator in respect of shares with a value of around AUD\$250 million (led by Marc Corlett QC)
- ***Realord Group Holdings Limited & Anor v Win Dynamic Limited & Anor (HCA 716/2021)***: Acting for the plaintiffs in enforcing a deed of gift under which an offeree undertook to advance the whole consideration of over HK\$250 million under a voluntary general offer to the company (led by Jin Pao SC and with Vincent Chen)
- ***Li Ngan Kwan v Gao Li Hui & Anor (HCA 276/2007)***: Acting for the 1st Defendant in defending a claim to set aside a gift of a controlling interest in a hotel in Shenzhen of a value of over RMB¥300 million on the ground of forgery and breach of fiduciary duties (with Andrew Mak)

- Advising a creditor on the validity and effect of a clause in a guarantee which limits the operation of the Limitation Ordinance (Cap. 347) in a claim of over US\$15 million (led by Marc Corlett QC)
- Acting for a minority shareholder of a BVI company in enforcing a right of pre-emption under a shareholders' agreement governed by Hong Kong law, which has been triggered by a sale and purchase agreement governed by Italian law (as sole counsel)
- Acting for a listed company in reviewing the taxation of former provisional liquidators' bill (as sole counsel)
- Advised a financial services company on the applicability of various exemptions under the Securities and Futures Ordinance (Cap. 571) to deal in and advise on securities (as sole counsel)
- Advised a cell-based food company on a dispute with an angel investor arising out of a SAFE (simple agreement for future equity) agreement (as sole counsel)
- More generally, advising on and/or acting for parties in relation to (i) joint venture or partnership disputes, (ii) investment agreement disputes and (iii) various winding-up and bankruptcy proceedings, including but not limited to setting-aside of statutory demands and review of remuneration of provisional liquidators

General Civil Disputes

- ***Thapa Kamala v Tong Ming Kay & Ors [2021] HKCFI 2371***, appeared for the 3rd and 4th defendants in successfully striking out claims of malicious prosecution and misfeasance in public office on the ground of, *inter alia*, the action being a collateral attack of a ruling of a magistrate in a criminal trial (led by Robert Pang SC)
- ***Lam Sin-yi Cindy v Leung King-wai William t/a William KW Leung & Co [2020] HKCFI 2525***, reported at **[2020] 5 HKLRD 170**, appeared for the appellant in successfully appealing against a decision of the Minor Employment Claims Adjudication Board on the ground that there were special circumstances when the appellant tendered her resignation (as sole counsel)
- ***Demy Engineering Ltd v Sau San Tong Management Ltd [2022] HKDC 31***, appeared for the defendant in successfully resisting the plaintiff's summons for permanent stay of proceedings on the ground that a compromise has been reached (as sole counsel)
- More generally, advising on and/or acting for parties in relation to (i) employment disputes and (ii) debt recovery actions

Arbitration

- HKIAC Rules, acted for a PRC beverage company in defending a claim of over US\$450 million, which involved various interim proceedings such as applications for injunctive relief, joinder, jurisdictional challenge, etc. (with Vincent Chen)
- Advised a PRC media company on the recoverability of damages for over RMB¥170 million arising from a breach of an investment agreement (led by Robert Whitehead SC)

Will, Trust & Probate

- ***Ng Im Fong Loretta, the Executrix of the Estate of Lui Kwan Cheung, Deceased v Charm Investments Ltd & Anor [2021] HKCFI 1787***, reported at **[2021] 3 HKLRD 327**, appeared for the plaintiff in successfully resisting an application by the defendants for a stay of various asset-recovery actions pending determination a parallel probate action (led by Robert Pang SC)
- ***Lui Ming Lok v Ng Im Fong Loretta, the Executrix of the Estate of Lui Kwan Cheung, Deceased (CACV 418/2020)*** [pending judgment], appeared for the defendant in resisting an appeal on the question of whether section 20(2)(c) and (d) of the Matrimonial Causes Ordinance (Cap. 179) provides a comprehensive code for all forms and degrees of mental issues where a marriage might be affected by “unsoundness of mind” (led by Robert Pang SC)
- ***Cheung Siu Ling & Ors v Tse Yuk Lin & Anor [2021] HKDC 1290***, appeared for the plaintiffs in successfully applying for, *inter alia*, a representation order on the ground that an action to assert a right of way is connected with the proper administration of a deceased’s estate (with Valentine Yim)
- Acted for a committee appointed under the Mental Health Ordinance (Cap. 136) on whether an action/application brought by a committee before the sanction of the mental health court has been obtained is valid (as sole counsel)
- Advised a beneficiary on the enforceability of a deed of family arrangement

Property & Conveyancing

- ***Wong Anita Shu Ting v Yuen Yiu Chung [2022] HKCFI 209***, reported at **[2022] 2 HKC 499**, appeared for the respondent in a vendor and purchaser summons on whether a joint tenancy has been severed by an order of the Family Court without a deed of release (with Valentine Yim)
- ***Hong Kong Golden Development (Holdings) Limited v Chan Ma Choi [2022] HKCFI 2281***: Acting for an investor in a development project concerning a small house in Tai Po in claiming proprietary interest therein and various heads of damages (with Andrew Mak)
- ***Lee Tin Yeung v Persons Unlawfully Occupying Or Remaining On Part Or Parts Of Lot No.904, D.D. No.96... [2021] HKCFI 2892***, appeared for the plaintiff in successfully applying for an injunction

for trespass and interference with easement of drainage as an adverse possessor(as sole counsel)

- ***To Ying Fat (杜英發) v 陳偉昌 [2022] HKDC 502***, appeared for the plaintiff in successfully appealing against an order setting aside a default judgment on the ground that a lease has been determined by effluxion of time, which is not affected by a Modification of Tenancy (as sole counsel)
- Acting for a squatter the family of whom has been in possession of various land lots in Tuen Mun for over a century in an adverse possession claim against the Government (with Valentine Yim)
- Acted for the 2nd Defendant in resisting an application of injunction restraining the son of the former abbot of a temple who claims a life interest in remaining in possession of part of the property within the temple (as sole counsel)
- Acted for an owner in a compulsory sale proceedings involving a redevelopment project in Kowloon Tong (as sole counsel)
- Advised a property developer on the existence of a right of way over a common staircase shared by two tenement buildings in a redevelopment project (with Valentine Yim)
- More generally, advising on and/or acting for parties in relation to (i) conveyancing disputes, (ii) claims of adverse possession and various rights of easement (including right of way, drainage easement, etc), (iii) Chinese customary law, in particular the administration of tso/ tong affairs, (iv) disputes involving the development of small houses in the New Territories, (v) co-ownership disputes (including applications under the Partition Ordinance (Cap. 352)), (vi) alleged non-compliance of conditions under leases, guesthouse licences, etc., (vii) building management disputes (including water-seepage)

Civil Procedure

- ***Li Ngan Kwan & Ors v Gao Li Hui & Ors [2021] HKCFI 2878; [2022] HKCFI 171***, appeared for the 1st and 2nd defendants in successfully resisting an application by the plaintiff to amend a pre-CJR statement of claim on the grounds of inexplicable delay and inconsistency with earlier pleadings; leave to appeal at the Court of First Instance by the plaintiff refused (with Andrew Mak)
- ***Li Ngan Kwan v Gao Li Hui & Anor [2021] HKCFI 1946***, appeared for the 1st defendant in resisting an application by the plaintiff for trial *de novo* after a part-heard trial in 2008 (with Andrew Mak)
- ***Lam Sin-yi Cindy v Leung King-wai William t/a William KW Leung & Co [2021] HKCA 720***, appeared for the respondent in successfully resisting an application for leave to appeal on the ground that the Court of First Instance has the jurisdiction to draw factual inferences on appeal from statutory tribunals (as sole counsel)



Judicial review

- ***Lau Kwong Man v The Director of Environmental Protection & Anor [2022] HKCFI 1466***, appeared for the applicant in applying for leave for judicial review against the decision of the Secretary for the Environment in exercising its independent judgment in building a tunnel in Tuen Mun (with Valentine Yim)