

Kim J. McCoy



Call

2011 (New Zealand)
2012 (Niue)
2016 (Hong Kong)

Languages

English, Cantonese

Areas of Practice

Companies
Competition
Confidentiality & Privacy
Conflicts of Law
Contract
Criminal Law
Defamation
Equity & Trusts
Injunction & Contempt
Intellectual Property
Medical Negligence & Personal Injury
Mental Health
Property & Land
Public Law & Judicial Review
Regulatory & Disciplinary

Contact

Secretary: **Ms. Karen Leung**

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Practice Profile

Kim is a practising barrister in both Hong Kong and New Zealand and is the Founder of the Hong Kong Animal Law and Protection Organisation (HKALPO - www.hkalpo.com). He has a keen interest in the intersection between criminal, civil and public law with animal law, as well as wildlife crime both locally and internationally.

For criminal matters, Kim has experience across the full spectrum of offences, including complex commercial crime, offences of violence, dangerous drugs, sexual offences, traffic and immigration offences. He is regularly instructed as sole advocate or led junior.

His civil practice covers matters relating to contract, property, intellectual property, medico-legal cases, money lenders actions, tort and public law. He is also often instructed to appear on various interlocutory applications, including applications for and resisting injunctions.

Prior to joining the Hong Kong Bar, Kim enjoyed a busy mixed practice in New Zealand. Kim joined Bernacchi Chambers in 2020 having spent the formative years of his career Gilt Chambers after completing his pupillage with Dr. Gerard McCoy S.C, Mr. Michael Arthur and Mr. Steven Kwan.

Kim still retains a New Zealand practising certificate and is instructed there in both civil and criminal matters. He is able to certify true copies, witness signatures and to take an oath or affirmation in relation to New Zealand documents. He is also an active member of the New Zealand Animal Law Association.

Education

- BA (Psychology), University of Otago (2011)
- LLB, University of Otago (2011)
- PCLL, City University of Hong Kong (2014-15)

Scholarship & Award

- Hong Kong Middle Temple Society Advocacy Scholarship (2016)
- Dean's Honours List, City University of Hong Kong (2015)

Appointments

- Member, Hong Kong Bar Association Committee on Criminal Law and Procedure (CCrimLP)

Selected Cases

Appellate

- *Chairman and Deputy Chairman of the Preliminary Investigation Committee of the Medical Council of Hong Kong v Hospital Authority* CACV 184 & 185 of 2018
Representing the Respondent in an appeal against a decision to dismiss the Appellant's application to compel production of confidential medical records without the consent of the patients concerned. The constitutional right to privacy, the statutory interpretation in the fundamental rights context and application of legislative powers were central to the appeal (led by Mr. Abraham Chan SC and Mr. Tim Parker).
- *HKSAR v Gutierrez Alvarez Keishu Mercedes* [2020] 2 HKC 457
Represented the Appellant in an appeal against conviction on the basis of a systemic challenge against a lack of DARTS dockside recording, as well as the principles applied in determining whether to prosecute victims of human trafficking (led by Mr. Robert Pang SC).
- *HKSAR v Luk Kin Peter Joseph & Yu Oi Kee Olivia* (2016) 19 HKCFAR 619
Represented second Defendant criminal appeal involving corruption and bribery as well specific

sections of the Prevention Against Bribery Ordinance (Cap 201). The issues that the Court of Final Appeal had to determine related to agency, deception of the company by directors and attribution of knowledge by directors to a company (led by Dr. Gerard McCoy SC).

- *HKSAR v MD Emran Hossain* (2016) 19 HKCFAR 679

Represented Defendant in a quasi-criminal-public law case. This case rested heavily on the encroachment upon an appellant's right to a fair and public hearing as well as considerations of apparent bias (led by Dr. Gerard McCoy SC).

Civil

- *Hang Seng Bank Limited & Anor v Heng Sheng Holdings Limited & Ors* HCA 1519 of 2018

Represented the Defendants in a claim brought by the Plaintiff involving intellectual property and passing off.

- *Ng Hing Yau (on behalf of herself and all other owners) & Anor v City Noble Development Limited & Ors* HCA 430 of 2017

Represented the Plaintiffs in a multi-defendant civil trial involving different tortious actions and injunctive relief in relation to a multi storied building. Involved a successfully resisting an application for strike out taken out by the 5th Defendant on the basis that the Plaintiffs could not act on behalf of all owners of the building in a representative capacity.

- *Chairman and Deputy Chairman of the Preliminary Investigation Committee of the Medical Council of Hong Kong v Hospital Authority* HCMP 2745 & 2747 of 2016

Represented the Defendant where the PIC was attempting to obtain medical records of a patient without their consent. Involved complexities related to a person's fundamental right and powers of the PIC to sanction medical practitioners (led by Dr. Gerard McCoy S.C).

- *Dynamic Assets Management Ltd v Choi Chau Chung by Choi Lam Hung, Guardian ad Litem* HCA 1556 of 2015

Representing the Defendant in a civil claim in relation to repayment of money issued under a Loan Agreement under section 18 Money Lenders Ordinance (Cap 163) sum by the Plaintiff.

- *Gainfield Investment Ltd v Lam Yi Lai* DCCJ3736 2014

Represented the Defendants in an adverse possession trial (led by Mr. Lawrence Ng).

- *Global Bridge and Ors v Sun Hung Kai Financial Limited* HCA 1701 of 2014

Represented the Defendants in an application for striking out of the Plaintiff's Statement of Claim for an abuse of process (led by Mr. Steven Kwan).

- *Burberry & Anor v Cheung & Ors* HCA 1103 of 2013

Successful application in application for Mareva Injunction and Norwich Pharmacal relief.

- *Multi-Winner Investment Limited & Anor v Lau Ming Yee* HCA 880/2011

Assisted in an action for libel in relation to a dispute between owners of a building in relation to method of calculating the contributions for costs of renovation works in the building.

- *Wong Kam Tai & Anor v Hui Hing Ming & Ors* DCCJ 3716 of 2017 and DCCJ 308 of 2018

Represented Defendant in a civil case in relation to water leakage in a multi storied building which involved expert evidence in relation to the source of water, methods of water leakage testing and the plumbing system of the building.

- *Evelyne Ng Yan Kwong v New Zealand Trade and Enterprise & Ors* DCCJ 5024 of 2017
Represented the New Zealand Trade and Enterprise and other Defendants in an action brought by the Plaintiff against the Defendants in a hybrid harassment/defamation claim. Applications for strike out by the Defendants were made.

Criminal

- *HKSAR v Khaw Kim Sun* HCCC 374 of 2017
Represented Defendant in a double homicide trial which involved international expert evidence in relation to mechanical engineering, hematology and toxicology (led by Dr. Gerard McCoy SC).
- *HKSAR v Bui Van Cuong* HCCC 350 of 2017
Represented a Defendant in a homicide trial where the defence advanced was one of self defence (led by Mr. Richard Donald).
- *HKSAR v Cheung Chi Tai & Ors* DCCC 883 of 2016
Representing a Defendant in a complicated money laundering trial involving a cross between Hong Kong and Macanese law, as well as expert forensic accounting evidence (led by Mr. Kevin Tang).
- *HKSAR v Cheung Chun Yuen, Barry* DCCC 718 of 2017
Represented Defendant in a criminal trial involving charges of conspiracy to defraud and fraud (led by Mr. Eric Kwok SC and Mr. Tony Li).
- *HKSAR v Poon Lok To, Otto* TMS 15101 of 2018
Represented Defendant in an unlawful buildings work case brought by the Buildings Department (led by Dr. Gerard McCoy SC).

Publications

- Hong Kong Cases (HKC) – Case Reporter
- New Zealand Administrative Reports (NZAR) – Case Reporter