

## Vincent Chen

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### Call

2008 (Hong Kong)

### Languages

English, Cantonese, Mandarin

### Areas of Practice

Commercial & Banking Law  
 Companies  
 Confidentiality & Privacy  
 Construction  
 Contract  
 Defamation  
 Employment  
 Equity & Trusts  
 Injunction & Contempt  
 Insolvency  
 Insurance  
 Mental Health  
 Probate & Succession  
 Professional Liability  
 Property & Land  
 Regulatory & Disciplinary  
 Tax  
 Unjust Enrichment

### Contact

Secretary: **Ms. Estel Lai**

[estel@bernacchichambers.com](mailto:estel@bernacchichambers.com)

### Practice Profile

Vincent was called to the Hong Kong Bar in 2008 and has since developed a broad range of civil practice focusing on commercial litigation and corporate insolvency matters. He receives instructions to appear in all levels of courts in Hong Kong and render advice on all civil matters (whether procedural or substantive).

Apart from commercial litigation, Vincent also has a strong practice in defamation.

From 2013 to 2018, he was a member of the Company Law Panel of the Hong Kong Bar Association and was invited to give comments on the legislative reforms regarding, *inter alia*, the Companies Ordinance and the Securities and Futures Ordinance.

## Education

- LL.B. (Hons.), University of Hong Kong (2006)
- Exchange Studies, Warwick University (2005 - 2006)
- P.C.LL., University of Hong Kong (2007)

## Scholarship & Award

- The University of Hong Kong - Dean's Honour List (2003 - 2005)

## Appointments

- Member of the Company Law Panel of the Hong Kong Bar Association (2013 - 2018)

## Selected Cases

### Arbitration

- Rendering expert opinion on Hong Kong laws (contractual dispute) in an arbitration before the China International Economy and Trade Arbitration Commission (中国国际经济贸易仲裁委员会)
- Arbitration hearing before two Senior Counsel in Hong Kong and one Senior Counsel in Singapore, led by John Jarvis QC and Linda Chan SC, concerning a pharmaceutical company in the PRC.

### Construction Disputes

- *Hsin Chong Aster Building Services Limited v Queensway Investments Limited*, HCCT 61/2018 (construction dispute between the plumbing and drainage contractor and its employer over works at a property development in Tsuen Wan)
- *Uni-Spark v Danny Cheng Interiors*, HCA 1414/2018 (renovation and construction dispute regarding a project in mid-level)
- *Danny Cheng Interiors Limited v Wong Yin Yee*, HCA2435/2014, (renovation and construction dispute regarding a project in Tai Po)
- Numerous prosecutions against construction companies for breach of different construction-related Ordinance

### Building Management Disputes

- *Guardian Property Management Limited v Chan Kai Chong*, LDBM 19/2011 (whether alteration(s) of the style and colour of windows in a multi-stories building a breach of the DMC)
- *The Incorporated Owners of Golden Castle Mansion v King's Development Company Limited*, LDBM 328/2011 (action to recover unpaid management fees)

- *新蒲崗渣打銀行大廈業主立案法團 v 冠多國際有限公司*, LDBM 26/2016 (whether the respondent should be responsible for charges for the installation of a new fire system)

### **Insolvency Matters/Shareholders' Disputes**

- *Re Kwok Chi Construction Materials Limited*, HCMP 2536/2017 (representing the minority shareholder in a unfair prejudice petition (including winding-up on just and equitable ground) concerning a construction materials company in HK, asking for, *inter alia*, the appointment of a receiver and manager in the interim period)
- *Re New Horizon International Investment Limited*, HCCW 345/2013 (representing the directors in a company in liquidation under an application pursuant to s.286B of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32))
- *Re Asia Entertainment Group Limited*, HCCW 157/2013 (representing the directors in a company in liquidation in a private examination application under s.221 of the former Company Ordinance (Cap. 32), concerning the contracts of the actress Ms Cecilia Cheung)
- *Re Yuen Kay Ming Hung Kei Maxicab Company Limited*, HCMP 3343/2015 (shareholders' dispute regarding the management of a mini-bus company in Hong Kong)
- *Re Wins Toy Manufacturing (HK) Limited*, HCCW 315/2016 (allegation of divesting of a PRC subsidiary of the Company by the majority shareholders was made by the minority shareholders, involving a toy-making company in Hong Kong and Taiwan)
- *Re Health Links Development Limited*, HCCW 152/2013 (successfully defending a unfair prejudice petition for and on behalf of the majority shareholders in a health-care company in Hong Kong)

### **Commercial Litigation**

- *Shown Wai Investment Company Limited v Hui Yip Wing David*, HCA 2959/2015 (representing the Defendant in defending a claim of breach of fiduciary duty by a subsidiary of the Chinachem Group)
- *Convoy Global Holdings Limited & Ors v Cho Kwai Chee Roy & Ors*, HCA 2922/2017 (representing the 5<sup>th</sup> Defendant in defending claims of conspiracy to participate in an alleged circular financing arrangement)
- *Li King Keung v Pu Mei Lee Teresa*, HCA 341/2013 (representing the Defendant in this action concerning the beneficial interest of the BVI company holding 11 houses in Lamma Island)
- *Ubiquiti Networks International Limited v Chan Kim Chuen & Others*, unreported, HCA 1606/2016, 26 May 2017 (defending the defendants in what was described by the judge as a large-scale international internet fraud, led by Mr. Robert Whitehead S.C.)
- *Revelry Gains Ltd V. Joy Rich Development Ltd And Others*, [2017] 1 HKLRD 769 (defending a creditor/contributory application to intervene in a mortgage action on behalf of a company in liquidation, led by Ms. Linda Chan S.C.)
- *The Building and Loan Agency (Asia) Ltd v Joy Rich Development Ltd*, HCMP 1887/2012 (enforcing a floating charge for a subsidiary of a listed company in Hong Kong, led by Ms. Linda Chan S.C.)
- *Desarrollo Inmobiliario v Kader Holdings Limited*, [2014] 1 HKLRD 419 (applying for security for costs)

against a plaintiff which sought to enforce a U.S. Arizona Court award in Hong Kong, led by Mr. Robert Whitehead S.C.)

- *Pacific Electric Wire & Cable Co Ltd v Hu Hung Chiu & Others*, (2014) 17 HKCFAR 710 (defending claim alleging breach of fiduciary duties against a former director of a Taiwanese company (formerly listed) and false accounting, led by Mr. Robert Whitehead S.C. and appeared together with Mr. Steven Kwan)

## **Injunction**

- *Wong Wai Kwan V Tse Tsz King*, HCA 319/2018 (injunction application in a family dispute involving \$10 million worth of assets)
- *Korean International School v Jung Keumhyun*, HCA 454/2017 (injunction application to evict a former principal of the International School from the school premises)
- *Hang Heung Cake Shop Company Limited v Tsoi Chik Sang Lawrence*, HCA 3351/2016 (defending an injunction application involving trademark infringements)
- *Yuen Cheung Shing v Yuen Kay Ming & Ors*, HCA 3422/2016 (freezing assets injunction)
- *Speedy Brilliant Investments Limited v China Health Group Limited*, HCA 598/2016 (injunction for an order to inspect and to take copies of the latest register of members of a company)
- *D'souza Loy Philip v Glen Rodrigues*, HCA 1401/2015 (freezing assets injunction)
- *Zhao Chao v Medicare Development Company Limited*, HCMP 1412/2015 (defending an injunction application that a former director of a listed company should be re-instated as a director)
- *Sum Kee Construction Limited And Continental Engineering Corporation Trading as Sum Kee - Cec Joint Venture v Right Lead Construction Company Limited*, HCA 1032/2014 (injunction application preventing trespasses)
- *International Social Service (Hong Kong Branch) v Ismail Kamel Ismail Hassan Ismail*, HCA 271/2014 (injunction application to evict trespassers from the plaintiff's offices)

## **Defamation**

- *International Social Services (HK Branch) v Vision First Limited*, HCA 683/2014 (libel claim arising out of the publications made by a refugees' group on the internet)
- *Lam Ping Cheung v Yao Yuan and Mingyuan Medicare Development Company Limited*, HCA 1517/2015 (defending a libel claim arising out of the publication made by a listed company through the Hong Kong Stock Exchange)
- *Kwan Kang Hung & Hang Yick Properties Management Limited v Ho Ping Chiu*, HCA 824/2010 (libel claim arising out of a building management dispute)

## **Miscellaneous**

- *Re China Agrotech Holdings Limited*, HCCW 325/2014 (application for a validation order for proposed transfer of shares in a HK listed company which was wound up)
- *Nifa-Instrumenten B.V. V Hang Seng Bank Limited*, HCMP 1162/2017 (application for a Norwich

*Pharmaceutical discovery order in an email fraud case)*

- *Holly Key Investment Limited V Jin & Chun Corporation Limited*, unreported, DCDT 1303/2017, 4 August 2017 (dealing with, *inter alia*, the law point whether the duty to make full and frank disclosure applies in a distress proceedings)
- *Re the Estate of Tang Wing Cheung, the Deceased*, unreported, HCED 1/2013, 23 October 2017 (appeal against the estate duty assessment regarding a promissory note worth HK\$110 million)
- *Rank Profit Industries Ltd v Director of Lands*, FAMV 7/2009 (a judicial review application to challenge the director of land's decision to impose additional conditions in a lease modification, led by Mr. Nigel Fleming Q.C. and Mr. Anthony Neoh S.C. and appeared together with Mr. Valentine Yim)
- *Dr Alice Li Miu Ling v the Hong Kong Polytechnic University*, DCEO 1/2004 (defending Hong Kong Polytechnic University against the sexual harassment claim made by one of its former employees, led by Mr. Selwyn Yu S.C.)
- *HKSAR v Tam Hung*, CACC 127/2010 (defending a defendant charged with money laundering involving casinos in Myanmar, led by Mr. Ching Y. Wong S.C. and appeared together with Mr. Adonis Cheung)