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Kim J. McCoy

Call

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

Langauges

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

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Practice Profile

Kim is a practising barrister in both Hong Kong and New Zealand and is the Director and Founder of the Hong Kong Animal Law and Protection Organisation (HKALPO). 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.

Kim has spoken to all levels of Hong Kong society on animal related issues including both local and international media outlets, such as CNN, BBC and HKIBC about animal law and welfare in Hong Kong.

Prior to joining the Hong Kong Bar, Kim enjoyed a busy mixed practice in New Zealand and remains an active member of the New Zealand Animal Law Association. Kim joined Bernacchi Chambers in 2020 having spent the formative years of his career at Gilt Chambers.

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

- Trustee of the Society for the Prevention of Cruelty to Animals (Hong Kong)

Selected Cases

Appellate

- HKSAR v Bui Van Cuong [2023] 3 HKC 204 – represented the Applicant in an appeal against a conviction of murder on the basis that the learned Trial Judge failed to direct the jury to the peculiarities and/or characteristics of the defendant relevant to the provocation so as to be considered when assessing the gravity of the provocation, and in respect of the second, objective limb of the defence of provocation, whether the provocation was enough to make a reasonable man do as he did.
- *Chairman and Deputy Chairman of the Preliminary Investigation Committee of the Medical Council of Hong Kong v Hospital Authority* [2022] 1 HKLRD 16 –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 SC).
- *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* DCCJ 3736 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 Hossain MD Iqram and Others DCCC 523 of 2022
- HKSAR v Chung Tik Hin and Others DCCC 89 of 2022
- HKSAR v Ilyas Gul Share Chand and Others DCCC 946 of 2021
- HKSAR v Nguyen Thang Phong DCCC 845 of 2021
- HKSAR v Raheel Shabaz DCCC 1142 of 2021
- HKSAR v Cheung Ping Chung DCCC 997 of 2021
- HKSAR v SY Manuel Jr. Cama and Another DCCC 1152 of 2021
- HKSAR v Greenaway Matthew John DCCC 272 of 2021
- HKSAR v Moala Alipate HCCC 76 of 2019 – successfully made a no case to answer submission on behalf of the Defendant who was facing a retrial having been convicted of a charge of trafficking in dangerous drugs.
- *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).
- *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 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 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).

Judicial Review

- Pang Lok Sze v Director of Public Prosecutions HCAL 2346 of 2022 – represented the Applicant in a judicial review against the Director of Public Prosecutions for failing to prosecute

individuals for animal cruelty after 30 animals were thrown out of an apartment window, with 18 animals falling to their death.

Publications

- 虎头蛇尾 The Reality of Hong Kong's Animal Law – Central London Lawyer Winter Edition 2023
- Annotated Ordinances of Hong Kong – Prevention of Bribery Ordinance, Cap 201
- Archbold Hong Kong – Chapter 14 (Evidence of Identification)
- The Hong Kong Encyclopaedia of Forms and Precedents – Animal Protection and Health (Vol. 29)
- Annotated Ordinances of Hong Kong – Prevention of Cruelty to Animals Ordinance, Cap 169
- Annotated Ordinances of Hong Kong – Wild Animals Protection Ordinance, Cap 170

CPD & Talks

CPD

- FinTech Regulations and Environment in Hong Kong
- Hong Kong Shark Fin Trade and Law
- Animal Law in Hong Kong – Ruthless or Toothless – Legal Plus Annual CPD Fast Track Conference
- The Deal with Defamation – Legal Plus Annual CPD Fast Track Conference

Talks

- Education and Animal Conservation in Hong Kong 2023 – Paws for Thought: Educating Hong Kong on Animal Law – City U (Keynote)
- The Silent Victim: How Should The Law Safeguard The Rights of Animals? – HKU (Speaker)
- Centre for Comparative and Public Law - New Empirical Study of Typologies of Animal Cruelty in Hong Kong (對⊠港虐待動物的新研究) (Chairperson)

Media

- Hong Kong Economic Journal - 大律師免費幫動物打官司
- BBC – Wild Boars in Hong Kong
- BBC – Dugongs functionally extinct in China
- CNN – Hamster cull by Hong Kong Government
- CNN – A string of gruesome cat killings has this Japanese city on edge
- ABC News – Rush to Save Hong Kong's hamsters after Covid-19 outbreak
- HKIBC – Talk The Walk | Kim McCoy on hamsters' culling and 'zero-Covid' goal

- Hong Kong Lawyer – Lawyer Turns Love For Animals Into Advocacy
- Sing Tao - 長者無奈棄養寵物 民間難救籲立法保護
- HK01 - 西貢鯨魚追兇｜縱緝獲元兇 或無「法」制裁