

## Jeff Yau

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### Call

2020 (Hong Kong)

### 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

Secretary: **Ms. Karen Leung**

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

### Practice Profile

Jeff has a broad civil practice with a primary focus on commercial disputes, company and insolvency law, land and property as well as probate, trusts and mental health matters. He also has experience in advising on employment law, intellectual property and administrative law.

He is at the same time also actively developing a practice in international commercial arbitration and is a member of the Chartered Institute of Arbitrators and an HKIAC Accredited Tribunal Secretary.

Jeff is regularly instructed to appear as an advocate in the High Court (including the Court of Appeal), the District Court, the Lands Tribunal, statutory boards and arbitral proceedings. He has significant experience throughout the civil litigation process, including interlocutory applications, trials, appeals and taxation proceedings.

He also frequently acts for listed companies and high-net-worth individuals on his own and as part of a larger team in complex and high-value disputes with a cross-border dimension. He has also acted for and advised public bodies.

Outside of his practice, he is a Professional Consultant at the Faculty of Law of the Chinese University of Hong Kong teaching the conveyancing and probate practice module on its Postgraduate Certificate in Laws course.

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.

Born and educated in Hong Kong, Jeff is adept at using of the Chinese language in oral advocacy and drafting legal documents.

## **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

## **Professional Qualifications**

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

## **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)

## Appointments

- Professional Consultant, Faculty of Law of the Chinese University of Hong Kong

## Publications

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

## Selected Cases

### Commercial & General Civil

- *Target Insurance Company Limited v Ng Yu & Ors*:
  - [\[2023\] HKCFI 7](#); [\[2023\] HKCFI 565](#) — discharge of an *ex parte* Mareva injunction for US\$150 million fraud claim involving the largest motor insurer in Hong Kong (led by Robert Whitehead SC)
  - [\[2022\] HKCFI 1362](#) — interim stay and variation of a disclosure order (led by Robert Pang SC)
- [Chan Fun Kwong v Choi Chak Man & Ors \[2024\] HKCFI 722](#) — defence of a claim involving a purported loan of HK\$60 million the principal which was never advanced (led by Robert Whitehead SC)
- [Mason Group Holdings Limited v Tam Wing On \[2023\] HKCFI 3305](#), reported at [2024] 1 HKLRD 601 — striking-out of a claim of unlawful conspiracy involving the purported inflation of the consideration of HK\$84 million for acquisition of Bio-Gene Group (sole advocate)
- [Perpetual Trust Limited \(as Administrator of the Estate of Alexander Gavin Brown\) v Kobe Investments Limited \[2022\] HKCFI 2762](#) — striking-out of a proprietary claim of around AUD\$250 million by a foreign administrator in respect of the controlling stake in an ASX-listed mining company (led by Marc Corlett KC)
- [Ngan In Leng & Ors v Chu Yuet Wah \[2022\] HKCFI 558](#) — resisted a claim of over HK\$250 million in a 10-day involving a dispute arising from an acquisition of a hotel-cum-casino in Macao (led by Robert Whitehead SC and with Vincent Chen)
- [Thapa Kamala v Tong Ming Kay & Ors \[2021\] HKCFI 2371](#) — striking out of claims of malicious prosecution and misfeasance in public office on the ground that they are a collateral attack of a ruling of a magistrate (led by Robert Pang SC)
- *Realord Group Holdings Limited & Anor v Win Dynamic Limited & Anor* (HCA 716/2021) — enforcement of 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 subject company (led by Jin Pao SC and with Vincent

Chen)

- *Li Ngan Kwan v Gao Li Hui & Anor* (HCA 276/2007) — setting aside of a gift of a controlling interest in a hotel in Shenzhen of a value of over RMB¥300 million involving forgery and breach of fiduciary duties (with Andrew Mak)
- *Agostino Gallucci v Marco Toscano & Ors* (HCA 199/2017) — enforcement of right of pre-emption under a shareholders' agreement governed by Hong Kong law by a minority shareholder of a BVI company, which was triggered by a sale and purchase agreement governed by Italian law (sole advocate)
- *深圳佳銳食品有限公司 v Wing Tech Ltd [2023] HKDC 1036* — 5-day trial arising from the breakdown of a cooperation agreement (sole advocate)
- Advising on and/or acting for parties in relation to (i) joint venture, partnership and shareholders disputes and (ii) investment agreement disputes

### **Bankruptcy & Insolvency**

- *Re Aeso Holdings Limited [2024] HKCFI 482* — review of taxation of former provisional liquidators' bill and determination of preliminary issues (sole advocate)
- *Dadra Inc. v Chan [2023] HKCA 707* — interim stay of an imprisonment order pending appeal on the ground that the Court lacks jurisdiction to proceed with an Ord.49B examination *vis-à-vis* a bankrupt (sole advocate)
- *WMFS v HSLA [2023] HKCFI 1088* — setting-aside of a statutory demand on the ground that no security has been created over the underlying debt and failure to state the same in the statutory demand does not render it invalid (sole advocate)
- *Re Ashit Sud (Debtor) [2022] HKCFI 1269*, reported at [2022] 2 HKLRD 898; [2022] 4 HKC 575 — winding-up and bankruptcy petitions for a US\$30 million debt on the ground that the creditor rejected a reasonable offer to compromise and secure (sole advocate)
- *NKW 對 CCL [2022] HKCFI 3595*, reported at [2023] 4 HKC 160 — review of a decision to set aside a statutory demand (sole advocate)
- Advising on and/or acting for creditors and debtors in relation to various winding-up and bankruptcy proceedings, including but not limited to unfair prejudice petitions, setting-aside of statutory demands, review of remuneration of provisional liquidators, etc.

### **Will, Trusts, Probate & Mental Health**

- *Re Estate of Chan Fook Lai (Deceased)* [2023] HKCA 1177, reported at [2024] 1 HKLRD 29 — appeal against entering of summary judgment to pronounce a will on the ground that allegation of mental incapacity is not fit for summary disposal (sole advocate)
- *Lui Ming Lok v Ng Im Fong Loretta, the Executrix of the Estate of Lui Kwan Cheung, Deceased* [2023] HKCA 865, reported at [2023] 4 HKLRD 37; [2023] 5 HKC 588 — resisted an appeal on 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)
- *Young Chi Kin Eric v The Personal Representatives of Zhong Xian Wen, Deceased & Anor* [2023] HKCFI 1783 — vesting order of BVI shares vested in the estate of a deceased who passed away in Hong Kong intestate (sole advocate)
- *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 — stay of various asset-recovery actions pending determination a parallel probate action (led by Robert Pang SC)
- *Cheung Siu Ling & Ors v Tse Yuk Lin & Anor* [2021] HKDC 1290 — 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)
- *Re KCC* — acting for an interim receiver and later committee of an alleged MIP in the mental health proceedings and the related proceedings for recovery of misappropriated assets in the sum of HK\$30 million, disclosure against the alleged MIP’s former solicitors and contempt proceedings (led by Sara Tong SC)
- *Re YLC* — acting 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 (sole advocate)

## **Employment**

- *Lam Sin-yi Cindy v Leung King-wai William t/a William KW Leung & Co:*
  - [2021] HKCA 720 — 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 (sole advocate)
  - [2020] HKCFI 2525, reported at [2020] 5 HKLRD 170 — appeal against a decision of the Minor Employment Claims Adjudication Board dismissing a claim for unpaid wages on the ground that there were special circumstances when the appellant tendered her resignation (sole advocate)
- *Yang Zhizhong v Nomura International (Hong Kong) Limited* (HCA 622/2018) — acting for a former

Head of China of an investment bank in respect of an employment claim against his former employer for loss of, *inter alia*, bonus awards (led by Robert Whitehead SC)

- Advising a statutory body on various employment issues (led by Sara Tong SC)
- Advising on and/or acting for parties in relation to issues such as (i) non-competition clause, (ii) termination of employment contracts, (iii) grant of statutory holidays/ rest days, (iv) dismissal and (v) potential discrimination claims etc.

### **Property & Conveyancing**

- [\*Ego Finance Limited v Poon Sau Han Joanna & Anor\* \[2023\] HKCFI 868](#) — representing a co-owner in modifying terms of an order for sale (sole advocate)
- [\*Wong Anita Shu Ting v Yuen Yiu Chung\* \[2022\] HKCFI 209](#), reported at [2022] 2 HKC 499 — vendor and purchaser summons on whether a joint tenancy was severed by an order of the Family Court without a deed of release (with Valentine Yim)
- [\*To Ying Fat \(杜英發\) v 陳偉昌\* \[2022\] HKDC 502](#) — appeal against the setting-aside of a default judgment on the ground that a lease has been determined by effluxion of time (sole advocate)
- [\*Lee Tin Yeung v Persons Unlawfully Occupying Or Remaining On Part Or Parts Of Lot No.904, D.D. No.96...\* \[2021\] HKCFI 2892](#) — injunction for trespass and interference with easement of drainage as an adverse possessor (sole advocate)
- Advising on and/or acting for parties in relation to (i) conveyancing disputes, (ii) claims of adverse possession and various rights of easement, (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 for the partition), (vi) alleged non-compliance of conditions under leases, guesthouse licences, etc., (vii) building management disputes and (viii) compulsory sale proceedings

### **Civil Procedure**

- [\*Au Din Har Ellen v Au Yee Wan & Ors\* \[2024\] HKCFI 199](#), reported at [2024] 1 HKLRD 825 — applicability of the doctrine of estoppel to the discontinuance of action
- [\*田勤先 對 田珍妮\* \[2023\] HKCFI 2975](#) — appeal against Master's case management decision (sole advocate)
- [\*KMH, KMKJ and KMCJ, The Committee of the Estate of KCC v Lam Ho Chi\* \[2023\] HKCFI 2714](#) — contempt proceedings against defendant for failure to comply with disclosure orders ancillary to

injunctive reliefs (sole advocate)

- *Thapa Kamala v Tong Ming Kay & Ors* [2023] HKCA 1016 — resisted an application by the plaintiff to amend on appeal against a decision to strike out the statement of claim (sole advocate)
- *Hong Kong Golden Development (Holdings) Limited v Chan Ma Choi* [2022] HKCFI 2281, reported at [2022] 6 HKC 257 — amendment of a statement of claim alleged to be wholly inconsistent with previous versions of the pleading and evidence (with Andrew Mak)
- *Li Ngan Kwan & Ors v Gao Li Hui & Ors* [2021] HKCFI 2878; [2022] HKCFI 171; [2023] HKCA 781; [2024] HKCA 298 — amendment a pre-CJR statement of claim on the grounds of inexplicable delay and inconsistency with earlier pleadings (with Andrew Mak)
- *Li Ngan Kwan v Gao Li Hui & Anor* [2021] HKCFI 1946 — resisting an application for trial *de novo* after a part-heard trial in 2008 (with Andrew Mak)
- *Wong, Aileen v Diasqua International Limited* [2023] HKDC 1661 — variation of expert directions and stay of unless order (sole advocate)
- *Wai Chun Holdings Group Ltd v Yip Kam Kuen* [2023] HKDC 1241 — whether exceptional circumstances are required to admit further evidence on appeal after such application was rejected before a Master (sole advocate)
- *Demy Engineering Ltd v Sau San Tong Management Ltd* [2022] HKDC 31 — permanent stay of proceedings on the ground that a compromise has been reached (sole advocate)

### **Arbitration**

- *Kamling International Ltd v First Resources (HK) Development Ltd* [2023] HKCFI 1713 — application for stay of proceedings in favour of arbitration in the PRC (sole advocate)
- HKIAC Rules, resisting a claim for the specific performance of an investment agreement and advancing counterclaims with a view to unwinding a merger of various corporate entities (sole advocate)
- 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 investment agreement (led by Robert Whitehead SC)

### **Judicial Review and Administrative Law**



- *Lau Kwong Man v The Director of Environmental Protection & Anor* [2022] HKCFI 1466 — 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)
- *Vivid Limited v Hotel and Guesthouse Accommodation Authority* (Appeal Case Nos. (1) 53-1/2022 & (2) 54-2/2022) — appeal before the Appeal Board (Hotel and Guesthouse Accommodation) regarding refusal to renew a license and construction of the word “hotel” under section 12 J of the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (sole advocate)
- *Re 3<sup>rd</sup> Floor, No. 53 Ma Tau Chung Road, Kowloon* (Appeal Case No. 2023-001) — appeal before the Home Purchase Allowance Appeals Committee against the Lands Department’s refusal to grant full allowance to two former registered owners regarding owner-occupier status (sole advocate)
- *Nam Lun International Trading Co Ltd v Director of Marine* (AAB No. 18/2023) — appeal before the Administrative Appeal Board against the Director of Marine’s decision not to grant various permits at a public cargo working area (sole advocate)