

MICHAEL YIN

BARRISTER

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Michael Yin has a broad civil practice covering both litigation and advisory work. His special expertise lies in traditional chancery work, including all aspects of land-related matters, trusts and estates, and tax. He also has wide experience in Chinese law and custom, insolvency law, charity law, mental health proceedings, professional negligence, partnership and company disputes.

RECENT HIGHLIGHTS

- ***Winland Finance Limited v. Gain Hero Finance Ltd***[2022] HKCFA 3 (competing priorities between an earlier equitable assignment of future proceeds of sale of property and a later charging order on the property)
- ***Lam Kin Chung v Soka Gakkai International of Hong Kong Ltd***[2022] HKCA 480 (juridical basis for members of a charitable corporation to commence derivative actions and scope of members' fiduciary duty in voting)
- ***Re WSY***[2022] HKCFI 496 (application for a statutory will to be made for an ultra high net worth patient with complex financial and family affairs)
- ***Anthony Eric Ryan Hotung v. Hotung Michael Eric AB***[2021] HKCFI 601 (breach of trust and removal of trustee)

OTHER NOTABLE CASES

Land

- ***Building Authority v. Appeal Tribunal (Buildings) (ENM Holdings Ltd)***(2018) 21 HKCFAR 194 (interpretation of land grant concerning responsibility to maintain hillside slopes)
- ***Jovian Corporate Communications Ltd v. Link Wide International Investment (Hong Kong) Ltd***[2016] 2 HKLRD 1287 (requisition of sale and purchase of office unit and meaning of partition)
- ***Wong King Lim v. The Incorporated Owners of Peony House***[2013] 4 HKC 295 (adverse possession over common parts)
- ***Gold Shine Investment Ltd. v. The Secretary for Justice***[2010] 1 HKC 212 (construction of Government lease)
- ***Chen Yu Tsui, the Executrix of the Will of Tong Kui Ming, decd v. Tong Kui Kwong***[2006] 1 HKC 23 (co-tenant's duty to account)
- ***Wong Wan Leung, Wong Kam Por & Wong Siu Chung, as the Managers of Wong Wai Tsak Tong v. Director of Lands***, LDMR 10/1996, 28 June 2002 (valuation of Government lessee's interest on resumption)
- ***Kar Ho Development Co Ltd v Axis Investment Ltd***[2001] 1 HKC 86 (delay in completion and notice to rescind)

Trusts and Estates

- ***The Secretary for Justice v. Joseph Lo Kin Ching and others***(2015) 18 HKCFAR 169 (construction of charitable bequest in a home-made will)
- ***ChinaChem Charitable Foundation Ltd. v. Chan Chun Chuen & another***(2011) 14 HKCFAR 798 (contested probate claim and disputes over interim administration)
- ***Official Solicitor v. HSBC International Trustee Ltd***[2011] 4 HKLRD 644 (liability of next friend to pay costs and indemnity from estate)
- ***Chung Wing On v. Chung Wing Piu***[2006] 3 HKC 546 (capacity of a specific legatee who takes as joint tenant under a will to serve notice of severance before administration is completed)
- ***Anthony Eric Ryan Hotung v Ho Yuen Ki***[2002] 3 HKLRD 641, [2005] 4 HKLRD 558, [2007] 4 HKLRD 384 & [2010] 2 HKLRD 304 (dispute between beneficiary and trustee)

Tax

- ***The Commissioner of Inland Revenue v. Common Empire Ltd.***[2007] 1 HKLRD 679 (appeal against decision of Board of Review)
- ***China Map Ltd v. Commissioner of Inland Revenue***(2008) 11 HKCFAR 486 (profits tax assessment and onus of proof)

Company & Insolvency

- ***Lam Kin Chung v. Soka Gakkai International of Hong Kong Ltd.***[2018] 2 HKLRD 769 (dispute between a charitable company and one of its members)
- ***Li Man Wai v. Ngan Suet Fong Bonnie***[2021] HKCFI 931 (bankrupt's estate and beneficial ownership of property)
- ***Kwok Ping Sheung Walter v. Sun Hung Kai Properties Ltd***[2009] 2 HKLRD 11 (termination of directors' appointment)

Commercial

- ***Wah Lun International Development Ltd v. Lau Chiu Shing***[2021] HKCFI 407 (acquisition of majority shareholding in a listed company)
- ***Pacific Electric Wire & Cable Company Ltd. v. Texan Management Ltd. & others***CACV 90 & 91/2012, 17 September 2013 (knowing assistance, knowing receipt and equitable tracing)
- ***Bank of China (Hong Kong) Ltd v. Kanishi (Far East) Ltd & another***[2002] 2 HKLRD 52 (charging order and "pledge" of shares)

Public

- ***Commission of Inquiry into Excess Lead Found in Drinking Water***(2015-2016) (represented the Hong Kong Housing Authority)
- ***To Kin Wah v. Tuen Mun District Officer & others*** [2006] 1 HKC 407 (judicial review of District Officer' s role in appointment of managers of tso/tong)

APPOINTMENTS AND MEMBERSHIPS

- Vice Chairman, Standing Committee on Legal Education, Hong Kong Bar Association
- Member, HKSAR Standing Committee on Legal Education and Training
- Member, Committee on Land, Trust and Probate, Hong Kong Bar Association
- Member, Sub-committee on Adverse Possession, The Law Reform Commission of Hong Kong

EDUCATION

- LLB Hons (1992)
- LLM in commercial law (1995)

Qualifications

- Called to the Bar at Lincoln' s Inn (1993)
- Called to the HK Bar (1997)