

JOYCE LEUNG

BARRISTER

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Joyce is one of the most accomplished senior junior counsel in corporate civil litigations in town. She specializes in litigations relating to corporate disputes covering a broad range of areas, ranging from commercial contractual disputes to the more intricate private company shareholders disputes that are prevalent in Hong Kong, from tax, insurance matters to intellectual property rights, as well as land related disputes on titles and ownership. Joyce is recognized as a Leading Junior in the 'Commercial Disputes', 'Intellectual Property', as well as 'Family and Private Client' sections of The Legal 500, demonstrating her all-roundedness and capability in advising clients over multiple areas.

According to the Legal 500 testimonials, Joyce is described as:-

- "reliable" and "focused on strategy"
- able to "establish good rapport with clients and gain their confidence", and
- having the ability to "steer cases with a firm eye on the goal".

Joyce is experienced in handling complex cases for both domestic and multinational clients requiring strong technical expertise and up-to-date legal knowledge. Her commerce background and knowledge in accounting / finance allows her to better understand her client's position relative to her counterparts. She is a strong and natural advocate and is known for her attention to details, agility in handling difficult dispute situations, and her ability to quickly react to challenging opposing evidence and formulate concise arguments. On top of her legal skill set, Joyce is described as being relatable and empathetic while rendering professional advice; she holds long-standing relationships with clients and those instructing her.

Joyce speaks English, Cantonese and Mandarin.

RECENT HIGHLIGHTS

- ***Tsoi Chik Sang Lawrence v Tasty Catering Group Limited & Ors*** [2019] HKCFI 82 and [2019] HKCA 481 and ***Tasty Catering Group Limited & Anor v Cheng Hung Kit & Ors*** [2020] HKCFI 2477 and [2021] HKCA 1211:- Acting for a new majority shareholder to resist being thrown off the board and management of the Company. The Company (Hang Heung Cake Shop) is a traditional cake shop with established goodwill and reputation in worldwide Chinese communities for its cakes and bakery products. Since 2011, the Company was embroiled in over 20 legal proceedings between different shareholders/stakeholders causing the Company to be put into receivership in 2019. Having advised and acted for the majority shareholders, they eventually secured control over the Company and resisted applications to invalidate decision of the general meeting and applications to amend to introduce a claim which has become time-barred. Both cases went on appeal and they were dismissed consecutively.
- ***Zief Inc v Tekchandani Ajai Mohan & Ors*** [2021] 3 HKC 69: :Acting for the plaintiff mobile phone apps provider who was deceived by email fraud and transmitted money to a bank account of a diamond trader in HK. The plaintiff successfully resisted the defense of bona fide seller raised by the diamond trader and prevailed at trial, with indemnity costs and enhanced interest costs order.
- ***Karupayee Ammal (as administratrix of the estate of Karupayee Selveraj, deceased) v G Toys Manufacturing Ltd*** [2020] HKCFI 912:-
Acted for the plaintiff administratrix successfully an order mandating the company to transfer and register the deceased' s shares in her name and to rectify the company' s member' s register
- ***Jewrim Ltd & Anor v S&C Ltd & Anor*** [2020] HKCFI 1983 Acted for the defendant to successfully discharge the mareva injunction brought by the plaintiff based on parallel Russian proceedings for material non-disclosure and obtained indemnity costs

OTHER NOTABLE CASES

Civil Fraud

Joyce is experienced in both bringing and resisting fraud claims, including cross-jurisdictional claim. She is regularly instructed to obtain injunctions and ancillary disclosure order and preservation of assets order.

- ***Zief Inc v Tekchandani Ajai Mohan & Ors*** [2021] 3 HKC 69 – Acting for the plaintiff mobile phone apps provider who was deceived by email fraud and transmitted money to a bank account of a diamond trader in HK. The plaintiff successfully resisted the defense of bona fide seller raised by the diamond trader and prevailed at trial, with indemnity costs and enhanced interest costs order.

- ***Jewrim Ltd & Anor v S&C Ltd & Anor*** [2020] HKCFI 1983 – Acted for the defendant to successfully discharge the mareva injunction brought by the plaintiff based on parallel Russian proceedings for material non-disclosure and obtained indemnity costs
- ***UNA Trading Fze v Hong Kong Numismatic Promotion Co Ltd & Ors*** (HCA 1048/2018) Acting for the plaintiff company located in Dubai to recover amount paid under mistake caused by email fraud against defendants claiming to be bona fide seller for value without notice
- ***Banco del Austro v Regal Prosper Trading Limited & Ors*** (HCA 477/2015) Acted for plaintiff bank in obtaining ex-parte mareva injunctions and norwich pharmacal orders against defendants dealing with proceeds of e-banking fraud involving amount of over US\$9 million

Commercial Disputes/Company matters & Shareholders Disputes

Joyce is a specialist in commercial disputes and has extensive experience in dealing with different camps of shareholders. She is regularly instructed in various interim applications such as striking out, summary judgment, different types of enforcement applications and trial work.

- ***Fruit Design & Build Ltd v Leung Kwok Pong also known as Adam Leung*** [2021] HKCFI 3391
Acted for the plaintiff to successfully resist the discharge of garnishee order
- ***Tsoi Chik Sang Lawrence v Tasty Catering Group Limited & Ors*** [2019] HKCFI 82 and [2019] HKCA 481 and ***Tasty Catering Group Limited & Anor v Cheng Hung Kit & Ors*** [2020] HKCFI 2477 and [2021] HKCA 1211:-
Acting for a new majority shareholder to resist being thrown off the board and management of the Company. The Company (Hang Heung Cake Shop) is a traditional cake shop with established goodwill and reputation in worldwide Chinese communities for its cakes and bakery products. Since 2011, the Company was embroiled in over 20 legal proceedings between different shareholders/stakeholders causing the Company to be put into receivership in 2019. Having advised and acted for the majority shareholders, they eventually secured control over the Company and resisted applications to invalidate decision of the general meeting and applications to amend to introduce a claim which has become time-barred. Both cases went on appeal and they were dismissed consecutively.
- ***Karupayee Ammal (as administratrix of the estate of Karupayee Selveraj, deceased) v G Toys Manufacturing Ltd*** [2020] HKCFI 912:
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- ***Christian Emil Toggenburger & Ors v Luu Hung Viet Derrick & Ors*** HCA 815/2009, CACV 218/2012 (led by Mr. Thomas Lee) – Acted for plaintiffs in misrepresentation/restitution claim against defendants involving amount of over HK\$100m
- ***On Sky Enterprise (HK) Ltd v Lanco International Holdings & Ors*** HCA 529/2010 HCMP 921/2010 (led by Mr. Ambrose Ho S.C.)
Acted for defendants in application to dismiss action for want of prosecution

- ***Yuen Kee Ho Gold Jewelry Accessories Co. Ltd & Anor v Qiao Feng Holdings Ltd & Ors*** (HCA 406/2014)
Acted for plaintiff to obtain injunction against directors in setting up competing business and poaching of staff and soliciting customers; and advised in related winding-up and matrimonial proceedings
- ***Hummingbird Music Ltd v Dino Acconci & Anor***[2007] 4 HKLRD 79 ***Hummingbird Music Ltd v Dino Acconci & Anor*** [2010] 1 HKLRD 587 (led by Mr. Ambrose Ho S.C.) Acted for defendants artists to resist injunction restraining their ability to work for others until expiration of contractual term and to obtain injunction against their record company/manager to restrain them from unlawfully interfering with their business with others.

Land

- ***Max Win Development (HK) Limited v Lam Ngok Hing & Ors*** LDCS 37000/2019 (led by Mr. Ambrose Ho S.C.) Acting for one of the respondents to resist order for compulsory acquisition and argued on the interpretation of section 3(1) and (2) of the Land (Compulsory Sale for Redevelopment) Ordinance (Cap. 545)
- ***Kingdom Miles Limited v Ever Crystal Ltd***[2018] HKCA 967 ***Kingdom Miles Limited v Ever Crystal Ltd*** [2017] 2 HKLRD 732 (both led by Mr Edward Chan S.C.)Acted for the plaintiff to seek a determination whether requisitions answered satisfactorily and good title shown as a result of missing title documents
- ***The Grande Properties Management Ltd v Sun Wah Ornament Manufactory Ltd***(2006) 9 HKCFAR 462 (led by Mr. Ambrose Ho S.C.)
Acted for plaintiff in building management matters on the issue of validity of retrospective resolutions passed by majority owners

Insolvency

- ***Re Gabriel Ricardo Dias-Azedo*** [2013] 4 HKLRD 549 Acted for funding creditor in obtaining payment from bankrupt' s estate in the same priority as the costs of petition
- ***Re Y Ltd*** (HCMP 2418/2013): Acted for the liquidators in obtaining leave to issue protective writ and related gagging order against auditors of insolvent company

Intellectual Property

- ***Hang Heung Cake Shop Co. Ltd v Cheng Hung Kit***(HCIP 61/2020): Acting for the plaintiff bakery company to claim against ex-director for infringing the intellectual property rights of the company by the sale of counterfeit products
- ***JK Holdings Ltd v Activator Co Ltd***(HCA 1896/2020): Acting for the Taiwanese film producer and director of award-winning "Iwierdo" film to defend against the copyright infringement and passing-off claim by the Hong Kong film producer
- ***Butao Ramen Limited & Ors v Ikuta Satoshi & Anor***(HCA 1064/2013) Acted for plaintiffs against director in setting up competing business using plaintiff' s goodwill, trademarks and branding

Tax

- ***Ngai Lik Electronics Co Ltd v The Commissioner of Inland Revenue***(2009) 12 HKCFAR 296 (led by Mr. Ambrose Ho S.C.) Acted for Inland Revenue Department in claim involving tax avoidance scheme

Insurance

Advised Sun Life Insurance and China Taiping Insurance in reviewing their contractual terms and advising in compliance issues with regulators on a range of their insurance products

Probate/Mental Incapacity

Joyce is regularly instructed to advise on probate related matters and/or mental incapacity issues and apply for orders regulating the property and affairs of the mentally incapacitated persons, administrator pendente lite, ad colligenda bona grant, etc.

EDUCATION

- B Com LLB (UNSW)