

# ADRIAN C.K. WONG

## BARRISTER

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Adrian joined the Bar in 2011 upon completion of his pupillage with Mr. Edwin Choy S.C., HH Judge Andrew SY Li, Mr. Kumar Ramanathan S.C., Mr. Andrew Mak, Mr. Ambrose Ho S.C. and Mr. Paul Shieh S.C.. He has been with chambers since its founding in 2022.

Adrian has a broad civil practice which covers the full range of commercial, banking, companies, trust and probate, land, personal injury and employment disputes, with extensive experience in the insolvency area. He has appeared at most levels of courts as well as arbitrations, conducting trials and appeals both in his own right and as a led junior. He also provides advisory work on the above matters, both locally and for matters in mainland PRC.

Adrian also takes a keen interest in teaching and promoting the rule of law and advocacy. He has been teaching as course lecturer at the Peking University Faculty of Law "Common Law-Public Law Course" . He has also been a Part-time Lecturer in Civil Advocacy, PCLL as well as a moot coach in multiple international moots at the University of Hong Kong.

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## RECENT HIGHLIGHTS

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- **China CITIC Bank Corporation Ltd. & Ors, Tianjin Branch v Silver Starlight Ltd-** HCCW 295/2021: Acting for the Respondent in a winding-up petition allegedly based on loans of HK\$8 billion secured by charges over shares and mortgage over pieces of land in Tianjin
- **The Official Receiver v Samuel Ajmal Victor-** [2021] HKCFI 2441: Acting for the Respondent in a 3-days trial in the ORO' s application for disqualification of director under Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32) s. 168D/168H based on a "start-up" company' s alleged failure to ensure due payment of wages of employees. The Respondent was cleared of all allegations.
- **Asian Creative Capital Ltd. v Li Qing- HCA 1735/2019** Acting for the Defendant in the dismissal of an O. 14 application concerning alleged loans of US\$47M based on case of waiver, collateral agreement and estoppel
- **Up Profit Ltd. v Wat Fung Ying v Chu Kong (3rd Party)-** HCA 197/2017: Acting for the Defendant director in a derivative action alleging breach of fiduciary duties, successful third-party application for indemnity against 3<sup>rd</sup> party who instigated the same derivative action
- **Xing Fa (Hong Kong ) Imp. & Exp.v Sunsan International Co. Ltd-** [2019] HKCFI 271: Acting for the Plaintiff in a successful mareva injunction application involving US\$6.6M in a letter of credit fraud case against a suspected accomplice
- **Bio Chem Technology (HK) Ltd. v Rich Leaf International(HK) Ltd-** HCA 476/2017: Acting for the Defendant in a dismissal of an O.14 application and applying for stay of proceedings under s. 20 of the Arbitration Ordinance for US\$3.8M claim and US\$5M cross-claim regarding cross-border sale of feed additive from PRC via HK to Pakistan
- Multiple bankruptcy/winding-up related matters, including:
  - Resisting of bankruptcy petitions based on abuse of process/damage to surety
  - Multiple successful sale of co-owned properties and equitable accounting actions based on Partition Ordinance (Cap. 352) acting for bankruptcy trustees
  - Multiple successful bankruptcy petitions based on loans, guarantees and/or mortgages acting for banks
  - Advice and resisting of derivative action/ unfair prejudice claim against directors for alleged misuse of company properties

- Multiple banking related matters, including:
  - Setting aside of judgment and writ of *fi fa* against bank based on alleged overcharging of interest
  - Application for O.88 mortgage enforcement against defendant alleging clog of equity of redemption
  - Advice and action on credit card debts against defendant alleging unauthorized use of card via **Apple Pay** payment services
  - Resisting of O. 14 application against bank for alleged receipt of deposit as agent for sale of real properties in Mainland PRC
  - Advice and action on business loans against defendant alleging wrongful freezing of accounts

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## OTHER NOTABLE CASES

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### Bankruptcy

- (On-going) Resisting of on-going simultaneous bankruptcy petitions claims against same Respondent on grounds of *inter alia* abuse of process
- **Wong Kwok Ki Stephen & Anor v Wong Kin Keung & Anor**, HCA 594/2017, [2018] HKCFI 178 : successful striking out of parts of defence on ground of irrelevance, claim involves application for sale under Partition Ordinance (Cap. 352) by bankruptcy trustees
- Application for sale under Partition Ordinance (Cap. 352) by bankruptcy trustees, including:
  - **Re Lo King Leung & Anor**, DCCJ 1112/2021
  - **Re Lam Ming Fung Clarence & Anor**, DCCJ 1716/2020
  - **Re Lo Bun Hung William**, DCCJ 6344/2020
  - **Re Fan Yuen Ping**, DCCJ 5122/2020
- **Re Lau Yu; Patrick Cowley & Anor v All Powerful Holding Ltd & Anor**, HCB 104/2017, [2018] HKCFI 1802, [2018] HKCFI 2542: led by Mr. Ambrose Ho S.C., resisting of proprietary injunction based on Chabra jurisdiction against assets of companies shares of which owned by bankrupt defendant
- **Re Fook Hau Trading Company (a firm)**, HCB 6222/2016 [2018] HKCFI 165: successful bankruptcy application against partnership, partners located in PRC/passed away, enforcing debts worth HK\$22M
- **Re Moran Wayne Anthony** HCB 108/2021: successful bankruptcy application against professional alleging reasonable prospect to repay debt by selling of yachts/vessels owned but delay in so selling caused by COVID

- **Re Cheng Tun Sang** HCB104/2017, [2018] HKCFI 58
- **Re Tsang Hing Wong** HCB 7696/2012
- **Re 李偉賢** HCB4815/2012
- **Re Gin Yiu Chung James** HCB 5685/2011
- **Re: Krzysztof Marszalek, Yu Shin Leung Grady**[2012] 3 HKLRD 431

## Banking and Finance

- (On-going) Successful Setting aside of judgment and writ of **fi fa** against bank based on alleged overcharging of interest invoking international legislations and banking regulations
- (On-going) Application for O. 88 possession order enforcing mortgage, defendant' s case that unconstitutionality of letter of no consent issued by police affects legality of bank' s actions/inactions rejected
- (On-going) successful resistance of Resisting of O. 14 application against bank for alleged receipt of deposit as agent for sale of real properties in Mainland PRC
- **Standard Chartered Bank (Hong Kong) Limited v Pak Kwan Hq** HCA 1269/2015: successful O.14 application enforcing guarantee for claims in the sums of HK\$14M and US\$2M
- **Standard Chartered Bank (Hong Kong) Limited v Shayne Chandler Limited**DCCJ 1855/2020
- **Standard Chartered Bank (Hong Kong) Ltd. v Ease Keen International Ltd**, HCMP 2687, 2688/2016
- **Standard Chartered Bank (Hong Kong) Limited v Lie Farren** HCMP 78/2021, [2021] HKCFI 3429
- **Standard Chartered Bank & Anor v Ease Keen International Ltd & Others** HCA 1622/2016
- **Standard Chartered Bank (Hong Kong) Limited v Ravissant Ltd**HCMP 306/2016
- **Standard Chartered Bank (Hong Kong) Limited v Hong Kong Tun's Paper Limited**HCMP 1752/2016
- Advised on credit card debts against defendant alleging unauthorized use of card via **Apple Pay** payment services
- Advised on business loans against defendant alleging wrongful freezing of accounts
- Advised on (in Chinese to Mainland-PRC clients) legality of Loan Agreements and Charges over shares under HKSAR Law

## Land

- **Sea Reach Limited v Chu Siu Fai** HCA 1014/2015: successful resisting of O.14 summary judgment application in case regarding possible development and/or sale and purchase of Ding House

- ***Superene Ltd. v Metro Fair Ltd.*, CACV230/2013**: led by Mr. Edward Chan S.C., successful opposition to appeal regarding dispute over ownership of external wall of building
- ***Hung Shun Yee v Secretary for Justice***, HCA 1809/2015: successful application for injunction in adverse possession claim regarding unleased government land
- ***The IO of Jing Hui Garden v Ng Kei Sang*** CACV 242/2010: appeal regarding enforcement of DMC and contempt of court proceedings
- ***The IO of Fu Fai Gardens v China Concept Technology Co. Ltd.***, DCCJ 4044/2013- successful enforcement action of DMC against unauthorized partitioning of flat
- Advised on issuance of proceedings, *lis pendens* registration and effect of the same on possible attempts to sell flat by defendant in wrongful ownership/possession of real property
- Advised on building management/DMC disputes regarding alleged denial of access and wrongful possession of common parts
- Advised on claim for implied grant of right of way by way of simultaneous disposition
- Advised on terms and conditions of sale/Government grant and obligation of purchase of land in the preservation, conservation and/or compensation of particular trees in the Lot
- Advised on issues regarding legality of “Ding” house sale and purchase agreements

#### Garnishee proceedings

- ***Eferton DMCC v Standard Chartered Bank (HK) Ltd (as Garnishee)*** HCCT 32/2016: resisting of garnishee and discovery proceeding based on a UK arbitration award to the value of US\$37M
- ***Depula & Clark Inc. v Mulimba Ndumbi & SCB (HK) Ltd*** DCCJ 4013/2014: resisting of garnishee proceeding based on claim of email fraud by person unknown

#### Trusts and Estates

- ***Lily Dorothy Chan & Anor v Chan Orlando Yiu-Kui*** HCMP 1043/2018, [2020] HKCFI 388: defending of application for change of executor of estate valued at more than CAD\$20M
- Advised on the proper administration and distribution of estate

#### Insurance

- ***AIA International Limited v Cheung Siu Yin***, DCCJ 1456/2014: successful summary judgment application on behalf of insurance company in agency contract/advancement dispute against insurance agent
- ***AIA International Limited v Wong Yuet Yue***, DCCJ 4054/2014: assessment of damages on behalf of insurance company in agency contract/advancement dispute against insurance agent

## Personal Injury

- ***Man Yun Fei Angela v Chan See King & Anor***, DCPI 1744/2013: representing defendant in a 3 day personal injury trial, defendant pleaded guilty to careless driving charge, causation disproved and quantum adjudicated at HK\$0
- Advised on Evidence, Liability, Quantum and Sanctioned Offers/Payments for personal injury claims for both plaintiffs and defendants

## Arbitration

- Conducted 5-day ad-hoc arbitration trial in US\$3.9 claim and US\$5M counterclaim in international sales of goods case from PRC to Pakistan via Hong Kong
- Successful US\$2.3M claim for a PRC telecom company against a Taiwan computer chip manufacturing company in the HKIAC on contract for development of chips (both initial 1 month trial and subsequent re-hearing on limitation issue)
- Advised on garnishee proceedings based on London arbitration award against sums in bank accounts in Hong Kong and set-off thereof

## Criminal

- ***HKSAR v Rafael Hui & Ors***, HCCC 98/2013, CACC 444/2014, [2017] 2 HKLRD 1: bribery/misconduct in public office charge against the former Chief Secretary of Hong Kong, at trial and on appeal

## Others

- Advised on limitation of action related matters
- Advised on taxation of costs and “indemnity principle”
- Advised on trademark and product description related matters of alcohol hand sanitizer products sold in USA
- Advised on claim for return of money advanced to money exchanger subsequently frozen by Bank/Police Force under letter of no consent
- Advised on company dispute and interpretation of Memorandum/Articles of Association
- Advised on possible judicial review application regarding environmental issues by nearby manufacturing plant
- Advised on family status discrimination against employee
- Advised on alleged disability discrimination by employee against employer

## EDUCATION

- LLB (University of Hong Kong)
- LLM (Soton)
- PCLL (University of Hong Kong)
- Postgraduate Diploma in EU Competition Law (King's College London)

## SCHOLARSHIPS AND AWARDS

- British Council 60<sup>th</sup> Anniversary Scholarship (2009-2010)

## APPOINTMENTS AND MEMBERSHIPS

- Standing Committee on Greater China Affairs, Hong Kong Bar Association (since 2011)
- Standing Committee on Civic Education, Hong Kong Bar Association (since 2011)
- Standing Committee on Young Barristers, Hong Kong Bar Association (2011-2018)
- Standing Committee on China Practice Development, Hong Kong Bar Association (2017-2019)
- Visiting Lecturer at Peking University Faculty of Law, "Common Law-Public Law Course", hosted jointly by Peking University and the Hong Kong Bar Association (since 2017)
- Part-time Lecturer in Civil Advocacy, PCLL, University of Hong Kong (since 2016)
- CEDR Accredited Mediator

## PUBLICATIONS

- [收回土地條例>>補償－土地發展潛力的非黑即白](#) article regarding Lands Resumption Ordinance (Cap. 124) and the test for assessing development potential of land.
- [Article: "Hong Kong court upheld arbitration clause and rejected attempts to argue limited scope and waiver \(Bio-Chem Technology \(HK\) Ltd v Rich Leaf International \(HK\) Ltd\)"](#)

## Seminars

- "Hong Kong Legal Topics Seminar (Dongguan)" hosted by the Guangdong Lawyers Association and Dongguan Lawyers Association, Topic, "Mainland China and Hong Kong cross-border recognition and enforcement of civil judgments and arbitration awards" (2018)

## LANGUAGES

- English (fluent)
- Chinese (Cantonese-native, Putonghua-fluent, traditional and simplified)