

BRIAN CHOK

BARRISTER

Call: 2016

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Brian Chok has a broad civil practice with strong emphasis on corporate, commercial, land, building management and construction disputes. As regards his commercial and corporate practice, Brian has diverse experiences in handling contractual, and investment scheme disputes, as well as shareholders' disputes involving breaches of directors' duties and insolvency matters for individuals and corporate clients ranging from local family business to listed companies and conglomerate with strong ties and business portfolio in Mainland China and overseas. With a view to expanding connections and practising in the Greater Bay Area, Brian also passed the Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination in 2023.

He has also frequently advised owners, Incorporated Owners, management companies and tenants on land matters such as tenancy and property ownership disputes including New Territories land, water seepage claims and procedural requirements and liabilities under the DMC and BMO.

As regards his construction practice, Brian has represented employers, main contractors and sub-contractors in disputes concerning prolongation costs, late payments, sub-standard works as well as personal injuries sustained at construction sites. In light of his commitment to his construction practice, Brian has been pursuing a part-time degree in surveying specialised in quantity surveying since 2022.

RECENT HIGHLIGHTS

Construction

- HKIAC Arbitration – representing the Developer against the Main Contractor in a claim over HK\$100m arising from termination of the contract due to delay and defective works (as junior).
- ***Mega Express Engineering Limited v Shing Fung Machineries Leasing Co. Ltd, Pui Hing Network Construction (HK) Co., Limited and others*** (HCA 1903/2015) – representing the main contractors in resisting sub-contractors claims for outstanding payments in 11 projects.
- ***New City Construction Co. Ltd v Lik Hang Engineering (HK) Company*** (HCMP 303/2022) – representing the main contractor in applying for an injunction to restrain presentation of petition involving a cross-claim for prolongation costs
- ***REC Engineering Company Limited v Unistress Building Construction Limited*** (DCCJ 5962/2019) – representing the main contractor in defending sub-contractor's claim for outstanding payment for installation work.
- ***Coxgomyl Hong Kong Limited v Unistress Building Construction Limited*** (DCCJ 552/2016) – representing the main contractor in defending sub-contractor's claim for outstanding payment for provision of gondola services.
- ***Melofield Nursery and Landscape Contractor Limited v New City Construction Company Limited*** (DCCJ 4634/2020) – representing the main contractor in defending service provider's claim for outstanding payment for landscaping services and in counterclaiming the service provider for damages due to its poor performance.

Company and Commercial

- ***Hang Heung Hop Kee Investment Company Limited v Tsim Yiu Leung and others*** (HCA 967/2014) – representing one of the defendants in resisting the plaintiff's claim for transfer of shares of the company which ran the chain local cake business "Hang Heung Cake Shop"
- ***Chase On Plastic Houseware Limited v Chase On Development Limited (in liquidation) and Another*** (HCA 1325/2021) – representing the Plaintiff in resisting a security for costs application in a claim concerning trust arrangement over receivables of certain companies (with Alexsander Wong)
- ***Leelan Rukesh Marasinghe v Director-General of Civil Aviation*** (HCAL 1457/2018) – representing the applicant in a judicial review challenging the decision of the Director's decision in suspending his pilot license (with Thomas Lee)
- ***Chong Lo Ching v Chan Kam Him and another*** (HCA 288/2020) – representing the Plaintiff director in a claim for unlawful removal of directors and dilution of shareholding under ss. 728-730 of Cap. 622.

- ***Du Shui Wing and others v Fu Kin Fung and others*** (HCMP 846/2019) – representing the Interim Manager of the Company for an order of disclosure against the directors.
- ***Long Hai Hong v Chan Yu, Lydia and others*** (HCMP 3179/2013, HCA 175/2018, HCA 721 & 1537/2019) – representing the company in a derivative action and a rectification action to strike the name of a shareholder off the company's registry.
- ***Zhang Hui and another v Hangzhou Bicheng Network Technology Co., Ltd and Others*** (HCA 1609/2020) (with Alexander Wong) – representing the subsidiary in defending a claim of fraudulent transfers of shares and changes of directorship.
- ***Chiu Chung Wah Warren v Lee Shang Yan Lester*** [2023] HKDC 1008 – representing the Defendant in successfully dismissing the Plaintiff's claim for entitlement to award in an incentive scheme after trial
- ***Zhang Jingli v Kai De International Holding Limited and another*** (HCA 1187/2020) (with Alexander Wong) – representing the Plaintiff in suing the company and its director for unauthorised disposition of the company assets under charge.
- ***Target Way (HK) Limited v Tollegno Far East Co. Limited and others*** (HCMP 2755/2017 & HCA 1257/2017) (with Mike Lui) – unfair prejudice petition against the Company concerning unfair shareholder loan agreements and repayment of shareholder loans against the Company.
- ***Re Huaxin Investment Holding Limited*** (HCCW 113/2011) (with Elaine Liu) – representing the liquidators in a s. 182 Cap.32 application and resisting a claim for variation of adjudication on proof of debts.

Bankruptcy and Insolvency

- ***Re: Tamimi, Arif Sultan*** (HCB3055/2021) – representing the petitioner concerning debts of outstanding rental payments
- ***Re: Lam Chung Ho*** [2023] HKCFI 260 – representing the debtor in resisting a petition based on a guarantee for assignment of convertible bonds exceeding US\$18m.
- ***Re: Ke Junxiang*** (HCB 4496/2020) – representing the debtor in resisting a petition based on loan agreements exceeding HK\$23million.
- ***Re: Hop Fung Lung Limited, formerly known as Bonjour Cosmetic Wholesale Centre Limited*** (HCCW 355/2021) – representing the well-known local cosmetic retail company in winding-up petitions
- ***Re LeTV Sports Culture Develop (Hong Kong) Co. Limited*** (HCCW 249/2017) – representing one of the creditors in opposing the winding-up order.

Personal Injuries

- ***Wu Wai Ting v The Incorporated Owners of Tung Kin Factory Building*** (DCPI 719/2020) – representing the IO in a "slip and fall" case taken place at the common stairs.
- ***Tsui Choi Fa v Lam Yuet Ping and others*** (HCPI 442/2014 & DCPI 2713/2018) (with Damian Wong) – representing the main contractor and sub-contractor concerning an accident taken place at a construction site in a personal injuries action.

- ***Chan Chiu Tung v Cheng Ka Fai Philip and another*** (HCPI 575/2017) – representing the registered car-owner concerning a motor-cycle accident in a personal injuries action.
- ***Wong Suk Chun v New City Construction Co., Ltd*** (DCPI 1872/2020) – representing the main contractor in defending a claim by a pedestrian allegedly being tripped over by a hose in the construction site.
- ***Chong Foo Nyon v Lee Choi Yee and others*** (DCPI 1086/2020) – defending the driver in a traffic accident in which serious injuries were sustained by the Plaintiff and the driver himself i.e. amputation of limbs.

Property and Building Management

- ***Tang Man Kit and Another v Tang Man Wai*** (HCA 1202/2020) – representing the Defendant in resisting the executors’ challenge over the validity of a tenancy agreement and claim for damages over HK\$114m (led by Ambrose Ho SC and with Alexander Wong)
- ***Tang Man Wai v Tang Man Chung and Another*** (HCA 717/2022) – representing the Plaintiff in claiming damages for unlawful occupation and trespass to various land in the New Territories (with Alexander Wong)
- ***Yip Wang Lai Wynner trading as Dreamcar Motors Service Centre v Hong Kong Glass Reborn Limited*** (HCA 142/2023) – representing the Plaintiff in claiming outstanding deposit and rent under the lease and alternatively the doctrine of tenancy by estoppel
- ***Hang Heung Hop Kee Investment Company Limited v Maycarol Company Limited and another*** (HCA 1664/2011) – representing the 2nd Defendant in their successful application to strike out for want of prosecution the Plaintiff’s claim for recovery of land on the ground of clog on redemption
- ***Yeung Tin Leung and another v Yeung Kin Hang and others*** (HCA 1495/2022) – representing the Plaintiffs for half share of beneficial interest in the property on common intention constructive trust and half share of beneficial interest in the assets
- ***Great Tower Development Limited v The Incorporated Owners of Luso Apartments*** [2023] HKDC 356 – representing the IO in successfully resisting the Plaintiff’s summary judgment application for negligence and nuisance for failure to repair external walls following the Court’s adjudication.
- ***Yu Chung Man and another v The Incorporated Owners of Cheerful Garden*** (LDBM 294/2019) – representing the IO in a stay application pending appeal concerning the validity of the IO’s resolution to indemnify the IO Chairman his legal expenses in defending a defamation case
- ***Wong Fo Keung v Honest Limited and Another*** (DCCJ 5890/2021) – representing the owner in a water seepage claim
- ***The Incorporated Owners of the Regalia v Siu Yiu Man and Another; Wong Tak Yun and another*** (HCSA 15&16/2018) – representing the owners in challenging the validity of resolution concerning the establishment of Special Fund on the ground of insufficient notice and the right of the IO to collect an increased management fee in breach of procedural requirements under BMO.

- ***Great Tower Development Limited v The Incorporated Owners of Luso Apartments***[2021] HKDC 1138 – representing the IO in successfully defending an alleged water seepage from common area and counterclaiming for outstanding management fees after trial.
- ***Chan Wing Kin and others v The Incorporated Owners of Covent Garden***[2019] 4 HKC 186 – representing the Applicants in arguing that the user of the car-park includes the car-parking space owners, not being a residential flat owner.
- ***Tsuei Sheng Chen and another v Tsuei Ka Yee Grace***(HCA 3388/2016) – representing the Plaintiffs to seek an injunction, recovery of land and damages for trespass to person.

APPOINTMENTS

- Member, Hong Kong Bar Association Standing Committee on Mainland Affairs (since 2022)

OTHER QUALIFICATIONS

- Passed Guangdong-Hong Kong-Macao Greater Bay Area Legal Professional Examination (2023).

PUBLICATIONS

Legal Publications

- Brian Man-ho Chok, ‘Let the Responsible be Responsible – The Judicial Oversight and Over-Optimism of the International Court of Justice in the Arrest Warrant Case and the Falling of the Head of State Immunity Doctrine in International and Domestic Courts’ (2015) 30 American University International Law Review 490.
- Brian Man-ho Chok, ‘The Struggle between the Doctrines of Universal Jurisdiction and Head of State Immunity’ (2014) 20(2) UC Davis Journal of International Law and Policy 233.

Seminars

- “Building Management Disputes” (with Andrew Mak and Carol Wong)
- “The Practical Aspects of Injunctions in Litigation” (with Andrew Mak and Carol Wong)
- “PRC Cross Border Litigation Part II: Recognition and Enforcement of the PRC Judgment and Arbitral Award in Hong Kong” (with Andrew Mak and Chantel Lin)
- “Practical Aspects of Building Management and Property Litigation” (with Andrew Mak and Carol Wong)
- “Masterclass in Land Resumption Law” (as sole speaker)
- “Multi-Storey Building Litigation” (with Andrew Mak and Carol Wong)

LANGUAGES

English, Cantonese and Mandarin.

EDUCATION

- LLB (City University of Hong Kong)

- LLM (University of Cambridge)
- BSc in Quantity Surveying (Polytechnic University of Hong Kong) (in progress)

SCHOLARSHIPS AND AWARDS

- Iu Ting Kwok Prize
- PCLL Admission Scholarship
- Robertsons Prize
- Moot Court Prize Scholarship
- Overall Champion, 5th International Criminal Court Trial Competition (2012)
- Overall Champion, Susan J Ferrell Intercultural Human Rights Moot Court Competition (2011-2012)