COURTYARD CHAMBERS

Charles Chan SC

Head of Chambers

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Qualifications

Accredited Mediator, CEDR (2009)

Arbitrator, South China International Arbitration Center (SCIA(HK)) (2024)

Year of Call

Call: 1998 (HK)

Inner Bar: 2026

Practice Profile

Charles has been specializing in criminal law since he began his full practice. He also earned a distinguished Master’ s Degree (MSocSc in Criminology) from the Department of Sociology at the University of Hong Kong.

With a strong interest in jurisprudence and a passion for delving into the intricate aspects of legal arguments, Charles has dedicated his practice to appeals and complex cases involving commercial fraud and corruption. He values meticulous attention to detail and strong analytical skills, which drive him to navigate challenging cases and ensure that every critical element is addressed.

He accepts instructions for criminal appeals, trials, and hearings at all levels of court and other governing bodies. He has advised on and defended disciplinary matters and occasionally represents clients in civil cases directly related to criminal complaints or investigations.

Additionally, Charles is a registered Panel Arbitrator with SCIA (HK) and an Accredited Mediator (CEDR since 2009).

He has served the Judiciary as a Deputy Magistrate in his earlier years and has been a Deputy District Judge since 2012. Charles actively participates in various committees, including the Bar Council and its Standing Committees for Overseas Admissions (Criminal), Criminal Law and Practice, Discipline, and Civic Education (as the chairman). He also contributes to several governmental and public bodies.

As the Founder and currently the Co-Head of Chambers at Courtyard Chambers, Charles is committed to delivering high-quality legal and alternative dispute resolution (ADR) services, providing effective solutions tailored to your legal needs.

Education & Academic Achievements

CEDR Mediation Accreditation (2009)

MSocSc (Criminology), The University of Hong Kong, Straight-A Distinction

PCLL, City University of Hong Kong

LLB (2nd Upper Hon.), City University of Hong Kong

Notable Prize and Scholarship

George L. T. Yue Prize in Legal Theory

Providence Foundation Scholarships

The Alistair Robertson Memorial Prize

Public Services

1. The Bar Council

i) Council Member (2023 – current)

ii) Elected Member (2012 – 2015)

2. Standing Committee/ Committee on Practice Area of the Bar Association

i) Civic Education (Chariman since 2023)

ii) Discipline (Criminal - Member since 2012)

iii) Overseas Admissions (Criminal) (Member 2013-15, 2016 – current)

iv) Criminal Law & Practice (since 2018)

3. SideBySide ???

i) Executive Committee Member (since 2024)

ii) Committee Member (Service Development Committee since 2023)

iii) Committee Member (Rebranding Committee 2022-2023)

iv) Honorary Consultant (Mock Trial Justice Education Project)

v) Honorary Consultant (Youth Empowerment and Entrepreneurship Service)

vi) Mock Trials (Coach/Adjudicator)

4. The Duty Lawyer Service

i) Deputy Chairman, Council (2025)

ii) Member, Council (Since 2024)

5. Advisory & Statutory Bodies (HKSAR)

i) *Chairman*

a. Environmental Impact Assessment Appeal Board (2025 – current)

b. Appeal Tribunal Panel (Buildings) (2021 – current)

c. Appeal Board (Hotel and Guests Accommodation) (2018 – 2022)

d. Appeal Board (Clubs (Safety of Premises)) (2018 – 2022)

e. Appeal Board (Bedspace Apartments) (2018 – 2022)

ii) *Deputy Chairman*

a. Non-local Higher and Professional Education Appeal Board (2021 – current)

iii) *Member*

a. Torture Claims Appeal Board (2024 – current)

b. Appeal Board (Amusement Game Centres) (2014-2020)

6. Member, The P.C.LL. Academic Board, City University of Hong Kong (2014-2016)

Notable Cases

The Court of Final Appeal

HKSAR v Rafael Hui Si-yan (2017) 20 HKCFAR 264
(From trial to appeal to the CFA, lead trial counsel for D5)

- Bribery and misconduct in public office of the ex-Chief Secretary of the HKSAR
- 133 days High Court trial by jury on sensitive materials and an extensive study on the law on misconduct in public office and s.159A of the Crimes Ordinance

HKSAR v Chan Chi Wan, Stephen (2017) 20 HKCFAR 98
(From trial to appeal to the CFA)

- Extensive review and discussion on s.9, s.11, s.14, s.24 POBO
- Extensive review and discussion on the law of reasonable excuse
- Extensive review and discussion on the law of conspiracy

HKSAR v Yeung Ka Ho and another (2013) 16 HKCFAR 609

- Mainly on voice identification
- Extensive review and discussion on the law of visual and voice identification
- Context identification

HKSAR v Fok Ka Shing (2013) 16 HKCFAR 413 and HKSAR v Tsang Hing Lun (2013) 16 HKCFAR 413 (Important case on the meaning of "per se" in indecent assault)

- Extensive review and discussion on the nature of the offence of indecent assault
- Meaning of per se and judicial reasoning

Court of Appeal

HKSAR v Hung Da Xuan & others CACC90/2023

- The Trial Judge's directions to the jury permitted a conviction based on a factual premise that departed from the prosecution's case.
- The summing-up lacked proper directions on definition of the term "importing into Hong Kong" and sufficient explanatory directions to the jury.
- The appeal was allowed. The Court of Appeal explained the relevant considerations for determining the application for retrial.

HKSAR v Yip Ka Yu [2025] 3 HKLRD 611

- Concerning the issue of "honest but mistaken belief" in a rape case
- The Accused did not give evidence and did not rely on such a defence at trial, but the evidence relied on by the prosecution contained such factual basis
- Reviewed the appropriateness of the directions given to the jury and when should such a defence be left for the jury
- Reviewed the factors to be considered in terms of an application for retrial

HKSAR v Wong Wai-ning Kris & Another CACC178/2022

- Allegation under the Prevention of Bribery Ordinance in relation to the advantages offered/received in the collaboration between a public officer and a private institution. The alleged advantage was an employment package which the public officer considered acceptable at his own choice.
- The Court of Appeal addressed legal issues not raised by former trial counsel at trial, concerning the legislative intent of section 4(2)(c) of the Prevention of Bribery Ordinance, as well as whether the "aim at" and "intend to influence or affect" elements introduced in *Secretary for Justice v Chan Chi Wan Stephen* for offences against agents apply equally to offences against public officers under section 4.
- The Court of Appeal also examined the procedural steps and evidential basis for establishing the defence of "reasonable excuse".

香港特別行政區 訴 何善航及另二人 CACC236/2022

- Appeal against conviction and sentence in a riot case (representing the Respondent – HKSAR)
- Addressing how the concept of "mobility" established in the *Lo Kin Man* case is applied even when the defendant was not arrested within the vicinity of the riot scene
- The Court of Appeal reviewed multiple relevant precedents to outline the practical considerations for handling similar cases

HKSAR v Lam Kit Wai & others [2023] 3 HKLRD 996

- Application for Bail Pending Appeal refused by a single judge of the Court of Appeal/ The Applicant renewed the application before the Full Bench.
- Unprecedented application permissible under the law
- Reviewed the proper procedure to be adopted and relevant considerations

HKSAR v Wong Lai Man & Others [2023] 2 HKLRD 479

- Conspiracy to defraud conducted in an auction
- The Court of Appeal took the opportunity to examine: (i) whether the highest-bidding potential purchaser acquired any "proprietary interest"; and (ii) whether the "interested buyer" specified the particulars of offence was capable of suffering "pecuniary loss" or being deprived of a "pecuniary advantage"
- The Court of Appeal further addressed the implications of insufficiency in terms of the particulars of offence.

HKSAR v Ip Wing Lun [2016] 1 HKLRD 801 (Case on fair and proper directions to jury)

- An exceptionally complex and lengthy case in the context of fraud and corruption involving a listed company and a range of professionals
- Involved exceptionally huge amounts of documentary exhibits and forensic study of electronically stored materials and communications
- Involved in substantial study of accounting documentation, accounting rules and due diligence operations

HKSAR v Pau Chin Hung Andy, Secretary for Justice v Pau Chin Hung Andy [2014] 1 HKLRD 587 (bribery of broker firm agent)

- S.9 POBO concerning an agent of a broker firm (KGI HK)
- Proper approach to the admissibility of a cautioned interview
- Review of sentence on s.9 POBO

HKSAR v Ma Bo Kee CACC458/2010

- A lengthy high court trial involving a conspiracy to publish false statement and conspiracy to defraud regarding a publicly listed company in HK called Moulin Global Eyecare Holdings Co. Ltd
- Extensive review of sentencing for similar offences and disparity of sentence

Court of First Instance

香港特別行政區 訴 一鳴建築機械工程有限公司 HCMA 282/2020

- Concerning issues of statutory defence and liability in a serious industrial accident
- Addressing the relationships between (i) the statutory defence under Section 18 of Cap. 59 and Regulations 8(1); and (ii) Sections 6A(1) and 6A(2)(c) of Cap. 59.
- Examining the relationship between the common law defence and the statutory defence

HKSAR v Chow Heung Wing Stephen (HCCC437/2015 - The DR Manslaughter Case)

- First criminally charged medical negligence case in Hong Kong
- Extensive studies on the subjective test of mens rea and the law on gross negligence and manslaughter
- Reviewed disciplinary issues and the laws governing medical practitioners and the practice of cellular therapy
- Reviewed governmental policies on the Science Park and development of biotechnological industry

HKSAR v Chun Kam Chiu & others HCCC158/2003

- LC Frauds
- Lengthy trial on large-scale bogus transactions in PRC involving numerous commercial transactions and bank officials of various banks in HK and PRC