

# Charles J. Chan

HEAD OF CHAMBERS

CONTACT

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QUALIFICATIONS

CEDR Mediator (2009)

YEAR OF CALL

1998 (HK)



## PRACTICE PROFILE

Charles was called to the Hong Kong Bar in 1998. Since then he has specialized in criminal law. He later on obtained a Master's Degree (MSocSc (Criminology)) and was one of its most outstanding holders ever conferred by the Department of Sociology of the University of Hong Kong.

Charles has established a practice and a solid reputation in criminal appeals whilst he has a growing focus on complex and long commercial fraud and corruption-related cases, some of which have attracted unprecedented publicity.

Charles accepts instructions for criminal appeals, trials and other hearings in all levels of court. He has advised on a significant number of disciplinary matters. Charles has also represented and advised clients on civil matters, some of which related to criminal complaints or investigations.

Charles has served in the Judiciary as a Deputy Magistrate in his earlier years and more recently as Deputy District Judge. Currently, Charles is serving in the Standing Committees of Overseas Admissions (Criminal), Criminal Law and Practice, Discipline, and Civic Education. Charles is also serving in a number of public bodies.

Charles is the Founder and the Head of Chambers of Courtyard Chambers.

## EDUCATION & ACADEMIC ACHIEVEMENTS

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 Prizes

## PUBLIC SERVICES

Chairman (4/2018 – 4/2020)

Member (4/2012 – 4/2018)

1. Appeal Board (Hotel and Guesthouse Accommodation)
2. Appeal Board (Clubs (Safety of Premises))
3. Appeal Board (Bedspace Apartments)

Member (5/2014 – 5/2020)

4. Appeal Board (Amusement Game Centres)
5. Board Member, PCLL Academic Board, City University of Hong Kong (2014-2016)
6. Elected Member, Bar Council (2012-13, 2013-14, 2014-15)
7. Standing Committee of Discipline, Hong Kong Bar Association (Member since 2012)
8. Standing Committee of Overseas Admissions (Criminal), Hong Kong Bar Association (Member in 2013-15, 2016-20)
9. Standing Committee on Civic Education, Hong Kong Bar Association (Vice-Chairman 2016-18 and 2018-20)
10. Standing Committee on Criminal Law and Practice, Hong Kong Bar Association (Member, 2018-2020)

## NOTABLE CASES

HKSAR v Chan Chi Wan, Stephen

(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 Rafael Hui Si-yan

(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 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 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

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 substantial study of accounting documentations, accounting rules and due diligence operations

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

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 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