

# Charles J. Chan

HEAD OF CHAMBERS

CONTACT

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QUALIFICATIONS

Accredited Mediator, CEDR (2009)

Arbitrator, South China International

Arbitration Center (SCIA(HK)) (2024)

YEAR OF CALL

1998 (HK)



## PRACTICE PROFILE

Charles was called to the Hong Kong Bar in 1998 and has since specialized in criminal law. He further pursued his academic qualifications and earned a distinguished Master's Degree (MSocSc (Criminology)) from the Department of Sociology of the University of Hong Kong.

With a strong focus on criminal appeals, Charles has also dedicated himself to complex commercial fraud and corruption-related cases, some of which have garnered unprecedented publicity.

Charles accepts instructions for criminal appeals, trials and other hearings at all levels of court and other governing bodies. He has advised on and defended in a significant number of disciplinary matters and has from time to time represented and guided clients in civil cases, specifically those connected to criminal complaints or investigations.

Moreover, Charles also accepts instructions for personal injuries, licencing matters, building appeals, and contractual disputes especially relating to Insurance, Auction and Media Law. Notably, Charles is a registered Panel Arbitrator of SCIA (HK) and an Accredited Mediator (CEDR since 2009).

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

As the Founder and the Head of Chambers of Courtyard Chambers, Charles is delighted to engage with anyone seeking high-quality legal and alternative dispute resolution (ADR) services and provide effective solutions tailored to your legal needs and requirements.

## 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

### ***Current Appointments***

1. Chairman (2021 - ), Appeal Tribunal Panel (Buildings)
2. Chairman (2023 - ), Standing Committee on Civic Education, Hong Kong Bar Association
3. Council Member (2023 - ), The Bar Council, Hong Kong Bar Association
4. Council Member (2024 - ), The Duty Lawyer Service, The Hong Kong Special Administrative Region
5. Member (2023 - ), Service Development Committee, SideBySide (Formerly known as the Society of Rehabilitation and Crime Prevention Hong Kong)
6. Deputy Chairman (9/2021 - 8/2025) (G.N. 5053/21 and G.N. 4856/23), Non-local Higher and Professional Education Appeal Board

7. Member (Current): a) Standing Committee of Discipline, b) Standing Committee of Overseas Admissions (Criminal) and c) Standing Committee on Criminal Law and Practice, Hong Kong Bar Association

8. Honorary Consultant (Current): a) Mock Trial Justice Education Project and b) Youth Empowerment and Entrepreneurship Service, SideBySide

### ***Past Appointments***

#### Chairman

1. Appeal Board (Hotel and Guesthouse Accommodation)(2018 – 2024)
2. Appeal Board (Clubs (Safety of Premises))(2018 – 2024)
3. Appeal Board (Bedspace Apartments)(2018 – 2024)

## Member

1. Appeal Board (Hotel and Guesthouse Accommodation) (2012 – 2018)
2. Appeal Board (Clubs (Safety of Premises)) (2012 – 2018)
3. Appeal Board (Bedspace Apartments) (2012 – 2018)
4. Appeal Board (Amusement Game Centres)(5/2014 – 5/2020)
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)
11. Honorary Consultant (Mock Trial Justice Education Project), SideBySide (Formerly known as the Society of Rehabilitation and Crime Prevention Hong Kong)
12. Honorary Consultant (Youth Empowerment and Entrepreneurship Service), SideBySide (Formerly known as the Society of Rehabilitation and Crime Prevention Hong Kong)
13. Member (Rebranding Committee), SideBySide (Formerly known as the Society of Rehabilitation and Crime Prevention Hong Kong)

## 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 in substantial study of accounting documentation, 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