

# Kelly H.K. Cheng

## CONTACT

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## QUALIFICATION

HKMAAL Accredited Mediator

## YEAR OF CALL

2020 (HK)



## Practice Profile

Kelly is developing a broad criminal and civil practice with experience in handling matters involving commercial, company, insolvency, land, trust and probate, employment, family and arbitration. She is a Patrick Yu Scholar and served pupillage with Mr. Ambrose Ho S.C., Mr. Martin Hui S.C., Mr. Mike Lui (now Mr. Mike Lui S.C.) and Mr. Isaac Chan.

Kelly has appeared as an advocate in the High Court, the District/Family Courts, the Magistrates' Courts and the Lands Tribunal, both in her own right and as a led junior. She also acts as a prosecutor on fiat for the Department of Justice, and accepts instructions from Legal Aid.

Prior to joining the private practice, Kelly served as a Public Prosecutor, and a Legal Trainee (Barrister) in Civil Division and Prosecutions Division at the Department of Justice, where she worked on public law and criminal cases.

## Selected Cases

### Company / Commercial Disputes

- ***E&P Global Holdings Limited v Cheung Keng Ching & Ors*** - [2023] HKCFI 1847: acted for claim against ex-directors of a listed company for fraud and negligence
- ***Industrial & Commercial Bank of China (Asia) Ltd v Interpro Manufacturing Ltd (in liquidation) & Ors v Chung Chi Man*** - HCMP 1619/2016: acted for the third party in defending misrepresentation, breach of contract and/or tort of negligence claim
- ***Tsung Tsin Association & Anor v Lai Kwok Wai & Ors*** - CAMP 170/2022; HCA 516/2021: resisted an injunction application and subsequent leave to appeal applications concerning entry into school premises and management of school affairs
- ***Jumbo Mind Ltd v Active Access Holdings Ltd, Tian-Yu Ltd, Lee Chu & Ip Wan Chung*** - HCA 1315/2022: sought leave to amend the Statement of Claim and obtained summary judgment in respect of an agreement for sale and purchase of shares
- ***Re AJK Company Limited*** - HCMP 3179/2013, HCA 175/2018, HCA 721/2019 & HCA 1537/2019: resisted consolidation application
- ***Daily Tone Ltd & Ors v Orient Alliance Inc. & Ors*** - HCA 1946/2014: successfully resisted the renewed security for costs application
- ***Li Guozhu v Shu Weimin, Ma Hongqi & Cai Hongming*** - CACV 174/2018: acted for the petitioner in opposing charging order being made absolute
- ***Bellefontaine International Ltd v Kan Pui Kwan & Ors*** - HCA 1626/2016: resisted security for cost application

## Land / Trusts / Probate

- ***Simply Power Ltd v Billy Chua & Ors*** - [2023] HKCFI 944 & 1685: acted for Midland Realty in successfully defending a misrepresentation claim against estate agent and seller of industrial building
- ***Chan Lai Kam v Chan Lai Wah*** - HCCA 2993/2022: acted for the person warning to strike out caveat and resist stay of execution pending appeal
- ***Lin Tsz Yau v Lin Chin Chung*** - HCMP 72/2023: acted for the son in seeking relief order against the father as an executor, and to furnish investor and account of the estate etc.
- ***Mok Ching Ha v Wong Yik Lung and/or his administrator(s), executor(s) and assign(s)*** - DCMP 3740/2022: sought compensation upon the Government' s land resumption

## Matrimonial

- ***LCTD v CKMC*** - FCMC 6340/2018: acted for the four Interveners in a 8-day trial regarding trusts over two Hong Kong companies' shares

## Intellectual Property

- ***Hang Heung Cake Shop Company Ltd v Tsoi Chik Sang Lawrence & Anor*** - HCA 988/2004, HCA 989/2004, HCA 1075/2004 & HCA 1327/2013 (consolidated): commencing claims involving infringement of intellectual property rights, demand of outstanding money and loan payments, and breach of fiduciary duties
- ***Hang Heung Cake Shop Company Ltd v Cheng Hung Kit*** - HCIP 61/2020: acted for the plaintiff in a dismissal of a stay application by the defendant

## Discrimination / Employment

- ***Haden, Francis William v Leighton Contractors (Asia) Ltd*** - [2022] 1 HKLRD 995; [2022] HKDC 423, 823: acted for the Respondent in successfully defending a race discrimination claim, with references to gweilo in workplace; and obtained adverse cost order against the losing applicant

## Criminal Law

- ***HKSAR v Chan Wong & Anor*** - HCMA 314/2022: acted for claim against ex-directors of a listed company for fraud and negligence)
- ***HKSAR v Yeung Hoi Chun*** - CACC 135/2024: acting for the defendant to appeal against sentence (ongoing)
- ***HKSAR v Yuen Chi Ping & Ors*** - DCCC 469/2022: acted for the 1st Defendant re breach of listing rules and had all the 6 charges against him dismissed
- ***HKSAR v Li Yin, Renee*** - ESCC 1151/2022: defended the accused on 4 charges of conspiracy to defraud charges

## Others

- ***Zurich Insurance Company Ltd v Yeung Sing Hai*** - HCMP 1143/2023: acted for insurance company to avoid the private motor vehicle insurance policy under s.10(3) of the Motor Vehicles Insurance (Third Party Risks) Ordinance (Cap.272)
- ***COG v ES*** - HCMP 172/2022: in relation to the enforcement of arbitral award
- ***Li Guandi v Ho Sik Yuen*** - HCA 22/2023, HCMP 41/2023: struck out strike out/dismiss the plaintiff's claim
- ***CLSA Ltd v Ling Chi Contracting Ltd*** - DCCJ 1405/2020: represented the insurer plaintiff in opposing of the introduction of expert evidence by the defendant

## **Education**

PCLL, University of Hong Kong (2019)

LLB, University of Hong Kong (2018)

## **Scholarship and Prizes**

Patrick Yu Memorial Scholarship (2024)

Champion & Best Speaker, Criminal Law Mooting Competition, Haldanes Solicitors and Notaries and University of Hong Kong (2019)

Dean' s Honour List (2018)

Best Team (2nd runner-up), The 8th Cross-straits Enterprise M&A Mooting Competition (2018)

LexisNexis Book Prize for Legal Research Skills (2016)

Rosita King Ho Scholarship (2016)

Sir Edward Youde Memorial Fund Scholarship (2014)

## **Appointments and Public Office**

#### HKSAR Government

- Member, Appeal Board (Hotel and Guesthouse Accommodation) (2024-)
- Member, Appeal Board (Clubs (Safety of Premises)) (2024-)
- Member, Appeal Board (Bedspace Apartments) (2024-)
- Member, Area Committee (Central and Western District - Sheung Wan & Sai Ying Pun) (2024-)
- Adjudicator, Registration of Persons Tribunal (2023-)
- Member, District Youth Development and Civic Education Committee, Central and Western (2023-)
- Member, Commission on Children (2018-2024)
- Member, Advisory Committee on Legal Advice for Unrepresented Litigants (2018-2020)
- Member, Panel of Advisers on Film Censorship (2018-2019)

#### Hong Kong Bar Association

- Member, Practice Committee on Mediation (2023-)
- Member, Practice Committee on Criminal Law and Procedure (2023-)
- Member, Standing Committee on Mainland Affairs (2023-)
- Member, Standing Committee on Legal Education (2021-)
- Member, Standing Committee on Practice Development (2021-)
- Member, Practice Committee on Company Law (2021-)
- Member, Practice Committee on Competition Law (2021-2023)

Part-time Lecturer, Department of Law, University of Hong Kong (2021-)

Vice-Chair, Sir Edward Youde Scholars Association (2023-)

#### DragoNation

- Immediate Past President (2023)
- President (2022)
- Secretary (2021)
- Internal Affairs Director (2020)

#### HKSAR Outstanding Students' Union

- Chairperson, Constitution Review Committee (2019-)
- Chairperson, Advisory Board (2019-2022)

#### The Hong Kong Federation of Youth Groups

- Vice Convenor, Youth I.D.E.A.S., HKFYG Youth Research Centre (Youth Development) (2023-)
- Member, Youth I.D.E.A.S., HKFYG Youth Research Centre (Education) (2020-2022)
- Member, Youth Service Advisory Committee (2021-2023)

#### JCI Harbour

- Vice President (Leadership Development & Business Affairs) (2023)
- Public Relations Director (2022)

## Languages

English, Cantonese, Putonghua