

Derek J Y Chan

Barrister

Call: 2012 (HK)

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PRACTICE AREA

Derek has a broad civil and commercial practice. He has experience handling a wide range of cases, including company, insolvency, contract, commercial, defamation, insurance, buildings management, land, probate and trust related matters.

He has appeared in the District Court, the Court of First Instance and the Court of Appeal, and regularly undertakes trials, interlocutory applications and appellate matters both as a led junior and as sole counsel.

He also has experience conducting arbitrations and arbitration-related court proceedings.

EDUCATION

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| 2011 | University of Hong Kong
P.C.LL. |
| 2010 | King's College London (University of London)
LL.B. (Hons) |

PUBLICATIONS

Contributing Editor, Hong Kong Civil Procedure (2015 – present)

Contributing Editor, Chitty on Contracts: Hong Kong Specific Contracts (4th Edition)

LANGUAGES

Chinese – written and spoken (Cantonese and Mandarin (basic))

English – written and spoken

SELECTED CASES

Companies and insolvency

Long Hai Hong v Liu Dan & Others [2019] HKCFI 1827 – Common law derivative action / Resisting striking out application

Re Merdeka Financial Services Group Ltd [2018] HKCFI 163 – Winding up / Non-Hong Kong company / Validation Order

Re Global Eco Resource Ltd [2018] HKCFI 1658 – Shareholders' dispute / Unfair prejudice petition / Winding up / Trial

So Sheung Hin Ben v Chubb Life Insurance Co Ltd [2018] HKCA 209; [2018] 5 HKC 47 (20 Apr 2018) – Setting aside statutory demand / Insurance agents / Claw-back clauses

Re Shing Pui Keung, HCB 686/2017 (20 Dec 2017) – Bankruptcy petition / Insurance agents / claw-back clause

Hao Xiaoying v Green Valley Investment Ltd, HCMP 1394/2015 (10 Aug 2016) – Leave to commence statutory derivative action

Hao Xiaoying v Green Valley Investment Ltd, HCMP 1393/2015 (17 Feb 2016) – Inspection of company records by shareholder

Re AJK Co Ltd [2015] 6 HKC 493, HCMP 3179/2013 (12 Oct 2015, 10 Aug 2016) – Relief from sanction / Security for costs

Re Neo Telemedia Limited, HCCW 288/2014 (12 May 2015) – Application to strike out winding up petition (with Jonathan Wong)

Re Kaywon Ltd, HCCW 104/2013 (16 Jan 2015) – Trial / Company / Winding up petition (with Osmond Lam)

Re Silver Faith Holdings Ltd, HCCW 111/2014 (22 Sep 2014) – Injunction / Unfair prejudice petition (with Jonathan Wong)

Chow Sau Hei v Ho Keung Yuen, CACV 112, 113 & 114/2013 (7 Jul 2014) – Appeal / Unfair prejudice petition (led by Chan Chi Hung SC)

Re Fortune King Trading Ltd, HCCW 432/2012 (29 May 2014) – Acting for liquidators / Leave to proceed under s. 186 (Cap. 32)

General civil and commercial

Chinacast Education Corporation & Ors v Ma Jim Lok Jim & Ors [2019] HKCFI 1711 – Enforcement of cross-undertaking as to damages / Stay of execution

ANZ Commodity Trading Pty Ltd v Excellence Raise Overseas Ltd & Ors [2019] HKCFI 1704 – Fraud / Tracing claim / Continuation of proprietary injunction

ANZ Commodity Trading Pty Ltd v Excellent Raise Overseas Ltd & Others [2019] HKCFI 1409 – Exclusive jurisdiction clause / Forum non conveniens / Resisted application for stay of proceedings (led by Jose Maurellet SC)

Perfect Award Holdings Ltd v Ouyang Yida & Others [2018] HKCFI 2654 – Continuation of Mareva injunction / Promissory Notes

Catherwood Ltd v Global International Credit Ltd [2018] HKCFI 2383 – Trial / Avoiding disposition to defraud creditors / Licensed money lender (led by Chan Chi Hung SC)

Au Kin Kee Robert v Yeung Yuk Sing & others, HCA 1641/2010 (31 Oct 2017) – Trial / Accounts and inquiries / Nuisance / Harassment

Eshed Diam (HK) Ltd v Siam Color Gems & Jewelry Ltd [2017] 3 HKLRD 308; [2018] HKCA 282; [2018] HKCA 844 – Trial / Contract law / Unilateral mistake / Successfully resisted appeal (led by Nicholas Cooney SC)

Halliburton BV v Sheng Yi (HK) Trade Co Ltd, HCA 1627/2016 (24 Jan 2017) – Default judgment / Vesting order / Mareva injunction / Fraud

Wong Lung v The Chinese University of Hong Kong Employees' Credit Union, HCA 1122/2010 (2 Nov 2016) – Trial / Contract / Breach of fiduciary duties / Illegality / Ultra vires (led by Chan Chi Hung SC)

Green Giant Investments Ltd v China 3D Digital Entertainment Ltd, HCA 327/2015 (13 Jul 2016) – Resisting summary judgment / Promissory Note (led by Nigel Kat SC)

Tsun Kok Chung Richard v Lee Chun Yu, HCA 2093/2009 (6 Jul 2016) – Trial / Conditional Gift / Trust

First Laser Ltd v Fujian Enterprises (Holdings) Co Ltd [2016] 3 HKLRD 622; [2016] 4 HKLRD 360 – Leave to appeal / Expert evidence (led by Chan Chi Hung SC and with Jeremy S.K. Chan)

AXA China Region Insurance Co Ltd v Leong Fong Cheng [2016] 6 HKC 220, CACV 113/2016 (28 Oct 2016) – Security for costs on appeal; HCA 1516/2013 (4 May 2016) – Trial / Contract / Insurance Agent

Melco Crown Gaming (Macau) Ltd v Wong Yam Tak & Lam Yin Ling, HCA 238/2013 (29 Jan 2016) – Charging order / Spouse’s beneficial interest in charged property (with Osmond Lam)

Hecny Shipping Ltd & Anor v Huang Chun Jen Jerry, HCA 1126/2007 (3 Mar 2015) – Amendment of pleadings / Breach of fiduciary duties (led by Russell Coleman SC and with Jonathan Wong)

China Finance & Assets Management Ltd v Lafe Properties (Hong Kong) Ltd, HCA 526/2010 (18 Feb 2015) – Trial / Dishonoured cheque (with Bernard Man)

The Kwangtung Provincial Bank v Chung Sun Kwan [2014] 6 HKC 542; HCMP 7711/1999; CACV 64/2014 (13 Feb, 19 Mar, 15 Aug 2014) – Striking out action for want of prosecution (led by Chan Chi Hung SC)

Land

Lee Sui Heung v Cheung Yiu Co Ltd [2018] HKDC 1188 – Trial / Adverse Possession (led by Chan Chi Hung SC)

Wong Shing Chai Jimmy v Good Allied Investment Ltd, DCCJ 4472/2014 (7 Dec 2017) – Trial / Adverse Possession (led by Chan Chi Hung SC)

Chan Kan Mun v Sanyear Investments Ltd, DCCJ 520/2014 (18 Sep 2017) – Trial / Adverse Possession (led by Chan Chi Hung SC)

Hobman Co Ltd v National Sino Ltd, DCCJ 2778/2015 (14 Jul 2017) – Possession of Land / Summary judgment

Hobman Co Ltd v Nam Hoi Bus Services Co Ltd, DCCJ 3176/2015 (6 Sep 2016) – Possession of land / Summary judgment

IO of Western Court v Conrad Salat Czakat Rumjahn, HCMP 2244/2012 (2 March 2017) – Adverse possession / Striking out pleadings (led by Chan Chi Hung SC and with Nisha Mohamed)

Defamation

Hoi Tin Tong Co Ltd v Choy Kwok Keung [2015] 5 HKLRD 914; HCA 1755/2013 (29 Oct 2015); HCMP 260/2016 (1 Apr 2016) – Non-party discovery / Newspaper rule (with Osmond Lam)

Excel Concrete Ltd v The Concrete Producers Association of Hong Kong Ltd & Others, HCA 938/2011 (11 Aug 2015) – Defamation / Amendment of pleadings (led by Chan Chi Hung SC)

Arbitration

Sun Tian Gang v Hong Kong & China Gas (Jilin) Ltd [2016] 5 HKLRD 221 – Setting aside arbitral award (led by Chan Chi Hung SC)