

# **ROSS M. Y. YUEN**

## **BIOGRAPHY**

Ross has developed a general civil practice with particular emphasis on land and commercial law. He has extensive trial experience in adverse possession, compulsory sale and land resumption. His recent court experience also includes trials on constructive trust/resulting trust, building management and appeals relating to money lenders action and nuisance.

As well as trials, he is often instructed to act in injunctions and other discrete matters such as company law, arbitration, etc.

He is an accredited mediator of the Hong Kong International Arbitration Centre. He has experiences in conducting mediation of variety nature of cases, in particular cases involving company, lands and trusts matters.

Before coming to the Bar Ross worked for 8 years in the finance sector. He is a Chartered Financial Analyst of the CFA Institute.

Ross Yuen completed the PCLL from the University of Hong Kong with distinction in 2007 and was awarded the Association of China-Appointed Attesting Officers Scholarship for PCLL Students.

He is a part-time tutor of the PCLL civil advocacy course of the University of Hong Kong.

He is on the Legal Aid Panel.

## **PRINCIPAL AREAS OF PRACTICE**

- Land and Property Law (Adverse Possession / Compulsory Sale / Land Resumption)
- Chancery Law
- Commercial Law
- Company and Insolvency
- Tort Law & Personal Injuries
- Defamation
- Probate and Administration
- Regulatory and Disciplinary
- Arbitration and Mediation

## EDUCATION

- PCLL – University of Hong Kong (Distinction)
- LLB – University of London
- BBA – Chinese University of Hong Kong

## OTHER QUALIFICATION

Chartered Financial Analyst – The CFA Institute

## PUBLICATION

‘Minibonds: High or Low Risk?’: Hong Kong Lawyer, March 2009

## AWARDS

Association of China-Appointed Attesting Officers Scholarship for PCLL Students 2006-2007

Commendation – Or, Ng & Chan Practical Legal Research and Problem Solving Prize

## NOTABLE CASES

### Compulsory Sale

*New Dorset Investment Ltd v Chiu Mei Kiu & Ors* [2020] HKLdT 22 (redevelopment of Nos 99 & 101 Des Voeux Road West)

*Kannix Limited & Or v Corelux Development Limited & Ors* [2020] HKLdT 9 (redevelopment of Nos 326-332 Des Voeux Road West and Nos 11A-11D Sai On Lane; the Tribunal accepted that the developer’s profit should be maintained at 15% (the higher the %, the lower the land value) despite the recent social movement around the valuation date)

*Wealth Plan Development Limited v Xiu Chuan Limited & Ors* [2019] HKLdT 70 (redevelopment of No 121 King Lam Street Kowloon; the Tribunal maintained the developer’s profit at 15% in view of the government initiative to revitalize industrial buildings whereby the subject building has the potential to attain 20% over the usual plot ratio permitted under the outline zoning plan)

*Century Wide Development Ltd v Loong Huber Ho Fung & Ors* [2019] HKLdT 65 (redevelopment of No 1 Ka Shin Street, No 2 Pok Man Street & Nos 39-53 Tai Kok Tsui Road)

*Asia Charming Ltd v Kar Shing Capital Resources Ltd & Ors* [2018] HKLdT 44 (redevelopment of 4 buildings at Gillies Avenue South and Baker Street)

*Alliance Fame Ltd v Mak Kam To*, LDCS 9000/2015, 4 August 2017 (redevelopment of Nos 222-228 Wan Chai Road)

*Gainfield Investment Ltd v Legend Time Ltd*, LDCS16000/2014, 17 October 2016 (redevelopment at Nos 2A-2F Tak Shing Street)

*Good Faith Properties Ltd v Cibeian Development Co Ltd*, LDCS 42000/2011, 31 May 2013 (redevelopment of No. 20 Caine Road)

#### Land Resumption

*Chan Shiu Chong v Director of Lands* [2018] HKLdT 89 (determination of redevelopment value in a case of land resumption)

*Cheng Kwok Kuen v Director of Lands*, LDLR 6/2015, 7 June 2018 (determination of classification of land and optimum development potential)

*Cheung Lin v Director of Lands*, LDLR 1/2015, 24 October 2016

*Au Yeung Ping Ki v Director of Lands*, LDLR 2/2010, 20 June 2012 (assessment of pre-resumption loss of profits, goodwill, etc)

#### Land Law / Adverse Possession

*Monat Investment Ltd v Lau Chi Kan Kenith* [2020] HKCFI 1970 (successfully opposed partially the claim of adverse possession with no order as to costs)

*Tsang Kiu v Fulland International Ltd* [2019] HKDC 676 (successfully opposed partially the claim of adverse possession with costs order against the squatter)

*Chan Mei Lin & Ors v Lee Hong* [2018] HKCFI 2441 (successfully opposed the claim of ownership and rights over agricultural land relating to adverse possession, proprietary estoppel, etc; led by Mr. C Y Li, SC)

*Tsang Woon Ming v Tsan Hing Tat Heidi*, DCCJ 3791/2016, 19 July 2018 (appeal against refusal to strike out claim based on proprietary estoppel / unjust enrichment)

*Tse's Brothers Co Ltd v Kinghall Development Ltd*, HCA 1341 and 2401/2012, 9 July 2018 (ownership of land based on alleged trust and/or proprietary estoppel)

*Chan Wai Kwok v Lo Chuen Mui*, DCCJ 2057/2014, 23 November 2017 (successfully opposed claim for sole ownership of land based on resulting trust/constructive trust)

*Yu King Chau v Personal Representatives of the estate of Fong Fu Foon*, HCA 1438/2011, 21 November 2017 (successfully opposed claim for adverse possession of units in multi-storey buildings)

*Incorporated Owners of Fuk Wing Building v Ma Hing Ching*, DCCJ 2356/2015, 17 July 2017 (successfully opposed claim for adverse possession by IO)

*Chan Yan Cheong v Chan Yan Shum*, DCCJ1347/2013, 25 August 2014 (proprietary estoppel)

*Woo Hoi Lun v Lai Yung*, DCCJ 2312/2012, 20 October 2014 (successfully opposed claim for adverse possession of New Territories land)

*Cheng Wing Hei v Chan Yat Kwan*, DCCJ 168/2010, 18 November 2013 (successfully opposed claim for adverse possession of New Territories land)

*Silver Hope Ltd v Chan Kwai Wah Alice* [2013] 1 HKLRD 823 (whether registered charging order took priority over earlier contracts for sale and purchase which were stamped but not registered)

*譚海強 v 林樹福遺產管理人*, HCA2462/2009, 15 May 2013 (successfully opposed claim for adverse possession of New Territories land)

#### Others

*Gain Wealth Global Credit & Investment Ltd v Chan Suk Fong* [2020] HKCA 737 (successfully appealed for money lender where the Court of Appeal considered the legal effect of finding of collusion and the definition of interest and principal under the Money Lenders Ordinance Cap. )

*Century Way Investment Limited v Willbert Limited and Or* [2019] HKCA 739 (successfully appealed on finding of nuisance of water condensation caused by the operation of server room; led by Mr. C Y Li, SC)

*Leung Kwok Hung v Johnson Controls Hong Kong Ltd*, HCCT 56/2017, 28 June 2018 (stay of proceedings for arbitration)

*Brassart Jacqueline Marcelle v R & P International Accounting Affairs Ltd*, HCA 305/2015, 26 May 2017 (entering loan agreement by deceit and induced by fraudulent misrepresentation)

*Cheer Signal Development Ltd v Wong Siu Fan*, HCA780/2015, 26 Oct 2015 (discharged of Mareva injunction)

*開聯工業中心業主立案法團 v 北豐有限公司*, LDBM 95/2013, 24 July 2015 (building management - award of indemnity costs against individual owner)

*Steak Expert Holdings Ltd v Incorporated Owners of Jade Plaza (Tsuen Wan)*, LDBM 171/2013, 25 Feb 2015 (building management)

*Chu Chung Ming v Lam Wai Dan*, HCCW 377/2011, 22 December 2014  
(winding up - unfair prejudice)

*China Capital Ltd v Chu San Hung*, HCA 2367/2012, 3 Dec 2014 (Striking-out  
action for tracing and constructive trust by dishonest assistance)

*Lo Sam Shing v Li Fong*, HCA 1803/2011, 14 Mar 2014 (defamation -  
statements contained in letter issued by defendant during period of plaintiff's  
election campaign)

*Chu Chung Ming v Lam Wai Dan* [2012] 4 HKLRD 897 (admissibility - whether  
exceptions to principles on confidentiality of mediation or "without prejudice"  
communications applied)