



Vivien Leung

Barrister-at-law
Denis Chang's Chambers

Call: 2020
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Biography

Vivien is a former solicitor with a decade of litigation experience under her belt. In recent years, she has developed a specialist practice in matrimonial law.

Vivien trained and practised as a commercial litigator from 2009 to 2016 at Deacons. Thereafter, from 2016 to 2019, she practised as a family lawyer at Withers.

She served pupillages with Selwyn Yu SC, Jeremy Chan, Eugene Yim and Robin D'Souza and was marshal to Deputy High Court Judge José Maurellet SC during her extended pupillage with him.

Alongside her matrimonial practice, Vivien is regularly instructed to advise on fraud and assets tracing, trusts, land, probate and succession, company and chancery matters.

Vivien is a HKMAAL accredited family mediator. She conducts family mediations on a voluntary basis at the Hong Kong Family Welfare Society.

Vivien graduated with First Class Honours in Law and Commerce from The University of Sydney, which she attended on a full academic scholarship. She obtained an LL.M specialising in equity and trusts in 2015 when she was working at Deacons.

Vivien grew up in Sydney, Australia. Having worked extensively with Chinese-speaking clients in the last decade, she is fluent in both written and spoken Mandarin and Puncti. She has conducted a trial and several hearings in Puncti.



Practice Areas

Chancery

Commercial Law

Company and Insolvency

Criminal Law

Family Law

Land and Property Law

Mediation

Probate and Administration

Qualifications

HKMAAL Accredited Family Mediator

Solicitor, Hong Kong SAR (2011-2019)

Solicitor, New South Wales (non-practising)

Appointments

Secretary, Hong Kong Mediation Council – Family Interest Group

Education

Masters of Laws (specialising in equity and trusts), University of London, (2015)

Bachelor of Commerce (majoring in Finance & Econometrics) and Bachelor of Laws, The University of Sydney (2007) (1st Class Honours)



Scholarships & Prizes

The Law Society of Hong Kong & Bloomsbury Book Prize (2009)

The University of Sydney Outstanding Achievement Scholarship (2003 – 2007)

The Australian Student Prize (2002)

New South Wales Premier's Award for All-Round Excellence (2002)

Publications & Seminars

Give the Gift of Time, Hong Kong Mediation Council – The Rapport, May 2020 Edition

Surrogacy and Legal Parenthood: Latest Developments in Hong Kong, co-speaker with Hectar Pun SC at the Hong Kong Family Law Association on 20 July 2020

Selected Cases

Matrimonial

Selected Cases as Advocate

SDE (formerly DES) v CYC, HCMC 5 of 2018, 3 September 2020 (PTR hearing re ancillary relief trial on separate assets, post-separation accruals, add backs)

CWYJ v LTYE, FCMC 1135 of 2016, 22 July 2020 (discharge of prohibition order); 28 July 2020 (judgment summons); 24 August 2020 (variation of consent order; judgment summons; leave to enforce outstanding arrears in maintenance); 1 September 2020 (discharge of prohibition order)

KTF v FCWP, FCMC 4089 of 2020, 26 June 2020 & 24 August 2020 (interim care arrangements)

BGGB also known as NGGB v BND, FCMC 1410 of 2019, 10 June 2020 (leave to remain out of the jurisdiction, release from undertakings)

ZY v ZJ [2019] HKFC 174, 18 – 21 December 2018, 18 January 2019, 9 February 2019 (custody trial in Puntì)

ZY v ZJ, FCMC 2973 of 2017, 8 May 2018 (Children's Dispute Resolution hearing in Puntì)



TSTS also known as TSTS v TNK also known as TNK, FCMC 7362 of 2018, 29 June 2018 (Mareva injunction)

CKM v BNA, FCMC 9278 of 2015, 1 February 2019 (variation of a consent order)

MML also known as MKM v GWL also known as GWL, FCMC 12350 of 2016, 25 April 2018 (leave to adduce expert evidence)

TOCG also known as CTOCG v CKKD also known as CJWD, HCMC 4 of 2016, 23 May 2018 (return date hearing on the financial discovery by way of subpoenas and letters of request)

Selected Cases as Solicitor

TOCG also known as CTOCG v CKKD also known as CJWD, HCMC 4 of 2016 (avoidance of dispositions, financial discovery)

AWK v MTHL, HCMC 2 of 2016 (company valuation, third party interests)

MML also known as MKM v GWL also known as GWL, FCMC 12350 of 2016 (business valuation)

THM v HL, FCMC 9695 of 2017 (post-separation accruals, addbacks, valuation of restricted stock units and private equity investments)

Yip v Geicke, HCA 676 of 2016 (setting aside consent order)

TSF v YMSW, FCMC 11790 of 2013 (enforcement of financial settlement, the release of implied undertaking)

Fraud and Assets Tracing

Gold Wings (HK) Limited v Standard Chartered Bank (Hong Kong) Limited, HCA 1216 of 2020, 31 July 2020 (mandatory injunction for release of frozen funds)

Huobi Asia Limited & Anor v Chen Boliang, HCA 415 of 2020 (cryptocurrencies fraud, assets tracing, worldwide injunction and disclosure orders)

Hind International Investment Limited v K&L Gates, HCA 1325 of 2011 (fraud of a law firm partner, solicitors' account rules) (as solicitor & appeared as an advocate at hearing on the variation of costs order nisi on 12 August 2014)



Koko Lai-Shan v Yang Fu Yen & Ors, HCA 2219 of 2014; [2015] 3 HKLRD 621 (fraud, bona fide recipient) (as solicitor & appeared as an advocate at injunction hearing on 14 November 2014, hearing on leave to withdraw the application for security of costs on 16 April 2015)

EOS Hong Kong Limited v Speedy Footwear Limited, HCA 39 of 2012 (commercial fraud, factoring of receivables, assets tracing, enforcement) (as solicitor)

Trusts, Land, Probate and Succession

HLC & Anor v WCC & Ors, HCMP 917 of 2020 (Beddoe application)

WTK & Anor v HLC, WN and WCC, the administrators of the estate of WSL & Ors, FCMP 32 of 2020; WCC v HLC, WN and WCC, the administrators of the estate of WSL & Ors, FCMP 33 of 2020 (dependents' claims under the Inheritance (Provision for Family and Dependents) Ordinance)

SPMK v WCC & Ors, FCMP 250 of 2017, 10 August 2020 (resisted an application for variation of interim maintenance and legal costs provision under the Inheritance (Provision for Family and Dependents) Ordinance)

Li Lihong v Choi Tung Chi & Anor, HCA 3310 of 2016 (constructive trust; gift) (as solicitor)

Chan Sang v Chan Kwok [2015] 3 HKLRD 131 (constructive trust) (as solicitor)

Park Leung Tai Woon v Leung Tai Sing Billy & Anor, HCMP 2172 of 2011 (removal of administrator) (as solicitor)

Company & Other Selected Cases

HKIAC arbitration on a shareholders' dispute regarding the construction of an exit clause in a shareholders' agreement (as solicitor)

Hong Kong Property Services (Agency) Limited v Partners Property Holdings Limited, HCA 1038 of 2016, 20 July 2016 (resisting an application for stay of proceedings) (as advocate)

Joseph Ghossoub v Team Y&R (Hong Kong) Limited & Ors [2016] 3 HKLRD 778 (unfair prejudice, jurisdiction) (as solicitor)

Chang Pui Yin & Ors v Bank of Singapore, CACV 194 of 2016 (mis-selling of derivative products) (as solicitor)



Charles & Colvard, Ltd. v Timelink Century Company Limited, HCA 2254 of 2014, 28 July 2015 and 5 & 20 August 2015 (jurisdictional dispute) (as advocate)

Henkel Hong Kong Holding Limited v Silver Star Hair Products Company Limited, HCA 1109 of 2015, 25 April 2016 (examination of judgment debtor) (as advocate)

EOS Hong Kong Limited v Chartkar International Limited, HCA 821 of 2015, 6 June 2015 (summary judgment) (as advocate)

Lee Bing Fai Stephen v Hong Kong Automobile Association, HCA 25 of 2015 (supervisory jurisdiction) (as solicitor)

Anite Telecoms Ltd v World Best Cargo-Link Co Ltd, HCA 2560 of 2013 (contract) (as solicitor & appeared as advocate at hearing on expunction of evidence on 22 December 2014)

FCL China Development Pte. Ltd. & Anor v Lai Yuen Ling & Ors, CACV 193 of 2014 (joint venture dispute in Qingdao, China) (as solicitor & appeared as advocate at hearing on further and better particulars on 21 March 2014)

Progetto Jewellery Company Limited v Lau Chiu Ying & Anor, HCA 2548 of 2014 (breach of director's duties, misappropriation of company assets) (as solicitor)

Midland Holdings Limited v Mau Wang Bong Bondy v Anor, HCA 1658 of 2014 (defamation) (as solicitor)

Tai Cheng International (Holdings) Limited v Yan Yan Motors Limited, HCA 2269 of 2014 (quasi-easement) (as solicitor)

HKSAR v Ip Ka Po, Executive Director of Asia Television Limited, STS13719-13735 of 2014; STS 925-945, 2116-2117, 2363-2373, 2393-2411, 2434-2455, 2886-2895 of 2015 (late payment of wages) (as solicitor)

INGLife Insurance Company (Bermuda) Limited v Lai Ka Yee, HCA 1086 of 2012 (summary judgment) (as advocate)

Robert Walters (Hong Kong) Limited v FT Financial Services Limited, DCCJ 885 of 2012, 26 June 2012 (summary judgment) (as advocate)

Talal El Makdessi v Team Y&R (Hong Kong) Limited, CACV 199 of 2012 (inspection of corporate documents) (as solicitor)

Ontone Finance Company Limited v Tobo Investments Limited, HCA 433 of 2011, 13 August 2012 (leave to enter judgment) (as advocate)



ING Life Insurance Company (Bermuda) Limited v Chen Xiaoyan, HCB 2367 of 2012, 9 July 2012 (bankruptcy) (as advocate)

Secretary for Justice v Times Square Limited [2011] 2 HKLRD 409 (injunction, Wrothom Park damages, preliminary issue) (as solicitor)

Hong Kong Sheng Kung Hui Foundation v The Hong Kong Central Hospital Limited, HCA 1183 of 2011 (recovery of possession of hospital) (as solicitor)