

# ROSS M. Y. YUEN

## BIOGRAPHY

Ross has his practice mainly in Land and Property Law (including Chancery, Trust and Probate) and Commercial Law. He regularly acts for land owners/developers in adverse possession cases. He also frequently advises and appears on behalf of minority owners in compulsory sale applications, and on occasion, extends his services to majority owners.

He has been involved in some leading authorities on land and commercial disputes such as: *Monat Investment Ltd v. All Person(s) in Occupation of Part of No 16 Ma Po Tsuen* [2020] 4 HKLRD 330; and [2023] HKCA 479 (led by Mr. C Y Li SC) (adopting *Patel v. Mirza* on illegality in Hong Kong); and *Gain Wealth Global Credit & Investment Ltd v Chan Suk Fong* [2020] 4 HKLRD 831 (interpreting the Money Lenders Ordinance).

With his diverse background, he has a keen interest in taking on cases that involve multiple expert disciplines such as building and construction disputes. He has extensive experiences in collaborating with and cross-examining valuer, land surveyor, building surveyor, structural engineer and authorized person. He is a Chartered Financial Analyst of the CFA Institute.

Ross 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. Currently, he serves as a tutor and assessor of the PCLL civil advocacy course at the University of Hong Kong. He is an accredited mediator of the Hong Kong International Arbitration Centre.

## PRINCIPAL AREAS OF PRACTICE

- Land and Property Law
- Chancery Law
- Commercial Law
- Probate and Administration
- Arbitration and Mediation
- Company and Insolvency
- Tort Law & Personal Injuries
- Defamation

## EDUCATION

PCLL - University of Hong Kong (Distinction)

LLB - London University - External

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

### **Land Law / Trust**

*Monat Investment Ltd v. All Person(s) in Occupation of Part of No 16 Ma Po Tsuen* [2023] HKCA 479 (led by Mr. C Y Li SC) (adopting *Patel v. Mirza* on illegality in Hong Kong)

*Monat Investment Ltd v. All Person(s) in Occupation of Part of No 16 Ma Po Tsuen* [2020] 4 HKLRD 330 (successfully opposed claim of adverse possession in part with no order as to costs)

*Chin Ling Wah v. Shum Chau* [2022] 3 HKLRD 372 (application made for MIP under the Partition Ordinance without setting up a committee under the Mental Health Ordinance)

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

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

*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)

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

*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)

### **Commercial**

*Johnson Controls Hong Kong Ltd v. Wangle Engineering Ltd* [2023] HKCA 568; [2021] HKCFI 2560 (successfully opposed the claim and appeal concerning the construction dispute at the new extension of the Hong Kong International Airport)

*Hung Yip (HK) Engineering Co Ltd v. Kinli Civil Engineering Ltd* [2021] 1 HKLRD 860 (injunction to restrain presentation of winding-up petition)

*Gain Wealth Global Credit & Investment Ltd v. Chan Suk Fong* [2020] 4 HKLRD 831 (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)

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

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

*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)

### **Compulsory Sale**

*Bright Full Ltd v. Hing May Properties Ltd* [2023] HKLdT 45; [2023] HKLdT 1 (application for compulsory sale dismissed - redevelopment not justified due to the age or state of repair of the existing development)

*Greatmax International Ltd v. Lo Sha Kam Ha Teresa* [2023] HKLdT 47 ("undue hardship" irrelevant as to whether a compulsory sale order should be made – guidelines on matters to be considered and the weight to be attached under the age or state of repair test)

*Supreme Host Investments Ltd v. The PR of the Estate of Cheng Lai Chit, Deceased* [2023] HKLdT 22 (with Amy Chan) (guidelines on the age or state of repair test)

*China Orchid International Ltd v. Fujitec (HK) Company Ltd* [2023] HKLdT 38 (with Emily Ting) (record reserve price set in compulsory sale applications – valuation of UBWs)

*Winmark Properties Ltd v. Prime Way Investment Co Ltd* [2022] HKLdT 62

(with Valerie Tang) (interpreting the Ordinance on computing average ownership in buildings connected by common staircase)

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

### **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