



Keith Cheung

Barrister-at-Law

Denis Chang's Chambers

Call: 2020 (HK)

Set: Main Set

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Biography

Keith is developing a broad civil practice with particular experience and interest in commercial litigation, company law, insolvency, arbitration, trusts, probate and intellectual property. He has represented domestic, Mainland and overseas clients in Hong Kong and worked with legal teams in offshore litigation in the Cayman Islands and the British Virgin Islands.

Keith is a member of the Chartered Institute of Arbitrators and the Hong Kong Institute of Arbitrators.

Prior to joining the Bar, Keith qualified as a solicitor with a major international law firm. He has received awards from international and domestic mooted competitions including the Best Speaker Award from a practitioners' moot organised by Essex Court Chambers and the Singapore Academy of Law.

Professional Qualifications

Barrister of the High Court of Hong Kong (2020)

Solicitor of the High Court of Hong Kong (2018-2019)

The Chartered Institute of Arbitrators – Member (2018)

The Hong Kong Institute of Arbitrators – Associate (2017)

Education

The Chinese University of Hong Kong – JD, PCLL (2015-2016)

University College London – Master of Arts in English (2013)

King's College London – BA (Hons) English Language and Literature (2012)

King's College London – Associate of King's College London (General Theology and Ethics) (2012)

Selected Cases

Company Law

- ***Re Global Cord Blood Corporation***, FSD 108/2022: petition for just and equitable winding-up arising from dispute over a significant cross-border acquisition which required the company to allot new shares and pay cash consideration of US\$664 million (part of multi-jurisdiction defence team led by Mr Victor Joffe KC, SC).
- ***Avia Trust Ltd v My Gold in Australia Ltd***, HCA 914/2022: discharged Mareva injunction against 3rd and 4th Defendants in the context of resisting a common law derivative action alleging misappropriation in excess of HK\$5 million.
- ***Lee Sai Hoi v Li Sin Man*** [2022] HKCFI 2984: obtained injunction in favour of patriarch of family to restrain approval of disputed share transfers in the patriarch's asset holding company (with Mr Jerome Liu).
- ***Ng Kwok Piu Philip v To Pui Kui*** [2021] HKCA 106: application for leave to appeal to the Court of Final Appeal on question of the Duomatic principle (led by Mr Victor Joffe QC).
- ***Re Wilhemsen Ship Management Holding Ltd*** [2021] 3 HKLRD 213: application to rectify information filed in Companies Registry and its supposed impact on voluntary winding up.
- ***Re Hoi Yin Association of Hong Kong Ltd***: advised members of a charitable company on corporate governance issues and court-ordered general meeting.
- ***Re Yuns Enterprise Ltd***, HCA 227/2022: represented foreign liquidators in claim against directors for allotment of shares for improper purposes and

breach of directors' duties (with Mr Richard Yip).

- **Re Chi Chiu Engineering Company Ltd**, HCMP 1068/2021: resist unfair prejudice petition and secured settlement.

Commercial

- **Koo Ming Kown v The Baptist Convention of Hong Kong** [2024] HKCFI 572: successfully defended a claim in deceit and breach of implied contract with costs on indemnity basis (led by Mr Abraham Chan SC and with Mr Richard Yip).
- **Blue Ocean Creation Investment Hong Kong Ltd & Or v Golden Meditech Stem Cells (BVI) Company Limited**, BVIHCV(COM) 2022/0101 and BVIHCMAP2023/0022: complex dispute arising from sale and purchase of controlling stake in major listed company at price of RMB 5,764,000,000 (US\$868,058,400) and the validity of various share charges (part of multi-jurisdiction defence team led by Mr Alan Steinfeld KC).
- **Remx Limited v LAE Technologies Hong Kong Limited** [2024] HKCFI 572: successfully struck out a claim of US\$12 million against the 2nd Defendant.
- **Ko Tung Mung v Wong Ka Chun** [2023] HKCFI 3347: continuation of *ex parte* injunction in support of a claim for the recovery of shares and monies acquired by funds subject to *Quistclose* trust.
- **Ultimate Prosperity Ltd v Infinity Capital Group Ltd**, HCA 220/2022: obtained summary judgment for repayment of debt and interest in excess of US\$6 million with post-judgment interest on contractual rates, liability for breach of contract (damages to be assessed) and order to strike out the counterclaim.
- **Korita Packaging Ltd v Shahaneys (HK) Ltd** [2022] HKCFI 2923 and [2022] HKCFI 202: opposed appeal against summary judgment for US\$2,561,55 and application to adduce further evidence on appeal.
- **Koo Ming Kown v Rev Mr Mok Tong Ting** [2022] HKCFI 642: dispute on the proper approach to the test of practical utility for declaratory relief (led by Mr Abraham Chan SC and with Mr Richard Yip).
- **Pu Yan v Madison Lab Limited**, HCA 588/2022: action to enforce judgment

from Tokyo at common law in Hong Kong.

- ***CL Chow Mackston, Solicitors (a firm) v Chan Put Fat*** [2021] 5 HKLRD 17 and [2022] HKCFI 15: proper approach to determining payment due under an oral retainer and cost consequences (with Mr Jerome Liu).
- ***Mega Link Investment Ltd v Tescon Limited & Ors***, HCA 1218/2021: claim that the commercial lease was a relational contract and imposed the condition of good faith.
- ***PPE Supplies Company v Abel Pereira & Ors***, HCA 99/2021: dispute over sale of goods with claim in, among others, assumption of responsibility and negligent misrepresentation.
- ***SuisseTechPartners SA v The Capital Company Hong Kong Ltd***, DCCJ 1718/2021: counterclaim for misrepresentation and damages for defective software against licensor.
- Applications for urgent injunction against fraudsters, gagging order and Norwich Pharmacal disclosure against banks.

Insolvency

- Represented debtors in opposing bankruptcy petitions on the basis of unreasonable refusal by practitioner to settle.
- Advised creditor on its rights and options in respect of the collapse of a major international school in Hong Kong.
- Represented foreign incorporated companies to oppose creditor winding up.

Equity and Trust

- Advised a major European bank in a multiparty Hong Kong proceeding brought by the beneficiary of a trust alleging breach of trust, knowing receipt and dishonest assistance.
- Advised a Hong Kong-based discretionary trustee of its rights and obligations in connection to an injunction granted by the English High Court in favour of a creditor against the beneficiary and the trustee based on allegations that the trust was a sham or illusory.

- Advised offshore corporate trustee on its rights and obligations in the management of its trust asset, plans for distribution and potential litigation risks from certain beneficiaries.

Probate and Administration

- ***Re Lam Tim Stan*** [2024] HKCFI 2869: administrative proceedings concerning estate worth in excess of HK\$280 million on issues spanning from retrospective grant of Beddoe to determination of marital status and adoption under Qing law.
- ***Kong Chi How Johnson as administrator of Estate of Mak Fu Keung v Chan Wai Fong & Ors***, HCA 1688/2019: resist claim for devastavit and/or breach of duties and applied to set aside default judgment.
- Advised administrator on administration and distribution of estate where a legatee was adjudged bankrupt.
- Advised administrator on allegations of intermeddling of estate in the context where deceased had children with different partners.

Administrative and Public Law

- ***Sino Energy International Group Holdings Ltd v The Stock Exchange of Hong Kong Ltd*** [2022] HKCFI 3409: judicial review against de-listing decision.
- Advised on intended judicial review against decision of Appeal Tribunal (Buildings) to order demolition of certain renovation works.

CPD Seminars

- “Commercial Injunctions”, webinar on 28 July 2023 (with Ms Tara Liao)
- “Commercial Injunctions”, webinar on 29 July 2022 (with Ms Tara Liao)
- “Commercial Injunctions”, webinar on 13 August 2021 (with Ms Tara Liao)
- “Principles and Developments in Company Law”, CPD seminar on 28 May 2021 (with Ms Tara Liao)
- “Dealing with the Stock Exchange’s Delisting Decisions”, Webinar on 28 May 2021 (led by Mr Hectar Pun SC, Mr Richard Yip and Mr Anson Wong Yu Yat)