



**M I C H A E L Y I N**  
**BARRISTER**

Call: 1997

T: +852 2532 6778

E: [michael.yin@redechambers.com](mailto:michael.yin@redechambers.com)

Michael Yin has a broad civil practice covering both litigation and advisory work. His special expertise lies in traditional chancery work, including all aspects of land-related matters, trusts and estates, and tax. He also has wide experience in Chinese law and custom, insolvency law, charity law, mental health proceedings, professional negligence, partnership and company disputes.

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## RECENT HIGHLIGHTS

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- ***Winland Finance Limited v. Gain Hero Finance Ltd***[2022] HKCFA 3 (competing priorities between an earlier equitable assignment of future proceeds of sale of property and a later charging order on the property)
- ***Lam Kin Chung v Soka Gakkai International of Hong Kong Ltd***[2022] HKCA 480 (juridical basis for members of a charitable corporation to commence derivative actions and scope of members' fiduciary duty in voting)
- ***Re WSY***[2022] HKCFI 496 (application for a statutory will to be made for an ultra high net worth patient with complex financial and family affairs)
- ***Anthony Eric Ryan Hotung v. Hotung Michael Eric AB***[2021] HKCFI 601 (breach of trust and removal of trustee)

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## OTHER NOTABLE CASES

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### Land

- ***Building Authority v. Appeal Tribunal (Buildings) (ENM Holdings Ltd)***(2018) 21 HKCFAR 194 (interpretation of land grant concerning responsibility to maintain hillside slopes)
- ***Jovian Corporate Communications Ltd v. Link Wide International Investment (Hong Kong) Ltd***[2016] 2 HKLRD 1287 (requisition of sale and purchase of office unit and meaning of partition)
- ***Wong King Lim v. The Incorporated Owners of Peony House***[2013] 4 HKC 295 (adverse possession over common parts)
- ***Gold Shine Investment Ltd. v. The Secretary for Justice***[2010] 1 HKC 212 (construction of Government lease)
- ***Chen Yu Tsui, the Executrix of the Will of Tong Kui Ming, decd v. Tong Kui Kwong***[2006] 1 HKC 23 (co-tenant's duty to account)
- ***Wong Wan Leung, Wong Kam Por & Wong Siu Chung, as the Managers of Wong Wai Tsak Tong v. Director of Lands***, LDMR 10/1996, 28 June 2002 (valuation of Government lessee's interest on resumption)
- ***Kar Ho Development Co Ltd v Axis Investment Ltd***[2001] 1 HKC 86 (delay in completion and notice to rescind)

### Trusts and Estates

- ***The Secretary for Justice v. Joseph Lo Kin Ching and others***(2015) 18 HKCFAR 169 (construction of charitable bequest in a home-made will)
- ***ChinaChem Charitable Foundation Ltd. v. Chan Chun Chuen & another***(2011) 14 HKCFAR 798 (contested probate claim and disputes over interim administration)
- ***Official Solicitor v. HSBC International Trustee Ltd***[2011] 4 HKLRD 644 (liability of next friend to pay costs and indemnity from estate)
- ***Chung Wing On v. Chung Wing Piu***[2006] 3 HKC 546 (capacity of a specific legatee who takes as joint tenant under a will to serve notice of severance before administration is completed)

- **Anthony Eric Ryan Hotung v Ho Yuen Ki** [2002] 3 HKLRD 641, [2005] 4 HKLRD 558, [2007] 4 HKLRD 384 & [2010] 2 HKLRD 304 (dispute between beneficiary and trustee)

## Tax

- **The Commissioner of Inland Revenue v. Common Empire Ltd.** [2007] 1 HKLRD 679 (appeal against decision of Board of Review)
- **China Map Ltd v. Commissioner of Inland Revenue** (2008) 11 HKCFAR 486 (profits tax assessment and onus of proof)

## Company & Insolvency

- **Lam Kin Chung v. Soka Gakkai International of Hong Kong Ltd.** [2018] 2 HKLRD 769 (dispute between a charitable company and one of its members)
- **Li Man Wai v. Ngan Suet Fong Bonnie** [2021] HKCFI 931 (bankrupt's estate and beneficial ownership of property)
- **Kwok Ping Sheung Walter v. Sun Hung Kai Properties Ltd** [2009] 2 HKLRD 11 (termination of directors' appointment)

## Commercial

- **Wah Lun International Development Ltd v. Lau Chiu Shing** [2021] HKCFI 407 (acquisition of majority shareholding in a listed company)
- **Pacific Electric Wire & Cable Company Ltd. v. Texan Management Ltd. & others** CACV 90 & 91/2012, 17 September 2013 (knowing assistance, knowing receipt and equitable tracing)
- **Bank of China (Hong Kong) Ltd v. Kanishi (Far East) Ltd & another** [2002] 2 HKLRD 52 (charging order and "pledge" of shares)

## Public

- **Commission of Inquiry into Excess Lead Found in Drinking Water** (2015-2016) (represented the Hong Kong Housing Authority)
- **To Kin Wah v. Tuen Mun District Officer & others** [2006] 1 HKC 407 (judicial review of District Officer's role in appointment of managers of tso/tong)

## APPOINTMENTS AND MEMBERSHIPS

- Vice Chairman, Standing Committee on Legal Education, Hong Kong Bar Association
- Member, HKSAR Standing Committee on Legal Education and Training
- Member, Committee on Land, Trust and Probate, Hong Kong Bar Association
- Member, Sub-committee on Adverse Possession, The Law Reform Commission of Hong Kong

## EDUCATION

- LLB Hons (1992)
- LLM in commercial law (1995)

## Qualifications

- Called to the Bar at Lincoln's Inn (1993)
- Called to the HK Bar (1997)