

# ISAAC CHAN

## BARRISTER

Call: 2007

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Isaac's practice focuses on commercial and financial disputes, financial regulatory proceedings, banking disputes, trust and property disputes. He is often instructed for cases involving complex elements which require a multi-disciplinary analysis.

In addition to his advocacy work in the courts, Isaac regularly acts both for and against regulators in professional disciplinary and regulatory proceedings, including those in specialist tribunals such as the Market Misconduct Tribunal and the Competition Tribunal. Isaac also advises regularly on matters in relation to inquiries by the Listing Division or proceedings before the Listing Committee and the Listing Review Committee of the Hong Kong Stock Exchange.

Besides his civil practice, Isaac is also experienced in white-collar criminal defence work, having been involved in the trials of the former Chief Secretary of Hong Kong for corruption and of the former chairman of the Hong Kong General Chambers of Commerce for conspiracy to defraud.

Isaac has been ranked by The Legal 500 Asia-Pacific (2024) in Regulatory, Investigations and Crime and by Chambers and Partners' Greater China Region Guide (2024) in Commercial Dispute Resolution, reflecting his reputation as "one of the very few barristers in this jurisdiction that has an extensive practice in both civil and criminal law".

He is described as "a counsel that you cannot afford to miss" and "a very strong advocate, which is demonstrated by his ability to explain complex matters of jurisprudence in simple layman terms that is easy to understand and follow". He is also recognised for his "strong commercial acumen", "clinical analytical skills" and his "practical, user-friendly, and carefully thought out" advice.

Prior to joining the Bar, Isaac obtained his BSocSc (Government & Laws), LLB and PCLL from the University of Hong Kong, and his LLM from the London School of Economics. He has further obtained a Postgraduate Diploma in EU Competition Law from King's College London.

Isaac was a recipient of the Bar Scholarship and the Charles Ching Memorial Scholarship.

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## RECENT HIGHLIGHTS

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- **Market Misconduct Tribunal inquiry re China Forestry Holdings Co. Ltd. (delisted)**: Acted for the former CEO in the inquiry in respect of publishing false or misleading information inducing transactions and insider dealing
- **Winland Finance Ltd v Gain Hero Finance Ltd** [2022] HKCFA 3; [2021] 2 HKLRD 72, [2021] HKCA 576; [2019] 2 HKLRD 50, [2019] HKCFI 771: Appeared in the Court of Final Appeal and the courts below in a case concerning priority of charging order and equitable assignment of sale proceeds
- **China Forestry Holdings Co Ltd (in official liquidation) v Top Wisdom Overseas Holdings Limited & Anor** [2020] 2 HKLRD 387, [2020] HKCFI 526; [2021] HKCFI 2761: Acted for the former CEO of a listed company in a proprietary claim brought by the liquidator
- **Competition Commission v Kam Kwong Engineering Co Ltd & Ors** [2020] 4 HKLRD 61, [2020] HKCT 3: Appeared for the Competition Commission in its first ever enforcement proceedings seeking pecuniary penalties against individuals

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## OTHER NOTABLE CASES

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### Financial Regulations

- **Securities and Futures Commission v Jia Yueting & Ors**, HCMP 1074/2021: Acted for a former executive director of Coolpad Group Limited in the SFC's enforcement proceedings involving allegations of misfeasance and wrongful handling of Coolpad's funds in an attempt to avert the liquidity crisis of the LeTV group of companies.
- **Market Misconduct Tribunal inquiry re China Gas Holdings Limited (stock code 0384); Securities and Futures Commission v Cheng Chak Ngok** [2018] 4 HKLRD 612, [2018] HKCA 590: Appeared for the Securities and Futures Commission before the Market Misconduct Tribunal and in the Court of Appeal in a case concerning the burden of proof in an inquisitorial inquiry by a tribunal
- **Securities and Futures Commission v Wong Yuen Yee & Ors** [2017] 1 HKLRD 788: Appeared for the respondents in a decision concerning the proper approach to discovery in disqualification proceedings; [2019] HKCFI 2463: Appeared in subsequent hearing involving the **Carecraft** procedure

- **Securities and Futures Commission v Yik Fong Fong & Ors**, HCA 2524/2016: Acted for the respondents in an insider dealing claim (pre-trial)
- **Securities and Futures Commission v Lee Sung Ho (also known as Stanley Lee and Stanley Sung Ho Lee) & Ors**, HCA 2177/2011, 5 September 2012: Appeared for the respondent in striking out an insider dealing claim and resisting continuation of *Mareva* injunction
- Advising on various inquiries by the Listing Division and/or proceedings before the Listing Committee and the Listing Review Committee of the Hong Kong Stock Exchange, particularly in relation to fitness and properness of individuals to act as directors of listed companies

## Banking and Finance

- **Chow Sang Sang Securities Limited v Shen Shuai** [2023] HKCFI 453: Acted for the defendant in a \$470 million dispute concerning setting aside of a guarantee
- **Standard Chartered Bank (HK) Ltd v Pak Kwan Ho & Anor** [2018] HKCFI 523: Acted for Standard Chartered Bank in a mortgagee action involving construction of an “all-monies” clause and allegations of undue influence
- **New Front Developments Ltd v Alpha Giant Ltd** [2021] HKCFI 707; [2021] HKCFI 708: Acted for the plaintiff in a dispute involving “repo” financing and appeared in ancillary High Court proceedings in aid of arbitration
- **Haitong International Securities Company Limited v Forever Star Capital Limited & Ors**, HCA 1052/2021: Acted for the defendants in a \$241 million dispute concerning a margin loan

## Complex Commercial

- **Chen Hongqing v Mi Jingtian & Ors** [2021] HKCFI 648: Appeared for the plaintiff in joinder and injunction applications in a complex commercial dispute commonly known as the China Shanshui litigation
- **Ma Wai Wah & Anor v Suet Chai Kit Christopher & Ors** [2018] HKCFI 842: Appeared in a trial of a contractual dispute between two co-founders of Neway Karaoke; CACV 283/2012, 17 April 2014: Appeared in the Court of Appeal on a striking out application
- **Wah Lun International Development Ltd v Lau Chiu Shing** [2021] HKCFI 407: Appeared in a trial involving the sale and purchase of a majority shareholding in a listed company; [2021] HKCFI 1976: Appeared for the defendant in a decision concerning sanctioned offer and appropriate interest rate

- ***Telings International Hong Kong Ltd v John Ho & Ors***, HCA 2114/2005, 16 December 2009; CACV 10/2010, 22 October 2010: Acted for the plaintiff in a complex commercial dispute involving sale and purchase of company shares, financial schemes and reverse takeover

#### Civil Fraud

- ***Hui Chi Ming v Koon Wing Yee & Ors***, HCA 1479/2009, 25 September 2009: Appeared in an application for discharge of injunction on the ground of privilege against self-incrimination
- ***Aesthetics Architecture Pty Ltd v Main Crown Enterprises Ltd*** HCA 483/2012, 29 August 2013; CACV 188/2013, 11 August 2014: Acted for a transfer agent in an investment fraud claim

#### Insolvency and Bankruptcy

- ***Chow Wai Shing Daniel & Anor v Lu Ying*** [2020] HKCFI 2148: Appeared for the trustees-in-bankruptcy in a trial involving the approach to assessment of value of shares disposed by the bankrupt at an undervalue
- ***Lau Yu also known as Jaffe Lau v The Hongkong and Shanghai Banking Corporation Ltd***[2019] 2 HKC 18, [2018] HKCA 744: Appeared in an appeal concerning event of default under a settlement agreement and the prevention principle
- ***Patrick Cowley & Wong Wing Sze Tiffany v All Powerful Holding Ltd & Anor***[2019] HKCFI 1731; [2018] HKCFI 1802; [2018] HKCFI 2542: Acted in a bankruptcy petition and an injunction application concerning the transfer of company share by the bankrupt allegedly at an undervalue
- ***Hau Po Man Stanley (Bankrupt) v Joint and Several Trustees*** [2008] 1 HKC 256: Appeared in the Court of Appeal in an appeal concerning the investigative powers of trustees-in-bankruptcy and period for discharge from bankruptcy

#### Trust and Probate

- ***Cheung Ting Kau, Vincent v Koo Siu Ying & Anor***, HCAP 4/2011, 2 December 2016: Acted in an application for appointment of administrators pendente lite regarding the estate of Lim Por Yen
- ***Edward Eric Hotung & Anor v Winnie Ho Yuen Ki & Ors***, HCA 857/2011, 7 September 2016: Appeared in a trial involving the nature of money advanced between two members in the Hotung family

## Land

- ***Chin Ling Investment Ltd v The General of the Salvation Army***, HCA 1/2012, 19 August 2016: Appeared in the trial of a dispute involving easement and interference with enjoyment of right of way
- ***Yip Kwok Sun v Poly Style Ltd*** [2018] HKDC 437: Appeared for the registered owner in the trial of an adverse possession claim

## Professional Duties and Civil Contempt

- ***Delco Participation BV v Stephenson Harwood (a firm)*** [2019] HKCFI 410: Appeared for a law firm against an ex-client which sought extensive pre-action discovery of the firm's file after termination of the relevant retainer.
- ***Donald Koo Hoi Yan v Kao Li & Yip (a firm)*** (2009) 12 HKCFAR 830; (2009) 12 HKCFAR 904: Appeared in the Court of Final Appeal in an appeal concerning proof in civil contempt and admission of fresh evidence on appeal

## Bribery and Fraud

- ***HKSAR v Rafael Hui & Ors***, HCCC 98/2013; [2014] 5 HKLRD 15; CACC 444/2014, 16 February 2016; (2017) 20 HKCFAR 264: Appeared in a high-profile trial and the subsequent appeals involving the former Chief Secretary and Sun Hung Kai Properties for conspiracy to commit misconduct in public office
- ***HKSAR v Lau Kam Ying*** (2013) 16 HKCFAR 595: Appeared for the defendant in the Court of Final Appeal involving prosecution for conspiracy to defraud the Government for building a house under the Small House Policy
- ***HKSAR v Chiang Lily & Ors***, DCCC 265 & 266/2009; [2013] 3 HKLRD 18; FAMC 20/2013: Appeared for the defendant in a 62-day trial and subsequent appeals concerning conspiracy to defraud in connection with share option transactions involving a listed company

## APPOINTMENTS AND MEMBERSHIPS

- Member, Bar Council (2012, 2021, 2022, 2023, 2024)
- Member, Standing Committee on Legal Education and Training (since 2023)
- Registered under Part II of the Dubai International Financial Centre Courts' Register of Legal Practitioners (Preliminary)

## DIRECTORY RANKINGS / QUOTES

- *“Isaac Chan is a counsel that you cannot afford to miss.”* (Chambers and Partners (2024))
- *“He’s got strong commercial acumen, provides practical advice and is easy to communicate with.”* (Chambers and Partners (2024))
- *“He has clinical analytical skills, is uniquely experienced in the most complicated disputes involving multidisciplinary angles, and is a top performer on his feet who is extremely easy to work with.”* (Chambers and Partners (2024))
- *“He’s hard-working and meticulous, as well as hands-on with a good memory.”* (Chambers and Partners (2024))
- *“Isaac straddles commercial and white-collar work; he’s fantastic.”* (Chambers and Partners (2024))
- *“Isaac is one of the very few barristers in this jurisdiction that has an extensive practice in both civil and criminal law. His advice is often practical, user-friendly, and carefully thought out, and he is also a very strong advocate, which is demonstrated by his ability to explain complex matters of jurisprudence in simple layman terms that is easy to understand and follow.”* (The Legal 500 (2024))

## EDUCATION

- BSocSc (Govt & Laws), University of Hong Kong (2003)
- LL.B., University of Hong Kong (2004)
- PCLL, University of Hong Kong (2005)
- LL.M., London School of Economics & Political Science (2006)
- Postgraduate Diploma in EU Competition Law, King’ s College London (2017)

## SCHOLARSHIPS

- Hong Kong Bar Scholarship (Hong Kong Bar Association) (2006)
- Charles Ching Memorial Scholarship (Hong Kong Bar Association) (2006)

## OTHER QUALIFICATIONS

- CEDR Accredited Mediator (2010)