

# ISAAC CHAN

## BARRISTER

Call: 2007

T: +852 2532 6787

E: isaac.chan@redechambers.com



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

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 high-profile 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.

Prior to joining the Bar, Isaac obtained his LLB (Government & Laws) and PCLL from the University of Hong Kong, and his LLM from the London School of Economics. He 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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- ***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 between a charging order and an equitable assignment of sale proceeds
- ***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
- ***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 a former chief executive office of a listed company in a proprietary claim brought by the liquidator over, *inter alia*, the profits of alleged insider dealing

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## OTHER NOTABLE CASES

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### Financial Regulations

- ***Market Misconduct Tribunal inquiry re China Forestry Holdings Co. Ltd. (delisted)***: Acted for a former executive of a listed company in market misconduct proceedings involving allegations of publication of false and misleading information inducing transactions and insider dealing
- ***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 insider dealing and the burden of proof in inquisitorial proceedings
- ***Securities and Futures Commission v Wong Yuen Yee & Ors***[2017] 1 HKLRD 788: Appeared for the respondents in seeking discovery of unused materials against the Securities and Futures Commission in disqualification proceedings; [2019] HKCFI 2463: Appeared in the ***Carecraft*** hearing
- ***Securities and Futures Commission v Yik Fong Fong & Ors***, HCA 2524/2016: Acted for the respondents (pre-trial) in an insider dealing claim commenced and conducted as a High Court writ action
- ***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 a ***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

- ***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 in a personal guarantee and allegations of undue influence
- ***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

- ***Chow Sang Sang Securities Limited v Shen Shui***, HCA 190/2021: Acted for the defendant in a \$470 million dispute concerning setting aside of a guarantee

### International Arbitrations

- Acted for a party to a Sino-foreign joint-venture agreement, involving the issue of an arbitral tribunal's jurisdiction to grant an anti-suit injunction against a party for its commencement and continuation of a parallel proceedings before a foreign court
- Acted for a private equity fund against a founding shareholder, involving fraud and the failure to perform an agreement for buy-back
- Acted for a borrower in an arbitration against a foreign lender, involving the issue of the characterization of a loan agreement as a repurchase agreement (repo)

### 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, involving the issue of ministerial receipt

### 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 issue of the proper approach to the valuation of thinly traded listed shares, the applicability of the concept of fair value, and the Shell Premium which was the special premium for a controlling stake in a Hong Kong listed company
- ***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 set of bankruptcy proceedings, involving the issue of the limit of the court's jurisdiction under the ***Chabra*** principle vis-à-vis the wholly owned companies
- ***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 concerning easement and interference with enjoyment of right of way
- ***Yip Kwok Sun v Poly Style Ltd*** [2018] HKDC 437: Acted for the registered owner in the trial of an adverse possession claim

## Professional Duties and Civil Contempt

- ***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 constituent elements of 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 the trial and the subsequent appeals involving the former Chief Secretary and former directors of Sun Hung Kai Properties for conspiracy to commit misconduct in public office and bribery
- ***HKSAR v Lau Kam Ying*** (2013) 16 HKCFAR 595: Acted for the defendant/appellant in the Court of Final Appeal seeking to quash the conviction 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 the listing process

## APPOINTMENTS, MEMBERSHIPS AND PRIZES

### Appointments

- Chairman, Young Barristers' Committee, Hong Kong Bar Association (2012)
- Member, Bar Council (2012, 2021, 2022)
- Member, Standing Committee on International Practice, Hong Kong Bar Association (since 2012)
- Part-time Lecturer in Civil Advocacy, PCLL, University of Hong Kong (since 2011)
- Member, Panel of External Counsel, the Competition Commission (since 2016)

### 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)