



FRANCIS CHUNG
BARRISTER

Call: 2018

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Francis has developed a broad commercial practice, with particular emphasis on securities and regulatory, insurance, employment, land, trust and probate, and international arbitration.

Qualified as an associate at the Chartered Governance Institute, Francis has acted for both the Securities and Futures Commission and senior management of Hong Kong listed companies in complex fraud, securities and commercial crime cases, and has appeared before Courts and specialist tribunals including the Market Misconduct Tribunal.

On the regulatory side, Francis has experience in suspension and resumption of trading of shares of listed companies, and also in proceedings under sections 213 and 214 of the Securities and Futures Ordinance (Cap. 571). He is also involved in professional negligence cases concerning auditors, solicitors and/or financial advisers. He also advises on the compliance issues in the ESG field, under Appendix 27 of the Listing Rules.

As a Fellow at the Chartered Institute of Arbitrators ("CI Arb"), Francis has experience in arbitration proceedings under the UNCITRAL Arbitration Rules and the HKIAC Administered Arbitration Rules. He is actively involved in some recent high-profile cryptocurrency, hedge funds, insurance and technology disputes. He is also an HKIAC Accredited Tribunal Secretary and a member of the ACICA Tribunal Secretary Panel.

He has experience in different insurance and medico-legal litigation involving fatal accident, catastrophic injuries, third-party motor, public liability, product liability and policy dispute claims (including double insurance, reinsurance, indemnity and contribution). He has been regularly instructed by insurers including AIG, Allied World, Asia, Berkshire Hathaway, BOCG, Chubb, Liberty, PICC, Tokio Marine & Fire and Zurich.

Ranked as a "Rising Star" by The Legal 500, Francis has been recognised as an advocate who is "exceptionally knowledgeable, even in complex insurance issues" .

Francis is also appointed as a Judicial Associate (Part-Time) to the Court of Appeal since 2024.

RECENT HIGHLIGHTS

- ***Chinachem Charitable Foundation Limited v Chan Chun Chuen (HCAP 8/2007); The Secretary for Justice v Joint and Several Administrators of the Estate of Nina Kung & Chinachem Charitable Foundation Limited*** (HCMP 853/2012): Acting for the Secretary for Justice as the representative of *parens patriae* (a) in the administration of the billion-dollar estate of the late Nina Kung and (b) in the settlement of the scheme for the administration of the charitable trusts under her will.
- ***Market Misconduct Tribunal Inquiry re China Forestry Holdings Company Limited (delisted)*** Acted for the CEO of a listed company engaged in forestry business in a 20+ day hearing for the alleged (i) insider dealing of HK\$400 million and (ii) disclosure of false or misleading information inducing transactions.
- ***AI v LG II*** [2023] 4 HKC 135: Acted for the plaintiffs in the application for setting aside the final award involving a complex hedge funds investment dispute of USD 500 million on public policy (foreign and domestic illegality) and due process grounds, under section 81 of the Arbitration Ordinance (Cap. 609).
- ***Keenrich Trading Limited v The Director of Lands*** [2024] HKLdT 11: Acted for the registered owner of a ground floor shop at Oak Street for the determination of compensation under the Lands Resumption Ordinance (Cap. 124). The Lands Tribunal determined that the market value of the property is HK\$14.4 million.
- ***Re Modena Technology (HK) Limited*** [2023] HKCFI 1173: Acted for the plaintiff in resisting the application by an intended intervener for leave (i) to intervene in the action and (ii) to derivatively defend the action on behalf of the defendant under sections 732 and 733 of the Companies Ordinance (Cap. 622).
- ***Chan Ping Wah v Cayley Property Management Ltd*** [2021] 2 HKC 536: Acted for the public liability insurer and successfully dismissed the plaintiff's appeal, where the Court ruled that the Control of Exemption Clauses Ordinance (Cap. 71) is not applicable to the Deed of Mutual Covenant of City Garden which was executed before the effective date of the said Ordinance.

OTHER NOTABLE CASES

Securities, Regulatory and Commercial Crime

- ***China Forestry Holdings Co Ltd (In Official Liquidation) v Top Wisdom Overseas Holdings Limited & Another*** [2021] HKCFI 2761: Acted for the CEO of a listed company in striking out the proprietary claim in a sum of HK\$400 million for the alleged breach of fiduciary duties to the company.

- ***Securities and Futures Commission v Li Han Chun & Another***(HCMP 176/2011, HCA 117/2017): Acted for the CEO of a listed company to defend the section 213 proceedings involving frozen funds in the sum of HK\$400 million.
- ***Securities and Futures Commission v Coolpad Group Limited***(HCMP 1074/2021): Acting for an Executive Director of a listed company engaged in smartphone and technology services in section 214 proceedings involving claims of over RMB\$80 million.
- ***Securities and Futures Commission v Superb Summit International Group Limited***(HCMP 2305/2020): Acting for two company secretaries in a listed company engaged in forestry business in section 214 proceedings involving claims of over HK\$200 million.
- ***Re a Listed Company under Suspension of Trading of Shares under section 9 of the Securities and Futures (Stock Market Listing) Rules (Cap. 571V)***: Acted for the Securities and Futures Commission in the application by a listed company to resume trading of its shares.
- ***HKSAR v Fung Ping Fai*** [2021] HKDC 1578: Successfully defended for the founder and managing director of a Hong Kong tourist agency in relation to the charges of (i) theft of HK\$4 million and (ii) publication of false statements by company directors.

International Arbitration

- Disputes over the liquidation of crypto investment transacted in a virtual asset exchange platform.
- Disputes over the insurer's repudiation of liability under an insurance policy for the insured's failure to notify the potential claim.
- Disputes over the financing of high technology products between an asset finance firm and a telecommunication company.
- Disputes over the sale and purchase of high technology exports between a PRC and a Hong Kong company involving a sum of US\$7 million.
- Disputes over the intellectual property rights arising from the licensing of online games in Korean and the PRC.
- Disputes over a debt claim between a Singaporean individual and a Hong Kong lender company involving a sum of US\$2 million.

Insurance, Medical Negligence, Public Liability, Personal Injury and Employees' Compensation

- ***Chen Linxiong (suing by his wife and next friend Chen Yanling) v China Harbour Engineering Company Limited*** (HCPI 232/2020): Acting for the insurer to defend the plaintiff's claim in the sum of over HK\$32 million for his brain injuries and neuro-cognitive impairment from a catastrophic industrial accident at the construction site at Hong Kong-Zhuhai-Macau Bridge.

- ***Li Man v Sing Wai HK Construction Company Limited*** (HCPI 351/2021): Acting for the insurer of the defendants to contest quantum arising from an industrial accident at a construction site.
- ***Leung Mui Yi v Fu Hong Society (formerly known as Society of Homes for the Handicapped)*** [2023] HKDC 36; [2023] HKDC 449; [2024] HKCA 155: Acted for the insurer of the defendant to successfully dismiss (i) the plaintiff's action in relation to a work accident in a public hospital and (ii) her subsequent application for leave to appeal. Causation was at issue at trial on whether subsequent injuries on the left shoulder resulted from the plaintiff's operation of her right rotator cuff. The plaintiff's application for leave to appeal at the Court of Appeal is pending.
- ***Lau Wai Chuen v Wang Yip Construction Company Limited*** [2024] HKDC 8: Acted for the insurer of the defendant to successfully dismiss the plaintiff's claim (on both liability and quantum) arising from his injury at a construction site in Repulse Bay, as a result of his violation of the safety instructions.
- ***Swarnjit Kaur v Lo's Cleaning Services Limited***[2023] 3 HKLRD 629: Acted for the insurer of the defendant to contest liability and quantum for the alleged accident at the Cathay Pacific Catering Services at the Hong Kong International Airport.
- ***Zhang Rong v Po Shing Construction Limited***[2022] HKDC 835, [2022] HKDC 922; CACV 360/2022: Acted for the insurer of the defendant to contest the quantum of employees' compensation for an accident at a construction site in Lantau Island and to successfully seek indemnity costs with enhanced interests against the applicant for her exaggerated claim. The case is pending appeal at the Court of Appeal.
- ***Baljit-Singh v Oscar Bioenergy Joint Venture***[2022] 6 HKC 521: Acted for the insurer of the defendant to (i) apply for consolidation of the employees' compensation and personal injury actions and (ii) contest both liability and quantum in the parallel actions.
- ***Hui Kwok Fai v Lui Pui Ling*** (DCPI 3333/2020): Acting for the motor insurer of the defendant to contest liability and quantum in a serious traffic accident.
- ***Ali Mehboob v Yun Kwan Construction Engineering Ltd***(HCPI 1370/2014): Acted for the defendant and advised on the potential grounds of appeal on liability and quantum.
- ***Li Yung Lan v Hien Lee Engineering Company Limited***(HCPI 287/2016): Acted for the insurer of the defendant to oppose the application for leave to file supplemental psychiatric expert reports.
- ***Corpuz Edison v Mandarin Oriental Hong Kong Limited***(DCPI 2977/2020): Acted for the insurer of the defendant to successfully dismiss the plaintiff's application for variation of a consent cost order.
- ***Cheng Kwing Yeung v Hong Kong Ham Holdings Limited***(DCPI 736/2011): Acted for the insurer of the defendant to successfully justify the alleged out-of-time commencement of the taxation proceedings.
- ***Naseem Abbas v Rising Aerial Platform Co Ltd***[2021] HKDC 387: Acted for the principal contractor in an employees' compensation assessment and successfully asked for indemnity from the sub-contractor under section 24 of the Employees' Compensation Ordinance (Cap. 282).

- **Kelu David Elsions, a mentally incapacitated person by Cheng Wai Lan, his wife and Next Friend v Shum Tak Hung & DBProject** (DCEC 475/2021): Acted for the next friend of the applicant to successfully apply for leave to approve a settlement with the respondent in the action and to withdraw monthly payment from the applicant's bank account, under Order 80 Rules 11 and 12 of the Rules of the District Court (Cap. 336H).
- **Polysonic Investment Limited v George Chan and Another** (DCCJ 1007/2020): Acted for the public liability insurer to contest both liability and quantum for a water seepage occurring at an apartment on Conduit Road.
- Advised an insurer in relation to a policy dispute on the interpretation of escape clause, excess clause and rateable proportion clause in the public liability policies.
- Advised on the potential liability of a defendant involving alleged surgical negligence.

Land, Trust and Probate

- **Chinachem Charitable Foundation Limited v The Secretary for Justice** (HCMP 93/2023): Acting for the Secretary for Justice to oppose the plaintiff to seek legal costs in the actions against Chan Chun Chuen to propound the will of late Nina Kung to be indemnified by the estate of late Nina Kung.
- **Sunbroad Holdings Limited v A80 Paris HK Limited** [2022] HKCFI 2251: Acted for a company specialising in haircare products in defending a summary judgment application involving around HK\$10 million arrears of rent on the grounds of (i) frustration and (ii) the landlord's failure to terminate the tenancy agreement in the outbreak of COVID-19.
- **Wing Wo Lung Company Limited v Jam Moo Ching** [2021] HKCA 472; [2021] HKCA 1734: Successfully appealed for the landlord of a building on Des Voeux Road Central at the Court of Appeal against the defendant's occupation of external wall.
- **The Incorporated Owners of Federal Centre v Dudjom Buddhist Association International Limited** (LDBM 60/2020): Acted for the registered owner in the counterclaim against the Incorporated Owners for the latter's unlawful alteration of common parts under the approved building plans.
- **Lucky Star Culture Limited v The Incorporated Owners of Concord Commercial Building** (HCA 1695/2021): Acted for the Incorporated Owners of a commercial building in relation to the interpretation of the deed of mutual covenant on the definition of "Common Areas" .
- **Tang Ling Choa Tso v Tang Sheng Pang** (HCA 222/2018): Acted for the manager of the "t' so" to recover vacant possession of the New Territories land and mesne profits from a licensee.
- **Beingmade International Limited v Ho Wing Mun** (LDPD 1224/2021): Acted for the landlord to recover vacant possession of the New Territories land and mesne profits from a tenant.
- **Wong Kit Chee, the Executrix of the Estate of Tse Lai Ying, the Deceased v Wong Shiu Kwong** [2019] HKCFI 1000: Acted for the son in resisting the executrix's claim for constructive trust on a ground floor shop amounting to HK\$30 million.

- **Re Appeal against the Building Authority's Order before the Appeal Tribunal (Buildings Ordinance)**(BA 150/2019): Acted for the applicants to oppose the building order in relation to the maintenance and repair of the common parts in a multi-storey residential building.
- **Pong Mang Ting v Chinese Temples Committee**[2019] HKCFI 1457: Acted for the applicant to ask for the Court's intervention in relation to various mismanagement of Man Wah Tong, a charitable "t' ong" in Hong Kong.
- **Sin Chan Kam v The Incorporated Owners of Wai Sun Building**[2019] HKLdT 32: Acted for the registered owner of a ground floor shop against the incorporated owners for the latter's breach of deed of mutual covenant and the Building Management Ordinance (Cap. 344) arising from (i) water seepage and (ii) failure to maintain common parts of the building.
- **Kurtzman Eric Daniel and 10 Others v The Incorporated Owners of Kiu Kwan Mansion and Others**(LDBM 130/2014): Acted for the owner of the roof of a multi-storey building to defend the alleged breach of deed of mutual covenant for a large-scale water seepage affecting 11 owners.

Employment

- **Prestige Fitness Limited v Ng Yat Chee Dorothy**(HCMP 1926/2022): Acted for a fitness centre in a pre-action discovery under section 41 of the High Court Ordinance (Cap. 4) and Order 24 Rule 7A of the Rules of the High Court (Cap. 4A), for a potential claim of breach of fiduciary duties against a former director.
- **Leung Hong Wah Andy v Shum Wang Chiu and The Prudential Assurance Co Ltd**[2021] HKCFI 997: Acted for the employee of a multi-national insurer in the application for (i) release of implied undertaking and (ii) amendment of pleadings in an employment case.
- **An Equal Opportunity Case (Confidential)**: Acted for an employer company in contesting liability in the alleged sexual discrimination in termination of an employment contract.

APPOINTMENTS AND MEMBERSHIPS

Professional Qualifications

- Fellow, Chartered Institute of Arbitrators (FCIArb)
- HKIAC Accredited Tribunal Secretary
- Member, ACICA Tribunal Secretary Panel
- Associate, The Chartered Governance Institute (ACG)
- Associate, The Hong Kong Chartered Governance Institute (HKACG)
- HKCGI ESG Reporting Certification (HKCGI Cert: ESG)
- Astana International Financial Centre (AFIC) Court (Rights of Audience)

Membership

- Founding member, [ArbChat](#)
- HKIAC HK45

- HKIAC Belt & Road
- Young International Arbitration Group (YIAG)
- Young ICCA
- KCAB Next Member
- ICC Young Arbitrators Forum
- The Law Association for Asia and the Pacific

Appointments

- Judicial Associate (Part-Time) to the Court of Appeal (2024-2027)
- Member, Social Workers Registration Board Disciplinary Committee (2023-2026)
- Part-time Lecturer (non-clinical), Department of Law, The University of Hong Kong (since 2018)
- Vice-Chairman (since 2023) and Treasurer (2021-2022), Young Barristers' Committee, Hong Kong Bar Association
- Member, Committee on Financial and Securities Law, Hong Kong Bar Association (since 2023)
- Member, Committee on Arbitration, Hong Kong Bar Association (since 2023)
- Member, Standing Committee on Legal Education, Hong Kong Bar Association (since 2021)
- Member, Committee on Land, Trust and Probate, Hong Kong Bar Association (2021)

PUBLICATIONS

Legal Publications

- When winding up proceedings meet arbitration agreement: are they reluctant bedfellows? (upcoming)
- [Can Covid-19 be an escape door for a commercial lease? Risk allocation in times of uncertainty](#)
- Halsbury's Laws of Hong Kong, Vol 42, New Territories
- Annotated Ordinance of Hong Kong – Smoking (Public Health) Ordinance (Cap 371)
- Annotated Ordinance of Hong Kong – Clubs (Safety of Premises) Ordinance (Cap 376)

Seminars

- "Costs and Interest" in HKI Arb Associate Entry Course in Arbitration (November 2023)
- "Reflections on Recent Cases on Virtual Assets: Practical Guide on Enforcement Action and Potential Liabilities" (November 2023)
- "Suspension and Resumption of Trading of Shares of Listed Companies: Procedure and Practice" (July, November 2022, January 2023)
- "Regulating Charities: Time for Change?" (September 2022)
- "Acting for Specified Persons in the Market Misconduct Tribunal: Procedure and Practice" (November 2021)
- "(Quasi-)Easements Litigation: Some Examples in the New Territories and Multi-storey Buildings" (October 2019)

EDUCATION

- PCLL, The University of Hong Kong (2017)

- LLM, University of Cambridge (2016)
- LLB (Commercial, Corporate and Financial Law), The University of Hong Kong (2015)

SCHOLARSHIPS AND PRIZES

- “Rising Star” in The Legal 500 (Labour and Employment) (2023)
- HKU Faculty Outstanding Teaching Awards (2021)
- HKCGI Merit Certificate in Corporate Governance and Interpreting Financial and Accounting Information (2021)
- Vidler & Co. 6th Hong Kong Human Rights Moot Overall Winner and Best Skeleton Argument Award (2017)
- Dean’s Honours List (2011, 2015)
- Alan Leong S.C.’s Chambers Scholarships in Public Law (2014)
- High Distinction in Insurance Law (2013)
- Koo Shui Ting Memorial Scholarships (2011, 2012)

LANGUAGES

- English, Cantonese and Mandarin

LINKEDIN

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