

A professional portrait of Kelly Shum, a woman with long dark hair, smiling, wearing a dark top, against a dark background.

## KELLY SHUM

### BARRISTER

Call: 2018

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Kelly commenced full practice in 2018 following the successful completion of her pupillage with Mr Horace Wong SC, Mr Peter Duncan SC (on extension), Mr MC Law (now Mr MC Law SC), Mr Norman Nip (now Mr Norman Nip SC) and Ms Catherine Wong. She has a wide spectrum of practice encompassing company disputes, insurance, trusts, matrimonial, bankruptcy and regulatory law.

Kelly is frequently instructed together with lead counsel or alone. Kelly also has experience in different levels of Court, including having appeared as sole advocate in the Court of First Instance, District Court and Coroner's Court and having been led in the Court of First Instance and the Court of Appeal. Kelly is also conversant with arbitration, including those administered under the HKIAC rules, the UNCITRAL rules and the ICC Rules, and has appeared as arbitration counsel and appointed as tribunal secretary in a number of arbitrations.

Kelly has been recognised as a "Rising Star" by the Legal 500 (Asia-Pacific) 2024 in the areas of regulatory and family and private wealth.

Since October 2023, Kelly also has been serving as a part-time Judicial Associate (Civil) to the Court of Appeal.

Kelly has a professional command in Cantonese, Putonghua and English, and is capable of delivering written work in Chinese and English.

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## RECENT HIGHLIGHTS

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- ***Hon Hin Hong Jimmy v AXA China Region Insurance Company Limited & Anor***(HCA 144/2019): Acted for the insurer defendant in a trial in resisting a claim by its former insurance agent for inter alia misrepresentation, breach of collateral agreement and breach of good faith implied term, and in counterclaiming for recovery of claw back payments (led by Mr Norman Nip SC).
  - ***Securities and Futures Commission v DFRF Enterprises LLC & Ors***[2022] 2 HKLRD 1032: Acted for the SFC in proceedings under s 213 of the Securities and Futures Ordinance (Cap. 571) against persons who perpetrated securities fraud in Hong Kong (led by Mr Norman Nip SC).
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## OTHER NOTABLE CASES

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### Company / Commercial Disputes

- ***Hung Sze Wing v Tsui Hong Ming & Anor***(HCMP 1657/2023): Acting for the Plaintiff in seeking inter alia an order that a general meeting be convened for a company pursuant to s 570 of the Companies Ordinance (with Ms Joyce Leung)
- ***Victor Engineering Company Limited v Hung Sze Wing***(HCA 971/2023): Acting for the Defendant in resisting a statutory derivative action (with Ms Joyce Leung)
- ***Southwest Securities (HK) Brokerage Ltd v Nieumarkt Investments Ltd & Ors***[2020] HKCFI 1050 & [2021] HKCA 740: Successfully appealed against the first instance Judge's ruling and obtained final judgment for the claimed sum against D1 and D2 on appeal (with Mr MC Law (now Mr MC Law SC)).
- ***Platinum Century Limited & Ors v Sunfund Asia Capital Holdings Company Limited***(HCA 400/2022): Acting for one of the defendants in resisting a tracing claim (with Ms Catherine Wong).

### Civil Fraud

- ***A v B***(DCMP 3242/2023): Acted for the plaintiff in obtaining a gagging order and Norwich Pharmacal order against a bank (as sole counsel).
- ***Toyota Boshoku Europe N.V. v Kingsville (HK) Enterprises Limited & Ors***(HCA 452/2022): Acting for one of the defendants in resisting an unjust enrichment claim (as sole counsel).
- ***Decheng Capital Global Life Sciences Fund IV, L.P. v Qish Co., Limited***(HCA 505/2022): Successfully obtained an urgent ex parte Mareva and proprietary injunction against a recipient in an email fraud case (with Mr Adrian CK Wong).
- ***Ferrari North America, Inc v Changhon International Energy Co Ltd & Ors***[2019] HKCFI 2318: Successfully opposed the Plaintiff's summary judgment application and obtained unconditional leave to defend (with Mr Norman Nip (now Mr Norman Nip SC)).

## Employment / Agency

- ***Zhou Zhi v GF Capital (Hong Kong) Limited*** (HCA 837/2021): Acting for a former employee against her former employer for recovery of bonuses / commissions under an addendum to the employment agreement (with Mr Thomas Lee)
- ***FWD Life Insurance Company (Bermuda) Limited v Chan Kai Yin Alan (HCA 700/2020) and FWD Life Insurance Company (Bermuda) Limited v Ip Cheuk Yu*** (HCA 806/2020): Successfully obtained summary judgment against two insurance agents for recovery of claw-back payments (led by Mr Norman Nip SC).
- ***FWD Life Insurance Company (Bermuda) Limited v Poon Cindy*** (HCA 2202/2008): Acted for the Plaintiff in proceedings against a former insurance agent for recovery of claw-back payments (led by Mr Norman Nip SC).
- ***FWD Life Insurance Company (Bermuda) Limited v Lam Chi Chuen Alpha & Sin Chau Yuk*** (HCA 1159 & 1160/2017): Successfully obtained summary judgment against two insurance agents for recovery of claw-back payments (with Mr Norman Nip (now Mr Norman Nip SC)).

## Insurance

- Advised an insurance company on its subrogation rights in respect of an insurance policy (as sole counsel).
- Advised a property management company as to whether an owner can seek a court order in procuring the property manager in making a claim under an insurance policy (as sole counsel).
- Advised an insurance company on whether the occupier would be liable for the negligence of the independent contractor to determine whether to pay out under a fire insurance policy (as sole counsel).
- Advised an insurance company on lawfulness in backdating a deed of assignment and joinder of parties after expiry of limitation period (as sole counsel).

## Land / Trusts / Probate

- ***Sin Chan Kam v IO of Wai Sun Building*** (LDMP 1 / 2023): Acted for the IO in resisting contempt proceedings brought by the plaintiff (with Ms Catherine Wong)
- ***An UNCITRAL Arbitration***: Assisted the Tribunal (constituted by Mr Horace Wong SC) as a tribunal assistant in a 14 days trial under the UNCITRAL Arbitration Rules involving a tenancy dispute concerning a HK\$500 million lease.
- ***Geoffrey Holdings Ltd v Lam Che Chung & Anor*** [2020] HKDC 1001: Instructed by the Defendants as sole counsel to resist the Plaintiff's application for leave to adduce expert evidence on demolition costs of fixtures in the context of adverse possession.
- Advised the administrator of an estate on whether the shares in a BVI company forms part of the estate (led by Mr Horace Wong SC).
- Advised on title issues in relation to a piece of New Territories land (including issues of encroachment and title) estimated to worth over HK\$600 million (as sole counsel).

## Regulatory

- Advising the SFC on merits of proceedings under ss 214 and 277 of the Securities and Futures Ordinance concerning the management and/or former management of a listed company (led by Mr Norman Nip SC).
- Advising the SFC on merits of proceedings under s214 of the Securities and Futures Ordinance against the former management of a listed company (led by Mr Norman Nip SC).
- Acted for an insurer in making submissions to the Insurance Authority regarding its proposed intervention into the business of the insurer (led by Mr Norman Nip SC).

## Arbitration

- Instructed as junior counsel for an insurance company against a bank in a contractual dispute (led by Mr Norman Nip SC)
- Instructed by a liquor distributor as junior counsel for a 4 evidentiary hearing under the ICC Rules involving a HK\$150 million claim and a HK\$100 million counterclaim arising from a distributor agreement (with Mr MC Law (now Mr MC Law SC)).
- Instructed as junior counsel to challenge the appointment of the sole arbitrator under the ICC Rules on the ground of apparent bias, independence and impartiality (with Mr MC Law (now Mr MC Law SC)).
- Appointed as tribunal secretary and acted as tribunal assistant in a number of international arbitrations.

## Matrimonial

- ***Yang Yihe v Qiu Yuewen*** [2023] HKCFI 2166: Successfully obtained a default judgment to enforce an oral agreement reached by the divorced couple (evidenced by a signed consent summons) in relation to the sale of a property and the distribution of proceeds arising from the sale (as sole counsel).
- ***THL v YL*** (FCMC 1386/2023): Acted for the petitioner father in a custody dispute (with Ms Catherine Wong).
- ***LKCJ v LTHA*** (FCMP 184/2022): Acted for the respondent mother in, *inter alia*, (i) resisting an application for interim care and control of a child to be granted to the applicant father (with Ms Catherine Wong); and (ii) applying for a non-molestation order (with Ms Catherine Wong for *ex parte* with notice hearing and with Mr Felix Li for return day hearing).

## Others

- ***CCDI-320/2019 (DK)***: Acted for the Adventist Hospital, Stubbs Road in a 10 days death inquest (as sole counsel).
- ***CCDI-901/2018 (ST)***: Acted for Tsuen Wan Adventist Hospital in a 7 days death inquest (as sole counsel).

## APPOINTMENTS AND MEMBERSHIPS

- Part-time Judicial Associate (Civil) to the Court of Appeal (since October 2023)
- Part-time lecturer, University of Hong Kong (2020 – Present)

## PUBLICATIONS

- Contributing Editor, Hong Kong Civil Procedure (2023 – Present)
- Editor of UK Supreme Court Yearbook (2015-2016)
- Student Editor for Asia-Pacific Journal of Human Rights and Law (Sept 2015 – August 2016)
- ***Interests of Youth Suspects are at Risk: Implementing the Right to the Presence of Parent or Guardian and the Right to Legal Assistance at the Police Stations in the Case of Youth Suspects in Hong Kong*** (2015) 45 *Hong Kong Law Journal* 127

## LANGUAGES

Cantonese, English, Mandarin

## EDUCATION

- PCLL, University of Hong Kong: 2017 (Distinction).
- LLM, University of Cambridge: 2016 (First Class).
- LLB, University of Hong Kong: 2011-2015 (First Class Honours).

## SCHOLARSHIPS AND PRIZES

- Middle Temple Society Advocacy Scholarship (2017)
- Thomas Reuters Law Prize for most promising student intending to become a barrister (2017)
- Brian McElney Medal in Law for best overall performance in compulsory courses in PCLL (2017)
- 1912 Senior Scholarship (2016)
- Johnson-Jary Prize (2016)
- Peter Willoughby Medal and Memorial Prize in Tax Law (2015)
- Dean's Honours List (2013, 2014, 2015)
- HKU Worldwide Exchange Scholarship (2013)