



刘家健

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刘家健大律师“经验丰富，是一位十分明智的诉讼律师。他非常精于战略，而且分析能力极强。”（《法律500强》）

刘大律师的执业领域涵盖商法和民法，他经常获聘办理复杂且重大的纠纷。

刘大律师具丰富的股市、私募、创投及债务经验。他不时在审讯和上诉代表监管机构、金融机构、上市公司及其股东和董事、其他超高净值人士出庭。

除了以大律师身分代理仲裁和相关法院程序，刘大律师亦获委聘为仲裁员。

在成为大律师之前，刘大律师曾在一家知名的律师事务所担任事务律师，专门从事商业诉讼和仲裁。他获《法律500强》评为“乐于助人且知识渊博的律师”。

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## 近期案例精选

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- **Civil Fraud:** Alleged fraudulent scheme involving an investment fund and a NASDAQ-listed company; urgent Mareva injunction; long trial
  - **Commercial Dispute Resolution:** Trial of sale and purchase of a state-owned Main Board listed company
  - **Company:** Trial of unfair prejudice petitions in respect of family companies valued at over HK\$1 billion
  - **International Arbitration:** Sale and purchase of a real estate group valued at RMB8 billion
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## 其他精选案例

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### Administrative & Public Law

- *The Registrar of the Hong Kong Institute of Certified Public Accountants v The Disciplinary Committee of the Hong Kong Institute of Certified Public Accountants* [2020] HKCFI 2553, [2020] 5 HKLRD 262: Whether the judicial review became academic, principles of open justice in the context of disciplinary proceedings
- *Law Fei Shing v The Disciplinary Committee of the Hong Kong Institute of Certified Public Accounts* [2019] HKCA 770, [2019] 4 HKLRD 225: Judicial review of interlocutory process of disciplinary proceedings

### Banking & Finance

- *Citibank (Hong Kong) Limited v Yip Shiu Cheong* [2018] HKDC 593: Service and setting aside summary judgment

### Chancery

- *Ample Sky Holdings Limited v Trillion Wide Credit Finance Limited* [2020] HKCFI 2862: Whether a loan agreement created an equitable mortgage or equitable charge, relevance of parties' subsequent conduct

## Commercial Dispute Resolution

- Sunrich Traders Limited v Kumar Vaswani [2024] HKCFI 3033: Leave to adduce expert evidence on font, subject matter condition, pleading forgery
- King Victory Investment Limited v Chan Hon Wing [2024] HKCA 849: Application to the Court of Appeal for stay of execution
- Chan Kon Fung v Gallop Pioneer Limited [2024] HKCFI 2119: Costs of counterclaim and contribution notice
- Chan Kon Fung v Gallop Pioneer Limited [2024] HKCFI 1766: Fiduciary duty, misrepresentation, measure of damages
- Zhang Jizhi v Hong Kong TV International Media Group Limited [2024] HKCA 464: Application for leave to appeal to the Court of Final Appeal
- Zhang Jizhi v Hong Kong TV International Media Group Limited [2024] HKCA 302: Identity of party to contract, admissibility of parol / extrinsic evidence, Companies Ordinance on buy-back of shares, election of alternative modes of performance, unjust enrichment, failure to transfer title
- OCI Capital Limited v Lanhai International Trading Limited [2023] HKCFI 2892: Pleading oral agreement, weight of hearsay statement, Stamp Duty Ordinance, incomplete agreement, without prejudice privilege, estoppel by convention, pleading agency, late discovery and admissibility of evidence for particular purpose
- King Victory Investment Limited v Chan Hon Wing [2023] HKCFI 2992: Stay of execution pending appeal to Court of Appeal
- King Victory Investment Limited v Chan Hon Wing [2023] HKCFI 2292: Summary judgment, promissory estoppel, Money Lenders Ordinance (led by Victor Dawes, S.C.)
- OCI Capital Limited v Lanhai International Trading Limited [2023] HKCFI 1804: Late amendment of pleading, agency, actual authority, apparent authority, video conferencing facilities
- Creative Property Services Consultants Limited v The Incorporated Owners of Peace Building [2022] HKDC 888: Trial
- Multifor Enterprise Development Limited v Ho Chow Ping Danny Trading As Billion Success Consultant Company [2022] HKCFI 737: Appeal against summary judgment, forgery and fraud
- Zhang Jizhi v Hong Kong TV International Media Group Limited [2022] HKCFI 308: Late affidavit, amendment of pleadings after summary judgment, waiver by election, title to shares, unjust enrichment, admissibility of extrinsic evidence for identifying contracting party, post-agreement conduct, rectification of contract (led by Ambrose Ho, S.C.)
- Creative Property Services Consultants Limited v The Incorporated Owners of King Ming Court [2022] HKCFI 163: Quistclose trust, concession before trial, agent's liability to account, adverse inference from failure to call witness
- Leung Chin Sing Rabo v Ko Chun Hay Kelvin [2021] HKCFI 2242: Sale of listed company, oral agreement and credibility, carry on a business in a regulated activity in contravention of the Securities and Futures Ordinance (led by Jason Pow, S.C.)
- Yuanta Securities (Hong Kong) Company Limited v Ng Yin Lam [2021] HKCFI 435: Construction of entire agreement clause, employee or independent contractor (led by Jose Maurellet, S.C.)

- Key Step Ventures Limited v Fuguiniao Group Limited [2020] HKCFI 1087: Whether default interest rate is relevant for the purpose of sections 24 and 25 of the Money Lenders Ordinance, whether interest rate of 59% is extortionate
- Hong Dau Construction Company Limited v The Incorporated Owners of Garden Vista HCA 2290/2016, 8 September 2017: Admissibility of third party's conviction of conspiracy in civil proceedings, rule in Hollington v Hewthorn considered
- Ma Wai Chiu v Ng Kin Fai Richard HCA 61/2017, 20 January 2017: Whether to grant injunction restraining the defendants from dealing with income generated from alleged diversion of business (led by Victor Dawes, S.C.)

## Company

- Re Luk Fai Holdings Company Limited [2023] HKCFI 2268: Unfair prejudice, valuation of shares
- Re MSB International Limited [2022] HKCFI 3751, [2023] 1 HKLRD 386: Just and equitable winding-up, breach of fiduciary duties, settlement, cross-examination of solicitors (led by Victor Dawes, S.C., with Jonathan Fung)
- Re Torien Group Limited [2021] HKCFI 3742: Inspection of company's documents, discovery in unfair prejudice proceedings
- Chen Hongqing v China Shanshui Investment Company Limited [2021] HKCFI 699: Injunction restraining allotment of shares (with John Hui)
- Re Techluxe Industries Limited [2019] HKCFI 3014: Whether relief for non-compliance with the Companies Ordinance should be granted where the auditor expressed a qualified opinion

## Construction

- HKIAC award 12 April 2024: HKIAC Domestic Arbitration Rules, implied contract, pay when paid bonus, loss of interest

## Family / Matrimonial

- CWK v YCHS [2018] HKFC 52, [2018] HKFLR 242: Costs order nisi and functus officio

## Financial Services

- Securities and Futures Commission v Au Yeung Ho Yin [2024] HKCFI 2573: Disqualification order, duties of chief financial officer (led by Horace Wong, S.C.)
- Securities and Futures Commission v Zhou Ling [2024] HKCFI 2484: conflict of interest, misleading announcements, business judgment of directors, Re H, disqualification order (led by Ambrose Ho, S.C.)
- Grade One Limited v Chow Chin Yui, Angela [2024] HKCFI 49: Stay of execution, delay in application for leave to adduce new evidence on appeal, "some other reason" for trial, statutory demand and serious deleterious effect

- Grade One Limited v Chow Chin Yui, Angela [2022] HKCFI 2328: Misrepresentations, Money Lenders Ordinance, contract tainted by illegality, leave to adduce further evidence (led by Ambrose Ho, S.C.)
- Ms Leung Yuk Kit v Securities and Futures Commission SFAT 4/2021, 25 April 2022: Ramp and dump, interpretation of the Securities and Futures Ordinance, scope of the SFC's powers to freeze assets by restriction notice (led by Norman Nip, S.C.)
- Delta Wealth Finance Limited v Chan Wai Sun [2020] HKDC 147: Money Lenders Ordinance, delay in application for leave to appeal to the Court of Appeal
- Re Yorkshine Holdings Limited 27 February 2020: Stock Exchange proceedings, breaches of Listing Rules
- Securities and Futures Commission v Mo Shau Wah [2018] HKCA 370, [2018] 3 HKLRD 356: Test for variation of Mareva injunction opposed by intervener
- Hong Kong Asset Management Limited v The Registrar of Companies HCMP 2177/2017, 10 November 2017: Whether time for registration of share charge should be extended
- Securities and Futures Commission v Mo Shau Wah HCA 353/2013, 25 July 2017, [2017] 4 HKLRD 347: Whether assets subject to injunction should be released to the defendant to pay legal expenses

#### Fraud: Civil

- Real Estate and Finance Fund (In Liquidation) v Sun Cheuk Pak Alan [2023] HKCFI 1580: Conspiracy, security for costs, litigation funding (Led by Victor Dawes, S.C., with Jonathan Fung)
- Chan Benjamin Ki-wood v Young Won Ken [2023] HKCFI 240: Unlawful means conspiracy, striking out, PRC Judgments as evidence, finality of PRC Judgments, issue estoppel, abuse of process (led by Jonathan Chang, S.C., with Sik Chee Ching)
- Kot See For v Lam Man Cheung [2021] HKCFI 1902: Application for leave to appeal against an exercise of discretion
- Kot See For v Lam Man Cheung [2021] HKCFI 1029: Striking out, totality of evidence approach, restitution and constructive trust

#### Insurance

- Hoyden Holdings Limited v CMB Wing Lung Insurance Company Limited [2022] HKDC 651: Indemnity costs
- Hoyden Holdings Limited v CMB Wing Lung Insurance Company Limited [2022] HKDC 336: Interpretation of surety bond given by insurer to developer

#### International Arbitration

- AAA v DDD [2024] HKCFI 513, [2024] 1 HKLRD 1358, [2024] 3 HKC 399: Jurisdiction of arbitral tribunal, constitution of tribunal, Fiona Trust principles, centre of gravity

- HKIAC award, 31 January 2024: US\$20 million claim, whether a claimant should be allowed to assert a new claim in its reply, Money Lenders Ordinance, penalty
- Appointed as co-arbitrator: 2018 HKIAC Administered Arbitration Rules, US\$10 million claim
- Appointed as co-arbitrator: 2018 HKIAC Administered Arbitration Rules, US\$10 million claim
- Construction Company v Guarantor [2021] HKCFI 2558: Enforcement of foreign arbitral award, whether it is open to a party to re-argue illegality and jurisdiction of arbitration tribunal after the supervisory court's decision
- HKIAC award, 23 July 2018: Represented a respondent in its US\$3.3 million dispute with a Tokyo-listed company regarding a sale of shares agreement

## Partnership

- Lam Siu Sun Dennis v Cheung Tak Man Desmond [2022] HKCFI 78: Partnership Ordinance, inspection of books and records of the partnership, general discovery

## Personal Injury

- 郭生琼作為2015年8月5日法庭命令委任為死者馬黑皮的遺產代表人 v 黃文俊 [2019] HKCFI 909: Whether the registered owner of vessel is liable under the Occupiers Liability Ordinance and whether the settlement agreement should be set aside for misrepresentation, duress or undue influence

## Private Client

- Lam Ying Kuen v Lam Chor Kuen [2023] HKCFI 1747: Common intention constructive trust, resulting trust, evidence of subsequent conduct
- Chuen Ming and Co Ltd v Li Mun Hok Steven [2020] HKLdT 14: Promissory estoppel, pleadings in Lands Tribunal proceedings, jurisdiction of Lands Tribunal to grant declaratory relief or equitable compensation

## Professional Discipline

- The Practice Review Committee of the Hong Kong Institute of Certified Public Accountants v Ng Kay Lam [2023] HKCA 645: relevance of suggested sanctions in the guideline to disciplinary committee issued by regulatory body, delay in handing down decision
- Registrar of the Hong Kong Institute of Certified Public Accountants v Chan Yui Hang [2022] HKCA 1555: Application for leave to appeal to the Court of Final Appeal
- Registrar of the Hong Kong Institute of Certified Public Accountants v Chan Yui Hang [2022] HKCA 805: Appeal against case management decision and sanctions, indemnity costs

- The Registrar of the Hong Kong Institute of Certified Public Accountants v Chan Yui Hang [2022] HKCA 517, [2022] 2 HKLRD 1101: Adjournment of disciplinary proceedings on medical grounds
- Hong Kong Institute of Certified Public Accountants v Ng Kwok Ching [2022] HKCA 447: Application for leave to appeal to Court of Final Appeal
- Hong Kong Institute of Certified Public Accountants v Ng Kwok Ching [2021] HKCA 1821: Professional judgment of disciplinary committee, whether costs to be taxed on an indemnity basis
- The Practice Review Committee of the Hong Kong Institute of Certified Public Accountants v Ng Kwok Ching [2020] HKCA 672: Whether leave should be granted to adduce new evidence on appeal due to alleged procedural irregularity of disciplinary proceedings
- The Registrar of the Hong Kong Institute of Certified Public Accountants v Chan Yui Hang [2020] HKCA 59: Admission of fresh evidence of adjournment and illness
- Re Dr Cheng Ming Chun MC 14/012 & MC 16/273, 17 September 2019: Disciplinary inquiry into prescription of drugs
- The Registrar of the Hong Kong Institute of Certified Public Accountants v Cheung Yiu Hung [2018] HKCA 463: Appeal from sanctions imposed by disciplinary committee
- The Registrar of the Hong Kong Institute of Certified Public Accountants v Chan Bing Chung [2018] HKCA 158: Appeal by engagement quality control reviewer against disciplinary committee's finding and sanctions
- The Registrar of the Hong Kong Institute of Certified Public Accountants v XCACV 244/2016, 20 October 2017, [2017] 5 HKLRD 568: Natural justice and costs of disciplinary proceedings (led by Horace Wong, S.C.)

## Real Estate Litigation

- So Hon Ming Francis v Cheung Lau Shau Chun [2021] HKDC 1494: Meaning of "good tenantable repair"
- Harriman Management Services Limited v Lam Chi Keung [2021] HKLdT 52: Breach of deed of mutual covenant, whether mandatory injunction should be granted
- 黃德忠 v 黃炳城 [2021] HKCFI 1647: Partition Ordinance, stay of writ of possession, restricted application order
- Libra Summer Limited v Derecho Limited [2021] HKCFI 702: Meaning of "Government lease", whether purchaser was entitled to know the terms and conditions contained in offer letter, Crown Rights (Re-entry) Ordinance 1870, real risk of successful assertion of encumbrance on title, whether vendor answered requisitions satisfactorily
- 好順利大廈業主立案法團 v Wealth Gear Limited [2020] HKCA 1086: Whether the incorporated owners had locus standi to sue, construction of section 18 of the Building Management Ordinance, acquiescence, construction of deed of mutual covenant (led by C.Y. Li, S.C., with Avery Chan)
- 鄧添柱 v 潘德俊 [2020] HKCA 479: Application to the Court of Appeal for leave to appeal, issue estoppel
- Leung Kiu Yip and Tong Huijian v Kwan Wa Oi, Administratrix of the Estate of Yip Shik Pui, Deceased [2020] HKDC 74: Adverse possession, admissibility of affidavit and witness statement under hearsay rule at trial
- 鄧添柱 v 潘德俊 [2019] HKCFI 2536: Whether leave to appeal to the Court of Appeal is required

- 鄧添柱 v 潘德俊 [2019] HKCFI 1806: Striking out conspiracy claim relating to sale of land by managers of tso/tong
- The Incorporated Owners of Garden Vista v Chen Jin Ru Catherine [2018] HKDC 827: Whether proceedings commenced by originating summons should be converted to writ action due to allegations of bid-rigging and conspiracy
- Ardis International Kindergarten Limited v Tang Kai Ming, Kenneth [2018] HKDC 531: Application for leave to appeal from District Court judgment
- Ardis International Kindergarten Limited v Tang Kai Ming, Kenneth DCCJ 4649/2015, 17 November 2017: Landlord' s covenants of non-derogation from grant and quiet enjoyment
- Lam Cheuk Ting v Lai Kwok Leung LDBM 297/2015, 20 September 2017: Whether the applicants should have costs of the proceedings discontinued after a respondent gave and complied with his undertaking to Court
- 陳錦棠 v 翠湖花園業主立案法團 LDBM 35/2015, 18 August 2017: Whether the inspection of documents applied for is for a proper purpose

### Restructuring / Insolvency

- Re 鄧添柱 [2022] HKCA 721: Appeal against bankruptcy order, adducing fresh evidence on appeal
- Re Hong Kong Genghis Khan Group Limited [2021] HKCFI 1790: Breach of unless order and relief from sanction, whether a "declaration" amounts to an affidavit, bona fide dispute as to debt
- Re 鄧添柱 [2021] HKCFI 216: Pending litigation, whether a bankruptcy order should be made

### 其他专业资格

- 香港事务律师 ( 2009-2015 )

### 法律评级机构引文

- “刘家健经验丰富，是一位十分明智的诉讼律师。他非常精于战略，而且分析能力极强。” ( 法律500强 )
- “.....乐于助人且知识渊博的律师刘家健代表百营环球资源成功反对清盘呈请。” ( 法律500强 )

### 法律评级机构排名

- 法律500强：商业纠纷；重组及破产

### 任命及会员资格

- 香港海事仲裁协会 ( 2022- )



- 国际信托及资产规划学会 ( 2021- )
- 香港大律师公会仲裁专业委员会 ( 2019- )
- Chartered Institute of Arbitrators ( 2018- )
- 香港大律师公会专业发展委员会 ( 2017 )

## 奖项

- Sweet & Maxwell Prize (2006)
- University of London Awards for Academic Achievement (2005)

## 领英

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