

黄 芷 源

大律师

认许年份：2019 | 事务律师 (香港)：2017-2018

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在跟随杜淦堃资深大律师、聂心平资深大律师、黄若锋区域法官、陈志刚大律师及蔡一鸣大律师实习后，黄芷源大律师于2020年正式执业。他主要从事民事诉讼，亦曾于香港的各级法院出庭。

在获认许为香港执业大律师之前，黄大律师曾在一家国际律师事务所中任职见习律师，并取得香港事务律师资格。他于香港大学取得法学士和法律专业证书，其后于伦敦政治经济学院取得法学硕士（优异），以及于英国剑桥大学取得法学硕士（一级荣誉）。

黄大律师于2019年获得中殿抗辩训练奖学金。

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## 近期案例精选

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- **Competition Commission v Midland Realty International Ltd & Ors**(CTEA 3/2023): acting for one of Hong Kong' s leading real estate agencies in enforcement proceedings for alleged breach of the First Conduct Rule by entering into a price-fixing arrangement with competitors (led by Norman Nip S.C. and with Catrina Lam)
  - **Fong Chak Kwan v Employees Compensation Assistance Fund Board & Ors**(2022) 25 HKCFAR 135, [2022] 5 HKC 426: leading decision of the Court of Final Appeal on jurisdictional gateways in service-out applications and interpretation of tort gateway (led by Horace Wong S.C. and with Clark Wang)
  - Defending authorised insurer in proceedings before the Insurance Appeals Tribunal against Insurance Authority' s disciplinary action to impose public reprimand and substantial pecuniary penalty (led by Ambrose Ho S.C. and with Isaac Chan)
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## 其他精选案例

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### 商业及金融

- **China Health Group Ltd v Chiu & Partners (a firm)**[2024] HKCFI 943: striking-out indorsement/statement of claim and resisting variation of costs order
- **Bel International Logistics Ltd v CTS International Logistics Corporation (HK) Ltd**[2023] HKCFI 3000: trial of dispute between air freight forwarders involving claim for unpaid invoices and counterclaim for paid invoices (with Isaac Chan)
- **Base Media Technology Group Ltd v Cedarwood VFX & Animation Holding (Singapore) Pte Ltd & Ors** (HCA 852/2023): resisting application for interim injunction restraining receivers from realising borrower' s assets
- **Mei-King Engineering v Prizemart Ltd**(HCA 283/2023): resisting application to amend pleadings in action for outstanding instalments in relation to delivery and installation of production lines for nut powder
- **Wang Yuexian v Xinyang Maojian Group Ltd** (HCA 231/2022): resisting partial summary judgment application for sums allegedly due under bond issued by listed company by way of admission

- **CMB Wing Lung Bank Ltd v Guang Rong Finance Company Ltd**(HCA 419/2021): opposing continuation and discharge of worldwide Mareva injunction against subsidiary of state-owned enterprise for breach of banking facilities (with Michael Lok)
- **Kenneth Walter Chad v Chow Yin Man** (HCA 643/2020): defending action for ‘success fees’ from sale of multi-national video-conferencing solutions business (with Isaac Chan)
- **Bank of Baroda v Goyal Mukesh Kumar & Ors**(HCMP 891/2019): resisting mortgage action based on liabilities under banking facilities (with Christopher Chain)
- **Incu Global Ltd & Anor v Skybound Capital (HK) Ltd & Anor**(HCA 853/2018): dispute between manager and advisors of investment fund over futures/options trading and outstanding fees (led by Norman Nip S.C.)

#### 民事欺诈及资产追讨

- **Z v BEA & Ors** (HCMP 1656/2022): applications for gagging/anonymity orders and **Norwich Pharmacal** relief to trace monies totaling around HK\$400 million misappropriated by phone scam (with Isaac Chan)
- **Euro Cargo Aviation HK Ltd v HK Wing Tat Co., Ltd & Ruifeng Hong Kong Ltd**(HCA 836/2021): resisting applications to set aside default judgments for sums misappropriated by email fraud
- **NongHyup Bank v Universe Income Builder Fund Series VI LLC & Ors**[2021] HKCFI 107 (proprietary injunction), [2021] HKCFI 3519 (interpleader): action based on breaches of trust/contract arising from investment scheme for gold trading worth over USD30 million (with Roger Phang)

#### 公司纠纷

- **Lam Shu Chung v Hyperlink International Real Estate Development Company Ltd**(HCMP 303/2023): application for orders for delivery of share certificates and calling of annual general meetings under ss. 145 and 610 **Companies Ordinance**
- **Lui Lai Yan v Nova Entertainment Ltd & Ors**(HCA 1286/2022): interlocutory proprietary and prohibitory injunctions restraining disposal of company’ s share transferred by fraud and dissipation of company’ s assets (led by Norman Nip S.C.)
- **Yuen Chun Max v Chong Man Yuk & Anor**(HCA 1740/2015): business dispute over chain of medical practices held through corporate structure (led by Victor Dawes S.C. and with Michael Lok)

#### 破产及清盘诉讼

- **Re Centre Rise Trading Ltd**(HCMP 709/2023): application under s. 290 **Companies (Winding Up and Miscellaneous Provisions) Ordinance** for Lazarus order to revive dissolved company with substantial assets based on the Mainland

- **Re Wu Ming Fat Simon, ex p. Zhongtai Financial Investment Ltd**(HCB 5397/2023): petition for bankruptcy order for non-compliance with statutory demand for sums due under cost order
- **Joint and Several Trustees in Bankruptcy of the Property of Yeung Chun Wai Anthony v Yannie Investment Ltd** (HCA 1644/2022): defending against bankruptcy trustees’ claims over beneficial interest in residential property (led by Norman Nip S.C.)
- **The Joint and Several Trustees of the Property of Yeung Wing Sing v Yeung Wing Sing**[2021] HKCFI 2018: application to set aside transaction at undervalue under s. 49 **Bankruptcy Ordinance** (with Norman Nip)
- **Grand T G Gold Holdings Ltd v Lee Sing Leung Robin**(HCMP 859/2020): interim injunction restraining presentation of winding-up petition
- Acting for various petitioners or supporting creditors in compulsory winding-up of listed companies, state-owned enterprises or their subsidiaries, including **Forever Winner International Development Ltd**(HCCW 80/2021), **North Mining Shares Company Ltd** (HCCW 452/2021) and **Carnival Group International Holdings Ltd** (HCCW 48/2020)

#### 监管及公法

- **China Wood Optimization (Holding) Ltd v The Stock Exchange of Hong Kong Ltd**[2023] HKCFI 1000: application for leave for judicial review against Stock Exchange’ s decision to delist trading of listed company’ s shares (led by Norman Nip S.C.)
- **Competition Commission v Kam Kwong Engineering Co Ltd & Ors**[2020] 4 HKLRD 61, [2020] 5 HKC 470: representing the Commission in its first enforcement proceedings adopting the **Carecraft** procedure in a ‘hybrid settlement’ case (led by Victor Dawes S.C. and with Isaac Chan)

#### 信托及遗产纠纷

- **In the Matter of NKS** (HCMH 31/2022): representing next of kin of mentally incapacitated person to oppose applications for intervention and discharge of committee appointed under Part II Mental Health Ordinance
- **Tam Miu Chi (in her capacity as the Executrix of the Estate of Ho Hiu Kwing) v Ho Man Che Peter**(HCA 1309/2021): defending against action claiming life interests in shares held on trust for the deceased (led by Edward Chan S.C.)
- **Ho Man Che Peter v Tam Miu Chi**(HCAP 1/2021): probate action to propound will of the late founder of the ‘Hsin Kuang’ restaurants (led by Edward Chan S.C.)
- Advising on application for sanction of family arrangement involving an infant beneficiary under a will and compromise of litigation (with Horace Wong S.C.)

## 物业及业主/租客纠纷

- **Kafayat Khan (trading as “Oriental Rugs”) v Au-Yeung Lun & Ors**(HCA 522/2023): claim against bailiffs and landlord for wrongful distress for rent in arrears
- **Cheung Kei Center Ltd v Mount Kelly International Ltd**(HCA 1383/2019 & HCA 1668/2019): defending claim in relation to early termination of commercial lease
- **Tang Ling Choa Tso (with Tang Ho Fai Allan, Tang Kwok Kuen, Tang Ying Kim Kenn and Tang Ching Cheung Carol as the Managers) v 邓盛炳 & Anor** (HCA 222/2018): defending against claim for vacant possession of land, injunction and mesne profits

## 雇佣纠纷

- Acting for insurers in various claims against ex-insurance agents for signing fees and bonuses pursuant to contractual post-termination ‘clawback’ provisions, including **FWD Life Insurance Company (Bermuda) Ltd v Cheung Lik Keung** (HCA 705/2020)
- **UPFitness Ltd v Daniel Dubois** (HCA 1531/2020): resisting interim injunction enforcing restrictive covenants under an employment contract
- **Wong Ka Yick v AXA China Region Insurance Co Ltd**(HCA 421/2017): dispute involving breach of contract and misrepresentations in relation to setup and operation of a ‘general agency’ model (led by Norman Nip S.C.)

## 雇员补偿及民事侵权

- Advising Employees Compensation Assistance Fund Board ( “ECAFB” ) on issues relating to interaction between relief payment and Director of Legal Aid’ s first charge
- Advising ECAFB on coverage of **Bullock** orders within scope of s. 23 **Employees Compensation Assistance Ordinance** (with Horace Wong S.C.)
- Advising ECAFB on issues relating to scope of an employees’ compensation insurance policy (with Horace Wong S.C.)
- **Wong Sui Ling v Lee Ting Yee**(HCA 1074/2022): defending against claims of harassment and intimidation arising out of debt collection dispute

## 建筑

- **Baosteel Engineering & Technology Group Co Ltd v Xinyang Maojian Group Ltd**[2022] HKCFI 2343: resisting enforcement of arbitral award relating to contractual dispute over construction project on the Mainland

- **Converge Design and Construction Co Ltd v Mount Kelly International Ltd**[2020] HKCFI 2433 (evidence), [2021] HKCFI 1591 (trial), [2021] HKCFI 1908 (interest): dispute over outstanding sums due under renovation contracts (with Desmond Leung)

## 仲裁及执法

- **Lo Ngai Mi v Man Shu Kwan** (HCCT 3/2022): oral examination of judgment debtor to facilitate enforcement of SCIA arbitral award (with Lau Ka Kin)
- **Wen Yuzhou & Ors v Man Shu Kwan** [2021] HKCFI 2510: application for and extension of worldwide **Mareva** injunction in aid of SCIA arbitration proceedings in Shenzhen relating to dispute over refund agreements for purchase price of Mainland properties
- **HKIAC Arbitration** involving a USD45 million claim for breach of software licensing agreements, copyright infringement, fraud/deceit and unfair competition

## 学历

- 香港大学法学士
- 香港大学法学专业证书
- 伦敦政治经济学院取法学硕士 ( 优异 )
- 剑桥大学法学硕士 ( 一级荣誉 )

## 奖学金及奖项

- 中殿抗辩训练奖学金
- 英国剑桥大学莫德林学院邦迪奖学金
- 英国剑桥大学莫德林学院法学奖项
- 香港特别行政区政府奖学金
- 香港大学何敦律师行刑法模拟法庭比赛冠军
- 香港大学海外交流奖学金
- 院长嘉许名单

## 会员资格及任命

- 英国特许仲裁员学会会员

## 讲座及研讨会

- University of International Business and Economics Course on International Commercial Mediation (Autumn 2023) on the topic of "Drafting Settlement Correspondence"

- “Essentials of Common Law – Public Law” Lecture Series at Peking University (April 2023) on the topic of “Common Law and Equity: Historical Development, Chancellor’s Foot and A Brief Introduction to the Concept of Trusts” (with Horace Wong S.C. and Clark Wang)

## 语言

- 英语 (流利)
- 广东话 (母语)
- 普通话 (专业程度)

## 领英 / LINKEDIN

可按此[网上连结](#)浏览黄大律师的领英档案。