

# 黃芷源

## 大律師

認許年份：2019 | 事務律師 (香港)：2017-2018

電話：+852 2532 6798

電子郵件：adriantywong@redechambers.com



在跟隨杜淦堃資深大律師、聶心平資深大律師、蔡一鳴資深大律師、黃若鋒區域法官及陳志剛大律師實習後，黃芷源大律師於2020年正式執業。他主要從事民事訴訟，亦曾於香港的各級法院出庭。

在獲認許為香港執業大律師之前，黃大律師曾在一家國際律師事務所中任職見習律師，並取得香港事務律師資格。他於香港大學取得法學士和法律專業證書，其後於倫敦政治經濟學院取得法學碩士（優異），以及於英國劍橋大學取得法學碩士（一級榮譽）。

黃大律師於2019年獲得中殿抗辯訓練獎學金。

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## 近期案例精選

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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 (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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## 其他精選案例

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### 商業及金融

- **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.)

#### 民事欺詐及資產追討

- **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)
- **Kot See For v Au Yeung Ho Sum & Ors** (HCA 2208/2019): application to strike out claim to recover funds allegedly misappropriated through a massive fraudulent investment scheme

#### 公司糾紛

- **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)

#### 破產及清盤訴訟

- **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)

#### 監管及公法

- **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 landmark case where the Tribunal adopted the Carecraft procedure in the competition context (led by Victor Dawes S.C. and with Isaac Chan)

#### 信託及遺產糾紛

- **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.)

## 物業及業主/租客糾紛

- **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 鄧盛炳 & Anor** (HCA 222/2018): defending against claim for vacant possession of land, injunction and mesne profits

## 僱傭糾紛

- 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.)

## 僱員補償及民事侵權

- 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

## 建築

- **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



## 語言

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## 領英 / LINKEDIN

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