

# Banking & Finance — Contentious

## OVERVIEW

In conjunction with our Litigation and Disputes Department, we advise lenders, guarantors and security providers on all aspects of enforcement actions. We also advise companies in matters concerning fraudulent transfers of funds via banks and often obtain urgent injunctive relief, disclosure orders against third parties and related enforcement actions to recover misappropriated monies.

Together with our Insolvency and Restructuring Department, we advise financial institutions in all matters concerning the insolvency, receivership or administration of borrowers, including the exercise of powers under debentures and charges, as well as other security instruments.

## THE TEAM



**Barry Hoy**  
Partner



**Frank Szeto**  
Partner



**Li Chung Nam**  
Partner



**Rio Lau**  
Partner



**Michael Lintern-Smith**  
Consultant

## AWARDS & RECOGNITION



**Litigation Star, Comm...**  
Benchmark Litigation Asia-Pacific  
2025



**Recommended Lawyer of...**  
Lexology Index  
2025



**Recommended Lawyer, C...**  
Lexology Index  
2025



**ALB Asia Super 50 Dis...**  
Asian Legal Business  
2025

## EXPERIENCE

- ◆ Leading a team acting for a Hong Kong Listed “Red Chip” Company in relation to Securities and Futures Commission (SFC) and Commercial Crime Bureau (CCB) investigations on allegations of fraud and defalcation of trust. This case involved legal proceedings brought against the Commissioner for Police and Secretary for Justice concerning the scope of search warrants and issues of legal professional privilege, resulting in “break-through” case law developments relating to legal professional privilege in Hong Kong and limited waiver thereof.
- ◆ Acting for a major international law firm in broad ranging, multiple party litigation and proceedings on issues of fraud, ostensible authority and tracing claims related to knowing receipt and knowing assistance.
- ◆ Advising multiple US Plaintiffs in pursuit of remedies and relief following on from US Judgment obtained concerning a multi billion Hong Kong dollar insolvency.
- ◆ Assisting a NYSE Listed Group of Companies in complex litigation proceedings brought in Hong Kong relating to allegations of breaches of fiduciary duties and employment contracts, the scope of enforceability of restrictive covenants of senior management and restraint of trade issues as well as intellectual property and confidentiality issues.
- ◆ Bringing legal proceedings in Hong Kong for the Hong Kong arm of a US Group of Companies in relation to action pursued against ex-employees concerning breaches of confidentiality, and trade secrets. This case also involved restraining, tracing and Anton Piller injunctive relief.
- ◆ Advising an owner and founding shareholder of a Japanese owned Hong Kong Company with significant manufacturing interests in the PRC in relation to Board disputes leading to multi-jurisdictional legal proceedings.
- ◆ Pursuing double derivative legal proceedings in Hong Kong on behalf of a Malaysian shareholder of a listed Hong Kong company with significant real estate holdings and ventures in the PRC.
- ◆ Leading a team advising and representing two Banks in Hong Kong dealing with Hong Kong Monetary Authority (HKMA) and SFC investigations and interviews, arising from the notorious allegations of mis-selling of Lehman Mini-Bonds.
- ◆ Pursuing fraud and tracing claims concerning misappropriations from a world renowned business, operating principally out of Singapore, involving a whole raft of interlocutory injunction applications and orders, and associated orders and remedies, including Norwich Pharmacal disclosure orders.
- ◆ Bringing contempt of court proceedings against director of debtor company.
- ◆ Assisting in recovery of funds following email fraud and securing proprietary injunction.
- ◆ Stay of court proceedings where conflicting jurisdictions are involved.
- ◆ Assisting shareholders to obtain leave to bring statutory derivative action for remedies against prospective defendants on claims involving breach of fiduciary relationship.
- ◆ Successfully defending USD5million medical negligence claim on behalf of an international medical practice and obtaining Restrictive Applications Order and Restricted Proceedings Order, to restrict further related claims.
- ◆ Assisting client in the dissolution of a partnership and recovery of assets.

- ◆ Assisting administrators secure vacant possession of property and recovery of Estate assets against asserted claim of proprietary estoppel.
- ◆ Enforcement of mediation agreement and advising Executor on claims involving assets located in North America, Hong Kong, China and Singapore.
- ◆ Assisting client on claim for breach of fiduciary duty against a bank's failure to consider the appropriateness of the investments made in conflict with the bank's position vis-à-vis management fees.
- ◆ Assisting executive director on corporate insolvency proceedings asserted by liquidator in excess of USD1 billion.
- ◆ Assisting client in setting aside judgment orders of USD44 million in value and setting aside related prohibition orders.
- ◆ Acting for a listed company in submitting a Scheme of Arrangement for restructuring its indebtedness, obtaining the statutory required support from creditors and sanction from the Court.
- ◆ Representing an insurance company in obtaining Mareva Injunction Orders and Norwich Pharmacal Orders against its former employee and other conspirators concerning the misappropriation of substantial corporate funds and pursuing tracing claims.
- ◆ Pursuing and defending tracing claims arising from telephone scams and internet fraud with fraudsters out of the jurisdiction.
- ◆ Representing numerous individuals at the management level of listed corporations, responsible officers of licensed corporations and front-line staff of financial institutions to deal with investigations conducted by the Securities and Futures Commission and Hong Kong Monetary Authority concerning regulated activities, market misconduct of all kinds and compliance issues.
- ◆ Advising individual and corporations which were subject to a raid or search warrant.
- ◆ Defending a lay client who was subject to an Injunction Order issued by his former employer, whilst facing simultaneous monetary claims and criminal prosecution as well as divorce proceedings.
- ◆ Acting for the executor in a contested multi-jurisdictional probate litigation which involved a substantial estate in the United States and Hong Kong.
- ◆ Advising a number of local banks concerning contractual obligations owed to their customers, reinforcing their internal policy in dealing with investment products and providing banking services, representing them to deal with professional complaints and monetary claims made by customers.