

Real Estate

OVERVIEW

Robertsons' Real Estate Department represents a diverse clientele in both the residential and commercial property sectors.

We act for and advise buyers, sellers and financial institutions in all aspects of their negotiations for real estate transactions in the territory. We are also experienced in dealing with the unique nature of Hong Kong's land system, including complex title investigation.

Our team is actively involved in the structuring of property transactions and advises on the up-to-date implications of the various anti-speculation stamp duty measures taken by the Hong Kong Government.

We also handle residential and commercial tenancies and assist landlords and agents in managing portfolios of properties. In addition, we frequently advise tenants of Grade A commercial properties in maximising the protection that they can obtain in their lease agreements.

In conjunction with our Banking and Finance Department, we regularly assist in advising and effecting security over Hong Kong real estate for financing transactions. We also work with our Private Equity & Commercial Department on the real estate aspects of commercial transactions.

Other areas of expertise of our Real Estate Department include representing building management committees, advising on planning disputes and appeals, dealing with Buildings Department investigations and negotiating land grants from the Hong Kong Government.

THE TEAM



Andrew Lee
Partner



Lesley Mclean
Partner



Kathleen Wong
Associate

EXPERIENCE

- Acted for a major distributor of beverage products in Hong Kong in a case brought by the Customs Department of the Hong Kong Government involving dutiable commodities. This case remains the leading case on the Hong Kong Bill of Rights. After this case, it became established law that, whilst the prosecution does not have to prove knowledge in a strict liability offence, it will be a defence for the accused to prove, on a balance of probabilities, that it had an honest and reasonable belief of compliance with the requisite legal requirements.

- ◆ Leading a team advising three major banks in Hong Kong on investigations by The Hong Kong Monetary Authority and the Securities and Futures Commission concerning the alleged mis-selling of Lehman Brothers related investment products.
- ◆ Leading a team to advise an Insurance Company (a joint venture between 5 renowned financial institutions) to proceed a claim against staff misappropriating funds belonging to the company, which includes the taking out of a mareva injunction order to freeze the assets of the Defendants, and the taking out of Norwich Pharmacal Discovery Orders to proceed with the tracing claim on the misappropriated funds.
- ◆ Leading a team to advise a Hong Kong main board listed company in the purchase of a renowned chain of regional coffee shops. Also advised the same company in the sale of the coffee shop chain to a PRC State Company.
- ◆ Advising a Hong Kong main board listed company on its joint venture with a western restaurants chain to become the biggest western restaurants chain in Hong Kong (with over 40 restaurants) after the joint venture.
- ◆ Advised a main board listed company in the sale of its shares by the major shareholder which led to the making of a general offer to shareholders under The Hong Kong Code on Takeovers and Mergers.
- ◆ Leading a team to advise a main board listed company in the acquisition of a company holding landed properties in the PRC which transaction was classified as a major acquisition of the company.
- ◆ Leading a team in representing issuers or their sponsors on their listing on the Main Board and Growth Enterprise Market of the Stock Exchange of Hong Kong Limited. Recent successful listings include: - Food Wise Holdings Limited (Stock Code: 1632), Anchorstone Holdings Limited (Stock Code: 1592) and Best Linking Group Holdings Limited (Stock Code: 8617).
- ◆ Advising clients in respect of trademark disputes including oppositions and cancellation applications.
- ◆ Representing a wide range of organizations, manufactures and retailers in respect of their worldwide trade mark portfolios including handing of trade mark filings.
- ◆ Advising clients in respect of co-existing with similar brands and negotiating co-existence agreements.
- ◆ Advising clients in respect of problematic applications including attending trade mark hearings.
- ◆ Handling commercial transactions for the exploitation of intellectual property rights through licensing, distribution and franchising agreements.
- ◆ Providing practical advice to clients to increase the value or performance of their IP portfolio.