**Nicole Chui**

**Parkside Chambers**

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**Professional qualifications**

* Call: 2022 (Hong Kong)
* Solicitor: 2020 (England & Wales – non-practising)

**Education**

* B.C.L. (Distinction), University of Oxford (2017)
* P.C.L.L. (Distinction), University of Hong Kong (2016)

### B.A. in Jurisprudence (1st Cl.), University of Oxford (2015)

**Languages**

English, Cantonese, Mandarin

**Practice profile**

Nicole joined Chambers in 2022 after completing her pupillage with Ms. Maggie Wong SC, Mr. Vincent Lung, Mr. Christopher Chain (now Mr. Christopher Chain SC) and Mr. Ernest Ng.

Nicole read law at the University of Oxford, where she graduated with a First Class in the BA (Jurisprudence) and a Distinction on the BCL.

Nicole has appeared before the District Court, Court of First Instance and the Court of Appeal as sole advocate in her own right or as a led junior whether at trial or in interlocutory applications, including urgent ex parte relief. Nicole also has experience conducting cross-examination in Cantonese in an 8-day High Court trial.

Prior to joining Chambers, Nicole trained and practised as a Dispute Resolution solicitor at a Magic Circle law firm in London. During that time, she was seconded to the Retail Banking Litigation team of Lloyds Banking Group.

Nicole was also a judicial assistant to Sir Julian Flaux, Chancellor of the High Court of England and Wales and Lord Justice of Appeal, during which time she provided legal research and assistance on cases relating to a variety of practice areas including commercial law, the law of restitution and conflict of laws.

Nicole is developing a broad practice and accepts instructions in all areas of Chambers’ work. She is capable of providing written submissions and conducting hearings in both English and Chinese.

**Selected Cases**

**Arbitration**

* ***1PFL v PTP***(HCCT 14/2024): acted for the applicant in obtaining an order to enforce an arbitral award (as sole advocate, on paper)
* ***KZ v KY***(HCCT 41/2019): acted for the applicant in resisting the respondent’s application to set aside the Court’s order to enforce an arbitral award (with Ernest Ng)

**Asset Recovery**

* ***Yerrid Law Firm v Qiansbaizi Trading Limited & Ors*** (CACV 170/2021 & CACV 313/2021): acted for the respondent in an appeal involving issues of ministerial receipt, change of position, bona fide purchaser and illegality (with Ernest Ng)
* ***Wenda Co. Ltd v DBS Bank (Hong Kong) Limited***(HCMP 2419/2023): successfully obtained Norwich Pharmacal relief in aid of foreign proceedings for corporate plaintiff whose monies were misappropriated (as sole advocate)
* ***Liu Kwok On v Pan Xiaohua & Anor***
  + (DCCJ 3623/2021): successfully obtained order for enforcement of terms in schedule to Tomlin Order for defrauded plaintiff (as sole advocate)
  + (DCCJ 867/2024): successfully obtained ex parte proprietary and Mareva injunction for defrauded plaintiff (as sole advocate)
* ***Tai Ngan Yung v The Hongkong Shanghai Banking Corporation Limited and Mox Bank Limited***(DCCJ 88/2024): successfully obtained Norwich Pharmacal relief for defrauded plaintiff (as sole advocate)

**Commercial**

* ***AHS Device Hong Kong Limited v VT Zero Limited***[2023] HKCFI 1514: successfully resisted application for interim payment and proprietary injunction, involving issues of construction, implied terms, penalty clause, agency and fiduciary duties (with Vincent Lung)
* ***Smith & Associates Far East Limited v EZ Ram Technology Limited*** [2023] HKDC 435: successfully acted for the plaintiff in a trial involving breach of sale of goods contract (with Vincent Lung)
* ***Colour Zone Investment Ltd v Amy Xuan Li*** (HCA 1028/2022): successfully obtained summary judgment for a lender, involving issues of misrepresentation by a co-guarantor, representation of non-enforcement of guarantee by lender and discharge of guarantee due to variation/omission (with Martin Wong)
* ***Tang Chiu Wah v Chiang Sze Nga Celia***(HCA 1902/2019): successfully resisted strike out application in a fraudulent misrepresentation claim, involving issues of pleas of spent criminal convictions and disclosure of criminal records (as sole advocate)
* ***Elysium Limited & Ip Woon Shun (Administrator) v Sum Ka Kuen Dominic, Tempio Limited and WHA Nominees Limited***[2023] HKCFI 612: resisted continuation of ex parte proprietary and interlocutory injunctions, involving issues of breaches of fiduciary duties, diversion of corporate opportunity and the position of appointorship under a trust deed (with Toby Brown)
* ***Ingredients Plus (NZ) Limited v Puyer Group Limited*** (DCCJ 3/2023): acted for the Plaintiff in resisting the Defendant’s application for security for costs; the Defendant’s application was withdrawn after filing of skeleton submissions (as sole advocate)
* ***China Industrial Securities International Brokerage Limited v Lou Yi*** (HCA 1073/2021): acted for the Defendant in resisting summary judgment application; questions of construction of contract, discharge of guarantee due to bad faith, negligence and/or connivance; obtained conditional leave to defend (with Ernest Ng)

**Company**

* ***Zhong Da Mining Holding Limited v Lam Wo Ping & Ors*** [2024] HKCFI 1613: 2 day hearing, successfully converted Plaintiff’s application for removal of notices regarding change in director, company secretary, registered address and allotment return of allotment into writ action; involving issues of the irregularity principle, the Duomatic principle and breach of fiduciary duty in light of BVI proceedings regarding beneficial ownership of parent company (with Deanna Law)

**Construction**

* ***Perpetual Wealth (Hong Kong) Limited v Be Solutions Limited v Ors*** [2023] HKCFI 2505: 8 day trial, successfully defended D1, an interior design and construction company against claims of alleged supply of defective marble and poor workmanship and successfully counterclaimed for outstanding contractual payment due and fit out deposit paid by D1 (with Ernest Ng, conducted cross-examination in Cantonese)
* ***OMY Associates v Lotus Artistry Limited*** (DCCJ 517/2023): acting for Defendant in dispute regarding design and build contracts (ongoing)

**Bankruptcy & Winding-up**

* ***Yu Sze Wan & Yu Ming Yow Billy v Silver Hope Limited*** (HCSD 37 & 38/2021): successfully resisted setting aside of statutory demands, involving issues of overstated statutory demands,  breach of Money Lenders Ordinance (Cap. 163) and uncertainty of guarantees (with Jeffrey Chau)
* ***Re: Cheng Kwun Shing Edward***[2024] HKCFI 524: opposed bankruptcy petition on the basis that there is a bona fide dispute on substantial grounds and the presentation of the petition is an abuse of process  (as sole advocate)
* ***Re: Asia Television Holdings Limited***(HCCW 503/2023): opposed winding-up petition on behalf of company; petition ultimately withdrawn (as sole advocate)

**Land**

* ***Li Chun Bon & Anor v China Mobile Hong Kong Company Limited***
  + [2023] HKDC 466: successfully defended the defendant in a trial involving trespass, construction of the DMC, breach of s.34I BMO, nuisance, expert evidence on mesne profits, joint liability and double recovery (with Ernest Ng)
  + [2023] 5 HKLRD 736; [2023] HKDC 1533: successfully opposed plaintiff’s application for leave to appeal (with Ernest Ng)

**Civil Procedure**

* ***Able Contractors Limited v Man Kong Keung*** [2023] HKCFI 2733: successfully resisted defendant’s application for consolidation with another action or an order that the actions be heard together (with Vincent Lung)

**Family**

* ***SWCA v TYE & Anor***(FCMC 3710/2022): acting for intervener in trial of a preliminary issue in the context of ancillary relief proceedings (led by Maggie Wong SC) (settled)

**Regulatory**

* Advised on market misconduct under the Securities and Futures Ordinance (Cap. 571) in relation to a “ramp and dump” scheme (led by Maggie Wong SC)

**Scholarships and Prizes**

* Harris Prize for best performance in law finals in Keble College (2015)
* Keble College Scholar (2015)

#### [**Text Publications**](http://www.parksidechambers.com.hk/members/wayne-walsh-sc/#1536016716801-28527e9f-7e38)

* Anti-arbitration injunctions: jurisdiction and the natural forum precondition [2020] 2 LMCLQ 211