

## Vivien Leung 梁婉雯

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Vivien has a decade of litigation experience. She practised in civil litigation at Deacons from 2009 to 2016 and thereafter in matrimonial law at Withers from 2016 to 2019.

Vivien has appeared as an advocate in a number of substantive hearings, including a 4-day trial on child custody in *Punti* and various interlocutory applications.

Vivien grew up in Sydney, Australia. She studied at James Ruse Agricultural High School and attained a University Admission Index of 99.95 of 100. Vivien was awarded a full scholarship to undertake any undergraduate degree at The University of Sydney and graduated in 2007 with 1<sup>st</sup> Class Honours in Law and Commerce. She received her LLM (specialising in equity and trusts) in 2015.



### **Qualifications**

2019	HKMAAL Accredited Family Mediator
2011	Solicitor, Hong Kong SAR
2009	Solicitor, New South Wales

### **Experience**

2016 – 2019	Withers, Family
2009 – 2016	Deacons, Civil Litigation (inclusive of training)
2008	The University of Sydney, Tutor
2005 – 2008	White Barnes Solicitors, Clerk

### **Accolades**

The University of Sydney Outstanding Achievement Scholarship  
The Australian Student Prize  
New South Wales Premier's Award for All Round Excellence  
The Law Society of Hong Kong & Bloomsbury Book Prize

### **Selected Cases**

#### Family

- TOCG v CKKD, HCMC 4 of 2016 (avoidance of dispositions, third party interests)
- Yip v Geicke, HCA 676 of 2016 (setting aside financial settlement, misrepresentation)
- SA v SPH, HCMC 1 of 2011 (jurisdiction, nuptial agreements)
- AWK v MTHL, HCMC 2 of 2016 (company valuation, third party interests)
- ZY v ZJ, FCMC 39737 of 2017 (child abduction, custody, third party interests, avoidance of dispositions)
- THM v HL, FCMC 9695 of 2017 (post-separation accruals, addbacks, valuation of restricted stock units and private equity investments)
- MML v GWL, FCMC 12350 of 2016 (valuation of fund management business)
- TSF v YMSW, FCMC 11790 of 2013 (enforcement of financial settlement, release of implied undertaking)

#### Civil Litigation

- Hong Kong Sheng Kung Hui Foundation v The Hong Kong Central Hospital Limited, HCA1183/2011 (recovery of possession of hospital)
- Secretary for Justice v Times Square Limited [2011] 2 HKLRD 409 (injunction, *Wrothom Park* damages)
- HKSAR v Ip Ka Po, Executive Director of Asia Television Limited (late payment of wages)
- Hind International Investment Limited v K&L Gates, HCA 1325/2011 (fraud of law firm partner, solicitors' accounts rules)
- Top Point Limited v K&L Gates, HCA 1080 of 2011 (fraud of law firm partner, solicitors' accounts rules)

- Li Lihong v Choi Tung Chi & Anor, HCA 3310 of 2016 (constructive trust; gift)
- Chan Sang v Chan Kwok [2015] 3 HKLRD 131 (constructive trust)
- Park Leung Tai Woon v Leung Tai Sing Billy & Anor, HCMP 2172 of 2011 (removal of administrator)
- Talal El Makdessi v Team Y&R (Hong Kong) Limited, CACV 199 of 2012 (inspection of corporate documents)
- Joseph Ghossoub v Team Y&R (Hong Kong) Limited & Ors [2016] 3 HKLRD 778 (unfair prejudice, jurisdiction)
- FCL China Development Pte. Ltd. & Anor v Lai Yuen Ling & Ors, CACV 193 of 2014 (joint venture dispute in Qingdao, China)
- Chang Pui Yin & Ors v Bank of Singapore, CACV 194 of 2016 (mis-selling of derivative products)
- Lee Bing Fai Stephen v Hong Kong Automobile Association, HCA 25 of 2015 (supervisory jurisdiction)

### **Publications**

- Building a Platform for Dialogue, The Rapport, The Hong Kong Mediation Council, December 2019
- 離婚後應保持有效溝通調解服務可令雙方坦誠表達意願, Hong Kong Economic Times, August 2018
- Court of Final Appeal clarifies test for “change of intention” in respect of purpose for which property is held in determining whether profits tax is chargeable on disposal of property, Lexology, March 2016
- Directors’ liability for corporate offences, Lexology, September 2015
- AGMs and laying of accounts non-compliance issues: companies preparing for listing should take note, Lexology, June 2014

### **More about Vivien**

Vivien believes in the importance of giving back to the community. She is a duty lawyer and plans to do voluntary mediation work at the Hong Kong Family Welfare Society upon completion of pupillage. She was a founding member of Deacons Cares in her previous firm. She was a founding member of the Chinese Law Students Society at The University of Sydney and represented the University in her capacity as an Events Ambassador.

### **Languages**

Putonghua (fluent)

### **References**

Rita Ku, Withers  
 Paul Kwan, Deacons  
 Cecilia Lau, Deacons

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 cecilia.lau@deacons.com.hk