



## Nancy S. M. Leung

Partner

[nancy.leung@jsm.com](mailto:nancy.leung@jsm.com)

[Hong Kong +852 2843 4510](tel:+85228434510)

## Overview

Clients including property developers, banks and financial institutions, liquidators, statutory bodies corporate, property owners, individuals, corporations, and Mainland China enterprises turn to Nancy Leung for advice and representation in real estate disputes and litigation. Clients trust her advice and guidance in:

- Compulsory sale applications
- Interpretation of government leases and resolving title issues
- Resolving building management disputes between co-owners and Incorporated Owners and management companies
- Urgent interlocutory injunctions to remove obstructions/interference by unknown wrongdoers
- Disputes relating to sale and purchase of properties
- Adverse possession claims
- Tenancy disputes
- Claims for banks
- Bankruptcy and liquidation-related litigation
- PRC-related disputes
- Probate and trust disputes
- Commercial disputes and arbitrations
- Cross-border disputes
- Judicial review proceedings

Nancy speaks English, Cantonese, and Mandarin.

# Experience

Nancy has advised and represented:

- **Major developers in Hong Kong** in successfully acquiring 100% interests in the lots for redevelopment purpose by way of application in the Lands Tribunal for an order for sale of the lots by auction under the Land (Compulsory Sale for Redevelopment) Ordinance (Chapter 545), and through many successful settlement negotiations to acquire the remaining interests in the lots from the minority owners, and obtain sale orders of the following lots and buildings:
  - Sei Li Building at Nos. 3 & 5 Lai On Lane and Nos. 21, 22, 23 & 24 Chiu Kwong Street at the reserve price of HK\$254 million in September 2023
  - Fa Chau Mansion at Nos. 21 and 23 Aplichau Main Street and No. 5B Ping Lan Street, Aplichau at the reserve price of HK\$137 million in September 2023
  - Wah Ha Factory Building, No. 8 Shipyard Lane, Quarry Bay at the reserve price of HK\$5,125 million in May 2023 (being the then highest reserve price set amongst all compulsory sale orders made under the Ordinance)
  - Nam Tak Mansion, Nos. 37 and 39 San Shi Street at the reserve price of HK\$106 million in December 2022
  - Tsui Wah Building, Nos. 120-122 High Street at the reserve price of HK\$525 million in September 2022
  - No. 28A and 28B Grampian Road at the reserve price of HK\$404.25 million in August 2022
  - Nos. 124 & 126 High Street (previously known as No.10 Sui Wah Terrace) at the reserve price of HK\$210 million in July 2022
  - No. 47 Staunton Street, No. 49 Staunton Street and Wah Yee Mansion, No. 51, No. 53, No. 55 and No. 57 Staunton Street at the reserve price of HK\$529 million in April 2022
  - Zung Fu Industrial Building, No. 1067 King's Road at the reserve price of HK\$5,052.60 million in February 2022
  - Cheng Fung Mansion, Nos. 31-41 Fei Fung Street at the reserve price of HK\$257 million in January 2022
  - Kin Fung Mansion, Fung Wong Village, Nos. 26, 26A, 28, 30, 32 and 32A Ming Fung Street, Fung Wong Mansion, Fung Wong Village, Nos. 34 and 36 Ming Fung Street and Nos. 38, 40, 42, 44, 46 and 48 Ming Fung Street at the reserve price of HK\$805 million in July 2021
  - Chung Chai Building, Nos. 67, 69, 69A, 71 Nam On Street at the reserve price of HK\$195 million in June 2021
  - Ko Shing Building, 78-80 Queen's Road West, 265-267 Hollywood Road at the reserve price of HK\$295 million in May 2021
  - Lai Yuen, Nos. 7 and 8 Tak Hing Street at the reserve price of HK\$774 million in March 2021
  - No. 5 Sharp Street East, Causeway Bay at the reserve price of HK\$606 million in March 2021
  - 56, 58, 60 and 62 Larch Street and Nos. 6 and 8 Lime Street, Tai Kok Tsui at the reserve price of HK\$326.83 million in October 2020

- 99 & 101 Des Voeux Road West, at a reserve price of HK\$302 million in June 2020
  - 16-24 Gage Street, Central, at a reserve price of HK\$332 million in May 2020
  - Yee Tak Building at Nos. 121-131 Shau Kei Wan Main Street East, Hong Kong at a reserve price of HK\$804 million in March 2020
  - 326-332 Voeux Road West and Nos. 11A-D Sai On Lane, On Hing Building at a reserve price of HK\$700 million in March 2020
  - Amoycan Industrial Centre Block 1 at No. 7 Ngau Tau Kok Road at a reserve price of HK\$2,075.6 million in 2019
  - Tai Lok House, No. 2 Tai Cheong Street, Shaukeiwan at a reserve price of HK\$1,401 million in 2018
  - Cheung Lok Mansion, Wanchai at a reserve price of HK\$1,620 million in 2017
  - No. 21 & 21A Ashley Road, Tsimshatsui at a reserve price of over HK\$352 million in 2017
  - Po Fat Building, No. 34 Belcher's Street, Kennedy Town at a reserve price of HK\$750 million in 2015 and successfully dismissing the minority owners' appeal on the order for sale to the Court of Appeal and Court of Final Appeal in 2016
- Various **minority owners** in different proceedings under the Land (Compulsory Sale for Redevelopment) Ordinance (Chapter 545) striking for their best interests, apart from successful negotiations with the majority owners for the sale of their properties, also obtaining the following orders in the Lands Tribunal:
    - In an application taken out by subsidiary companies of a large developer in Hong Kong for the sale of certain lot at No.18 Sau Wa Fong against the only remaining minority owner in the lot which Nancy represented, in the order for sale made in September 2023, Nancy assisted the minority owner to obtain a favorable share of the sale proceeds close to the valuation of our client's valuer.
    - In an application taken out by subsidiary companies of a large developer in Hong Kong for the sale of certain lot at 29 Sassoon Road against the only remaining minority owner in the lot which Nancy represented, Nancy assisted the minority owner to successfully resist the application and by a judgment and order handed down in January 2023, the developer's application was dismissed on the ground that the terrace houses on the lot are not justified for redevelopment due to age and state of repair.
- **The landowner** in successfully obtaining an injunction against buskers performing at the open piazza of Times Square at Causeway Bay.
  - **The developer** of Hong Kong Gold Coast in a dispute over legality of lease modification letters with the government and neighbourhood owners involving representative action.
  - **The property owner** in obtaining an interlocutory injunction against unnamed persons described by acts to clear obstructions blocking the vehicular and pedestrian access to CITIC Tower as a result of the Occupy Central/Umbrella Movement in Hong Kong. The claim is based on both public and private nuisance. We are the first law firm to obtain and successfully execute the injunction order against the protesters in the Occupy Central/Umbrella Movement. This

is a landmark and novel decision in Hong Kong setting down new laws, including clarifying the law relating to civil disobedience as a defence and invoking the law of criminal contempt in a civil claim upon the defendants' deliberate flouting of the injunction order of the Court undermining the administration of justice and involving the assistance of the Hong Kong Police in the enforcement of a civil order, setting precedent to be followed in subsequent applications.

- **The developer** in successfully obtaining an injunction order against various defendants including an unnamed "7<sup>th</sup> defendant" (described by the wrongful conduct) from obstructing the right of way and trespassing the construction site, and in dismissing the appeal of one of the defendants. This is a landmark and novel decision in that this is the first case in Hong Kong on the granting of an injunction order against defendants (7<sup>th</sup> Defendant), who are described by the wrongful conducts and not names. This has been a controversial and subject matter of challenge by other defendants and both the court of first instance and court of appeal endorse its use in appropriate circumstances. This set the precedent for many similar cases that followed.
- **Various major developers** in successfully obtaining the required orders from the court to resolve title issues of various properties or redevelopment projects.
- **Property owners** and **property management companies** in resolving their disputes in building management involving the interpretation of the Deed of Mutual Covenants, Building Management Ordinance and other title documents.
- **Various landowners** and **corporations** in advancing or defending adverse possession claims.
- **The developer** in successfully dismissing a claim of over HK\$18 million with costs from its former solicitor for loss of profit.
- **The vendor** in successfully claiming over HK\$5.5 million of damages plus interests and costs against a defaulting purchaser who alleged the dementia of its director when signing the agreement for sale and purchase and in dismissing its appeal.
- **15 purchasers** in an action against a developer for breach of the agreement for sale and purchase in failing to complete the development by the prescribed time and successfully recovered the sum of approximately HK\$66 million plus interests and costs, and at the same time dismissed the developer's counterclaim against the purchasers for conspiracy.
- **A bank** in a series of recovery actions against its customers which involved an officer's improper acts (raised in the defence) which were beyond the power granted by the bank and successfully obtained money judgment and possession order on all mortgaged properties against the customers.
- **A financial institution** on a cross-border recovery action and realisation of securities in Hong Kong, PRC and Macau involving loans in the principal sums of US\$100 million and HK\$400 million.
- **Major banks** in enforcing its securities and rights and successfully obtaining the necessary judgment/order and recovering the debts from their customers through enforcement of the judgment/order.

Other engagements include:

- Involved in the liquidation of a state-owned enterprise in PRC.

## Qualifications

### Education

- The University of Hong Kong, LLB
- The University of Hong Kong, PCLL

### Admissions

- England and Wales
- Hong Kong

### Languages

- Cantonese
- English
- Mandarin

## Professional & community involvement

- Notary Public, Hong Kong Society of Notaries
- Approved Mediator, Hong Kong Mediation Accreditation Association

## Related content

- Hong Kong updates its Land (Compulsory Sale for Redevelopment) Ordinance, 6 December 2024
- Hong Kong: Clarification on land registrar's right to withhold registration, 10 July 2023
- Recent decisions on compulsory sale applications in Hong Kong in relation to 100% owned lot and calculation of ownership threshold, 21 April 2023
- For services rendered? How to avoid a Pyrrhic victory in court taxation in Hong Kong, 20 March 2023