



# PUMP COURT

## CHAMBERS

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## CAROL CHENG

"I was very happy with Carol's assistance with this matter. She was very meticulous and her attention to detail with regards the relevant legislation and her prior review of the brief was impressive. Her communication was also excellent."

Instructing solicitor

Call: 2022

For enquiries please call +44 (0)20 7353 0711 or email

Carol is a Barrister in the Civil Team and accepts instructions in all areas, including the following:

- General commercial disputes
- Breach of Contract
- Company
- Claims under the Consumer Credit Act 1974/PPI
- Credit Hire
- Debt recovery
- Employment
- Personal and Corporate Insolvency
- Personal Injury/RTA
- Property
- Sports Law

Carol appears in small claim and fast-track trials, MOJ Stage 3 hearings, interlocutory applications, CMCs, possession hearings, orders for sale hearings, winding up petitions, bankruptcy petitions, and applications to set aside statutory demands.

Carol is a qualified solicitor in Hong Kong (2018), England and Wales (2019) and the Republic of Ireland (2021) and previously practised as a solicitor in the banking department at Linklaters in both its London and Hong Kong offices (including 5 years as an associate solicitor). She has spent time in the Leveraged Acquisition Finance legal team at HSBC. She was also a Judicial Assistant to Mr Justice Calver and Mr Justice Jacobs in the High Court (Commercial Court).

Carol has been granted rights of audience before the Astana International Finance Centre (AIFC) Court in Kazakhstan and is included on various panels of arbitrators including the London Court of International Arbitration

(LCIA, London) and the Pacific International Arbitration Centre (PIAC, Vietnam). She is a member of the Attorney General's Junior Junior panel and the AIFC Academy of Law Academic Pool. She is also a member of the Commercial Bar Association (COMBAR), Chancery Bar Association (ChBA), Technology and Construction Bar Association (TECBAR), London Common Law & Commercial Bar Association (LCLCBA), Employment Lawyers Association (ELA) and Personal Injuries Bar Association (PIBA). She also previously coached the team representing the Center for Transnational Legal Studies (CTLS) at the 25th Willem C. Vis International Commercial Arbitration Moot 2020.

In addition to speaking fluent English, Cantonese, and Mandarin, Carol has a working knowledge of French and Spanish.

Carol read law at an undergraduate level (BA in law) at the University of Cambridge before going on to obtain a Master of Laws (LLM) degree from the University of Pennsylvania and a Postgraduate Certificate in Laws (PCLL) from the University of Hong Kong.

## Business & Commercial

Carol is happy to undertake work in all areas of commercial law including contractual disputes, corporate as well as personal insolvency, director's duties, company law, partnership, agency, unjust enrichment and contentious trust matters.

She has recently acted in claims involving breach of contract, misrepresentation and duress, represented creditors in bankruptcy and winding up petitions, and drafted pleadings in claims for breach of contract.

She has also recently acted in a number of application hearings including strike-out and summary judgment applications; applications to extend an administration; and applications for permission to re-use a prohibited company name pursuant to s.216(3) of the Insolvency Act 1986.

As an associate solicitor at Linklaters, Carol acted for the following clients whilst assisting in the below key cases:

- The underwriters on the US\$1.1bn (HK\$8.74bn) global offering and listing of BOC Aviation Limited on the Main Board of the Hong Kong Stock Exchange
- Goldman Sachs Investments Holdings (Asia) Limited on its subscription for a majority stake in a newly established private BVI-incorporated special purpose company, Active Industries International Limited, which indirectly wholly owns certain real estate property in Chengdu and Wuhan, PRC
- LafargeHolcim Group on a KRW560+bn (c. US\$480m) disposal of their cement production operations in South Korea consisting of Lafarge Halla Cement Corporation and LAKO Ltd. to Glenwood Private Equity Co., Ltd (a Korean PE investor) and Baring Asia Private Equity
- Steinhoff, the South African retail conglomerate, in connection with the corporate and financial restructuring

of its European operating business by way of two parallel English law CVAs (together with the associated restructuring of the group's US arm, Mattress Firm, through a Chapter 11 process and the refinancing of the French retail goods supplier, Conforama, by way of conciliation proceedings in France)

- The sponsors in respect of the £1.3bn financing and subsequent refinancing of the 402MW Dudgeon offshore windfarm
- The Mandated Lead Arrangers in relation to a number of acquisitions and upsizes by Apax Partners LLP of the ADCO Group, the global market leader in the mobile sanitary unit sector
- A Big 4 accounting firm in parallel proceedings in Hong Kong and China arising in connection with the administration of the estate of a high net worth individual
- A Hong Kong-listed bank in a high-profile shareholder dispute with a US hedge fund and related court proceedings in Hong Kong

As a Judicial Assistant to Mr Justice Calver and Mr Justice Jacobs in the High Court (Commercial Court), notable cases Carol assisted with include Piraeus Bank A.E. v Antares Underwriting Limited and others [2022] EWHC 1169 (Comm) (an insurance claim in the shipping context which involved complex questions of contractual construction) and QIPCO & Anor v John Eskenazi Limited & Anor [2022] EWHC 3023 (Comm) (claims of breach of contract, misrepresentation, negligence and/or fraud in relation to seven artefacts worth over £4m alleged to be modern forgeries).

## Employment & Discrimination

Carol is happy to undertake work representing both Claimants and Respondents in all areas of employment law including:

- Unfair dismissal;
- Discrimination;
- Harassment;
- Victimisation;
- Whistleblowing;
- Contractual disputes;
- Restrictive covenants;
- Injunctions;
- TUPE transfers;
- Holiday pay disputes;
- National minimum wage disputes; and
- Costs

She has recently appeared in a number of Employment Tribunal hearings including preliminary hearings as well as the following notable final hearings:

- 10-day final hearing involving claims of wrongful dismissal, direct race discrimination, harassment related to race, unlawful deduction from wages, outstanding business expenses, and outstanding payment, acting for the respondent.
- 5-day final hearing involving claims of automatic unfair dismissal, direct race discrimination, harassment related to race, victimisation, and unlawful deduction from wages, acting for the respondent.
- 4-day final hearing involving claims of constructive unfair dismissal, direct sex discrimination, harassment related to sex, and victimisation, acting for the respondent.
- 3-day final hearing involving claims of unfair dismissal, unfair dismissal under regulation 7 of TUPE, discrimination arising from disability, direct disability discrimination, and automatic unfair dismissal, acting for the respondent.
- A final hearing involving claims of unpaid wages, holiday pay and bonus pay, acting for the respondent.
- A remedy hearing involving claims of failure to make reasonable adjustments, disability-related harassment and constructive unfair dismissal, acting for the respondent.

She has also acted in appeals and recently acted for the respondents in appeals against final hearing judgments and case management decisions.

She regularly drafts pleadings and provides written advice on merits, and also has experience in drafting letters of instructions to experts.

## Personal Injury

Carol regularly appears in the County Court and has acted in fast track trials, small claims hearings, MOJ Stage 3 hearings and interlocutory applications.

She has experience in road traffic accident trials (RTAs) including credit hire claims and claims where fraud concerns have been raised involving low velocity impact.

She also has experience in infant settlement approval hearings.

She also provides advice on merits and quantum in a range of personal injury claims, including claims arising from employers' liability.

## Property Law

Carol is happy to undertake work in respect of commercial and residential landlord and tenant matters. She has recently acted for landlords and tenants in possession hearings, housing disrepair claims and claims for failure by the landlord to deal with the tenancy deposit in accordance with an authorised scheme.

## Sports Law

Carol has experience and expertise in respect of Employment Tribunal discrimination claims, personal injury, commercial and contractual disputes, and regulatory work which means she is well-placed to advise and act in sports issues which frequently interact with these areas of law. She is happy to advise and represent individuals (professional and amateur athletes) and organisations (sports governing bodies and institutions) in sports law matters.

Carol is currently representing an international athlete in relation to anti-doping charges.

She maintains various links in the wider sporting community, having competed nationally (in Hong Kong) in windsurfing and swimming at youth level. She is a keen athlete, having completed three full marathons, and is particularly passionate about surfing, skiing and tennis.

## Qualifications

- MA (Law), the University of Cambridge
- LLM, the University of Pennsylvania
- PCLL, the University of Hong Kong

### Appointments & Memberships

- Called to the Bar (2022)
- Admitted as a Solicitor in Hong Kong (2018)

- Admitted as a Solicitor in England & Wales (2019)
- Admitted as a Solicitor in the Republic of Ireland (2021)
- Panel of arbitrators – London Court of International Arbitration (LCIA, London)
- Panel of arbitrators – Pacific International Arbitration Centre (PIAC, Vietnam)
- Rights of audience before the Astana International Finance Centre (AIFC) Court in Kazakhstan

### Languages

- English
- Cantonese (Chinese)
- Mandarin (Chinese)
- French
- Spanish

## Professional associations

- Commercial Bar Association (COMBAR)
- Chancery Bar Association (ChBA)
- Technology and Construction Bar Association (TECBAR)
- London Common Law & Commercial Bar Association (LCLCBA)
- Employment Lawyers Association (ELA)
- Personal Injuries Bar Association (PIBA)
- Attorney General’s Junior Panel Counsel
- AIFC Academy of Law Academic Pool

## Outside Interests

Carol loves spending time outdoors and staying active. She is a keen athlete, having completed three full marathons, and is enthusiastic about attending the Wimbledon Tennis Championships. Surfing in the summer and skiing in the winter is her idea of fun!

Carol is also a keen pianist and singer. She loves going to concerts and watching theatre and musicals.