



JAMES MAN 文國灝大律師

Call: 2014 (HK)

PROFILE

Following successful completion of pupillage with Mr. Victor Dawes SC and Mr. Bernard Man SC, James joined Chambers in September 2014.

James is a graduate of the University of Hong Kong. He ranked second in his penultimate year and was awarded the Simon K Y Lee Medal in Law for being the top finalist in the LLB programme in his year.

James is developing a broad civil practice and accepts instructions in all areas of Chambers' work. He has been instructed in a wide range of cases.

James has appeared as an advocate (either in his own right and as a led junior) in the Lands Tribunal, the Market Misconduct Tribunal, the Securities and Futures Appeals Tribunal, the District Court, the Court of First Instance, the Court of Appeal and the Court of Final Appeal.

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PRACTICE AREAS

- Equity / Trust
- Company
- Commercial
- Property & Conveyancing
- Securities & Regulation
- Arbitration
- Banking / Finance
- Civil Fraud / Asset Recovery
- Charity
- Conflict of Laws
- Confidentiality / Privacy
- Defamation / Media
- Employment
- Discrimination
- Insurance
- Intellectual Property
- Insolvency
- Injunction / Contempt

- Mental Health
- Public Law / Judicial Review
- Probate / Succession
- Professional Liability
- Restitution / Unjust Enrichment

EDUCATION

- 2013 PCLL, University of Hong Kong
 2012 LLB, University of Hong Kong

PUBLICATIONS AND ARTICLES

- *The Yung Kee Case: The Court of Final Appeal Decides*, Hong Kong Lawyer, January 2016

SCHOLARSHIP AND PRIZES

- 2012 Simon K Y Lee Medal in Law
 2012 Dean's Honours List
 2011 Dean's Honours List
 2011 Asia-America Institute Transnational Law Scholarship
 2008 HKU Foundation Entrance Scholarship
 2007 Sir Edward Youde Memorial Prize

SELECTED CASES

EQUITY / TRUST

- *Tao Soh Ngun v HSBC International Trustee Limited* [2019] HKCFI 1268 (discretionary trust set up by the founders of the Great Eagle Group; proper exercise of the trustee's powers)
- *Yang Foo-Oi by Leung Ping Chiu Roy, her next friend v Wai Wai Chen*, HCA 1739/2010 (distribution of assets by the founder of the Nan Fung Group; sham, fiduciary duties, family arrangement and undue influence)
- *Herman Budihardjo & Ors v Hadi Gunawan & Ors* [2018] HKCFI 1450 (alleged misappropriation of funds under family trust)

COMPANY

- *Re Yung Kee Holdings Ltd* (2015) 18 HKCFAR 501 (jurisdiction to wind up foreign company)
- *Re Orient Venture Investment Ltd* [2020] HKCFI 576 (validation order)
- *Re Hang Heung Cake Shop Company Limited*, HCMP 812/2017 (appointment of receivers and managers)
- *Re Kingstone International Wealth Management Ltd*, CACV 56/2017 (leave for statutory derivative action; application of fiduciary no-conflict rule)
- *Revelry Gains Limited v Joy Rich Development Limited* [2017] 1 HKLRD 769 (proper procedure for creditor to intervene to defend proceedings for company in liquidation)
- *Hao Xiaoying v Wong Yiu Lam William* [2017] 6 HKC 151 (committal of directors; construction of s.152FA of the former Companies Ordinance)
- *Crown Master International Trading Co., Ltd v China Solar Energy Holdings Limited* [2015] 4 HKC 505 (injunction restraining shareholder from voting at the meeting of a listed company)

- *Caspian Resources Development Pte Limited v Fortune Oil Plc & Ors* [2015] 5 HKLRD 836 (effect of deregistration of a defendant foreign company in ongoing HK proceedings)
- *Re Dejin Resources Group Company Limited*, HCCW 76/2014 (winding up petition of a listed company)
- *Myers Management Consulting Limited v Topmix (International) Company Limited*, DCCJ 3051-3054/2014; CACV 194-197/2015 (common law right for minority shareholder to intervene to defend proceedings for the company)

COMMERCIAL

- *Beijing Tong Gang Da Sheng Trade Co Ltd & Anor v Allen & Overy (a firm) & Anor* (2016) 19 HKCFAR 705 (limitation period and its interplay with RHC O.20 r.5)
- *Malayan Banking Berhad, Singapore Branch v Legend Six Holdings Ltd* [2020] HKCFI 990 (privilege against self-incrimination in pre-action discovery)
- *Giorgio Armani SPA v Elan Clothes Co Ltd* [2019] 2 HKLRD 313 (anti-suit injunction)
- *Achieve Goal Holdings Ltd v Zhong Xin Ore-Material Holding Co Ltd* [2018] HKCFI 2718; [2020] HKCA 51 (joint venture agreement; contractual interpretation and consequence of termination)
- *Sun Tian Gang v Changchun High & New Technology Industries Development Parent Co* [2018] 5 HKLRD 485 (postponement of limitation period in case of deliberate concealment)
- *Ho Ming Pui Andy v Midland Realty (Strategic) Limited* [2017] 5 HKC 469 (validity of conclusive evidence clause)
- *Cheng Hung Kit v Tsoi Chik Sang Lawrence* [2017] 4 HKLRD 579 (striking-out; defence of estoppel and laches)
- *Beijing Hantong Yuzhi Convention Centre Ltd v Lao Yuan Yi* [2016] 2 HKC 1 (treatment of foreign judgments in civil proceedings)
- *Ming Hsieh v Xu Zhe & Ors*, CACV 189/2015 (injunction under HCO s.21M)
- *Lam Yee Hung v Chinachem Charitable Foundation Limited*, HCA 764/2015 (further & better particulars)
- *Anite Telecoms Limited v World Best Cargo-Link Company Limited*, HCA 2560/2013 (release of implied undertaking; privilege against self-incrimination)
- *Ubiquiti Networks International Limited v Cham Kim Chuen & Ors*, HCA 1606/2016 (Henderson v Henderson estoppel)

PROPERTY & CONVEYANCING

- *Dairy Farm Co Ltd v Secretary for Justice* [2020] HKCFI 306 (right of way; whether government obliged to give owner of lot vehicular right of way)
- *HSBC v Tai Yue For* [2020] 1 HKLRD 718 (application of limitation statute on enforcement of charging order)
- *Hammer Capital Private Investments Ltd v Industrial and Commercial Bank of China (Asia) Ltd* [2018] HKCFI 2603 (injunction restraining intended public auction of mortgaged properties)
- *Re Garden Lot No.68, Shek O, Hong Kong* [2017] 2 HKLRD 374 (squatter control policy; adverse possession of land in Shek O)
- *Tierra Trading Ltd v Land Base Ltd*, HCMP 374/2014 (adverse possession of land in Causeway Bay)
- *Kwai Tak Ming v KS Capital One Limited & Ors*, HCA 679/2012 (setting aside of sale & purchase agreement of property)

SECURITIES & REGULATION

- Market Misconduct Tribunal re CITIC Limited (disclosure of false or misleading information inducing transaction under SFO s. 277)
- *Convoy Global Holdings Ltd v Kwok Hiu Kwan* [2020] HKCFI 1496 (application to strike out private action for declaration that defendants had contravened s.131 of the SFO and injunctive relief)
- *SFC v Chin Jong Hwa* [2019] HKCFI 2375 (relief under *Carecraft* procedure)
- *SFC v Sun Min* [2017] 4 HKLRD 211 (relief under SFO s.213(2)(b))

ARBITRATION

- *Xiamen Xinjingdi Group Co Ltd v Eton Properties Ltd*, CACV 158/2012 (jurisdiction of enforcement court in common law action on the award)
- Arbitration re international sales of goods
- Arbitration re licence and distribution arrangement by international retail brands

- Arbitration re hotel development dispute

DEFAMATION / MEDIA

- *Synergis Holdings Limited & Ors v Jackson Xu Zhao Ze*, HCA 1326/2014 (injunction restraining publication of defamatory statements)
- *Lam Kit Sing v Chungshan Commercial Association*, HCA 2011/2014 (alleged libel arising from expulsion of member from an association)

INTELLECTUAL PROPERTY

- *Ng Lai Oi & Anor v Hui Tsz Chung trading as Amerasia Trade Co*, HCA 966/2015 (injunction restraining use of trademarks)
- *One Blue LLC v Huizhou Desay D&V Science and Technology Co., Ltd*, HCA 78/2014 (alleged breach of patents licensing agreement)

MENTAL HEALTH

- *C v B* [2019] 2 HKLRD 613 (best interests test; interplay between MHO Part II regime and EPOA regime)
- *Wong Chi Ho Jimmy v Wong Oi Lun* [2020] HKCFI 1073 (application for account by EPOA attorney; meaning of “interested party” under the EPOAO)

PROBATE / SUCCESSION

- *Yip Wing Ching v Yip Shung Kin* [2019] HKCFI 2018 (exercise of court’s discretion for interim maintenance under s.7 of the Inheritance (Provision for Family and Dependents) Ordinance (Cap.481))
- *Re Estate of Chow Kwok Leung*, HCMP 797/2016 (application to remove administrator)

PROFESSIONAL LIABILITY

- *Dymocks Franchise Systems (China) Ltd v Norton Rose Fulbright Hong Kong* [2019] 3 HKLRD 742 (duty of solicitors to advise client on the Transfer of Businesses (Protection of Creditors) Ordinance (Cap.49))