



JAT SEW-TONG, SBS, SC, JP 翟紹唐資深大律師

Call: 1989 (HK); 1988 (England & Wales)
Inner Bar: 2002

PROFILE

Jat Sew-Tong SC specialises in civil commercial litigation at all levels of courts and tribunals, covering international commercial disputes, banking, securities and regulation, company and shareholders disputes, breach of fiduciary duties claims, international trade and carriage of goods, international commercial arbitration, and media related matters. He has advised on and appeared in a number of judicial reviews and public law cases over a wide spectrum of subjects including constitutional law, human rights, elections, town planning, immigration, social welfare, telecommunication and broadcasting.

In addition to his busy practice, Mr Jat is active in public service, having served as the inaugural Chairman of the statutory Independent Police Complaints Council, and Chairperson of the Minimum Wage Commission, as well as serving on a number of advisory bodies and appeal boards. In 2014, he was awarded the Silver Bauhinia Star.

CONTACT

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SECRETARY

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PRACTICE AREAS

- Banking / Finance
- Commercial
- Securities & Regulation
- Public Law / Judicial Review
- Company
- Insolvency
- Arbitration
- Defamation / Media
- Injunction / Contempt
- Probate / Succession
- Professional Liability
- Restitution / Unjust Enrichment
- Telecommunications

APPOINTMENTS AND PUBLIC OFFICE

- Silver Bauhinia Star (2014)
- Recorder of the Court of First Instance, High Court (2005 – 2014)
- Deputy Judge of the Court of First Instance, High Court (2004)

- Chairman, Independent Police Complaints Council (2008 – 2014)
- Chairperson, Minimum Wage Commission (2011 – 2017)
- Chairman, Unsolicited Electronic Messages (Enforcement Notices) Appeal Board (2013 – 2018)
- Chairman, Criminal and Law Enforcement Injuries Compensation Boards (2005 – 2011)
- Chairman, Review Committee on Trust Fund for SARS (2007 – 2011)
- Deputy Chairman, Board of Review (Inland Revenue Ordinance) (2004 – 2006)
- Deputy Chairman, Administrative Appeals Board (2005 – 2011)
- Deputy Chairman, Telecommunications (Competition Provisions) Appeal Board (2005 – 2011)
- Member, Energy Advisory Committee (2014 – 2016)
- Disciplinary Chair Committee, Securities and Futures Commission (2014 –)
- Member, Standing Committee on Judicial Salaries and Conditions of Service (2017 –)
- Election Committee Member 2000 – 2005 (Legal sub-sector)
- Honorary Secretary and Treasurer, Hong Kong Bar Association (2001 – 2002)
- Council member, Hong Kong Bar Association (2003 – 2004)

EDUCATION

1989 BCL, Lincoln College, University of Oxford, UK

1987 LLB (Hons), London School of Economics and Political Science, University of London, UK

1977 - 1984 Diocesan Boys' School, Hong Kong

SELECTED CASES

BANKING / FINANCE

- *Kwok v HSBC Private Bank* (private banking - mis-selling accumulators and structured products – “execution only” account - whether duty to advise customer)
- *DBS Bank v San-Hot HK Industrial Ltd* (private banking - mis-selling accumulators and structured products - misrepresentation - “execution only” account - duty to advise customer - contractual estoppel)
- *Shine Grace v Citibank* (private banking - mis-selling accumulator claim – duty of care)
- *Chang Pui Yin v Bank of Singapore* (private banking – duty to advise – unconscionable contract – control of exemption clauses)
- *Li Kwok Heem John v Standard Chartered International (USA) formerly American Express Bank* (private banking – loss of investment in Madoff feeder fund – bank’s due diligence)
- *Rightbest v DBS Bank* (private banking - mis-selling accumulators and structured products - misrepresentation - “execution only” account)
- *China Man-Made Fibre Corp v Goldman Sachs* (FX accumulator mis-selling claim by Taiwanese corporate investor – bank’s duty to advise – misrepresentation)
- *Liang v Credit Suisse* (private banking - mis-selling claim by Mainland investor – illegality under Mainland law)
- *Chan Mei Ying v Citibank* (Lehman Brothers mini-bonds mis-selling claim - acting for claimant on instruction of Consumer Council’s Consumer Legal Action Fund)
- *China New Era v Bank of China* (letter of credit – discrepancies and fraud)
- *Shanghai Tongji Science & Technology Co v CASIL Clearing* (letter of credit - implied contract)
- *Swiss Singapore Overseas Enterprises v China CITIC Bank Corp* (letter of credit – reimbursement and estoppel)

COMPANY

- *Re Yung Kee Restaurant* (shareholders dispute – family restaurant business –jurisdiction to wind up BVI holding company – business valuation)
- *Re Fook Lam Moon Restaurant* (shareholders dispute – family restaurant business)

- *Bank of China v Nam Tai Electronics* (liquidation - mortgagee account)
- *Bank of China v Oasis Airline* (insolvency - enforcement of bank security upon appointment of provisional liquidators)
- *Moulin Global Eyecare Holdings v KPMG* (insolvency - audit negligence)
- *Re Rena Gabriel; Re Goldcone* (voluntary v compulsory liquidation)
- *Re Sweetmart Garment (No 2)* (jurisdiction of Court to assess remuneration of provisional liquidator appointed by Official Receiver under Companies Ordinance s.194(1A))
- *Re Solar Touch* (winding-up – exercise of jurisdiction over foreign company)

PUBLIC LAW / JUDICIAL REVIEW

- *Chief Executive of HKSAR & Secretary for Justice v President of the Legislative Council* (Basic law - legislative oath - disqualification of legislators - parliamentary privilege)
- *Kwok Cheuk Kin v Director of Land & Heung Yee Kuk* (Basic Law – Small House Policy – lawful traditional rights and interests of NT indigenous inhabitants)
- *Chong Fung Yuen v Director of Immigration* (Basic Law - right of abode)
- *Tam Nga Yin v Director of Immigration* (Basic Law - right of abode)
- *Fateh Mohammad v Director of Immigration* (Basic Law - right of abode)
- *Leung Kwok Hung v President of Legislative Council* (parliamentary privilege – power of President of Legislative Council closing debate on amendments to bills –filibustering)
- *Kong Yunming v Director of Social Welfare; Yao Man Fai v Director of Social Welfare* (Basic Law - social security - residence requirements)
- *Leung Kwok Hung v Chief Executive in Council* (minimum wage legislation)
- *Fine Tower v Town Planning Board* (town planning - de facto deprivation)
- *Hysan Development v Town Planning Board* (town planning – height restriction – “spot zoning” – air ventilation – procedural fairness)
- *Society for Protection of Harbour v Secretary for Justice* (Central-Wanchai bypass -temporary reclamation of Harbour)
- *Death Inquest into the Manila Hostage Crisis* (Coroner's Officer)
- *Re Mably* (Legal profession - admission of English junior barrister in addition to English QC to prosecute corruption trial against former Chief Secretary and chairmen of listed property group)
- *Re C* (enforcement of external confiscation order under Drug Trafficking (Recovery of Proceeds) Ordinance – amicus curiae)

SECURITIES & REGULATION

- *Re Styland Holdings; Securities and Futures Commission v Cheung Chi Sing Kenneth* (director’s disqualification – order for compensation against delinquent director)
- *Securities and Futures Commission v Ernst & Young* (disclosure by Hong Kong auditors of information and audit working papers held by affiliate on Mainland in aid of investigation into market misconduct pursuant to Securities and Futures Ordinance s.183)
- *Market Misconduct Tribunal re CITIC Ltd* (disclosure of false or misleading information inducing transaction under Securities and Futures Ordinance s. 277 – represented managing director of listed company)
- *Securities and Futures Commission v Sun Hung Kai Securities International* (Securities and Futures Appeal Tribunal – sponsor’s due diligence in listing application)
- *Securities and Futures Commission v UBS & Standard Chartered Securities* (Securities and Futures Appeal Tribunal – sponsor’s due diligence in listing application)

COMMISSION OF INQUIRY / INQUEST

- *Commission of Inquiry into the Diaphragm Wall and Platform Slab Construction Works at the Hung Hom Station Extension under the Shatin to Central Link Project* (counsel for MTRCL)
- *Commission of Inquiry into the New Airport* (junior counsel for the Inquiry)
- *Commission of Inquiry into the Garley Building Fire* (representing Incorporated Owners of building)

COMMERCIAL

- *China Citic Bank v Li Kwai Chun* (enforcement of Mainland judgment under Mainland Judgments (Reciprocal Enforcement) Ordinance, Cap 597)
- *Active Profit v Nissho Iwai* (joint venture - constructive trust & account of profits)

- *Karaha Bodas Co v Pertamina* (enforcement of NY Convention arbitration award in relation to geo-thermal energy project in Java - fraud exception)
- *Strong Base v Geroma* (summary judgment - conditional leave)

INJUNCTION / CONTEMPT

- *Re Citizens Radio* (unlicensed radio broadcast - civil injunction in aid of criminal law - contempt of court)
- *Secretary for Justice v Apple Daily* (contempt of court – media report interfering with pending criminal proceedings)

PROBATE / SUCCESSION

- *Estate of Teddy Wang* (will - want of knowledge and approval - forgery - handwriting evidence)
- *Estate of Tao Hiu Ming* (probate – due execution – capacity – want of knowledge and approval)

DEFAMATION / MEDIA

- *Steven Cheung v Eastweek Magazine* (setting aside excessive award)
- *Larry Yung v Next Magazine* (strike out fair comment defence)
- *John Sham v Eastweek Magazine* (discovery of source - newspaper rule)
- *Ho Shiu Ming v Manson Fok* (leave to make statement in open court)