



## JIN PAO SC 鮑進龍資深大律師

Call: 2002 (HK)

Inner Bar: 2018

### PROFILE

Jin is recognised in Chambers and Partners 2020 as a “brilliant orator” and “a very good example of a commercial practice combined with a public one”. He actively accepts instructions in a broad spectrum of civil commercial matters, where he has a particular interest in cases with international dimensions. He also has significant experience in constitutional and administrative law, human rights and judicial review cases generally. In one of his very first cases, he acted for an environmental organization in its successful challenge against intended harbor reclamation works in Wan Chai which culminated in a victory before the CFA. More recently, he represented HKTV successfully challenging the Chief Executive in Council over the refusal to grant a free domestic television licence. He has acted for the Secretary for Justice in the CE election dispute, cases concerning the power of the Court to intervene in legislative affairs, in the Occupy Central injunctions and in the admission of overseas counsel.

### CONTACT

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### PRACTICE AREAS

- Public Law / Judicial Review
- Commercial
- Injunction / Contempt
- Conflict of Laws
- Banking / Finance
- Securities & Regulation
- Mental Health
- Tax / Revenue
- Arbitration
- Competition
- Insurance
- Professional Liability
- Insolvency
- Rating & Valuation
- Defamation / Media
- Restitution / Unjust Enrichment
- Civil Fraud / Asset Recovery

- Disciplinary
- Planning
- Equity / Trust
- Company

## APPOINTMENTS AND PUBLIC OFFICE

- 2003-2005; 2014-present: Lecturer, University of Hong Kong, Faculty of Law
- 2015-2017: Member, Election Nomination Advisory Committee
- 2016-present: Panel of Counsel to the Competition Commission

## EDUCATION

2002	LLM, Harvard Law School, Cambridge MA, USA (Distinction in Constitutional Law)
2001	PCLL, University of Hong Kong (Distinction)
2000	LLB, University of Hong Kong (First Honours)

## SCHOLARSHIP AND PRIZES

Jin was awarded with 21 scholarships and prizes in law school including the Bar Scholarship, the Sir Edward Youde Memorial Fellowship for Overseas Studies and the Harvard Law School Gammon Fellowship, each awarded in 2001. An active debater and moot court participant, Jin was twice ranked in the top eight individual speakers at the Jessup International Rounds held in Washington D.C. and a member of the Harvard Law School team in 2002 which won the US National Championship and the Richard Baxter Award for World Champion Memorial (Respondent).

## SELECTED CASES

### PUBLIC LAW / JUDICIAL REVIEW

- *ZN v Secretary for Justice* [2018] 3 HKLRD 778 (scope of Government's obligations to protect victims of human trafficking for forced labour under Article 4 of the Bill of Rights).
- *Leung Kwok Hung v Commissioner of Correctional Services* [2018] 2 HKLRD 933 (whether male hair cutting requirements in prisons amounted to unlawful sex discrimination).
- *Kwok Cheuk Kin v. Secretary for Constitutional and Mainland Affairs* (2017) 20 HKCFAR 353 (constitutionality of provisions restricting LegCo members' right to stand for election after voluntary resignation).
- *HKTV v. Chief Executive in Council* [2016] 2 HKLRD 1005; [2015] 3 HKC 326 (judicial review of refusal to grant free television licence).
- *A v. SFC* [2015] 1 HKLRD 47 (stay of disciplinary proceedings pending criminal trial)
- *Leung Kwok Hung v. The President of LegCo* (2014) 17 HKCFAR 841 (the power of the court to intervene in legislative affairs under theseparation of powers doctrine).
- *Re Ho Chun Yan Albert* (2013) 16 HKCFAR 735 (election petition and judicial review challenging the validity of the 2012 Chief Executive Election).
- *Leung Kwok Hung v. The President of LegCo* [2007] 1 HKLRD 387 (the power of LegCo members to propose CSA's with a charging effect).
- *Cheng Kar Shun v. Hon. Li Fung Ying* [2009] 4 HKC 204 (the power of a Select Committee to summons a witness to testify before LegCo under the Basic Law).
- *Liu Pik Han v. HK Federation of Insurers Appeals Tribunal* [2005] 3 HKC 242 (the right to an oral hearing before the IARB).

- *Society for Protection of the Harbour v. Town Planning Board* (2004) 4 HKCFAR 1 (harbor reclamation and the Protection of the Harbour Ordinance).

#### COMMERCIAL

- *Hyundai Engineering & Construction Co. Ltd. v. UBAF (Hong Kong) Ltd.* [2012] 5 HKLRD 620 (validity of a demand made under an advance payment guarantee).
- *Peconic Industrial Development Ltd. v. Lau Kwok Fai* [2008] 4 HKLRD 473 (limitation period applicable to remedial constructive trusts and postponement).
- *Ericsson Ltd. v. KLM Royal Dutch Airlines* [2006] 1 HKLRD 584 (liability of an air carrier under the Amended Warsaw Convention).

#### INJUNCTION / CONTEMPT

- *Hammer Capital Private Investments v ICBC (Asia)* [2018] HKCFI 2603 (injunction restraining receivers from proceeding with intended public auction of mortgaged properties).
- *Times Square Ltd v Lee Kwun Kit* [2018] 5 HKLRD 248 (injunction restraining busking and street performances in open area of a shopping mall).
- *Grupo Arbulu SL v City Apex Holdings Ltd* [2018] HKCFI 1351 (injunction in Hong Kong against recipient of proceeds transferred as a result of fraud).
- *Occupy Central Injunctions* [2014] 6 HKC 298 (injunctions for public nuisance and enforcement).

#### CONFLICT OF LAWS

- *GH Property Holdings Ltd v Able Profit Investment Ltd* [2018] HKCFI 2480 (foreign illegality).
- *Peregine Fixed Income Ltd. v. JP Morgan Chase Bank* [2005] 2 HKC 374 (forum non conveniens).
- *Xinjiang Xingmei Oil Pipeline v. Sinopec* [2005] 2 HKC 292 (forum non conveniens).

#### BANKING / FINANCE

- *Shine Grace Investment Ltd v Citibank NA* [2018] HKCFI 1737 (dispute over selling of equity accumulators).

#### SECURITIES & REGULATION

- *Market Misconduct Tribunal Proceedings in relation to dealings in shares of CITIC Limited (7 April 2017)*

#### MENTAL HEALTH

- *C v B* [2018] 2 HKLRD 1105 (appointment of Part II committee)

#### TAX / REVENUE

- *Kim Eng Securities Ltd. v. Commissioner of Inland Revenue* (2007) 10 HKCFAR 213 (source of profits under the Inland Revenue Ordinance).