



## JONATHAN CHANG SC 張天任資深大律師

Call: 2001 (HK) (full practice 2003)  
Inner Bar: 2020

CEDR Accredited Mediator: 2010

### PROFILE

Jonathan practices in all areas of Chambers' work, with a particular emphasis on commercial litigation, judicial review, tax, land and regulatory work. He has appeared in a wide variety of cases, at all levels of the Courts, the Board of Review, the Insider Dealing Tribunal, the Market Misconduct Tribunal and the Securities and Futures Appeals Tribunal. He was also appointed as a Deputy District Judge in 2012 and 2016.

Born and educated in Hong Kong, Jonathan is comfortable with the use of the Chinese language in Court proceedings, and he has on numerous occasions conducted trials and appeals in Chinese. He has also given expert evidence on Hong Kong law in Mandarin in Mainland proceedings.

Jonathan has earned plaudits as "really shining in the courts" and a "tough and assertive advocate who always provides pragmatic advice" (Chambers and Partners), and a "smart and sensible lawyer who displays deep-seated knowledge of public law matters" (Who's Who Legal).

### CONTACT

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### SECRETARY

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### PRACTICE AREAS

- Commission of Inquiry / Inquest
- Injunction / Contempt
- Public Law / Judicial Review
- Commercial
- Tax / Revenue
- Property & Conveyancing

### APPOINTMENTS AND PUBLIC OFFICE

- Honorary Secretary of the Bar Council (2019)
- Deputy Honorary Secretary of the Bar Council (2016-2019)
- Deputy District Judge (August 2012, March 2016)
- Member of Appeal Panel (Housing) (2017-present)
- Member of Law Reform Commission on Access to Information (2019-present)

- Member of Telecommunications (Competition Provisions) Appeal Board (2020-present)
- Vice-chairman of Municipal Services Appeal Board (2021-present)

## EDUCATION

2002	LLM, King's College London
2001	PCLL, University of Hong Kong
2000	LLB, University of Hong Kong

## SCHOLARSHIP AND PRIZES

2001	Bar Scholarship
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## LANGUAGES

English, Cantonese and Mandarin

## SELECTED CASES

### PUBLIC LAW / JUDICIAL REVIEW

- *Sham Wing Kan v Commissioner of Police* [2020] 2 HKLRD 529 (necessity of a police warrant before examining the digital contents of a seized mobile phone upon arrest) (led by Johnny Mok SC)
- *Tang Hanbo v SFC* [2018] 1 HKLRD 272 (legality of search warrant and SFC's transmission of materials to the China Securities Regulatory Commission in combatting cross-border market manipulation) (led by Benjamin Yu SC)
- *TVB v Takeovers and Mergers Panel* [2017] 5 HKLRD 541 (legality of conditions imposed for the grant of whitewash waiver on mandatory general offer for shares in a listed company) (led by Benjamin Yu SC)
- *Waddington Ltd v SFC* (HCAL 199/2015) (SFC's discretion whether to commence formal investigation of a complaint) (led by Horace Wong SC)
- *AA & Anor v SFC* [2019] 2 HKLRD 16 (constitutionality of production orders issued under s.181 SFO and SFC's transmission of information to overseas securities regulatory) (led by Benjamin Yu SC)
- *Comilang, Luis & Dembele v Director of Immigration* [2018] 2 HKLRD 534 (foreign domestic workers' right to remain in Hong Kong for family reunion based on family rights under the Basic Law and international conventions) (led by Benjamin Yu SC and Abraham Chan SC)
- *BI & BH v Director of Immigration* [2016] 2 HKLRD 520 (proper interpretation of the dependant policy in Hong Kong) (led by Benjamin Yu SC)
- *Sham Wing Kan v Commissioner of Police* (HCAL 122/2014) (power of police to inspect contents of a seized mobile phone) (led by Johnny Mok SC)
- *Christian Jose Lucien Masset v SJ for and on behalf of Director of Environmental Protection* [2018] 5 HKLRD 55 (regulatory control over depositing of construction waste on private land) (led by Paul Shieh SC)
- *Kazuo Okada v The Registrar of Companies* [2019] 1 HKLRD 483 (power of the Registrar of Companies in the registration of disputed company documents) (led by Jin Pao SC)
- *Hudson Timothy George Loh v Director of Immigration* [2017] 1 HKLRD 1234 (classes of persons qualified as Chinese nationals under PRC Nationality Law) (led by Johnny Mok SC)
- *Yung Chi Keung v Protection of Wages on Insolvency Fund Board & Anor* [2015] 1 HKLRD 306 (proper operation of the Protection of Wages on Insolvency Fund) (led by Roxanne Ismail SC); before the CFA [2016] 3 HKC 575 (led by Ambrose Ho SC)

- *Chang Li Hsien Leslie v SFC* (HCAL 164/2014) (stay of Market Misconduct Tribunal proceedings) (led by Horace Wong SC)
- *Sabir Mohammed & Anor v Permanent Secretary for Security* (HCAL 114/2015) (refusal to rescind or suspend a deportation order on compassionate or humanitarian grounds)
- *Hong Kong Tin Lung Trading Co v Food and Environmental Hygiene Department* (HCAL 231/2016) (legality of a notice suspending import of hairy crabs into Hong Kong)
- *Suen Mo Joel v Director of Social Welfare* (HCAL 117/2012) (level of maximum rent allowance under the CSSA Scheme) (led by Johnny Mok SC)
- *Cheung Kin Ho & Ors v Registration of Persons Tribunal* [2014] 3 HKLRD 526 (whether the 7-year continuous residence criteria for attaining Hong Kong permanent resident status is disrupted by fraud leading to the grant of the entry permit)
- *Man Hing Medical Supplies (International) Ltd v Director of Health & Anor* [2015] 3 HKLRD 224 (power to order a recall of medical products from the market) (led by Raymond Leung SC)
- *Ng Shek Wai v Medical Council of Hong Kong* [2015] 2 HKLRD 121 (disclosure of information concerning a disciplinary inquiry pursuant to a request made by a member of the public)
- *Lo Hom Chau v Director of Marine* (HCAL 59/2009) (legality of the Director's decision to stop a vessel from leaving Hong Kong waters to the Diaoyutai Islands) (led by Johnny Mok SC)

#### COMMERCIAL

- *Remedy Asia Ltd v Patrick Tong Hing Chi & Ors* [2020] HKCFI 398 (defending a complex commercial claim against de facto/shadow directors for causing a company to carry on business when there was no prospect of trading out of insolvency) (led by Rimsky Yuen SC)
- *China Citic Bank Corporation Ltd (Quanzhou Branch) v Li Kwai Chun & Ors* [2019] HKCFI 2540 (resisting an application to set aside the registration of a Mainland judgment for enforcement in Hong Kong) (led by Jat Sew-Tong SC)
- *Re Pacific Wire & Cable Co Ltd* (HCCL 16-18/2009; on appeal CACV 90, 91, 93-96/2012; before the Appeal Committee (2014) 17 HKCFAR 710) (claim for a previously listed Taiwan company in an asset recovery action against its senior officers and third parties) (led by Anthony Neoh SC, Godfrey Lam SC, and Eugene Fung SC)
- *Tang Chung Wah Alan & Anor v Jonathan Russell Leong & Ors* (HCA 1691/2011, on appeal CACV 38/2016) (partnership dispute between majority and minority partners in an accountancy firm)
- *Lin Man Yuan v Kin Ming Holdings International Ltd & Anor* (HCA 216/2008) (claim by a purchaser for specific performance of a contract involving the sale and development of the Strait City in Xiamen, China) (led by Anthony Neoh SC)
- *Toyota Tsusho (HK) Corp Ltd v Chimei Innolux Corp & Anor* (HCA 1173/2011) (fraudulent misrepresentation claim on sale of goods and L/C)
- *Raafat Imam v Life (China) Co Ltd & Ors* [2018] 4 HKLRD 152 (third party funding in private disputes) (led by Charles Manzoni SC)
- *PCCW HKT Telephone Ltd & Anor v Link Properties Ltd* [2017] 5 HKLRD 814 (right of access to shopping mall by internet service providers) (led by Jat Sew-Tong SC)
- *Glory Link Investments Ltd v Young Pui York* (HCA 1240/2009) (deceit claim relating to investments made in two bauxite mines in the Philippines) (led by Anderson Chow SC)
- *Zimmer Sweden AB v KPN Hong Kong Ltd & Anor* [2016] 1 HKLRD 1016 (scope of the "fraud exception" under RHC Order 14)
- *Chan Luen Yan & Ors v Chan Tin Chai & Ors* (CACV 161/2013) (proper valuation of shares arising from winding-up proceedings)
- *Pacific Dunlop Garments Ltd v Fundamental Global Ltd & Ors* (CACV 184/2013) (proper interpretation of "unacceptable risks" to the contracting parties in a contract for the sale of a landed property)
- *Asia Property Agency Co Ltd v Cheung Wun Yee Jamie* (HCA 298/2013) (claim against an estate agency by the purchaser alleging fraud and breach of fiduciary duties)
- *Cheung Wei Man Vivien & Anor v Centaline Property Agency Ltd & Ors* (HCA 286/2000) (claim by a purchaser against estate agents for misrepresentation) (led by Horace Wong SC)

#### COMMISSION OF INQUIRY / INQUEST

- Representing the main contractor in the *Commission of Inquiry into the Construction Works at and near the Hung Hom Station Extension under the Shatin to Central Link Project* (led by Paul Shieh SC and Sean Wilken QC)

## INJUNCTION / CONTEMPT

- *Secretary for Justice & Anor v Persons Unlawfully and Wilfully Conducting Themselves in Any of the Acts Prohibited under Paragraph 1(A), (B) and (C) of the Indorsement of Claim* [2019] 5 HKLRD 500 (injunction restraining doxxing activities against police officers and their families)
- *Secretary for Justice v Persons Unlawfully and Wilfully Obstructing Occupying or Remaining on or Hindering or Preventing the Passing and Repassing of the Public Highway* [2019] 5 HKLRD 334 (injunction restraining protestors from causing nuisance to police quarters and obstructing nearby streets)
- *Airport Authority v Persons Unlawfully and Wilfully Obstructing or Interfering with the Proper Use of the Hong Kong International Airport* [2019] HKCFI 2104 (interlocutory injunction restraining protestors from interfering with the operation of the airport) (led by Benjamin Yu SC)
- *MTR Corporation Ltd v Persons Unlawfully and Wilfully Obstructing or Interfering with the Proper Use of and Operation of the Railway as defined in the Mass Transit Railway Ordinance (Cap 556)* [2019] 4 HKLRD 446 (interlocutory injunction restraining protestors from interfering with the operation of the MTR) (led by Benjamin Yu SC)
- *China Citic Bank Corporation Ltd (Quanzhou Branch) v Li Kwai Chun & Ors* (HCMP 1408/2017) (Mareva injunction in aid of enforcement of Mainland Judgment) (led by Jat Sew-Tong SC)
- *Eastern Athletic Association Football Team Ltd v Alessandro Ferreira Leonardo* [2015] 5 HKLRD 905 (interlocutory injunction restraining a professional footballer from joining a rival club)
- *High Fashion New Media Corporation Ltd v Leong Ma Li* (HCMP 1707/2016) (civil contempt for breaching court order restraining use of funds without consent and failing to use best endeavours to locate bank documents)

## TAX / REVENUE

- *Feng Hongyan v The Collector of Stamp Revenue* [2018] 2 HKLRD 1471 (whether a cancellation agreement is subject to stamp duty as a conveyance on sale)
- *Wong Suet Foon Shirly v The Collector of Stamp Revenue* [2019] 2 HKLRD 227 (whether an assent is subject to stamp duty as a voluntary disposition inter vivos)
- *Nomura Funds Ireland Plc v The Collector of Stamp Revenue* [2019] HKDC 406 (whether a merger proposal of two foreign funds holding a portfolio of Hong Kong stocks is subject to stamp duty as a transfer of Hong Kong stocks)
- *Commissioner of Inland Revenue v Datatronic Ltd* [2009] 4 HKLRD 675 (profits tax implication arising from contract processing arrangement entered with a Mainland subsidiary) (led by Chua Guan-hock SC)
- *Commissioner of Inland Revenue v Kwong Mile Services Ltd* [2003] 3 HKLRD 874 (whether profits acquired through underwriting contracts with Mainland developer are subject to profits tax) (led by Chua Guan-hock SC)

## PROPERTY & CONVEYANCING

- *Recall International Ltd v Panten Ltd* (CACV 43/2017) (whether a third party claim in respect of common part of a building affects title to the sale of a unit within the building) (led by Audrey Eu SC)
- *Big Most Ltd v Chau Wa Hung* [2012] 4 HKLRD 599 (duty to show good title by delivering original of mortgage and clarifying position of carparking space)
- *Tsang Kwok Hung Frederick v Ching Lai Tuen* (CACV 48/2009) (purchaser under no duty to accept vendor's offer to stakehold part of the purchase price to meet possible remedial works costs as proof of good title)

## DEFAMATION / MEDIA

- *Chang Wa Shan v Esther Chan Pui Kwan* (2018) 21 HKCFAR 370 (CFA); [2017] 5 HKLRD 57 (CA); [2015] 5 HKLRD 389 (CFI) (whether absolute privilege covers an informant who provides information for use in civil proceedings, and recoverability of loss and damage flowing from a slander repeated in newspaper reports) (led by James Price QC and Benjamin Yu SC)

## SECURITIES & REGULATION

- *SFC v Chin Jong Hua & Ors* [2019] HKCFI 2735 (misfeasance claim under s.214 SFO against directors of a listed company) (led by Horace Wong SC)