



JOSHUA CHAN 陳翱謙大律師

Call: 2017 (HK)

PROFILE

Following completion of pupillage with Mr. Victor Dawes SC, Mr. Abraham Chan SC, Ms. Eva Sit and Mr. Tony Li, Joshua joined Chambers in 2017.

Joshua is developing a broad civil practice and accepts instructions in all areas of Chambers' work.

Joshua has appeared as an advocate in the Court of Appeal, the Court of First Instance, the Competition Tribunal, the Market Misconduct Tribunal and the Securities and Futures Appeal Tribunal.

CONTACT

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SECRETARY

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PRACTICE AREAS

- Banking / Finance
- Civil Fraud / Asset Recovery
- Commercial
- Equity / Trust
- Competition
- Employment
- Professional Liability
- Property & Conveyancing
- Public Law / Judicial Review
- Mental Health
- Securities & Regulation

EDUCATION

2016 Bachelor of Civil Law, University of Oxford

2015 PCLL, University of Hong Kong

2014 LLB, University of Hong Kong (First Class Honours)

SCHOLARSHIP AND PRIZES

2016	Bar Scholarship
2015	Chevening Scholarship
2015	Hong Kong Scholarship for Excellence Scheme – Postgraduate Scholarship
2014	HK Law Society and Bloomsbury Joint Book Prize for Academic Merit
2014	Temple Chambers Pupillage Award
2014	HK Haldanes Criminal Law Moot: Winner and Best Speaker
2012	Dean’s Honours List
2012	Intl Committee of the Red Cross Intl Humanitarian Law Moot: Winner
2011	Dean’s Honours List
2011	HK Joint University Moot: Winner and Best Mooter
2011	F. Zimmern & Co. Subject Prize in Legal System

LANGUAGES

English, Cantonese, Putonghua

SELECTED CASES

BANKING / FINANCE

- *Chang v Bank of Singapore* [2017] 4 HKLRD 458, appeared for the bank in appeal against mis-selling claim (led by Jat Sew-Tong SC and Victor Dawes SC)
- *Shine Grace v Citibank* [2018] HKCFI 1737, appeared for the bank in 14 day mis-selling trial (led by Jat Sew-Tong SC and Victor Dawes SC)

CIVIL FRAUD / ASSET RECOVERY

- *Chung Ying Renminbi Exchange v Hu Yan* [2017] 5 HKLRD 768, appeared for defendants in proceedings involving conversion and restitution claims (led by Abraham Chan SC)
- *Viva Energy Australia Pty Ltd v Hong Kong A-Run Electronic Co Ltd* (HCA 1940/2018), appeared for indirect recipient in proceedings involving internet fraud claim (as sole advocate)

COMMERCIAL

- *Qianhai Xinhua Kang Financial Holdings (Shenzhen) Limited v Chen Jiarong & Ors* (HCA 377/2018), appeared for defendants in claim concerning acquisition of insurance company (led by Jat Sew-Tong SC and Victor Dawes SC)
- *Chen Hongqing v Mi Jingtian & Ors* (HCMP 962/2017), appeared for Taiwanese listed company in applications for appointment and discharge of receivers over shares (led by Abraham Chan SC and with Keith Lam)
- *Convoy Global Holdings Ltd v Cho Kwai Chee Roy* (HCA 2922/2017), appeared for one of the respondents in claim based on breach of directors’ duties, dishonest assistance and unlawful means conspiracy (led by Jin Pao SC)

EQUITY / TRUST

- *Lo Kai Shui v HSBC International Trustee Ltd* (HCA 404/2018), acting for the defendant banks in proceedings involving claim for breach of trustees’ duties (led by Eugene Fung SC and with Wilson Leung)

COMPETITION

- *Competition Commission v Nutanix Hong Kong Ltd & Ors* [2017] 5 HKLRD 712, appeared for one of the respondents in the first set of proceedings under the Competition Ordinance (Cap. 619) (led with Paul Shieh SC and with Eva Sit)

- *Shell Hong Kong Ltd v Meyer Aluminium Ltd* [2019] 2 HKLRD 205, [2020] HKCT 2, appeared for Shell in private proceedings concerning alleged breach of the First Conduct Rule (with Eva Sit)

EMPLOYMENT

- *Filbert Terrence Kirk v Big Blue Resources Ltd* [2019] HKCFI 285, appeared for company director/employee in appeal against decision of Labour Tribunal (as sole advocate)
- *FWD Life Insurance Co (Bermuda) Ltd v Poon Cindy* [2019] 3 HKLRD 455, appeared for defendant in appeal concerning implied term prohibiting termination on arbitrary, capricious or irrational grounds

PROFESSIONAL LIABILITY

- *Excelsior Capital Asia (HK) Ltd & Anor v Zhang Hengshun & Anor* (HCCL 14/2016), appeared for the plaintiffs in application to set aside leave to serve writ out of jurisdiction in relation to claim against solicitors for professional negligence (led by Abraham Chan SC)

INSOLVENCY

- *Hing Yip Holdings (Hong Kong) Ltd v Cellmark China Ltd and Bayin Resources Co Ltd* (HCCL 15/2016), appeared for 2nd defendant in 15 day trial involving claims by liquidators based on unjust enrichment, dishonest assistance, knowing receipt and unlawful means conspiracy (led by Benjamin Yu SC and Eva Sit SC)

PROPERTY & CONVEYANCING

- *HSBC v Kok Ching Wan* (HCMP 6983/1999), appeared for the defendant in application to set aside charging order (as sole advocate)
- *Metro Realty Co Ltd v All Persons in Occupation of the Roof of Capitol Mansion* (HCMP 1039/2018), appeared for plaintiff in summary action for possession (as sole advocate)

PUBLIC LAW / JUDICIAL REVIEW

- *Hong Kong Telecommunications (HKT) Ltd v Secretary for Commerce and Economic Development & Communications Authority* (HCAL 448/2018), appeared for respondents in judicial review proceedings concerning allocation of radio spectrum (led by Abraham Chan SC and with Harrison Miao)
- *Interush Ltd v Commissioner of Police* [2019] HKCA 70, appeared for applicant in judicial review proceedings concerning constitutionality of provisions under the Organized and Serious Crimes Ordinance (Cap. 455) relating to money laundering (led by Abraham Chan SC)
- *Hong Kong Telecommunications (HKT) Ltd v Communications Authority* (HCAL 664/2017), appeared for respondents in judicial review proceedings concerning allocation of radio spectrum (led by Abraham Chan SC)
- *Ng Shek Wai v Hong Kong Institute of Certified Public Accountants* (HCAL 81/2016), appeared for respondent in reasons challenge and application to withdraw interrogatories (led by Abraham Chan SC)
- *Miu Hon Kit v Stock Exchange of Hong Kong Ltd* [2020] HKCFI 675, appeared for respondent in challenge to disciplinary decision (led by Victor Dawes SC)
- *Re Longrun Tea Group Company Ltd's Application for Judicial Review* (HCAL 3809/2019), appeared for the Stock Exchange of Hong Kong Ltd in challenge to delisting decision (led by Victor Dawes SC)
- *Re China Trends Holdings Ltd v Stock Exchange of Hong Kong Ltd* (HCAL 818/2020), acted for the Stock Exchange of Hong Kong Ltd in challenge to delisting decision (led by Jin Pao SC)

MENTAL HEALTH

- Acted on behalf of applicant in proceedings under Part II of the Mental Health Ordinance (led by Ambrose Ho SC and Victor Dawes SC and with James Man)

SECURITIES & REGULATION

- *Standard Chartered Securities v SFC* (SFAT Nos. 1, 2 and 4 of 2018), appeared for SFC in appeal against decision to take disciplinary action against sponsors and sponsor principals for failure to conduct proper due diligence in IPO (led by Jat Sew-Tong SC and Bernard Man SC and with Julian Lam)
- *Re Magic Holdings International Ltd*, appeared for specified persons in proceedings concerning breach of the disclosure requirements under ss.307B and 307G of the Securities and Futures Ordinance (Cap. 571) (led by Victor Dawes SC)
- *Re Luxey International (Holdings) Ltd* (HCMP 239/2019), acting for SFC in proceedings under s.214 of the Securities and Futures Ordinance (Cap. 571) (led by Abraham Chan SC)
- Drafted written submissions on behalf of the listing applicant in application for review of decision to reject

listing application (led by Rimsky Yuen SC)

- Drafted written submissions on behalf of listed company in response to investigation notice issued by the Stock Exchange of Hong Kong Ltd (led by Victor Dawes SC)