



JUSTIN HO 何宇浩大律師

Call: 2013

CEDR Accredited Mediator: 2013
Member of the Chartered Institute of Arbitrators

PROFILE

Justin Ho commenced full practice in 2013 after completing his pupillage with Mr Ashley Burns SC, Mr Bernard Man (now Bernard Man SC), Mr Jose-Antonio Maurellet (now Jose-Antonio Maurellet SC), Mr Abraham Chan (now Abraham Chan SC) and Mr Derek Chan (now Derek Chan SC). He maintains a broad practice across the full spectrum of civil and commercial disputes (including arbitration-related and professional negligence disputes) with an emphasis on company and insolvency, trusts and probate as well as property litigation. He has a particular interest in multi-jurisdictional disputes and matters with a cross-border element, and has advised on and appeared in a number of such cases. He has also had exposure to public law, including judicial review and constitutional matters.

Justin completed his Juris Doctor degree at the Chinese University of Hong Kong, ranking first overall in his class and receiving prizes for best performance in Company Law as well as Equity and Trusts. He subsequently obtained his Bachelor of Civil Law degree with Distinction at the University of Oxford, as well as a further Master of Laws degree at Harvard Law School.

Justin regularly appears as an advocate (either in his own right or as a led junior) in the District Court, Court of First Instance, the Court of Appeal and the Court of Final Appeal. He also has experience appearing in other statutory tribunals. He is a CEDR accredited mediator and a member of the Chartered Institute of Arbitrators.

CONTACT

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SECRETARY

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PRACTICE AREAS

- Commercial
- Company
- Insolvency
- Arbitration
- Banking / Finance
- Civil Fraud / Asset Recovery
- Injunction / Contempt
- Professional Liability
- Conflict of Laws
- Equity / Trust
- Restitution / Unjust Enrichment
- Public Law / Judicial Review

- Property & Conveyancing
- Employment
- Confidentiality / Privacy
- Mediation

APPOINTMENTS AND PUBLIC OFFICE

- Member, Standing Committee on Young Barristers (2015 – 2018)

EDUCATION

2012	PCLL, Chinese University of Hong Kong (Distinction)
2011	LLM, Harvard Law School
2010	BCL, University of Oxford (Distinction)
2009	JD, Chinese University of Hong Kong (Top Graduate, 1 st in Class) <i>Ranked first overall in class during each year of study</i> <i>Ranked first in class in Company Law & Equity and Trusts</i>
2007	BA (Political Science & International Relations), Tufts University (Cum Laude Honours)

PUBLICATIONS AND ARTICLES

Books and Book Chapters

- Contributing Author, *The New Companies Ordinance (Cap. 622): Commentary and Annotations* (Sweet & Maxwell) (2014-2016)
- Contributing Author, 'Liquidation Costs' in *Company Law in Hong Kong: Insolvency* (Sweet & Maxwell) (2013-Present)
- Contributing Author, 'Debentures and Loan Capital' in *Company Law in Hong Kong: Practice and Procedure* (Sweet & Maxwell) (2013-Present)
- Contributing Author, *The Hong Kong Employment Ordinances: Commentary and Annotations* (Sweet & Maxwell, 2013)
- Contributing Author, 'Employment' in *Halsbury's Laws of Hong Kong* (2nd edn, LexisNexis 2012) (with Prof Michael Ramsden)
- Contributing Author, *Minimum Wage Ordinance: A Commentary* (LexisNexis, 2012)
- Contributing Author, 'Statutory Derivative Action,' in *Shareholders' Rights: Law & Practice* (LexisNexis, 2010) (with Prof Rita Cheung)

Conference Papers

- Panellist, 'An Evaluation of Minority Shareholder Rights in Light of the PCCW Case', Student Forum, *Centre for Financial Regulation and Economic Development*, The Chinese University of Hong Kong (2012)
- Panellist, 'Clarifying the Public/Private Divide: The Ineffectiveness of the Order 53 Reform in Simplifying the Scope of Judicial Review in Hong Kong', Open Forum Paper, *Conference on Effective Judicial Review: A Cornerstone of Good Governance*, The Chinese University of Hong Kong & the University of Cambridge (2008)

Journals

- Former Editor, *Harvard Business Law Review* (2010-11)
- Former Associate Editor, *Oxford University Commonwealth Law Journal* (2009-10)

SCHOLARSHIP AND PRIZES

2012	Bar Scholarship
2012	Charles Ching Memorial Scholarship
2012	Temple Chambers Pupillage Award
2012	White & Case Jessup International Law Moot Cup Hong Kong Champion
2012	Hong Kong Bar Association Prize for Opinion Writing & Conferencing Skills
2012	Law Society of Hong Kong & Bloomsbury Book Prize for Academic Merit
2011	HKSAR Government Scholarship
2011	Harvard Law School Foundations of Private Law Fellowship
2010	Des Voeux Chambers Junior Scholarship
2010	Brasenose College Prize for the BCL Programme
2009	Outstanding Graduate of the Faculty of Law, 67 th Congregation of the Chinese University of Hong Kong
2009	Juris Doctor Gold Scholarship for Academic Excellence
2009	Principles of Company Law Subject Prize for Best Academic Result
2009	Principles of Equity and Trusts Subject Prize for Best Academic Result
2008	Juris Doctor Gold Scholarship for Academic Excellence
2008	Young Academics Scholarship, Conference on Judicial Review held jointly by the University of Cambridge and the Chinese University of Hong Kong
2007	Tufts University <i>Pi Sigma Alpha</i> National Political Science Honour Society Scholar
2007	Tufts University <i>Sigma Iota Rho</i> National International Relations Honour Society Scholar

LANGUAGES

English, Cantonese, Mandarin

SELECTED CASES

COMMERCIAL

- *Aspial Investment Ltd v Mayer Corporation* (2014) 17 HKCFAR 401 (CFA): CFA appeal on grounds of forgery and want of authority in share dispute involving listed company. Led by Benjamin Yu SC and with Bernard Man (now Bernard Man SC).
- *Wang Ruiyun v Gem Global Yield Fund Ltd* (2013) 16 HKCFAR 785 (CFA): Application before Appeal Committee to vary order for grant of final leave to appeal to CFA under s.25 of the Court of Final Appeal Ordinance (Cap. 484). Led by Jose-Antonio Maurellet (now Jose-Antonio Maurellet SC).
- *China Gas Holdings v Li Xiaoyun* (2016) 19 HKCFAR 522 (CFA): Application before Appeal Committee for leave to appeal concerning interpretation of PRC foreign exchange control legislation. Led by Wong Yan Lung SC and Victor Dawes SC.
- *Johnson Electric Int'l Ltd v Bel Global Resources Holdings Ltd* [2014] 5 HKC 504 (CA): Appeal against summary judgment. Consideration of correct test for admission of fresh evidence under rule in *Ladd v Marshall* in cases involving fraud allegations. Led by Ashley Burns SC.
- *Komal Patel v Chris Au* [2016] 1 HKLRD 328. Resisting application for recusal of trial judge on grounds of apparent bias. Led by Victor Dawes SC.
- *Crown Master Int'l Trading Co Ltd v China Solar Energy Holdings Ltd* [2015] 4 HKC 505 (CFI): Application for injunction restraining exercise of voting rights in extraordinary general meeting. Led by Ronny Tong SC and with Eva Sit.
- *Melco Crown Gaming v Wong Yam Tak* [2014] 3 HKLRD 267 (CFI): Application to set aside default judgment on grounds of irregular substituted service of writ. Led by Jose-Antonio Maurellet (now Jose-Antonio Maurellet SC).

COMPANY

- *Re Bank of East Asia Ltd* [2015] 4 HKC 137 (CFI): Application for disclosure of documents under s.740 of the Companies Ordinance in relation to placement of shares by bank to another financial institution. Led by Charles Sussex SC and Jose-Antonio Maurellet (now Jose-Antonio Maurellet SC).
- *Re Shun Kai Finance Co Ltd* [2015] 2 HKLRD 264 (CA): Striking out of misfeasance claim under s.276 of the Companies Ordinance and common law derivative action against liquidator of licensed money lender. Consideration of correct test in striking out s.276 claims. Led by Charles Manzoni SC.
- *Shih-Hua Investment Co Ltd v Zhang Aidong* [2017] 3 HKC 393 (CFI): Application for a regulating order to reconstitute the board of a company on an interim basis. Concerned inter alia Court's jurisdiction to reconstitute the board at interlocutory stage. Led by Victor Joffe QC.
- *Shih-Hua Investment Co Ltd v Zhang Aidong* [2018] HKCFI 1234: Application inter alia to strike out common law derivative action on grounds that alleged wrongdoer no longer in control as board of the company has been replaced by independent auditors.
- *Re Dayuan Int'l Development Ltd* HCCW 103/2015: Shareholders' dispute seeking relief for unfair prejudice pursuant to s.724 of the Companies Ordinance. Led by Jat Sew-Tong SC and with Bernard Man (now Bernard Man SC).
- *Convoy Global Holdings Ltd & Ors v Cho Kwai Chee Roy & Ors* HCA 2922/2017 (Ongoing claim): Claim for inter alia breaches of fiduciary duty, dishonest assistance and economic torts. With Laurence Li.
- *Re Asia Television Ltd* HCMP 2840/2012 (CFI): Application for interim relief pending hearing of unfair prejudice petition under s.168A of Companies Ordinance against leading television station. Led by Victor Joffe QC and Abraham Chan (now Abraham Chan SC).

INSOLVENCY

- *Re Yung Kee Holdings Ltd* [2014] 2 HKLRD 313 (CA); (2015) 18 HKCFAR 501 (CFA): Successful CFA appeal concerning jurisdiction to grant relief under s.168A and s.327(3)(c) of the Companies Ordinance on just and equitable ground. Consideration of 1st Core Requirement. Led by Jat Sew-Tong SC and Linda Chan SC.
- *Re China Medical Technologies Inc* [2014] 2 HKLRD 997 (CFI), CACV 197/2014 (CA): Jurisdiction to wind-up unregistered company on insolvency grounds. Consideration of 3rd Core Requirement. Led by William Wong SC and Jose-Antonio Maurellet (now Jose-Antonio Maurellet SC) (before Companies Court); Led by John Bleach SC (successfully resisting the application to strike out the Notice of Appeal before the Court of Appeal); Led by Anson Wong SC (on the substantive appeal before the Court of Appeal).
- *Re China Metal Recycling (Holdings) Ltd* HCCW 210/2013 (CFI): Acted for provisional liquidators in various interlocutory hearings relating to public interest petition to wind-up listed company on grounds of substantial fraud. Led by Linda Chan SC.
- *Re China Fishery Group Ltd* HCCW 367/2015 (CFI): Successfully discharged the appointment of provisional liquidators over companies in respect of debt arising out of US\$650 million syndicated loan. Led by Ronny Tong SC.
- *Re Patrick Chau (a bankrupt)* HCB 549/2012 (CFI): Application under s.49 of the Bankruptcy Ordinance to set aside transactions purporting to transfer various valuable properties on grounds that they were a sham and/or made at an undervalue. Led by Linda Chan SC.
- *Re Leung Yat Tung (a bankrupt)* HCB 2019/2000 (CFI): Application under s.49 of the Bankruptcy Ordinance to set aside various transactions purporting to transfer shares in a company holding a valuable real property on grounds that they were made at an undervalue. Led by Jose-Antonio Maurellet (now Jose-Antonio Maurellet SC).
- *Re Lee Siu Fung Siegfried* [2017] 1 HKLRD 115 (on the Bankrupt's s.29 application); [2018] 3 HKLRD 765 (on question of whether leave required to appeal): Application under s.29 of the Bankruptcy Ordinance for private examination, in circumstances where there had been a substantial lapse of time since bankruptcy and discharge.
- *Re Kenny Cheng (a bankrupt)* HCB 4763/2010 (CFI): Application under s.83 of the Bankruptcy Ordinance to reverse decision of Trustees to seize chattels belonging to third party.
- Appeared on behalf of petitioner, company and supporting creditor in numerous short hearings in the Companies Court in respect of petitions to wind-up companies (including unregistered foreign companies and publicly listed companies) and petitions for relief for unfair prejudice (e.g. *Re Shiamas Int'l Ltd* HCCW 80/2014; *Re Golden Star Expo (HK) Ltd* HCCW 256/2013; *Re Z-Obee Holdings & Anor* HCCW 84 & 85/2014; *Re Golden Shield Holdings (Industrial) Ltd* HCCW 289/2014; *Re China Agrotech Holdings Ltd* HCCW 325/2014).

PROFESSIONAL LIABILITY

- *Orient Power Holdings Ltd & Ors v Ernst & Young* HCCL 14/2014: Professional negligence claim against auditors for breach of duties arising from failure to identify material misstatements in the accounts of a group of companies engaged in the design and manufacture of consumer audio and video technologies, leading to trading losses of nearly HK\$1 billion.

- Acting for the Plaintiff in relation to professional negligence claim against firm of solicitors for negligent regulatory advice in relation to various real property development projects, leading to losses in excess of HK\$40 million (ongoing).
- Acting for the Joint and Several Liquidators in relation to professional negligence claim against auditors for breach of duties arising from failure to identify material misstatements in the accounts of a group of companies engaged in the holding and collection and/or processing and sale of recycled scrap metals and metal trading, leading to losses in excess of HK\$2 billion (ongoing).
- Acting for the Provisional Liquidators in relation to professional negligence claim against auditors for breach of duties arising from failure to identify material misstatements in the accounts of a group of companies engaged in the manufacture and sale of polyphenylene sulphide products and the processing and sale of powder thenardite, specialty thenardite and medical thenardite, leading to loss of approximately RMB 6.5 billion (ongoing).

ARBITRATION

- *Xiamen Xinjingdi Group Co Ltd v Eton Properties Ltd* [2016] 2 HKLRD 1106 (CA): Action to enforce CIETAC arbitral award in commercial property dispute. Issues involving jurisdiction of Hong Kong courts to enforce arbitral awards, conflict of laws, constructive trusts and economic torts. Led by David Joseph QC, Edward Chan SC and Anson Wong SC and with Lee Tung Ming, Bernard Man (now Bernard Man SC) and Keith Lam.
- *Astro Nusantara Int'l BV v PT Ayunda Prima Mitra* [2016] 1 HKLRD 591 (CFI), CACV 272/2015 (CA), (2018) 21 HKCFAR 118 (CFA): Application to extend time to set aside HK\$1 billion arbitral award in circumstances where court of place of arbitration declined to enforce award. Currently on appeal to the Court of Final Appeal. Led by David Joseph QC and with Bernard Man (now Bernard Man SC).
- Advising on questions of jurisdiction and proper construction of various provisions of Arbitration Ordinance (Cap. 609). Led by London silk.

PUBLIC LAW / JUDICIAL REVIEW

- *China International Fund Ltd v Dennis Lau & Ng Chun Man Architects & Engineers (HK) Ltd* [2015] 4 HKLRD 609 (CA): Constitutionality of s.81(4) and 84(3) of Arbitration Ordinance which exclude role of CA to hear challenges to arbitral awards unless CFI judge first grants leave. Led by Lord Pannick QC and Johnny Mok SC.
- *Cheung Tak Wing v Communications Authority & Director of Information Services* [2015] 5 HKC 70 (leave and injunction application); [2018] 5 HKLRD 515 (substantive judicial review): Judicial review challenge to decisions to broadcast announcements relating to Government's reform proposals on selection of Chief Executive. Led by Johnny Mok SC and with Eva Sit (on the injunction application); led by Johnny Mok SC and with Johnny Ma (on the substantive judicial review).
- *Re Charles Zhi* HCB 5227/2006. Challenge to constitutionality of s.29 of the Bankruptcy Ordinance on grounds of infringement of the right to freedom of travel. Led by Abraham Chan (now Abraham Chan SC).

BANKING / FINANCE

- *Charmway Hong Kong Investment Ltd v Fortunesea (Cayman) Ltd* HCMP 3234/2013 (CFI): Acted for majority lenders in dispute arising out of US\$588 million syndicated loan facility. Consideration of *locus* of minority lenders to take unilateral action to enforce syndicated loan. Led by Paul Shieh SC and Jose-Antonio Maurellet (now Jose-Antonio Maurellet SC).
- *Pa Sam Nang v The Hongkong and Shanghai Banking Corporation Ltd* HCA 1020/2015 (CFI): Summary judgment application in respect of claim against bank concerning construction of banking documents. Led by Warren Chan SC and Bernard Man SC.
- *Barclays Bank plc v Ketan Kantilal Shah* HCA 2259/2013 (CFI): Acted for bank in asset recovery claim arising out of alleged fraud of bank employee. With Bernard Man (now Bernard Man SC).