



MARTIN HO 何卓衡大律師

Call: 2014 (HK)

PROFILE

Martin maintains a civil practice, with a particular emphasis on commercial, company, insolvency, land, securities-related and regulatory work.

Martin graduated with a First Class Honours law degree at the University of Hong Kong and a Bachelor of Civil Law degree with Distinction at the University of Oxford. He was also awarded Distinction in the Postgraduate Certificate in Laws programme at the University of Hong Kong and came first in the litigation stream, winning a number of advocacy prizes. He was awarded the Bar Scholarship 2013 and Charles Ching Memorial Scholarship 2013.

CONTACT

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SECRETARY

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PRACTICE AREAS

- Commercial
- Company
- Injunction / Contempt
- Insolvency
- Probate / Succession
- Securities & Regulation
- Arbitration
- Banking / Finance
- Building / Construction
- Civil Fraud / Asset Recovery
- Charity
- Conflict of Laws
- Confidentiality / Privacy
- Defamation / Media
- Disciplinary
- Employment
- Equity / Trust
- Family / Matrimonial
- Injunction / Contempt
- Mental Health
- Property & Conveyancing
- Public Law / Judicial Review
- Professional Liability

- Restitution / Unjust Enrichment
- Commission of Inquiry / Inquest

APPOINTMENTS AND PUBLIC OFFICE

- Committee Member of the Committee on Companies Law of the Hong Kong Bar Association (2019)
- Editor-in-Chief of the Hong Kong Journal of Legal Studies (2012-2013)
- Associate Editor of the Oxford University Commonwealth Law Journal (2011-2012)

EDUCATION

2007 - 2011 Bachelor of Laws (University of Hong Kong) (First Class Honours)

2011 - 2012 Bachelor of Civil Law (University of Oxford) (Distinction)

2012 - 2013 Postgraduate Certificate in Laws (University of Hong Kong) (Distinction)

PUBLICATIONS AND ARTICLES

- Contributing Editor of the *Hong Kong Civil Procedure* (since 2016)
- Contributing Editor, *Halsbury's Laws of Hong Kong*, Vol 46, Taxation and Revenue (2nd edn, 2016)
- Contributing Editor, *Annotated Ordinances of Hong Kong – Dutiable Commodities Ordinance* (Cap 109)
- *The Future of the Law on Advance Directives Refusing Life-Sustaining Treatment in Hong Kong* (2012) 42 Hong Kong Law Journal 305
- CPD Seminar: *Commercial Pre-Emptive Remedies - Selected Topics, Current Issues & Practical Tips* (5 September 2014) (organised by Legal Professional Courses Ltd)
- CPD Seminar: *Demystifying the Law of Unjust Enrichment* (5 December 2014) (organised by Wilkinson & Grist)

SCHOLARSHIP AND PRIZES

2013 Bar Scholarship

2013 Charles Ching Memorial Scholarship

2011 Simon Lee Medal in Law - Top Finalist in the LLB programme

2011 Dean's Honours List

2009 Dean's Honours List

Sweet and Maxwell Edlyn Yap Prize for Litigation – Highest Average Mark in Litigation-related Courses in PCLL

Hong Kong Bar Association Cup and Deacons Cup – Winner and Overall Best Mooter in HKU Law Faculty Moot

SELECTED CASES

COMMERCIAL

- *Gossip Daily Ltd v Next Media Magazines Ltd* [2018] HKCFI 1951, acted for the Next Digital Group in a dispute relating to the sale of the Next Magazine business

- *Kazuo Okada v The Registrar of Companies* [2019] 1 HKLRD 483, commercial judicial review on the right of the Registrar of Companies to withhold registration of a Form ND2A and general review of the operation of the statutory scheme under Division 4 of Part 2 of the Companies Ordinance (Cap 622)
- *Komal Patel & Ors v Chris Au & Ors* [2015] 6 HKC 389, [2016] 1 HKLRD 328 (and various other unreported decisions – HCA 183/2014) – commercial dispute involving allegations of civil fraud and breach of fiduciary duties. Appeared for the defendants in applications relating to specific discovery, mandatory injunction, variation of asset freezing injunction, recusal of judge application etc
- *La Dolce Vita Fine Dining Co Ltd v Zhang Lan* [2018] HKCFI 548, [2019] HKCFI 618, HCMP 473-474/2015 – Mareva injunctions in aid of CIETAC arbitration; claim for contractual damages in excess of US\$286 million
- *Re Okada Holdings Ltd* [2018] HKCFI 2310, HCMP 2446/2017 and HCMP 1324/2017 – mandatory injunctions restraining the exercise of shareholder rights and stay of action in favour of parallel proceedings in the Tokyo courts, in the context of a shareholders’ dispute relating to a listed entertainment company in Tokyo
- *TYG Capital Fund (in liquidation) v Hilda Chan Hor Yee & Ors*, HCA 1585/2014 – interlocutory injunction obtained in aid of foreign insolvency proceedings; scope of permissible ancillary relief to an interlocutory injunction and the applicability of s.21M of the High Court Ordinance
- *Wing Bo Building Construction Co Ltd v Discreet Ltd* [2016] 2 HKLRD 779, (2016) 166 Construction Law Reports 162 – stay of proceedings for arbitration; constitutionality of s.20(8) of the Arbitration Ordinance (Cap 609) under Article 82 of the Basic Law
- *Yu Hing Tong v Fung Hing Chiu Cyril* [2016] 5 HKLRD 567, decision concerned whether an agent had the locus standi to commence an action in the name of the principal pursuant to a power of attorney

COMPANY

- *Kazuo Okada v The Registrar of Companies* [2019] 1 HKLRD 483, commercial judicial review on the right of the Registrar of Companies to withhold registration of a Form ND2A and general review of the operation of the statutory scheme under Division 4 of Part 2 of the Companies Ordinance (Cap 622)
- *Re CNT Group Ltd*, HCMP 1454 & 2548/2017, unfair prejudice petition and statutory derivative action relating to the spin-off and listing of CPM Group Ltd
- *Re Hong Kong Investments Group Ltd* [2018] HKCFI 984, insolvency winding up and bankruptcy proceedings relating to a HK\$160 million debt allegedly related to securities margin financing
- *Re Jessop & Baird (Hong Kong) Ltd* [2017] 1 HKLRD 78 – principles on validation orders (and various unreported applications concerning appointment of interim receivers and discharge of interlocutory mandatory injunctions)
- *Re Soka Gakkai International of Hong Kong Ltd* [2017] 4 HKLRD 192 – decision concerned the legal principles relating to the inspection of register of members under s.631 of the Companies Ordinance
- *Re Dejin Resources Group Co Ltd*, HCCW 214/2016 – winding up of a listed unregistered company in Hong Kong
- *Re Global Eco Resource Ltd* [2018] HKCFI 1658 – trial of a just and equitable winding up petition in respect of a food waste management company
- *Re KB (Asia) Ltd*, HCMP 307/2013 – sanctioning of scheme of arrangement

INJUNCTION / CONTEMPT

- *Secretary for Justice v Chau Wan Ying & Ors* [2016] 2 HKLRD 434, acted as Junior Counsel for the Secretary for Justice in the Occupy Central movement criminal contempt cases
- *Secretary for Justice v Cheung Kai Yin & Ors* [2016] 4 HKLRD 367; *Secretary for Justice v Cheung Kai Yin (No 2)* [2016] 5 HKLRD 370, acted as Junior Counsel for the Secretary for Justice in the interlocutory appeals of the Occupy Central movement criminal contempt cases; decision concerned the juridical nature of criminal contempt proceedings and the procedural regime applicable to the hearing of criminal contempt appeals
- *YBL v LWC (No 2)* [2017] 2 HKLRD 783, acted for the husband appellant in the Court of Appeal in the context of a judgment summons application. Judgment concerned the power of the Court to dispose of bail money upon successful appeal against a committal order, and whether such power overrides any prior Quistclose trust enjoyed by the successful appellant, and the proper approach to depriving a successful appellant of his costs of the appeal
- *China Metal Recycling (Holdings) Ltd v Chun Hei Man*, HCMP 3396/2015, acted for the liquidator plaintiffs in a contempt trial in relation to allegations of breach of undertakings and breach of Mareva injunction
- *Glory Link Investments Ltd v Young Pui York* [2016] 4 HKC 157, acted for the judgment creditor in seeking an imprisonment order against the judgment debtor; decision concerned the principles relating to a judgment debtor’s liability for imprisonment for failure to satisfy a judgment sum.

- *La Dolce Vita Fine Dining Co Ltd v Zhang Lan* [2018] HKCFI 548, [2019] HKCFI 618, acted for the plaintiffs in a contempt trial in the context of contractual disputes relating to the South Beauty chain of restaurants in Mainland China; contemnor being handed an immediate custodial sentence of 12 months' imprisonment
- *TYM v WSP*, FCMP 309/2014, successfully resisted an application for a Hadkinson order on the ground of failure to comply with an interim payment order; decision concerned the constitutionality of Hadkinson orders and whether the English approach of absolute liability for defaulting judgment debtors should be applied in Hong Kong

PROPERTY & CONVEYANCING

- *Best View Medical Co Ltd v Richermen International Investments Ltd* [2017] 4 HKC 400 (and on appeal [2018] HKCA 288); tenancy dispute
- *Yu Fung Co Ltd v Olympic City Properties Ltd* [2017] 2 HKLRD 406 (and on appeal in [2018] HKCA 323), acted for the interested party in staying the writ of possession. Judgment concerned the question of whether it is an abuse of process for an occupant, who was not a party to and did not participate in prior possession proceedings, is entitled to subsequently bring a fresh action to claim adverse possession

PROBATE / SUCCESSION

- *Herman Budihardjo v Hadi Gunawan* [2018] HKCFI 1450, acted for the successful defendant in a 23-day trial in the context of a family trust dispute for a claim in excess of HK\$500 million
- *Jong Yat Kit v Lee Man For* [2018] 5 HKC 216, acted for the professional administrator in the administration of an estate in excess of HK\$1 billion
- *Zhao Shaoyuan v Chan Mee Lin* [2019] 2 HKC 325, a case involving a fight between a wife and a concubine of the right to possession of the deceased's corpse

SECURITIES & REGULATION

- *Standard Chartered Securities (Hong Kong) Ltd v Securities and Futures Commission*, SFAT 1, 2 & 4/2018, acted for Standard Chartered Securities in the Securities and Futures Appeals Tribunal in an application to review the sanction imposed by the SFC in connection with sponsor work conducted in the listing of China Forestry Holdings Ltd
- Acted for and advised the Securities and Futures Commission in ongoing proceedings
- Acted for and advised CNT Group Ltd in matters relating to the spin-off and listing of CPM Group Ltd