

A portrait of Ambrose Ho, S.C., a middle-aged man with grey hair and glasses, wearing a dark suit, white shirt, and a yellow patterned tie. He is smiling slightly and looking towards the camera.

## **A M B R O S E   H O ,   S . C .**

### **BARRISTER – SENIOR COUNSEL**

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Ambrose Ho, S.C. has a broad civil and commercial practice in the areas of securities, bankruptcy, insolvency, commercial, land, trust, probate and public law. He has particular experience in enforcement actions under the Securities and Futures Ordinance, both for the Securities and Futures Commission and private respondents. He is regularly instructed in probate related litigations and also shareholders disputes. In his public law practice, he has acted for the Department of Justice in judicial reviews on building and town planning matters. He has sat as a Recorder of the Court of First Instance, and has been appointed on various statutory appeal boards and statutory authorities as part of his commitment to public service.

Ambrose Ho, S.C. has been quoted as “a very experienced senior counsel” and “a very solid and deep-thinking practitioner” whose court manner is much appreciated by the Bench.

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## RECENT HIGHLIGHTS

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- ***Lam Kin Chung v Soka Gakkai International of Hong Kong Ltd***[2022] HKCA 480 – Appeal concerning juridical basis for members of a charitable corporation to commence derivative actions and scope of members’ fiduciary duty in voting
- ***China Agri-products Exchange Limited v Wang Xiu Qun & another***[2021] HKCFI 137 – 23-day trial of a commercial dispute involving the sale and purchase of a Mainland company
- ***Bright Gold Limited v Mega Well Development Limited***[2020] 4 HKLRD 26, [2020] HKCA 757 – Appeal by the developer overturning a CFI’s decision relating to estate agent’s capacity in a sale of first-hand property transaction
- ***C v B (Re A: Mental Health)*** [2019] 2 HKLRD 613, [2019] HKCA 321 – Appeal in Mental Health proceedings arising from disputes in a family of substantial wealth
- ***Building Authority v Appeal Tribunal (Buildings) (ENM Holdings Ltd)***(2018) 21 HKCFAR 194, [2018] HKCFA 20 – CFA decision on interpretation of provision in Land Grant concerning responsibility to maintain hillside slopes

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## OTHER NOTABLE CASES

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### Securities

- ***Re Freeman FinTech Corp Ltd***[2022] HKCFI 697; [2018] 1 HKLRD 320 – Disqualification and compensation orders sought by the SFC against directors
- ***SFC v Qunxing Paper Holdings Co Ltd & others***[2018] 1 HKLRD 1060, [2018] HKCFI 271 – Juridical basis of SFC seeking remedies for benefit of investors under s. 213 of the Securities and Futures Ordinance
- ***Re China Metal Recycling (Holdings) Ltd***[2015] 2 HKLRD 415 – Winding up listed company on public interest ground
- ***SFC v Li Kwok Cheong, Li Han Chun & another*** –Market Misconduct Tribunal inquiry regarding China Forestry Holdings Co Ltd (Decision pending)
- ***HSBC Private Bank (Suisse) SA v SFC***, Securities and Futures Appeal Tribunal No 3 of 2015, 21 November 2017 – Pecuniary penalty in relation to systemic deficiencies in the sale of derivative financial products

## Probate and Mental Health

- ***Tsang Wing Kwai v Tsang Wing Fai (No.2)*** [2019] 1 HKLRD 1300, [2019] HKCA 163 – Appeal concerning removal of executor
- ***Secretary for Justice v Joseph Lo Kin Ching*** (2015) 18 HKCFAR 169 – Interpretation of the will of Nina Wang and administration of charitable trusts
- ***Wong Tat Lun Eddie & others v Wong Chi Ho Jimmy & others*** HCMP 2391/2013, 21 October 2014 – Resisting removal of executor
- ***Yung Shu Wu v Vivienne Sung Wu*** (2011) 14 HKCFAR 39 – Dispute as to assets comprised in an estate and disposition of equitable interest
- ***Re A (Mentally Incapacitated Person: Committee)*** [2009] 2 HKLRD 159 – Appointment of committee of estate of mentally incapacitated person

## Land Grant and Town Planning

- ***Hong Kong Resort Company Limited v Town Planning Board*** [2021] HKCA 1313 – Judicial review by developer of Discovery Bay
- ***Tung Chun Company Limited v Town Planning Board*** [2021] HKCA 758 – Judicial review on decisions regarding a building height restriction
- ***The Dairy Farm Company Limited v Secretary for Justice*** [2020] HKCFI 306 – Construction of special condition of land grant and easement

## Property

- ***Pacific Base Holdings Limited & others v Lee Hop Biu*** [2021] 5 HKC 214, [2021] HKCA 780 – Seeking CA’s determination on interpretation of the Land (Compulsory Sale for Redevelopment) Ordinance regarding threshold requirement for redevelopment of the land lots
- ***Century Supreme International Limited v. Kam Chi Kit Charles & Hui Pui Kuen and others*** [2022] HKLdT 6 – Resisting application under Land (Compulsory Sale for Redevelopment) Ordinance
- ***383HK Limited v The Incorporated Owners of Tak Bo Building*** [2018] 2 HKC 559, [2018] HKCA 164 – Disputes concerning common parts and interpretation of Deed of Mutual Covenants
- ***Grande Properties Management Ltd v Sun Wah Ornament Manufactory Ltd*** (2006) 9 HKCFAR 462 – Disputes concerning validity of resolutions in building management

## Bankruptcy and Insolvency

- ***Lau Chun Ming v Deloitte Touche Tohmatsu (a firm)*** [2021] 2 HKLRD 706, [2021] HKCA 546 – Appeal concerning powers and duties of trustees in bankruptcy

- ***Chow Wai Shing Daniel and Fok Hei Yu (Joint and Several Trustees in Bankruptcy of Ding Yi) v Lu Ying*** [2020] HKCFI 2148 – Setting aside disposition of assets at undervalue
- ***Patrick Cowley & Wong Wing Sze Tiffany v All Powerful Holding Ltd & Anor***[2018] HKCFI 1802; [2018] HKCFI 2542 – Injunction application concerning the transfer of company share by the bankrupt allegedly at an undervalue
- ***China Forestry Holdings Co Ltd (in official liquidation) v Top Wisdom Overseas Holdings Limited & Anor*** [2021] HKCFI 2761 – Proprietary claim by the liquidators against proceeds of alleged insider dealing

## Commercial

- ***Da Shing Group Limited v Rich Promise Limited***[2021] HKCA 960 – Dispute in the sale and purchase of shares in a listed company and return of deposit
- ***Chow Tai Fook Nominee Limited v Diamond City Ltd and Wu Wai Leung, Danny***[2021] HKCFI 3019 – Action for recovery of debt and estoppel
- ***Zhang Jizhi v Hong Kong TV International Media Group Limited & another***[2022] HKCFI 308 – Dispute arising in sale and purchase of company
- ***Li Sau Ying v Bank of China (Hong Kong) Ltd***(2004) 7 HKCFAR 579 – Leading Hong Kong decision on undue influence

## Public

- ***Chairman and Deputy Chairman of the Preliminary Investigation Committee of the Medical Council of Hong Kong v Hospital Authority*** [2022] 1 HKLRD 16, [2021] HKCA 1793 – Appeal concerning powers of Chairman of the Medical Council to compel disclosure by Hospital Authority
- ***AA & another v SFC (SJ as Intervener)***[2019] 2 HKLRD 16, [2019] HKCFI 246 – Defending constitutional challenge of s. 181 of the Securities and Futures Ordinance
- ***Yung Chi Keung v Protection of Wages on Insolvency Board***(2016) 19 HKCFAR 469 – CFA decision on calculation of *ex gratia* payment under the Protection of Wages on Insolvency Ordinance
- ***Commission of Inquiry into Excess Lead Found in Drinking Water***(2015-2016) – Represented the Hong Kong Housing Authority in a public inquiry

## Civil Fraud

- ***Kot See For v Lam Man Cheung*** [2021] 2 HKLRD 263, [2021] HKCA 348 – Appeal concerning the privilege against self-incrimination in civil proceedings in an investment fraud claim
- ***Dacheng Enterprise Co v Global Bio Chem Technology Group Co Ltd***[2018] HKCFI 2556 – Striking out of a claim concerning director's authority to compromise a claim on behalf of a listed company and allegations of fraud

## Tax

- ***Shui On Credit Co Ltd v Commissioner of Inland Revenue*** (2009) 12 HKCFAR 392 – Appeal on profits tax assessment and tax avoidance scheme
- ***Kwong Mile Services Ltd v Commissioner of Inland Revenue*** (2004) 7 HKCFAR 275 – Approach on appeals from the Board of Review on error of law

## DIRECTORY RANKINGS

- Commercial Dispute Resolution (Chambers and Partners 2022)
- Commercial Disputes (Legal 500 2022)
- Commercial Litigation 2021; Mainland China & Hong Kong SAR – Litigation (Who’s Who Legal)

## DIRECTORY QUOTATIONS

- “... ***held in particularly high regard for his well-developed expertise in the securities, finance and insolvency areas and has also appeared for the Department of Justice in judicial reviews of construction and town planning cases. Sources respect him as “a very solid and deep-thinking practitioner” whose court manner is much appreciated by the Bench, one interviewee reporting: “His advocacy is second to none and his name is a brand – one of the best-regarded names in town”***” (Chambers and Partners 2022)
- “***A very experienced senior counsel at the Hong Kong Bar.***” (Legal 500 2022)

## APPOINTMENTS AND MEMBERSHIPS

### Professional Career

- Member of the Bar Council, Hong Kong Bar Association; Member of various Special Committees of the Hong Kong Bar Association (1995 – 1999 & 2002)
- Hon. Secretary & Treasurer of the Hong Kong Bar Association (2000)
- Appointment as Senior Counsel (May 2000)
- Deputy High Court Judge (14 April 2003 – 9 May 2003)
- Vice-Chairman of the Hong Kong Bar Association (January 2003 – January 2005)
- Recorder of the Court of First Instance of the High Court (1 January 2006 – 31 December 2014)
- Convenor of the Barristers’ Disciplinary Tribunal (13 October 2021 – Present)

### Public Appointments

- One of the Chairmen of the Appeal Tribunal (Buildings) (1 December 1997 – 30 November 2008)
- Member of the ICAC Complaints Committee (1 January 1999 – 31 December 2004)
- Honorary Lecturer in the Department of Professional Legal Education of the University of Hong Kong (1 September 2000 – Present)
- Member of the Management Committee of the Consumer Legal Action Fund (6 December 2000 – 5 December 2002)

- Member of the Consumer Council (1 January 2003 – 6 October 2007)
- Vice-chairman of the Consumer Council (7 October 2007 – 6 October 2013)
- Chairman of the Appeal Board Panel (Toys and Children's Products Safety) (1 January 2004 – 31 December 2005)
- Chairman of the Air Pollution Control Appeal Board (1 February 2004 – 27 November 2008)
- Member of the Governing Committee of Hong Kong Red Cross Blood Transfusion Service (June 2004 – September 2009)
- Chairman of the Governing Committee of Hong Kong Red Cross Blood Transfusion Service (2017 – 31 March 2023)
- External Member of the Appeal Review Committee, Hong Kong Examinations & Assessment Authority (30 May 2005 – 4 October 2007 & 19 October 2009 – 31 December 2010)
- Chairman of the Appeal Review Committee, Hong Kong Examinations & Assessment Authority (5 October 2007 – 18 October 2009)
- Legal Adviser of the Diocesan Committee for Bioethics (1 June 2005 – 31 May 2007)
- Member of the Judicial Officers Recommendation Commission (1 July 2005 – 30 June 2009)
- Deputy Chairman of the Administrative Appeals Board (10 August 2005 – 31 October 2008)
- Member of the Telecommunications (Competition Provisions) Appeal Board (31 August 2005 – 30 August 2007)
- Deputy Chairman of the Telecommunications (Competition Provisions) Appeal Board (31 August 2007 – 31 October 2008)
- Member of the Disciplinary Chair Committee, Securities and Futures Commission (1 August 2008 – 31 March 2014)
- Chairman of the Broadcasting Authority (1 December 2008 – 31 March 2012)
- Chairman of the Communications Authority (1 April 2012 – 31 March 2017)
- Chairman of the Private Columbia Appeal Board (29 September 2017 – Present)
- Chairman of the Air Transport Licensing Authority (8 January 2018 – 7 January 2022)
- Member of the Hospital Authority (1 December 2018 – Present)
- Member of the **InnoHK** Steering Committee (4 February 2019 – 3 February 2021)
- Chairman of the Consultation Panel, The West Kowloon Cultural District Authority (5 March 2020 – Present)

## EDUCATION

- LL.B. (University of London, University College) (1983)
- Bar Finals, U.K. (Inns of Court School of Law, London) (1984)
- LL.M. (University of Cambridge, Wolfson College) (1985)