

**H O R A C E W O N G , S . C . ,
J P**

BARRISTER – SENIOR COUNSEL

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Horace Wong, S.C. has a broad civil practice, with a particular focus on commercial, banking and property disputes. He has extensive experience in substantial and complex litigation, having been involved in a number of long-running cases with multi-jurisdictional elements, including the ongoing dispute in **Daimler AG v Leiduck**. He also regularly acts for regulators and public bodies including the Securities and Futures Commission and the Employees Compensation Assistance Fund Board.

Besides his practice in the courts, Horace Wong, S.C. frequently sits as an arbitrator (both in Hong Kong and abroad), being a panel member of various international arbitral institutions. He also mediates complex commercial disputes and is a specially appointed mediator of the Hong Kong Mediation Council in respect of the Investment Agreement under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA).

He has been recognised by **The Legal 500 Asia Pacific Hong Kong Bar (2021)** as a leading silk in commercial disputes and an “accomplished S.C.” .

RECENT HIGHLIGHTS

- ***Fong Chak Kwan v Ascentic Ltd*** [2021] 6 HKC 401 (CA), [2022] HKCFA 4 – Acting for the Employees Compensation Assistance Fund Board in an appeal to set-aside leave for service-out involving proper interpretation of “damage limb” of the tort jurisdictional gateway
- ***Chen Yue Jia James v Chen Maria*** [2020] HKCFI 2410: 18-day trial concerning validity of 5 wills
- ***SFC v Yiu Hoi Ying Charles*** [2017] 3 HKLRD 157 (CA), (2018) 21 HKCFAR 475: Leading CFA decision on the interpretation of “innocent purpose” defence provided in s 271(3) of the Securities and Futures Ordinance.

OTHER NOTABLE CASES

Commercial & Banking

- ***Daimler AG v Leiduck*** [2012] 3 HKLRD 119 (CA), [2013] 2 HKLRD 822 (CA), [2014] 3 HKLRD 56 (CFI), [2018] 1 HKLRD 40 (CFI), [2018] 1 HKLRD 1188 (CFI), [2020] 3 HKLRD 579 (CFI), [2021] HKCA 328: Ongoing multi-jurisdictional dispute involving multiple issues of fraud, Mareva Injunction, settlement agreement, enforcement of undertaking, and issues of Russian law and psychiatric expert evidence, resulting in multiple leading decisions on various aspects of procedural and substantive law.
- ***Poben Consultants Ltd v Clearwater Bay Golf & Country Club*** (HCMP 2332/2016, 27 October 2017), [2019] 1 HKLRD 1110 (CA): Expungement of evidence on ground of “without prejudice” privilege in the context of dispute over private club debentures
- ***DBS Bank (Hong Kong) Ltd v Sit Pan Jit*** (HCA 382/2009, CACV 91/2015 & FAMV 45/2016): Leading case on contractual estoppel involving allegations of mis-selling by the bank

Regulatory & Disciplinary

- ***SFC v Lu Ruifeng*** [2020] 4 HKLRD 786 (CFI), [2022] HKCA 326: Joinder application raising applicable limitation period for claims under s 213 of the Securities and Futures Ordinance
- ***Registrar of Hong Kong Institute of Certified Public Accountants v X (No. 3)*** [2017] 5 HKLRD 568 (CA): Appeal against determination of Disciplinary Committee of the HKICPA raising issues of procedural fairness

Property & Probate

- ***Polyline Development Ltd v Ching Lin Chuen***[2021] HKCFI 483: Strike-out application against multitude of claims made in respect of Ding House developments
- ***Sino Channel Holdings Ltd v Vast Faith Investment Ltd***[2020] 2 HKLRD 1286 (CA): Dispute involving proper interpretation of deed of mutual covenant
- ***Chow Lily v Chow Wai Wai Violet***(HCAP 22/2019): Probate action in relation to the estate of the late business tycoon Chow Yei Ching

Personal Injuries & Employees' Compensation

- ***Wo Chun Wah v Employees Compensation Assistance Fund Board***[2019] 1 HKLRD 48 (CA): CA decision on proper approach to costs order against the Employees Compensation Assistance Fund Board
- ***Lo Siu Wa v Employees Compensation Assistance Fund Board***[2017] 2 HKLRD 9 (CA), (2018) 21 HKCFAR 8: CFA decision on proper approach of interpreting employee compensation insurance policies

Public

- ***Kazuo Okada v Registrar of Companies***[2019] 1 HKLRD 483: Judicial review of registrar' s decision to withhold registration of documents pending resolution of underlying corporate disputes
- ***Waddington Ltd v SFC***[2018] HKCFI 2544: Judicial review of SFC' s decision to refuse carrying out investigations and to take out petition under s 214 of the Securities and Futures Ordinance
- ***Chan Thao Phoumy v Secretary for Justice***[2018] 3 HKLRD 310: Application to set aside registration of external confiscation order made under s 29(1) of the Drug Trafficking (Recovery of Proceeds) Ordinance

DIRECTORY QUOTATIONS

- ***"An accomplished S.C."*** (Legal 500 2022)

APPOINTMENTS AND MEMBERSHIPS

Professional Career

- Senior Counsel
- Deputy High Court Judge (2008-2009)
- Recorder of the High Court (2010-2012)
- Member, Panel of Arbitrators, Hong Kong International Arbitration Centre
- Member, Proceedings Committee, Hong Kong International Arbitration Centre
- Member of Panel of Arbitrators appointed under the Labour Relations Ordinance

- Appointed Mediator of Hong Kong Mediation Council in respect of the Investment Agreement under the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA)
- Visiting Faculty Member, Peking University, School of Transnational Law
- Honorary Lecturer, Department of Professional Legal Education, University of Hong Kong (since 2008)
- Panel Convenor, Barristers Qualification Examination (Property, Conveyancing and Equity), Hong Kong Bar Association

Public Appointments

- Justice of the Peace (since 2014)
- Chairman, Unsolicited Electronic Messages (Enforcement Notices) Appeal Board (since 2022)
- Chairman, Administrative Appeals Board (2010-2016)
- Chairman, Buildings Appeal Tribunal (2015-2021)
- Chairman, Town Planning Appeal Board (since 2023)
- Non-Executive Director, Mandatory Provident Fund Schemes Authority (2012-2018)
- Deputy Chairman, Inland Revenue Board of Review (2007-2012)
- Member, Disciplinary Chair Committee, Securities and Futures Commission (2008-2018)
- Member, Criminal and Law Enforcement Injuries Compensation Boards (2007-2013)
- Member, Appeal Board Panel, Exemption of Regulated Products (2011-2017)
- Member, Disciplinary Panel, Hong Kong Institute of Certified Public Accountants (2004-2005)

EDUCATION

- LLB, University of Hong Kong
- PCLL, University of Hong Kong
- LLM, University of Cambridge (First Class Honors)
- MA in Philosophy, Chinese University of Hong Kong (Dean's List)
- Higher Certificate in Civil Engineering (HK Polytechnic)

Other Qualifications and Experience

- Diploma in Chinese Law, University of East Asia
- Diploma in Chinese Law (China Law Society)
- CEDR Accredited Mediator
- CEDR Certificate on Investor-State Mediation Training