

## 卢君政 大律师

剑桥大学文学士（法律）、文学硕士  
香港大学法学专业证书（成绩优异）  
诺丁汉大学药剂学学士（一等荣誉首位）、哲学博士  
英国特许仲裁员学会、香港仲裁员学会资深会员  
香港国际仲裁中心、中国国际经济贸易仲裁委员会仲裁员  
亚洲国际仲裁中心、世界知识产权组织仲裁员  
认可调解员

### Email Address:

benny.lo@dvc.hk

### Year Of Call:

2008（香港）

**Practice Areas:** 商事法，公司法，知识产权法，仲裁，调解，  
衡平法，国际贸易，土地法与规划法，证券法，



卢君政博士大律师于2006年毕业于剑桥大学法学院，并随后以优异成绩于香港大学获得法学专业证书。卢大律师为2007年香港大律师公会沈澄纪念奖学金的两位获奖者之一。他于2008年获香港大律师执业资格。在成为大律师之前，卢大律师曾于英国从事药剂学及生物科技研究期间获香港裘槎基金会选为裘槎学者(1998)及裘槎院士(2001)。

卢大律师处理过许多诉讼案件，涉及各类民事、商事、公司法、及知识产权（专利、商标、版权以及注册外观设计）等的争议。其中，卢大律师在争讼性与非争讼性的公司法事宜有着极为丰富的经验，曾为客户处理过清盘呈请、股东争议、股本减资、委任临时清盘人和禁制令申请等各类事务。卢大律师在科技领域的背景也让他处理知识产权法及与知识产权相关的商事案件中得心应手。

除了法庭诉讼外，卢大律师亦善于以仲裁员或代理人身份处理本港及国际仲裁事务。卢大律师在国际仲裁中曾依据香港国际仲裁中心及联合国国际贸易法委员会规则被委任为独任仲裁员或三人仲裁庭中的仲裁员，在这些案件中主持聆讯并颁布有关管辖权以及实质性的仲裁决定。卢大律师现担任清华大学法学院客座讲师，任教于国际仲裁与争端解决高端研修项目(IADS)[]

卢大律师亦积极担任公职。卢大律师在2017年被香港终审法院首席法官任命为区域法院暂委法官以及高等法院暂委副司法常务官。同时，卢大律师还被香港特区政府委任成为众多行政及准司法委员会及审裁小组之成员。

## Expertise:

### 职务及任命

- 高等法院暂委副司法常务官（2017年12月）
- 区域法院暂委法官（2017年1月）
- 香港国际仲裁中心（一般名册及知识产权名册）、中国国际经济贸易仲裁委员会、亚洲国家仲裁中

心以及世界知识产权组织仲裁员

- 英国特许仲裁员学会资深会员
- 香港仲裁司学会资深会员
- 北京清华大学法学院客座讲师
- 新加坡国际商业法庭注册外国律师
- 香港调解资历评审协会、香港国际仲裁中心与世界知识产权组织调解员

## 重要案件

- ***King's Glory Educational Centre Ltd v Tsang Woon Ming*** (unreported) HCCW 456/2016: Junior Counsel (led by Anson Wong SC) representing a renowned Hong Kong educational group in an application to strike out a winding-up petition as an abuse of process.
- ***AVC Property Development Co Ltd v Joyful Grace Trading Ltd & Anr*** (unreported) CACV 208/2016: Sole counsel representing a corporate landlord in a tenancy dispute touching upon the application of ***Holme v Brunskill*** (1878) LR 3 QB 495 in the discharge of guarantor's liability.
- ***Crestron Electronics, Inc v Crestron Asia Ltd*** (unreported) HCA 222/2017: Junior counsel (led by Winnie Tam SC, JP) representing a licensee and distributor of home and office automation solutions in an injunction hearing touching upon the exhaustion of trademark rights.
- ***Ip Fung Kuen v Sam Kee Frozen Meat Co Ltd & Ors*** (unreported) CACV 107/2016: Sole counsel representing a beneficial owner of shop premises in a family property dispute in resisting an appeal from a judgment following a 14-day trial at first instance.
- ***Xcelom Ltd v BGI-Hong Kong Co Ltd*** (No. 1) [2017] 1 HKLRD 421 and (No. 2) [2017] 1 HKLRD 436: Junior counsel (led by Winnie Tam SC, JP) representing a leading Chinese genomic company in defending an injunction application brought by a Hong Kong biotechnology company based on alleged patent infringement in respect of a non-invasive screening test for chromosomal abnormalities.
- ***Re First China Financial Network Holdings Ltd*** [2015] 5 HKLRD 530: Junior Counsel (led by Anson Wong SC) representing a former chairman of a Hong Kong-listed company in defending director disqualification proceedings brought by the SFC under s.214 of the Securities and Futures Ordinance (Cap. 571).
- ***Novo Steel (HK) Ltd v Peako Engineering Co Ltd*** [2015] 2 HKLRD 598; [2015] 3 HKC 100: Sole counsel representing the plaintiff in a sale of goods case in which the Court clarified the approach to the calculation of interest under RHC Order 22.
- ***Re Pioneer Industries (Holdings) Ltd*** [2015] 1 HKLRD 1: Sole counsel representing the applicants in an application for relief under s.122(1B) of the former Companies Ordinance (Cap. 32) and s.610 of the Companies Ordinance (Cap. 622) in which the Court clarified the law on whether a written resolution for an AGM passed outside the statutory time limit constitutes a "meeting" in the context of s.111 of the former Cap.32.
- ***Re The Bauhinia Ltd*** [2014] 5 HKLRD 291: Sole counsel representing respondents resisting an application for leave to commence derivative action under s.168BC of the former Companies Ordinance (Cap. 32) in which the Court expressly recognized the necessity for derivative action as one of the discretionary factors in deciding whether to grant leave for a minority shareholder to commence a statutory derivative action.

- ***Topwell Corporation Ltd v 關錦祺 & Anr*** [2014] 5 HKLRD 1: Junior Counsel (led by Audrey Eu, S.C.) representing the owner of a roof hut on top of a Chinese building in an appeal to the Court of Appeal against a District Judge's refusal of leave for him to amend his pleadings to plead a defence and counterclaim of adverse possession.
- ***Alviero Martini SpA v Bubble Retail Management Ltd & Or*** [2014] 2 HKC 494: Sole counsel representing a Taiwanese handbag manufacturer in an application for security for costs in an action concerning passing off and trade mark infringement.
- ***Bridam Ltd v Sa Sa Cosmetic Co Ltd & Anr*** [2014] 1 HKC 305: Sole counsel representing a cosmetic retailer in defending an application for mandatory injunction concerning the use of an advertising signboard hanging over Canton Road, Tsim Sha Tsui.
- ***Talent Weaving Dyeing & Printing Ltd v Able Billion Textiles Ltd*** [2013] 2 HKLRD 479: Sole counsel representing a textile trading company claiming conversion against the defendant in an application to strike out scandalous paragraphs in witness statements.
- ***Ngan In Leng v Chu Yuet Wah*** (No. 1) [2013] 1 HKLRD 717: Junior Counsel (led by Barrie Barlow SC) representing vendors of a Macau casino (in a claim against the controlling shareholder of the purchaser founded on an oral share repurchase agreement) in applications for specific discovery and discovery against a non-party.
- ***Mimi Kar Kee Wong Hung v Severn Villa Ltd & Applied Development Holdings Ltd*** [2012] 1 HKLRD 887: Junior Counsel (led by Barrie Barlow SC) representing a wife claiming beneficial interest in property she resided in pursuant to a divorce settlement in various interlocutory summonses in respect of expert accounting evidence and for disclosure of such evidence, and for leave to appeal to the Court of Appeal.
- ***Dong Shin F&T Co Ltd v Hanmec Co Ltd*** [2010] 5 HKLRD 261: Sole counsel representing a defendant Korean company in an application to set aside leave granted to plaintiff Korean company to serve process out of jurisdiction in a claim of forgery.
- ***Big Island Construction (HK) Ltd v Wu Yi Development Co Ltd*** [2010] 2 HKC 356: Junior Counsel (led by Daniel Fung SC) representing the plaintiff company in opposing leave for subpoena ad testificandum to be issued in a \$100m debt claim.
- ***Tsang Wai Lun Wayland v Chu King Fai*** [2009] 5 HKLRD 105: Co-Counsel (with William Wong SC) representing a Hong Kong-listed company in a High Court trial concerning corporate governance, director's appointment and grant of share options.
- ***Abbott GmbH & Co KG v Pharmareg Consulting Co Ltd & Anr*** [2009] 3 HKLRD 524: Sole counsel representing a Hong Kong pharmaceutical company in resisting an injunction application for patent infringement on the basis of Swiss-type claims (i.e. second medical use claims) for the anti-obesity drug Reductil.
- ***Re Grand Field Group Holdings Ltd*** [2009] 3 HKC 81: Co-Counsel (with William Wong SC) representing a Hong Kong-listed Company in resisting application for leave to commence derivative action under s.168BC of the Companies Ordinance (Cap 32).
- ***Re Honeycool Refrigeration & Engineering Co Ltd*** [2009] 1 HKLRD 447; [2009] 2 HKC 514: Sole counsel representing the respondent shareholder in an application to strike out a winding up and Section 168A Petition under the Companies Ordinance (Cap. 32).
- ***Intelligent House Ltd v Chan Tung Shing*** [2008] 5 HKC 390: Junior Counsel (led by Edward

Chan SC) representing a minority owner in 3 summonses concerning land compulsory sale under the Lands (Compulsory Sale for Redevelopment) Ordinance (Cap 545).

• **Other Cases**

Other published court cases in which Benny Lo appeared as representing counsel may be found by searching the exact phrase "**Benny Lo**", "**Benny K.C. Lo**", "**B. Lo**" and "盧君政" in the "Judgments" section of the Hong Kong Judiciary website (<http://www.judiciary.gov.hk/>).

## 奖学金及奖项

- Charles Ching Memorial Scholarship, HK Bar Association (2008)
- Croucher Foundation Fellowship (2001) and Scholarship (1998)
- Fitzhugh Memorial Prize for the most outstanding student, University of Nottingham Pharmacy School (1997)
- Anita and Nicola Lee Prize for research, University of Nottingham Pharmacy School (1997)

## 出版物及讲座

- Invited Moderator by the Asian Academy of International Law in panel presentation on "*Implementation of the Madrid Protocol in Hong Kong*" (June 2018)
- Invited Speaker by the Hong Kong Trade Development Council and the HK Department of Justice at the "In Style Hong Kong" Symposium, Kuala Lumpur on "*Arbitrating Intellectual Property Disputes*" (November 2017)
- Invited Panelist in the Hong Kong Arbitration Week 2017 on "*The Impact of Disruptive Technology in International Arbitration*" (October 2017)
- Invited Speaker by the Hong Kong Intellectual Property Department at the Pan-Pearl River Delta Intellectual Property Officials Exchange Visit to the HKSAR on "*Intellectual Property Arbitration*" (May 2017)
- Invited Speaker by the Hong Kong Trade Development Council at the 2016 Guangdong-Hong Kong Seminar on Development of Intellectual Property in Small-Medium Enterprises on "*Resolution of Intellectual Property Disputes*" (June 2016)
- Invited Speaker by the Hong Kong Institute of Trade Mark Practitioners on "*Arbitrating IP Disputes*" (June 2016)