

## 林展程 大律师

哈佛大学法学硕士（2006）  
香港大学法学专业证书（2005）  
香港大学法学士（2004）  
香港大学工商管理学学士（法学）（2003）

### Email Address:

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### Year Of Call:

2007（香港）

**Practice Areas:** 行政法与公法, 仲裁, 调解, 商事法, 公司法及清盘, 家事法, 知识产权法, 土地法与规划法, 税法,



林展程大律师有着广泛的商业领域执业经验（包括清盘、公司、土地、物业转易、诽谤及知识产权），同时也经常参与争讼性遗嘱认证，包括附属济助及受养人赡养费等事宜在内的家事法，以及公法领域的法律事务。林大律师的能力与讼辩技巧赢得了事务律师们充分的信任，并在他被认许仅8年之时指示他独立代表客户参与终审法院的上诉案件 **De Monsa Investments Ltd v Richly Bright International Ltd** (2015) 18 HKCFAR 232。这一案件的争论点在于，当连串确认人交易中的最终卖家违反协议时，其余上游卖家均未能完成交易，法庭应当如何衡量赔偿的具体金额。

在担任区域法院暂委法官时，林大律师在 **Globenet Droid Ltd v Hong Kong Hang Lung Electronic Co**, [2016] 3 HKLRD 863 一案中广泛地讨论了有关不当得利的法律中错误这一要素以及真诚地处境改变的抗辩，并且在 **Wong Yau Sui v Moral Accord Ltd** [2017] HKLRD (暂未收录); [2017] 2 HKC 303 解释了民事司法制度改革中有关在诉讼前以提供付款的抗辩。

林大律师还是一名认可调解员。

## Expertise:

### 职务及任命

- 高等法院暂委副司法常务官（2022年9月）
- 区域法院暂委法官（2022年1月，8月及11月）
- 税务上诉委员会委员（2022年至今）
- 上诉审裁小组《建筑物条例》主席（2022年至今）
- 高等法院暂委副司法常务官（2020年6月）
- 高等法院暂委副司法常务官（2018年1月）
- 酷刑声请上诉委员会/免遣返声请呈请办事处成员（2017年2月-2021年2月）
- 区域法院暂委法官（2017年2月）
- 区域法院暂委法官（2016年5月-6月）
- 交通审裁处小组成员（2015年至今）

- 入境事务审裁处审裁员 (2013年-2019年)
- 人事登记审裁处审裁员 (2013年-2018年)

## 重要案件

### Administrative and public law

- ***China Concrete Company Ltd v Environmental Protection Department & anor*** [2023] HKCFI 211 - one of a series of litigation launched by the Applicant, where Gary acted for the Environmental Protection Department and successfully persuaded the Court to dismiss the Applicant's application for leave to apply for judicial review
- ***Tang Chiu Man & anor v Secretary for Justice (for Director of Lands)***, HCAL 68 & 916/2021 - a judicial review where Gary acts for the Secretary for Justice and the Applicants raise the novel point that the Director of Lands had bad faith and thus even a contractual decision under a Government lease is amenable to judicial review
- ***Secretary for Justice v China Concrete Company Ltd & ors***, HCA 403/2022 - a writ action where Gary acts for Secretary for Justice claiming that the defendants' joint polluting activities constituting public nuisance
- ***Central Harvest Development Ltd v Secretary for Justice***, HCA 2386/2019 - a writ action where Gary acts for the Secretary for Justice in an action commenced by the plaintiff on the terms of a lost grant
- ***Wong Wing Wah v The Collector of Stamp Revenue*** [2022] 1 HKLRD 926, an appeal from refusal of leave to apply for judicial review where Gary acted for the Applicant to argue that proportionality test should be applicable to buyers' stamp duty

### Commercial

- ***Hui Chi Ming v Koon Wing Yee*** [2023] HKCFI 93 - a 13-day trial where Gary, acting for the Plaintiff (led by Mr Daniel Fung SC), successfully persuaded the Court to find that the defendant criminally intimidated the plaintiff for public listed company shares worth of HK\$135 million dollars and to award HK\$135 million damages with indemnity costs, despite that the defendant had been acquitted of criminal intimidation in criminal trial
- ***Hou Hsiao Bing v China Technology Solar Power Holdings Ltd*** [2021] HKCA 1548, an appeal from the Court's refusal of leave to the appellant to take up a company's ongoing derivative action against its directors, where Gary, acting for the respondent (led by Mr Douglas Lam SC), successfully persuade the Court of Appeal to dismiss the appeal
- ***Wang Fang Fang v China Asia Group (HK) Ltd & anor*** [2022] HKCFI 2109, an appeal from Master's dismissal of the plaintiff's O 14 application, where Gary, acting for the defendant (led by Mr Jonathan Chang SC), successfully persuaded the Court to dismiss the appeal
- ***Cheung Kong Property (Business Development) Ltd v Gold Brilliant Investment Ltd & anor***, HCA 280/2021, an ongoing case where the plaintiff sues the defendants for breach of right of first refusal in respect of an MTR development in Homantin
- ***Agency for Policy Coordination on State Property & ors v Batbold Sukhbaatar & ors***,

HCMP 2153/2020, where Gary acted for the plaintiff who was the agent for the government of the Mongolia People's Republic and obtained injunction against its former prime minister and others for suspected corruption

- ***Symphony Partners Ltd v Fullerton Bay Investment Ltd*** [2018] 4 HKLRD 264, an appeal where Gary, acting for the 3rd defendant (led by Mr Charles Manzoni SC), successfully persuaded the Court to dismiss the plaintiff's application for appointment of receiver under the Arbitration Ordinance
- ***Chen Lingxia v China Jingu & ors*** [2019] HKCFI 379; [2019] HKCFI 913, where Gary, acting for defendants (led by Mr Ambrose Ho SC), persuaded the Court to dismiss the plaintiff's action on ground of forum non conveniens
- ***Sea Powerful II Special Maritime Enterprises (ENE) v Bank of China Ltd***, [2016] 3 HKLRD 52; [2016] 1 HKLRD 1032 - where Gary, acting for the defendant (led by Mr YL Wong SC at first instance and Mr Edward Chan SC on appeal), persuaded the Courts to refuse anti-suit injunction on alleged breach of jurisdictional agreement
- ***Richly Bright International Ltd v De Monsa Investments Ltd*** (2015) 18 HKCFAR 232, where Gary, acting for the defendant, argued on the legal point whether assumption of responsibility should have a role in contractual compensation
- ***Fok Chun Yue Benjamin v Yau Wing Co Ltd & another*** [2015] HKCFI 182, where Gary acted for the plaintiff (led by Mr Clifford Smith) in his application for leave to commence derivative action on behalf of the defendant
- ***Winbless Inc v Silver Shadow Co Ltd***, HCCW 369, 370 and 375/2011 - Company law - winding-up petitions against unregistered foreign companies
- ***Joint and Several Liquidators of Faith Dee Ltd v Yip Shu Chee***, HCCW 237/2005 - Insolvency - unfair preference - limitation of actions
- ***Re Moulin Global Eyecare Holdings Ltd*** (2009) 12 HKCFAR 621, [2010] 1 HKC 90 - Company law - charges

### **Compulsory sale for redevelopment**

- ***First Kind Limited & anor v Liu Keng Chor & anor***, [2016] 3 HKLRD 39 - compulsory sale for redevelopment

### **Adverse possession**

- ***Ngan Cheung Wah v Kwong Shook Ling***, CACV 92/2014, DCCJ 578/2011 - Adverse possession

### **Probate**

- ***So Yee Mui v Lam Pui Chi***, CACV 283/2010 - Probate
- ***Estate of Cheng Yung*** [2011] 2 HKLRD 661 - Probate

### **Family**

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- **CYYC v TVKT**, FCMC 14649/2014 – Family – ancillary relief
  - **LPC v CYC**, FCMP 61/201– Provision for dependant2

### 奖学金及奖项

- Bar Scholarship (2006)
- Charles Ching Scholarship (2006)

### 工作语言

广东话； 英语； 普通话