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香港大学法学专业证书（物业转易与遗嘱认证之执业科目和税法科目成绩优异）
香港大学法学士（一级荣誉）
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Year Of Call:

1993 (香港)

Practice Areas: 行政法与公法, 仲裁, 调解, 衡平法, 商事法, 公司法及清盘, 雇佣及反歧视法, 国际贸易,

吴港发大律师具有丰富的法律讼辩经验, 多年来于香港各级法院代表客户。吴大律师的民事诉讼专业领域极其广泛, 尤其擅长商业及公司法诉讼、诽谤法、财产和遗产法, 以及雇佣法。吴大律师于1993年获香港执业大律师资格。

吴大律师近期参与了四宗终审法院的重要案件:

- (1) **Big Island Construction (HK) Ltd v Wu Yi Development Co Ltd** (2015) 18 HKCFAR 364 一案中, 终审法院裁定香港法院无需跟随英国上诉法庭案件 *Seldon v Davidson* [1968] 1 WLR 1083 中之判决, 并裁定单以某人付款予某陌生人之事实, 无法作出该人有默示义务还款之推定, 因付款予他人本身可依据各种不同可能作出解释 (以张健利资深大律师为首)。
- (2) **Oriental Press Group v Fevaworks Solutions** (2013) 16 HKCFAR 366 是香港首宗关于网站是否需为网站用户在其网站发表具诽谤言论负责的案件 (以唐明治资深大律师为首);
- (3) **Oriental Daily Publisher Ltd v Ming Pao Holdings Ltd** (2012) 15 HKCFAR 299 是诽谤诉讼中如何确定赔偿数额的权威案件 (以唐明治资深大律师为首);
- (4) **Champion Concord Ltd v Lau Koon Foo** (2011) 14 HKCFAR 837 一案涉及对一份通过调解达成的和解协议的解释和对上诉庭的司法管辖权的质疑 (以庄施格资深大律师为首)。

最近, 吴大律师代表英皇集团主席杨受成博士成功反对谷歌 (Google Inc) 搁置传讯令状送达至香港司法管辖范围以外的申请 (**Dr Yeung Sau Shing Albert v Google Inc** [2014] 4 HKLRD 493; [2015] 1 HKLRD 26) 本案为杨博士向谷歌索偿的诽谤案件, 涉及到谷歌的自动整合功能, 是香港首宗同类案件。吴大律师最近亦参与了一宗备受瞩目的诽谤案件: **Jonathan Lu & Others v Paul Chan Mo-po & Another**, HCA 370/2012 (以韦浩德资深大律师为首)。

吴大律师于上诉庭案件 **Landune International Ltd v Cheung Chung Leung** [2006] 1 HKLRD 39 (CA) 担任答辩人代表大律师, 此案为香港公司法重要案件, 涉及股东是否能够提起对公司损失的申索的法律原则。



吴大律师亦于 **Golden Eagle International (Group) Ltd v GR Investment Holdings Ltd** [2010] 3 HKLRD 273 一案代表原告人。该案是香港首宗对《高等法院规则》新规定第22号命令第23及24条关于“附带条款和解提议”作出权威解释并刊于法律期刊的案例。

吴大律师对雇佣法及侵权法亦十分熟悉。在 **Sun Min v Hong Kong Ming Wah Shipping** (2006) 9 HKCFAR 49; [2005] 1 HKC 381 (CA); [2004] 2 HKC 1 一案，他成功代表一怀孕雇员向其雇主的无理解雇索偿。而在 **H v Lau Ka Yee Michael** [2006] 4 HKLRD 579 一案，则成功代表遭受性侵犯的受害人向一名前牧师及天主教香港教区索偿。此案是香港首宗同类型案件。

吴大律师于2015及2016年获委任为区域法院暂委法官。他亦为香港法律汇报与摘录 Hong Kong Law Report & Digest (自2005年起) 担任顾问编辑及为香港民事司法程序 Hong Kong Civil Procedure (自2002年起) 担任特约编辑。他亦曾担任香港案件 Hong Kong Cases 的副编辑。

学术方面，吴大律师毕业于香港大学，获颁法学士一级荣誉学位。他其后于美国耶鲁大学法律学院深造，获颁法学硕士学位。在香港大学，他更获颁 Simon Lee Medal in Laws

Expertise:

职务及任命

- 区域法院暂委法官 (2015年1月、2016年5月及2018年2月)
- 香港大学法学专业证书民事诉讼科目校外考试员 (2007年至今)
- 香港中文大学及香港城市大学法学专业证书民事诉讼科目校外考试员 (2015年至今)
- 香港大律师公会之大律师资格考试委员会主席 (2005年至今)
- 香港大律师公会执行委员会委员 (2002-2007年; 2009-2012年)
- 税务上诉委员会委员 (2005-2007年)

奖学金及奖项

- Yale Law School tuition waiver scholarship for LLM degree
- Sir Edward Youde Memorial Scholarship for Overseas Postgraduate Studies
- Simon Lee Medal in Law
- Baker & McKenzie Prize (for Law of Business Associations)
- Baker & McKenzie Scholarship for International Summer Clerkship
- Representative of Hong Kong in Jessup International Moot Court Competition in Washington DC
- Deacons Prize in Law
- Johnson, Stokes & Master Scholarship in Law
- Deacon's Prize for HKU Mooting Competition
- Sir Man Kam Lo/Jardine Scholarship
- Chan Kai Ming Prize

重要案件

Commercial and Company Law

- **Po Hang Building (IO) v Sam Woo Marine Works Ltd** [2016] 2 HKLRD 1068 (constitutionality of s.63B of the District Court Ordinance)
- **Big Island Construction (HK) Ltd v Wu Yi Development Co Ltd** (2015) 18 HKCFAR 364 (burden of proof and restitution)
- **Champion Concord v Lau Koon Foo** (2011) 14 HKCFAR 837 (challenge to the jurisdiction of the Court of Appeal; construction of a settlement agreement entered into as a result of mediation)
- **Golden Eagle v GR Investment** [2010] 3 HKLRD 273 (“sanctioned offers” provisions contained in O.22, rr.23 & 24, RHC)
- **Big Island Construction v Wu Yi Development** [2010] 2 HKC 356 (guidelines on the procedure and merits of an application for subpoena during the course of trial)
- **FBC Construction v Big Island Construction**, HCA 1363/2008; CACV 83/2009 (statutory derivative action; summary judgment application)
- **Ng Yee Wah v Lam Chun Wah** [2009] 2 HKLRD 427 (CA), FAMV 27/2009, (application for leave to appeal to the CFA; whether consent order gives rise to res judicata)
- **Choi Tak Lan v Ng Wing Hong**, CACV 267/2008; HCMP 2670-2672/2006 (validity of allotment of shares)
- **Chan Chi Ming v Brilliant Rise Container** [2009] 4 HKC 458 (CA); [2008] 1 HKLRD 648; [2008] 1 HKC 487 (construction of s.291AB of the Companies Ordinance-reinstatement of deregistered company; claim against solicitor for breach of warranty of authority)
- **Ever Joint v Nice Theme** [2006] 4 HKLRD 516; [2007] 2 HKC 101 (whether a derivative action can be brought or continued by a company which has gone into liquidation and whether the action should be stayed)
- **Landune International Ltd v Cheung Chung Leung** [2006] 1 HKLRD 39 (CA) (no reflective loss principle in company law)
- **Cheung Hon Wah v Cheung Kam Wah** [2005] 2 HKLRD 599 (application to amend s.168A petition based on post-petition events)
- **Cheung Kam Wah v Cheung Hon Wah** [2005] 1 HKC 136 (CA) (appeal against grant of an interlocutory injunction)

Defamation Law

- **Lu, Lu & Lu v Chan & Hui** [2015] 6 HKC 149 (defence of qualified privilege)
- **Dr Yeung Sau Shing Albert v Google Inc** [2014] 4 HKLRD 493; [2015] 1 HKLRD 26 (defamation claim against search engine; application to set aside service of the writ outside jurisdiction).
- **Jonathan Lu & Others v Paul Chan Mo-po & Another**, HCA 370/2012 (defamation jury trial)
- **Oriental Press Group v Fevaworks Solutions** (2013) 16 HKCFAR 366 (defamation claim against website host for defamatory postings by internet users)
- **Oriental Daily v Ming Pao** (2012) 15 HKCFAR 299 (quantum of damages in defamation cases)
- **Oriental Daily v Ma Chiu Sing** [2009] 2 HKLRD 558 (CA) (defamation claim - interlocutory injunction and contempt of court proceedings)

- **Lee Ching v Lau May Ming** [2007] 3 HKLRD 623 (defence of qualified privilege and malice)
- **Emperor Investments v SBI E-2 Capital Securities [2006]** 1 HKC 266 (forum non-conveniens)
- **Cutting De Hart v The Sun [2005]** 3 HKLRD 133 (defence of qualified privilege extended to the news media)
- **Lee Man Kin v Wong Mei Chun**, HCA 2876/2003 (defamation claim)

Property and Probate Law

- **Re Estate of Ma Shu Tau, deceased**, HCMP 35/2011 (represented the beneficiaries of a substantial estate in the administrators' Beddoe application)
- **Chan Chi Ming v Brilliant Rise Container Depot** HCA 1110/2003 (claim for possession of land)
- **First View Development v Pat City**, HCA 2071/2006 (requisition on title)
- **The Incorporated Owners of Tsuen Wan Garden v Prime Light** HCA 1526/2006 (claim to enforce a deed of mutual covenant)

Employment Law

- **Sun Min v Hong Kong Ming Wah Shipping (2006)** 9 HKCFAR 49 (CFA) (claim by pregnant employee for damages for wrongful termination of employment)
- **Lui Lin Kam v Nice Creation Development [2006]** 3 HKLRD 655 (meaning of continuous contract under the Employment Ordinance)
- **Sun Hiu Lan v Leung King Catering [2004]** 3 HKLRD 953 (continuity of employment)

Tort Law

- **H v Lau Ka Yee Michael [2006]** 4 HKLRD 579 (claim by a victim of sexual abuse against a former priest and the Catholic Diocese of Hong Kong)

出版物及讲座

- Consultant Editor - Hong Kong Law Report & Digest (since 2005)
- Contributing Editor - Hong Kong Civil Procedure (since 2002)
- Associate Editor - Hong Kong Cases (2000-2006)