

Chua Guan-Hock SC

Marlborough College, Wiltshire, England (1978 - 1982)
Open Exhibitioner in History to read Law, Gonville & Caius
College, Cambridge University
BA (Cantab) in Law 1986, MA (Cantab) in Law 1990

Year Of Call:

1987 (England and Wales)
1987 (Hong Kong)
1994 (Singapore)
2003 (Hong Kong Inner Bar)

Practice Areas: Administrative and Public Law, Chancery,
Commercial Law, Tax Law, Company Law, Tax Law,
Chancery and Mental Health, Insurance Law, Employment
Law, Land Law



My practice covers advocacy and advisory work in three main areas: commercial litigation (including insurance, and employment matters), company work, and tax and Chancery matters. I also give expert opinions from time to time on Hong Kong law for use in overseas courts and tribunals.

Over the past 30 years, my practice has included appearing and advising in heavy commercial and company matters, notably in the Court of Final Appeal in **ADS v. Wheelock Marden & Others** (2000) 3 HKCFAR 70, (2001) 2 BCLC 324, after one of Hong Kong's longest civil trials lasting 14 months. Over the years, I have worked with many leading Silks from London and Hong Kong in a wide variety of matters including in my main practice areas above.

Directory Quotes:

'Very diligent and good advocate, he is exceptionally good for technical matters.' Chua, Guan-Hock SC receives his plaudit as a Leading Silk for Commercial Disputes.

Legal 500 Asia Pacific HK Bar (2021)

Chua Guan-Hock, S.C. of Des Voeux Chambers works on a wide range of matters including tax and shareholders disputes. He is described as a "very diligent and good advocate" with one source writing that "he probably looks at details more than any other practitioner in Hong Kong" (Chambers & Partners 2016, Commercial Dispute Resolution).

He is commended by sources for his effective handling of matters, ... being "very helpful, thorough and measured" in his approach. He is active across a broad range of corporate,

commercial, and financial issues.”

Chambers & Partners Asia Pacific (2009-2017) & Chambers Global (2018)

Expertise:

Memberships & Appointments

- Deputy Judge of Court of First Instance, December 2008 onwards and time to time
- Chairman, Appeal Board Panel (Town Planning)
- Chairman, Barristers’ Disciplinary Tribunal
- Deputy Chairman, Telecommunications (Competition Provisions) Appeal Board
- Deputy Chairman, Administrative Appeals Board (from August 2020)
- Member, Higher Rights Assessment Board
- Bar Council Member (1999-2002), Hong Kong Bar Association
- Governor of Marlborough College Malaysia, Iskandar, Malaysia (2012 to date)

Selected Cases

Commercial litigation and Company litigation

- ***ADS v. Wheelock Marden & Others*** (2000) 3 HKCFAR 70, [2001] 2 BCLC 324. The leading Hong Kong authority on fraudulent trading under *s.275 Companies Ordinance*, and on misrepresentation. Appeared with David Oliver Q.C., following C.A.’s decision ([1998] 3 HKC 153) where I appeared with Robert Ribeiro S.C. (as he then was). And was Junior to Robert Kotewall S.C. at trial which lasted 14 months.
- ***Re Wong To Yick Wood Lock Ointment Ltd*** [2003] 1 HKC 484 (C.A.). A leading authority in shareholders’ disputes seeking winding-up and alternative remedy for unfairly prejudicial conduct, and striking out a winding up prayer.
- ***Manufacturers Life Insurance of Canada v. Harvest Hero International Ltd & Others*** [2002] 1 HKLRD 828 (C.A.). A leading case on Norwich Pharmacal relief in Hong Kong in aid of potential foreign proceedings.
- ***AXA Versicherung AG v. Hong Kong Housing Authority*** FAMV 3/2006, 1 March 2006. Appeared in Court of Final Appeal to successfully obtain leave to appeal on question of great general or public importance: whether a claim against a foreign insurer, solely for costs, is within *O.11 R1(1)(c)* for service out of jurisdiction on a necessary or proper party. Appeared with Michael Thomas S.C. Appeared in C.A. [2006] 1 HLRD 316, and High Court [2005] 1 HKLRD 801.
- ***New World Harbourview Hotel Co. Ltd. v. ACE Insurance Ltd*** (2012) 15 HKCFAR 120. A leading Court of Final Appeal authority on the interpretation of business insurance policies, involving claims for business interruption losses resulting from the SARS outbreak. Appeared with Benjamin Yu SC. Also appeared in C.A. [2010] 5 HKLRD 133, and High Court [2010] 2 HKLRD 744.

- ***Re Asia Television Limited*** [2015] 1 HKLRD 607. Acted for minority shareholder in well publicised unfair prejudice petition under *s.168A Companies Ordinance* concerning proper corporate practice and requirements of free television station licence. Obtained exceptional relief whereby majority shareholders were ordered to sell majority stake.
- ***Shih Hua Investment Co Ltd v. Zhong Aidong*** [2017] 3 HKC 393 Acted for 50% shareholder on petition on unfair prejudice and just and equitable winding up. Obtained exceptional interim relief, to reconstitute board of directors with independent professionals.

Tax and Chancery litigation

- ***Arrowtown Assets Ltd v. Collector of Stamp Revenue*** (2003) 3 HKCFAR 517. The leading Hong Kong authority on the interpretation of tax statutes, the Ramsay doctrine of fiscal nullity, and stamp duty relief for intergroup transfers under *s.45 Stamp Duty Ordinance*. Appeared with David Goldberg Q.C.
- ***C.I.R. v. Kwong Mile Services Ltd*** (2004) 7 HKCFAR 275. A leading authority on source of profits under *s.14 Inland Revenue Ordinance*. Appeared with Robert Kotewall S.C.
- ***C.I.R. v. Datatronic*** [2009] 4 HKLRD 675 (C.A.). A leading case involving manufacturing profits under *s.14 Inland Revenue Ordinance*.
- ***C.I.R. v. Wardley Investment Services Ltd.*** [1992] 3 HKTC 703 (C.A.). An important source of profits authority on commissions paid by overseas brokers to investment advisers.

Chancery and Mental Health Litigation

- ***Re Estate of Au Kong Tim (No. 3)*** [2017] 4 HKLRD 284. Appeared in 3 weeks probate trial to successfully propound will of testator aged 92, with large estate. Established due execution by assisted or guided hand, testamentary capacity, and knowledge and approval. Appeal allowed by C.A. ([2018] 2 HKLRD 864) concerning testamentary capacity on grounds not raised by Plaintiffs. Application for leave to appeal declined by C.F.A. with important judgment concerning evidence and proof of testamentary capacity : [2018] HKCFA 61.
- ***Re LMSP***, HCMH 48/2007. Acting for and advising professional Committee on various issues including potential statutory will, obtaining information and documents relating to MIP's overseas assets in the P.R.C., and potential legal action on MIP's behalf against some family members. Advised on and obtained court sanction for approval of compromise of commercial litigation concerning MIP.
- ***Re BKR*** [2015] 4 SLR 81 (C.A.). The leading Singapore authority on elder abuse by the exercise of undue influence over those with mental impairment, triggering the Court's Mental Health jurisdiction. Worked with London Queen's Counsel and Singapore Senior Counsel on research, and preparing Submissions for the Singapore CA, including on the assessment of divergent expert medical evidence; the appointment of Deputies, whether professional or otherwise, concerning a MIP's property and affairs; and on successfully obtaining indemnity costs.

Publications

- Contributing Editor, Halsbury's Laws of Hong Kong Vol. 46 Taxation and Revenue (2nd Edition, 2016 Reissue)
- Consultant Editor, Lexis Practice Guidance - Hong Kong Taxation
- Contributing Editor, Hong Kong Civil Procedure, 2002 to date

Languages

English and spoken Cantonese