

Connie Lee

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Year Of Call:

2009 (Hong Kong)

Practice Areas: Arbitration , Company Law and Insolvency,
Commercial Law, Competition Law, Employment and Anti-
Discrimination,



Connie obtained double First Class Honours in both BSS (Govt. & Laws) and LLB at the University of Hong Kong as well as her master degree in Bachelor of Civil Law at the University of Oxford.

She was awarded the Bar Scholarship before she joined Chambers in 2009.

She has a broad practice in commercial litigation and arbitration including those with cross-border elements and with particular experience in company and insolvency matter. She regularly represents liquidators and trustees in bankruptcy in insolvency related proceedings.

She also advises on regulatory investigations and competition law matters. She has experience in representing directors of Listcos in disciplinary proceedings of the Hong Kong Stock Exchange (both before the Listing Committee and the Listing Appeal Committee). She represented the SFC in the first trial for reversing an IPO (over a HK\$1 billion buy-back offer) : **SFC v. Hontex International Holdings** CACV 128/2012 & HCMP630/2010. Recently, she is representing a Listco to stay and review the Insurance Authority's decision to appoint managers to take over the largest taxis insurer in Hong Kong: **Target Insurance (Holdings) Limited v. Insurance Authority** ITA/1/2022.

Since 2016, she has been appointed to the Competition Commission's Panel of External Counsel. She represented one of the parties in the first trial on market sharing and price-fixing as well as the first determination of penalty and its appeal in Hong Kong: **Competition Commission v. W. Hing Construction Company Limited & Ors**, CTEA 2/2017.

She is also the exclusive winner of Lexology's Client Choice Award 2022 - Hong Kong - Competition.

Connie also sits as an arbitrator in both administered and *ad hoc* arbitrations. Since 2018, Connie has

been regularly appointed to sit as a Deputy District Judge and Temporary Deputy Registrar of the High Court. Currently, she also serves on 6 administrative and quasi-judicial boards and tribunals.

Directory Quotes:

Connie Lee of Des Voeux Chambers handles a wide range of civil and commercial matters, receiving regular instructions on company and insolvency-related mandates, but attracting a particularly high level of positive notice for her increasing body of work in the competition sphere.:

"I find Connie very confident, user-friendly and responsive; she works well in a team and has very mature client-handling skills for someone of her seniority. I am also particularly impressed by the tactical, practical and commercial advice which she gives. She takes ownership of her cases and has very considerable trial and arbitration experience in her own right."

"She's responsive, helpful and professional; she punches above her weight and is great value for money. She's a clear intellectual who you can always depend on for a complicated point of law."

"She has exceptional analytical skills and complex legal points are always presented in a clear and precise manner. She is always able to take into consideration the commercial and practical aspects and provide different solutions on how to proceed."

Chambers and Partners Greater China Region (2023)

Connie Lee is recognized as a Leading Junior for Commercial Disputes and Competition Law:

"Connie impresses as a very able and hard-working junior with a profound knowledge of the law."

"Connie is a gifted competition lawyer. She combines deep technical knowledge with an astute strategic approach to cases."

Legal 500 Asia Pacific HK Bar (2023)

Connie Lee has been involved in "a number of ground-breaking competition cases," and she has a "good competition law niche." She is praised for being "realistic and concise in her

approach, bringing a good deal of positive energy to a case," and "very sound in terms of advocacy." Connie is active in a "wide range of civil and commercial matters, receiving regular instructions on company and insolvency-related mandates.. and her increasing body of work in the competition sphere"

Chambers and Partners Greater China Region (2022)

Connie Lee is recognised as a Leading Junior for Commercial Disputes:

Connie is 'a clear thinker' with 'considerable knowledge and experience in competition law';

"Connie stands out for her calm and clear approach as an advocate. She has a steady, reassuring manner, and combines sound analysis with good practical insights. She is eloquent in court and her submissions are very persuasive.' Connie Lee is recommended as a Leading Junior for Competition."

"A bright and confident junior with outstanding judgement and analytical skills. She has a realistic and tactical approach to cases. A brilliant advocate."

Legal 500 Asia Pacific HK Bar (2022)

"With outstanding advocacy skills and great stamina, she can skillfully put forward concise and persuasive arguments to the judges in court or the arbitrator in an eloquent and efficient manner. Connie Lee represented a contractor in the Competition Commission v W. Hing Construction Company case. She has been involved in the first ground-breaking cases in competition law in Hong Kong, quickly becoming one of the go-to barristers in this area - she is well positioned to take the market by storm." Connie Lee receives plaudits as a Leading Junior for Commercial Disputes and Competition Law.

Legal 500 Asia Pacific HK Bar (2021)

Expertise:

Selected Cases

Competition:

- ***Competition Commission v. W. Hing Construction Company Limited & Ors***, the first

case on market sharing and price fixing as well as determination of penalty in Hong Kong; see: [2018] 5 HKLRD 437; [2019] 3 HKLRD 46 & [2020] 2 HKLRD 1229; the first appeal on the determination of penalty and costs, see: [2022] 3 HKLRD 84.

- ***Competition Commission v. T.H Lee Book Company Limited & Ors*** CTEA 2/2020, acting for two parties including an individual in an enforcement action on alleged price fixing and bid-rigging involving textbooks for secondary schools in Hong Kong. (led by Ms. Maggie Wong S.C)
- ***Competition Commission v. Quadiant Technologies HongKong Limited & Ors*** CTEA 1/2021, acting for a respondent in an enforcement action on alleged price fixing, market sharing and/or bid-rigging in relation to the sale of inserter machines in Hong Kong.

Company & Insolvency:

- ***Re Samwell Spare Parts Ltd*** [2022] HKCFI 2851, acted for the opposing creditors in an application to convert the creditors' voluntary liquidation into a compulsory liquidation.
- ***New Winning Finance Co. Ltd (In Liquidation) v. New Shine Group Ltd*** [2023] HKCA 156 & [2022] HKCFI 2072, acted for the Liquidator of the Petitioner and obtained a winding up order despite the existence of arbitration clause in the underlying loan agreements.
- ***Re: Yeung Man*** [2022] HKCFI 1472, acted for the Liquidator of the Petitioner in obtaining a bankruptcy order.
- ***Joint and Several Liquidators of GMF Finance Ltd v. Clourtier Guy Evon*** [2019] HKCA 105 & [2018] HKCFI 366, acted for the Liquidators in enforcing a facility letter and charge involving arguments on breach of the Money Lenders Ordinance. (Cap 163.)
- ***Re: Peking Fur Factory (Hong Kong) Limited*** [2019] HKCFI 2141, represented in the Liquidators in a stay of voluntary winding up under section 228A of Cap. 32
- ***Re: WDI International (HK) Limited*** HCA1973/2012 (Judgment dated 21.3.2017), grant of Wallersteiner Order after the conclusion of the derivative action.
- ***Re: Asia Television Limited*** HCCW 39/2016, acted for the Protection of Wages on Insolvency Fund Board in the winding up petition of a local television broadcaster.
- ***Re: Everglory Energy Limited*** HCCW 198/2016 (Judgment dated 20.7.2016), a shareholders' petition involving application for urgent injunctive relief and opposing application for validation order (led by Mr. Ronny Tong S.C) and obtained an interim order to reconstitute the Board (led by Mr. Chua Guan-Hock S.C); see [2017] 3 HKC 393.
- ***Convoy Global Holdings Limited v. Cho Kwai Chee Roy & Ors*** HCA2922/2017, acted for one of the directors in the claim arising out of Convoy's HK\$2.8 billion stock placement exercise.
- ***Re: Chang Hyun Chi*** HCB5227/2006 (Judgment dated 12.5.2017), represented the Trustees in Bankruptcy in an application to challenge the constitutionality of sections 27 and 29 of the Bankruptcy Ordinance.
- ***Re: Lau William John*** [2016] 2 HKLRD 404, acted for the Trustees in Bankruptcy in respect of a removal application.
- ***Re HNA Group Co. Ltd*** [2014] 4 HKLRD 463, costs upon withdrawal of a winding up petition.

- **Re: Pedagogic Innovations Limited** [2014] 1 HKLRD 613, stay of voluntary winding up under section 228A of Cap. 32 (with Mr. José-Antonio Maurellet S.C).
- **Re Pacific Bulk Shipping Ltd** HCMP 1244/2015, acted for the Receivers applying for interim relief and declaratory relief as to the validity of their appointment.
- **Re Hairun Media Group Limited** HCMP3045/2014, deferring the dissolution of the Company under section 239(4) of Cap. 32.
- **Re Xi Yu HCB** 2847/2014, annulment of bankruptcy order pursuant to section 33(1)(b) of the Bankruptcy Ordinance.
- **Re: Surani Bhupendra Jivarajbhai** HCB 12522/2009, acted for the Trustees in Bankruptcy and obtained an order for the defer of the discharge of the Bankrupt under section 30A of the Bankruptcy Ordinance.
- **Re: Ng Tze Ching** HCB 5883/2006, order for sale under section 60 of the Bankruptcy Ordinance.
- **Chan Yu Ling Abraham & Ors v. Purapharm International Ltd** HCMP2148, 2149, 2151, 2153 to 2158/2013, clarified the difference between inadvertence and indifference in granting relief under sections 111(2) and 122(1B) of the former Companies Ordinance for the failure to hold AGMs and/or to lay the accounts.
- **Re SNE Engineering Company Ltd** HCCW 308/2012, striking out of a winding up petition (with Mr. José-Antonio Maurellet);
- **Shagang Shipping Co. Ltd v. Guofeng Enterprise Group Ltd** HCMP536/2012, injunction to restrain the presentation of the winding up petition (with Mr. José-Antonio Maurellet).
- **Re Fexon Enterprises Ltd** HCMP 2239/2012, inspection of documents under section 152FA of the former Companies Ordinance.
- **Re Willwin Development (Asia) Company** HCMP 2076/2012, application to convene general meeting under section 114B of the former Companies Ordinance.
- **Re-Wheelock Properties Ltd** [2010] 4 HKLRD 857, confirming a scheme of privatization.

Civil & Commercial Including Asset Tracing & Defamation:

- **Gorgeous Investment Group Holding Co. Ltd v. Industrial Bank Co. Ltd & Ors** [2021] HKCFI 1966 & [2022] HKCFI 81, acted for a Chinese bank listed on the Shanghai Stock Exchange in enforcing a facility of over HK\$800 million and share charge concerning 43.65% of a Hong Kong Listco (led by Mr. Jose Maurellet S.C).
- **Lo Kar Lee Kelly v. Spiriant Asia Pacific Ltd** [2021] 3 HKLRD 461, stay of proceedings by reason of an exclusive jurisdiction clause in standard form contracts.
- **Arrows Ecs Norway AS v. M Yang Trading Limited** [2018] 5 HKC 317, summary judgment in respect of a claim over US\$4 million concerning the novel issue of whether illegality will defeat the change of position defence.
- **New World TMT Limited v. Zhou Yipei & Ors** HCMP115/2017, HCA 1954/2015, HCMP1258/2015 & HCMP 1911/2015, represented the Plaintiff, a Hong Kong-listed

conglomerate in enforcing a foreign judgment of over US\$4 billion and obtaining Norwich Pharmacal relief as part of a multi-jurisdiction asset recovery exercise.

- ***Hoi Tin Tong Co. Ltd v. Choy Kwok Keung*** HCA 1755/2013, represented a former shareholder/business partner in a libel claim for a sum of more than HK\$131 million by a well-known herbal chain in Hong Kong and PRC (led by Mr. Paul Lam S.C in the 11-day trial; see: [2021] HKCFI 2888). See also: Judgment dated 4.8.2017 which confirmed that existence of other claims in the same libel action does not take away the right to jury trial.
- ***Leung Chi Ching Candy v. Yeung Hon Sing*** [2021] 5 HKLRD 684, represented the Plaintiff in recovering damages of over HK\$400,000 in a libel claim after a 8-day trial. Connie also represented the same party in the appeal by the Defendant.
- ***Oriental Press Group Limited v. Inmediahk.net. Ltd*** [2012] 2 HKLRD 1004, acted for the plaintiff in a libel trial in respect of publications on websites and obtained Norwich Pharmacal relief.
- ***Leung Pik Wa v. Poh Po Lian & Luck Continent Limited*** HCA 681/2011, trial concerning the beneficial ownership of around 46.2% shares of a Hong Kong listed company (led by Dr. William Wong S.C).
- ***Leung Po Po v. Olympic Leader International Ltd*** [2016] 2 HKLRD 1178, confirming the Court has jurisdiction and power to order an agent of a party to answer interrogatories
- ***Value Capital Ltd v. Ke Jun Xiang*** [2011] 1 HKLRD 1011, principles on conditional delivery of bills of exchange.
- ***Goei Tsusho Co. Ltd v. Leader Engineering & Construction Ltd and Anco-Tech (H.K)*** [2010] 2 HKLRD 1084, an appeal involving principles on ostensible authority (appearing with Mr. Anson Wong).
- ***Source Smart Asia Limited v. New Element Garment Limited*** CACV 267/2009, an appeal concerning the chain of causation of damage in a sales of goods claim (appearing with Mr. Anson Wong)

Employment & Anti-Discrimination:

- ***Mak Wai Man & Ors v. Richfield Realty Limited*** HCLA 28 to 31/2015, an appeal from the Labour Tribunal which considered for the first time the deduction sub-sections 35(4)/41(6)/41C(6) of the Employment Ordinance Cap. 57 since their enactment in 2007 (led by Mr. Anson Wong S.C). See also: [2019] 2 HKLRD 759, the retrial which applied the deduction sub-sections and held that team-based commission and bonus paid to an employee are deductible from the statutory entitlements of holiday pay.
- ***Lit Yu Yau & Chung Cheuk Wai v. Richfield Realty Limited*** HCLA 23/2012, an appeal from the Labour Tribunal concerning a claim for payment of bonus.
- ***Tung Lai Lam v. Oriental Press Group*** DCEO 6/2011, striking out a claim for discrimination by way of victimization brought under section 7 of the Disability Discrimination Ordinance. (Cap 487.)

- ***H v. The Sun News Publisher Limited*** DCEO 1/2013, trial involving a vilification claim brought under section 46 of the Disability Discrimination Ordinance.
- ***L v. Oriental Press Group*** DCEO 3/2014, striking out a vilification claim brought under sections 46 & 49 of the Disability Discrimination Ordinance.
- ***Ho Yuk Yee v. Secretary For Justice for and on behalf of Director of Food and Environmental Hygiene & Anor*** DCEO 1/2017, acting for the claimant in a claim against previous employer for disability discrimination, harassment, vilification and victimization which included allegations of refusal to investigate continuing acts of discrimination and institutional discrimination on the part of the employer.

Arbitration:

- Acting in an arbitration concerning a claim of over US\$80 million under a series of facility agreements and guarantees (ICC Rules)
- Acting in an arbitration concerning a counterclaim of over US\$35 million under a series of contracts for the sale of nickel (ICC Rules)
- Acting for BVI investors in an arbitration concerning a share redemption agreement (HKIAC Rules)
- Acting for a Hong Kong company and its related companies and ultimate controllers in an arbitration conducted in Chinese involving a series of investment agreements (HKIAC Rules)
- Acted for an IT solution company in a 10-day arbitration concerning a claim of over HK\$20 million and a counterclaim of HK\$18 million under the contract for implementing a new IT system for a first tier bank in Hong Kong (HKIAC Rules)
- Acted for two foreign investors in enforcing the convertible loan agreements and related securities against a Hong Kong company (HKIAC Rules)
- Acted in an arbitration in enforcing a shareholders' agreement (HKIAC Rules)
- Acted for an ultra high net worth individual in two related 11-day arbitrations defending against a claim of over US\$24 million involving allegations of validity of guarantee and fraud. (led by Dr. William Wong S.C) (HKIAC Rules)
- Acted for the creator and format licence owner of the well-known television singing contest and obtained an urgent interim injunction in aid of arbitration against its former licensees in China, Hong Kong and Macau and also enforced the final arbitral award in the Hong Kong Court (led by Ms. Winnie Tam S.C., JP)
- Acted for Chinese real estate developers in a 7-day international arbitration involving a counter-claim of over US\$500 million and applied for an interim injunction before the arbitration was commenced (led by Mr. Clifford Smith S.C). (UNCITRAL Rules)
- ***1955 Capital Fund 1 GP LLC & Anor v. Global Industrial Investment Ltd*** [2020] HKCFI 956, enforcing a New York Convention award in the sum of US\$9.3 million (led by Mr. José-Antonio Maurellet S.C).

For a more complete list of cases in which Connie appeared as Counsel, please visit the Judiciary

Website at <http://legalref.judiciary.gov.hk/lrs/common/ju/judgment.jsp>; where you can access the list by using the advanced search function.

Memberships and Appointments

Statutory Board/Tribunal, Advisory Panels

- Temporary Deputy Registrar of the High Court (2020 & 2022)
- Deputy District Judge (2018, 2019, 2021 & 2023)
- Member of the Appeal Panel (Estate Agents Ordinance) since January 2021
- Chairman of Appeal Boards (the Entertainment Special Effects Ordinance) from June 2020
- Chairman of the Appeal Panel (Housing) since February 2020
- Member of the Board of Review (Inland Revenue Ordinance) since January 2020
- Adjudicator of the Immigration Tribunal since October 2019
- Chairman of the Appeal Tribunal Panel (Buildings) since December 2018
- Panel of External Counsel to the Competition Commission since 2016

Arbitration Related

- Member of the HKIAC List of Arbitrators
- Member of the Panel of Arbitrators of NAC, SHIAC and SHAC
- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Fellow, Arbitrators' and Mediators' Institute of New Zealand INC
- Member of the Executive Committee of the Women in Arbitration initiative (WIA) appointed under the auspices of the HKIAC since 2020

Hong Kong Bar Association

- Vice Chairman, Hong Kong Bar Association, Committee on Competition Law
- Member, Hong Kong Bar Association, Committee on Company Law (2018)

Scholarships and Awards

- The Bar Scholarship (2008)
- The Middle Temple Scholarship (2008)
- Peter Vine Postgraduate Law Scholarship (2007)
- HKU Worldwide Undergraduate Exchange Scholarship (2005)
- HKU Dean's Honours List (2005)
- S.P.C.S (Toronto) Alumni Scholarship (2002)

Publications, Lectures, Talks

Journal Articles

- “Competition law enforcement: What can we learn from the first two competition law enforcement actions in Hong Kong?” The December 2019 edition of CSJ, the journal of the Hong Kong Institute of Chartered Secretaries published by Ninehills Media Limited (co-authored with Tommy Cheung)
- Unjust Enrichment and Illegality: “Innocent” Wrongdoing and Its Implications For The Change of Position Defence – DBS Bank v. Pan Jing: [2021] LMCLQ 51 (co-authored with Joshua Yeung)
- Reconsidering the ‘Conduit Pipe’ Defence to Unjust Enrichment Claims for Intermediary Recipients; The Chinese Journal of Comparative Law, (2021);, cxab007 (co-authored with Joshua Yeung)

Practitioners’ Texts

- Contributing Editor to Hong Kong Company Law Cases (2008 - 2019) - published in 2020 by DVC in collaboration with Kluwer
- Contributing Editor, *Hong Kong Civil Procedure (the “White Book”)* (Sweet & Maxwell) since 2015
- Contributor, Lexis Practical Guidance – Dispute Resolution
- Annotator, Annotated Ordinances of Hong Kong – Family Status Discrimination Ordinance Cap. 527 (2018 Reissue)
- Annotator, Annotated Ordinances of Hong Kong – Disability Discrimination Ordinance Cap. 487 (2018 Reissue)
- Annotator, Annotated Ordinances of Hong Kong – Labour Tribunal Ordinance Cap. 25 (2020 Reissue)

Spoken Language

Cantonese, English, Putonghua