

Ebony Ling

LLB (2009) (First Class Honours), University of Hong Kong
PCLL (2010) (Distinction), University of Hong Kong
BCL (2011), University of Oxford

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Year Of Call:

2012 (Hong Kong)

Practice Areas: Administrative and Public Law, Arbitration , Mediation, Chancery, Commercial Law, Company Law and Insolvency, Competition Law, Employment and Anti-Discrimination, Intellectual Property, Land & Planning Law, Conveyancing & Property, Property & Trusts, ,



Ebony graduated from the University of Oxford and the University of Hong Kong. She ranked first in her LLB class and has received numerous scholarships and awards, including the Bar Scholarship and Charles Ching Memorial Scholarship.

She has a broad commercial and civil practice, with particular interest in land disputes, company and insolvency matters, property and trusts claims, as well as regulatory and public law cases. In addition to appearing in arbitrations regularly, she is an HKIAC Arbitrator.

Ebony serves as a member of the Appeal Board (Hotel and Guesthouse Accommodation), Appeal Board (Clubs (Safety of Premises)) and Appeal Board (Bedspace Apartments). She also sits as a Deputy Adjudicator in the Small Claims Tribunal regularly.

Expertise:

Selected Cases

LAND LAW

- *City Season Ltd v Appeal Tribunal (Buildings)* (HCAL 384/2019) Defended the Appeal Tribunal (Buildings) in a judicial review against its determination relating to a signboard
- *Wan Kwok Leung v Director of Lands* [2019] 1 HKLRD 1129 Represented the Director of Lands in applications for determination of the amount of compensation for the lands resumed under the Lands Resumption Ordinance (Cap 124)

- *Kong King Ong Alexander v Kan Heung Wing & Ors* [2013] 1 HKLRD 1136 Defended a striking-out application relating to the answering of requisitions by a vendor of a property (led by Mr. William Wong S.C.)
- *The Incorporated Owners of Foo Hoo Centre v Hong Kong Alliance in Support of Patriotic Democratic Movements of China* (HCMP 1037/2014) Represented the Incorporated Owners in an application for an injunction to restrain the Defendant from using the subject property as a memorial hall and/or exhibition hall, whether under the name of “June 4th Museum” or otherwise (led by Mr. Daniel Fung S.C.)
- *The Incorporated Owners of Garden Vista v Chen Jin Ru Catherine* (DCMP 3241/2014) Represented the Incorporated Owners in an application for an order for sale of the subject properties as a result of the Defendant’s failure to pay renovation funds
- *Man Choi Yuk v Secretary for Justice* (DCCJ 5162/2017) Represented the Secretary for Justice in striking out the Plaintiff’s claim which claimed possession of the disputed land on the ground that it disclosed no reasonable cause of action
- *Chea Shiu Chow v Cheung Chit Chiu & Ors* (HCA 1346/2012) Represented the Plaintiff in an adverse possession claim in resisting an application for the intervener to be made a party to the action
- *Chiang Hsiu Ying Monic v So Kwok Kee John* (DCCJ 3163/2015) Represented the Defendant in a water leakage case
- *Lin Ren Xiang v Hui Kam Fong* (HCMP 1558/ 2015) Represented the Plaintiff in its claim for possession of certain premises (led by Mr. William Wong S.C.)

COMPANY AND INSOLVENCY

- *Re Wheelock and Company Ltd* (HCMP 359/2020) Represented the Company in an application for its privatization and reduction of capital
- *Re Gold Glory Holdings Ltd* (HCMP 557/2014) Represented the Plaintiff in its application for an order directing the Registrar of Companies to rectify certain information of the company on the Companies Register
- *China Star Enterprise Hong Kong Ltd v Tony Hung Wing San & Ors* [2013] 5 HKLRD 271 Defended an appeal relating to the validity of a resolution of the company and interpretation of Table A regulations
- *China Star Enterprise Hong Kong Ltd v Tony Hung Wing San & Ors* (HCCW 350/2011) Defended an application for stay pending appeal and obtained a variation of the costs order nisi to an indemnity costs order against the Petitioner
- *China Star Enterprise Hong Kong Ltd v Tony Hung Wing San & Ors* (CACV 241/2012 & CACV 41/2013) Obtained security for costs on appeal
- *Re Golden Star Expo (HK) Ltd; Re Du Yuying; Re Khullar Vinod Vijay* (HCCW 256/2013; HCB 6615/2013; HCB 6616/2013) Represented the Bank of India in obtaining winding-up order and bankruptcy orders against the debtors
- *Li Bao Tian v Poon Kai Kit* (HCSD 23/2015) Defended an application for setting aside a statutory demand

- *Re Vision Wealth Engineering Co Ltd* (HCCW 256/2016) Represented the Petitioner in an application for validation order
- *Liu Jinjing & Anor v Wai Hing Enterprises Ltd* (HCMP 2915/2014; CACV 278/2015) Represented the Defendant company in successfully defending an application for registration as a shareholder of a company concerning the interpretation of sections 158 to 160 of the Companies Ordinance (Cap 622) and Articles 5, 6, 12 of the Table A Articles (led by Mr. William Wong S.C.)
- *Re The Grande Holdings Ltd* [2013] 4 HKLRD 353 Represented a creditor in a winding-up petition (led by Mr. Charles Sussex S.C.)
- *Hansen International Ltd v High Fashion Apparel Ltd* (HCA 1724/2014) Represented the Plaintiff in a dispute between shareholders of corporate group engaged in garment sales and distribution business involving breach of shareholders' agreement (led by Mr. Jenkin Suen)
- *Marrakesh Investments Ltd v Tangiers Holdings Ltd & Anor* (HCCW 307/2016) Represented the Petitioner in an application for appointment of interim receivers (led by Mr. Barrie Barlow S.C.)
- *China Star Enterprise Hong Kong Ltd v Tony Hung Wing San Tony* [2012] 5 HKLRD 290 Applied for a court-ordered meeting under section 114B(1) of the Companies Ordinance, and obtained a declaration that a resolution of the company was validly passed, and resisted a striking-out application, in a case relating to the interpretation of Table A regulations. Also represented the Respondent in the trial of a winding-up petition (led by Mr. Jenkin Suen)

PROPERTY & TRUSTS

- *Tiffany & Co. of New York Ltd v King's Diamond Trading Co & ors* (HCA 409/2020) Represented the Defendants diamond traders in Tiffany & Co.'s claim against them in respect of the title over a 9-carat diamond and a 7-carat diamond allegedly stolen by a third party from Tiffany & Co.
- *Grandtech Systems Ltd v Chau Kwok Wai Marco* (HCA 2317/2013) Applied for a proprietary injunction and Mareva injunction in a misappropriation of goods case
- *Li Ping Chun & Anor v Liang Tonghua* (HCA 745/2011) Represented the Plaintiffs in a 10-day trial in a trust claim
- *Komal Patel & Ors v Chris Au & ors* (HCA 183/2014) Represented the Plaintiff in a dispute over beneficial shareholding of company which owned and operated high-end restaurant business through various subsidiaries
- *Liu Wai Keung v Liu Wai Man* [2015] 1 HKLRD 490 Represented the Respondent in an appeal involving the construction of "trust property... in the possession of the trustee" under section 20(1)(b) of the Limitation Ordinance (Cap 347) (led by Mr. William Wong S.C.)
- *Allied Success Creation Ltd v Cheung Hon Kuen & Ors* (HCA 451/2010) Represented the Plaintiff in a trial involving breaches of fiduciary duties and misrepresentations by estate agents (led by Mr. Douglas Lam S.C.)
- *Charter Port Ltd v Hui Kam Fong Wendy* (HCA 632/2015) Represented the Plaintiff company in claiming against its former director for unauthorised withdrawals and misappropriations (led by

Mr. William Wong S.C.)

- *Pacific Cable Wire & Electric Co Ltd v Texan Management Ltd & Ors* (HCCL 18/ 2009) Represented various parties in a costs hearing (led by Mr. Charles Hollander Q.C. and Mr. William Wong S.C.)

BANKING & FINANCE

- *Jessop & Baird (Hong Kong) Ltd v The Hongkong Shanghai Banking Corporation Ltd* [2016] 5 HKLRD 521 Successfully intervened in an application for an order that HSBC's records for the company's bank account be updated to reflect the change in management of the plaintiff company with an attendant change in authorised signatories
- *DBS Bank (Hong Kong) Ltd v Ng Chip Choi Maurice* (HCA 140/2014) Represented the Bank in its application for summary judgment against the Defendant
- *CMA CGM SA v Ng Chip Choi Maurice & Anor* (HCA 2018/2013) Represented the DBS Bank in its application to strike out the Plaintiff's claim for mistaken payment
- *Bank of China (Hong Kong) Ltd v Leigh Hardwick* (HCA 1110/2006) Represented the Defendant in an action concerning a guarantee

COMMERCIAL

- *Elite Dragon Ltd v Bel Global Resources Holdings Ltd* (HCCL 8/2014) Represented the Plaintiff in a dispute concerning the purchase of a mine in Indonesia (led by Mr. Simon Westbrook S.C.)
- *Sunny Securities Investment Ltd v Benelux Manufacturing Ltd* (HCA 1801/2005) Represented the Plaintiff in a dispute in a sale of shares
- *Shenzhen Top-tech Industrial Co Ltd v Shipair Express (HK) Ltd* (HCA 1137/2012) Represented the Plaintiff in a conversion claim
- *Yui Chung Yin v Ng Kit Sum* (CACV 25/2013) Represented the Plaintiff in an application to adduce further evidence under the Ladd v Marshall principle in an appeal
- *Lin Ren Xiang v Hui Kam Fong* (HCA 1497/2015) Represented the Plaintiff in its claim for a repayment of loan (led by Mr. William Wong S.C.)
- *Galaxy China Opportunities Fund v Tang Jun & Ors; Galaxy China Deep Value Fund v Tang Jun & Ors; Galaxy Master Fund SPC v Tang Jun & Ors* (HCA 1629, 1630 & 1631/2011) Obtained summary judgment in a case relating to the sale and purchase of put option shares (led by Mr. William Wong S.C.)
- *Wang Linping & Anor v Huang Keqin & Ors* (HCMP 632/2012) Discharged an injunction order in a case relating to the sale and purchase of shares in a garment business (led by Mr. Jenkin Suen)

EMPLOYMENT

- *Tadjudin Sunny v Bank of America, National Association* (CACV 12/2015) Represented the Plaintiff in the appeal in an employment law case concerning the implied term of anti-avoidance in an employment contract (led by Mr. Simon Westbrook S.C.)

- *WPP Marketing Communications (Hong Kong) Ltd v Christopher O'Donnell* (HCA 637/2013) Represented an advertising company in applying for an order to enforce certain restrictive covenants against its ex-employee (led by Mr. William Wong S.C.)
- *Kawabata Keiichi v UKC Electronics (H.K.) Co, Ltd* (HCA 343/2018) Represented the Defendant in defending a claim for unlawful dismissal

INTELLECTUAL PROPERTY

- *Wong To Yick Wood Lock Ointment Ltd v Merika Medicine Factory Ltd & Anor* (HCA 562/2014) Represented the Defendant in a trademark infringement and passing off case

SHIPPING

- *Oceanic Group Pte Ltd and Oceanic Group (International) Limited v The Owners and/or demise charterers of the "Oriental Dragon"* [2014] 1 HKLRD 649 Represented a ship owner in applying for a discharge of warrant of arrest and resisting an application for Mareva injunction (led by Mr. Clifford Smith S.C. and Mr. Douglas Lam S.C.)
- *NCS Co Ltd v Bao Harvest Holding Ltd* [2012] 5 HKLRD 138 Set aside a Mareva injunction (led by Mr. William Wong S.C.)

REGULATORY AND PUBLIC LAW

- *Re Youh, Alan Chuen Po* [2013] 2 HKLRD 485 Represented the Hong Kong Bar Association in the first case in which it appeared in contested local admission proceedings (led by Mr. Eugene Fung S.C.)
- *Ho Chung Yan, Albert v Leung Chun Ying & Anor* (HCAL 85/2012) Represented the Chief Executive at a hearing for an application for leave to appeal in an election petition (led by Mr. Johnny Mok S.C.)
- *Kwong Wing Kie v Licentiate Committee of the Medical Council* (CACV 206/2014; HCA 121/2012) Applied for a judicial review of the decision of the Licentiate Committee of the Medical Council refusing the Applicant's application to take the licensing examination
- *吳倩媚 v 香港個人資料私隱專員公署* (CACV 97/2016) Represented the Privacy Commissioner in a judicial review appeal
- Represented the **Private Columbaria Licensing Board** in the first 4 appeals brought against it in the Private Columbaria Appeal Board in respect of its decisions to reject applications for licence and temporary suspension of liability (PCAB 1-4/2019)

CRIMINAL

- *HKSAR v YSK2 Engineering Company Limited* (KTS 7356 & 7357/2012) Defended the Defendant in a criminal trial concerning a construction site accident which occurred during the construction of the MTR West Rail Line (led by Mr. Clive Grossman S.C.)

OTHERS

- *Re CST* (HCMH 47/2015) Represented the Applicant in an application for an inquiry pursuant to section 7 of the Mental Health Ordinance (Cap 136) and the appointment of a committee
- *Re Tim Owen QC* (HCMP 1830/2015) Represented the Bar Association in opposing an application for ad hoc admission of a foreign silk (led by Mr. Clive Grossman S.C.)

ARBITRATION

Represented the Respondent in an arbitration concerning a dispute over US\$10 million involving construction law (led by Ms. Teresa Cheng S.C.)

Represented the Applicant in an application to set aside an arbitration award

Scholarships and Awards

- Bar Scholarship (2011)
- Charles Ching Memorial Scholarship (2011)
- British Council Chevening Postgraduate Scholarship (2010)
- Peter Vine Postgraduate Law Scholarship (2010)
- Bank of East Asia Golden Jubilee Scholarship (2009)
- Hou De Charitable Foundation Scholarship for the PCLL (2009)
- Baker & McKenzie Scholarship (2008)
- Clyde & Co. Prize in Restitution Law (2008)
- HKU Worldwide Student Exchange Scholarship (2008)
- M.W. Lo Memorial Scholarship (2008 & 2009)
- Prasad Abraham Prize in Corporate Law (2008)
- Chan Kai Ming Prize (2007)
- Des Voeux Chambers Junior Scholarship (2007)
- Hastings Prize in Commercial Law (2007)
- Linklaters Prize for Overall Excellence in Law (2007)
- Dean's Honours List (2006, 2007 & 2009)

Publications, Lectures and Talks

- Speaker on "The New Competition Ordinance" (with Mr. William Wong)
- Speaker on "Winding Up Companies in Hong Kong: Overview and Current Issues" (with Mr. Alexander Tang and Mr. Jason Yu)