

## John Hui

The University of Oxford Brasenose College (2006-2007)  
-Bachelor of Civil Law, BCL - Distinction (Papers:  
Competition Law, Corporate Insolvency, Global Comparative  
Financial Law and Restitution)

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The University of Hong Kong (2001-2005)  
-Postgraduate Certificate in Laws, PCLL - Distinction  
-Bachelor of Laws, LLB - First Class Honours  
-Bachelor of Business Administration (Law), BBA (Law) -  
First Class Honours

**Email Address:**

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**Year Of Call:**

2008 (Hong Kong)

**Practice Areas:** Company Law and Insolvency, Commercial  
Law, Securities Law, Administrative and Public Law,  
Arbitration, Competition Law, Insurance Law,  
Regulatory Law, ,



John Hui has a broad civil practice encompassing major areas including public, corporate and insolvency law. He had advised on a wide range of commercial matters concerning injunctions, banking, finance and securities, insurance, civil fraud, conflict of laws and jurisdiction.

John has acted in a number of high-profile cases such as the *Bawang* defamation trial, a number of judicial reviews concerning the television broadcasting industry, and a high value Mareva injunction application freezing over €335 million worth of assets. He appeared in the *Hsin Chong* winding up proceedings, acting for the provisional liquidators.

John also has a growing competition practice, having appeared as a junior in the landmark decision of *Television Broadcasts Limited v Communications Authority & The Chief Executive in Council* [2016] 2 HKLRD 41, and in his own right in *Taching Petroleum Co Ltd v Meyer Aluminium Limited* [2018] 2 HKLRD 1284, another leading authority dealing with setting up breach of competition law as a defence in civil proceedings.

Apart from court litigation, John regularly handles international arbitration matters under the HKIAC/UNCITRAL rules.

In December 2018, John was appointed to sit as a Deputy District Judge.

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## Directory Quotes:

John Hui is described as a “very able junior barrister” and a “very thorough and user-friendly counsel.” Notably active in the company and corporate law, insolvency, insurance and financial regulatory spheres, he receives extensive praise for the breadth of his expertise and his deft handling of cases. “He is very competent and responsive, and can always give very detailed analysis on the legal issues.”

### Chambers & Partners Asia Pacific (2021)

‘ He has a very good grasp of hard letter law but his eye is always on problem solving, and advocacy wise he is confident and measured and commands the respect of his peers. ’ Unled, John Hui represented a party to litigation concerning a proposed rights issue by Ping An Securities. John Hui is recognised as a Leading Junior for Commercial Disputes.

### Legal 500 Asia Pacific HK Bar (2021)

John Hui of Des Voeux Chambers is applauded by interviewees for the well-balanced variety of his broad practice which incorporates noted skills in such diverse areas as competition, defamation and insolvency, and further noted as a “very accessible and friendly” counsel who is clearly “on the way up” and is already developing a clientele in his own right.

### Chambers & Partners Asia Pacific (2020)

Within his varied range, John Hui of Des Voeux Chambers practises extensively on insolvency, directors’ duties and competition issues and is also particularly adept in the handling of matters arising in the financial services, securities, broadcasting and telecommunications spheres. Solicitors are impressed by his consistent readiness to “come up with new ways of tackling an issue,” one observing that he is not only able to do this even within a context of “very messy evidence,” but also that he can “effectively put across to the client his very clever ideas and solutions.” Peers admire his “very careful but very practical” approach and “quick answers” in court.

### Chambers & Partners Asia Pacific (2019)

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## Expertise:

### Selected Cases

#### Administrative and Public Law

- ***Television Broadcasts Limited v The Communications Authority & The Chief Executive in Council*** HCAL 176/2013 (CFI) (Junior Counsel for Communications Authority) - Judicial review concerning (i) whether a finding of breach of the competition provisions in the Broadcasting Ordinance engages Articles 10 and 11 of the Hong Kong Bill of Rights, and (ii) the Communications Authority's substantive findings on competition law issues.
- ***Asia Television Limited v Communications Authority*** FAMV 23/2013 (CFA), [2013] 3 HKLRD 618 (CA), HCAL 77/2012 (CFI) (Junior Counsel for Communications Authority) - successfully defended a judicial review against the Communications Authority in relation to a report publishing its investigation against the Applicant. The Court of Appeal's judgment in [2013] 2 HKLRD 354 is the leading authority on hearing in camera.
- ***Asia Television Limited v Chief Executive in Council*** [2012] 3 HKLRD 1 (CFI) (Junior Counsel for the Interested Party) - Leave application concerning the recommendation for granting new television licenses.
- ***Sanyuan Group Limited v The Stock Exchange of Hong Kong Limited*** FAMV 52/2009 (CFA), [2009] 5 HKC 124 (CA), [2008] 4 HKC 367 (CFI) (Junior Counsel for the Hong Kong Stock Exchange) - successfully defended a judicial review against the Stock Exchange's decision to delist a company listed on the main board.
- ***Hong Kong Aircrew Officers Association v The Director-General of Civil Aviation*** HCAL 96/2008 (CFI) (Junior Counsel for the Applicant) - judicial review against the Director-General for allowing a dispensation of the three-pilot requirement for a long haul flight

#### Company Law and Corporate Insolvency

- ***Re China Taifeng Beddings Holdings Ltd*** HCCW 199/2018, ***Re China Fiber Optic Network System Group Limited*** HCCW 93/2017, ***Re Anxin-China Holdings Limited*** HCCW 317/2015, ***Re China Solar Energy Holdings Limited*** HCCW 108/2015, ***Re K Vision International Investment (H.K.) Limited*** HCCW 282/2011, ***Re Unisign Limited*** HCCW 325/2010 ***Re Silver Yield Industries Limited*** HCCW 353/2009, ***Re CASSIS Limited*** HCCW 560/2008 - Applications for appointment of provisional liquidators
- ***Re China Solar Energy Holdings Limited*** [2018] 2 HKLRD 338 - leading authority on whether provisional liquidators can be appointed for the purpose of pursuing a corporate debt restructuring
- ***Re China Fishery Group Limited*** - acted as expert in Hong Kong law in provisional liquidators proceedings in the Cayman Islands
- ***Re Matrix Distribution Limited*** HCCW 113/2012 - represented the respondents in the liquidators' claim for fraudulent preference brought pursuant to section 266 of the Companies

(Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)

- **Re China Agrotech Holdings Limited** HCCW 325/2014, Re First Natural Foods Holdings Limited HCMP 350/2012 - Schemes of arrangement for insolvent listed companies
- **Re Dayuan International Development Ltd** HCCW 103/2015, Re Dong Yick Chemical Company Limited HCCW 60/2015, Re Polywell Pacific Limited HCMP 440/2015, Re Jing Jin Travelling Bags Manufactory Limited HCCW 359/2011, Re Globe Industrial Technology Company Limited HCMP 189/2011, Re 2I Dental Centre Limited HCMP 712/2009 - unfair prejudice / just and equitable winding-up petitions
- **Fountain II Limited v Ping An Securities Group (Holdings) Ltd** HCMP 1866/2019, **Koo Yuen Kim v Greentech Technology International Limited** HCA 2415/2019 - injunctions to restrain dilutive placement and issuance of new shares in listed companies
- **Re Win Star Toys Manufactory Limited** HCMP 1403/2015, Re Hub Global Freight Solutions (HK) Limited HCMP 670/2012 - applications for disclosure of corporate books and records pursuant to section 740 of the Companies Ordinance (Cap. 622)
- **Li Xiao Yun v China Gas Holdings Limited** [2015] 5 HKLRD 845 (CA), HCCL 18/2011 (CFI) (Junior Counsel for the Defendant) - claim by former directors pursuant to the company's share option scheme
- **Re Hong Kong Wise Park Property Development Limited** HCA 2273/2016, Re Creative China Limited [2014] 1 HKLRD 1108 (CFI) - leave requirements for commencing derivative actions concerning BVI companies
- **Re Grand Field Group Holdings Limited** [2009] 5 HKLRD 105 (Junior Counsel for the Defendants) - leading authority on the proper purpose doctrine in directors' exercise of power
- **Re OASIS Hong Kong Airlines Limited** HCCW 133/2008 (Junior Counsel for HK Aircraft Engineering Co Ltd) - claim in common law possessory lien over aircrafts of an insolvent airline company
- **Re Seamless Green China (Holdings) Limited** HCA 2114/2009, HCA 2441/2009 - injunction against the voting rights of shares in a listed company

### Commercial, Financial and Regulatory Law

- **PT Tugu Pratama Indonesia v Citibank N.A.** [2018] 5 HKLRD 277 (Junior Counsel for the bank) - successfully defended a claim against the bank for breach of duty of care as paying agent. This case also explores the rules of attribution of directors' knowledge to their company in the context of section 26 of the Limitation Ordinance
- **LIXIL Corporation v Cai Jianshe** HCMP 1860/2015 - Mareva injunction under section 21M of the High Court Ordinance, freezing over €335 million worth of assets in Hong Kong
- **Compania Sud Americana de Vapores S.A. v Hin-Pro International Logistics Limited** [2015] 2 HKLRD 458 (CA), HCMP 1449/2014 (CFI) - Mareva injunction under section 21M of the High Court Ordinance in aid of an English legal action for breach of jurisdictional agreement, Mareva injunction against non-parties, appointment of interim receivers
- **Re Mayer Holdings Limited** (Junior Counsel for the SFC) - Represented the SFC in the Market Misconduct Tribunal proceedings brought against a listed company and its officers

pursuant to Part XIVA of the Securities and Futures Ordinance (Cap. 571)

- ***Qihoo 360 Technology Co. Ltd v Fu Sheng*** HCA 1637/2011 - litigation concerning share option benefits in a listed company
- ***Dexia SA/NV v Epic Investments SA*** HCMP 1859/2013 - successfully discharged a Mareva injunction obtained pursuant to section 21M of the High Court Ordinance which sought to freeze over €62 million worth of assets
- ***Convoy Collateral Limited v Roy Cho Kwai Chee & Ors*** HCA 399/2018, ***Primus Pacific Partner (GP1) LP v Li Wenlei*** HCA 3373/2016, ***Husqvarna AB (Publ) v Freyer Power Technology Limited*** HCA 529/2016, ***Labuan INS International Trust Limited v Achiever Shanghai Limited*** HCA 941/2014, ***Johann Young v Vermont Silicon Inc.*** HCA 1886/2012, ***Hextronik Limited v Sky RC Model Mfg. Limited*** HCA 1384/2012, ***Valetal Global Communications, Inc. v Chinacomm Ltd.*** HCA 1978/2011, ***Sino Resources Group Limited v Hung Chen Richael*** HCA 2477/2009 - Mareva injunction applications
- ***China Metal Recycling (Holdings) Limited v Chun Chi Wai & Others*** HCA 1412/2013 - represented one of the defendants in a claim over HK\$1.2 billion commenced as a result of the SFC's investigation of a listed company
- ***Basab Inc. v Superb Glory Holdings Limited*** HCA 6/2014 - represented the receivers appointed under a debenture in a claim for selling the security at an undervalue
- ***Re China Best Group Holding Limited*** HCMP 745/2013, ***Re First China Financial Network Holdings Limited*** HCMP 2502/2012 - directors' disqualification proceedings under section 214 of the Securities and Futures Ordinance (Cap. 571)

## Insurance

- ***HK Space Shuttle Ltd v HCC Specialty Underwriters*** HCA 2611/2008 - represented the insurers and underwriters in a claim for event cancellation insurance
- ***Chubb Life Insurance Co. Ltd v So Sheung Hin Ben*** HCA 1975/2018 - represented the insurance agent in a dispute concerning the claw-back provisions for the agent's remuneration

## Other Notable Cases

- ***Taching Petroleum Co Ltd v Meyer Aluminium Limited*** [2018] 2 HKLRD 1284 - leading authority dealing with setting up breach of competition law as a defence in civil proceedings
- ***Bawang International (Group) Holding Limited v Next Magazine Publishing Limited*** HCA 1109/2010 (Junior Counsel for the Plaintiffs) - Defamation claim of over RMB500 million in loss of business profits
- ***Super Worth International Limited v ICAC*** [2016] 1 HKLRD 281 (CA) HCMP1320/2012 (CFI) - leading Hong Kong authority on (i) the applicable law of legal professional privilege and (ii) whether legal professional privilege should be extended to accountants advising on tax law
- ***Wong Kam Fung v Smart Profit Enterprises Ltd*** [2014] 5 HKLRD 853 (CA), HCMP346/2014 - Purchaser's lien in conveyancing transactions
- ***Tullet Prebon (Hong Kong) Limited v Chan Yeung Fong Nick & Others*** HCA 2197/2009



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(Junior Counsel for the Plaintiff) - represented an international brokerage group in a claim totalling over HK\$10 million for wrongful termination of employment agreement and poaching of employees by competitors

- ***Tadjudin Sunny v Bank of America*** [2009] 4 HKLRD 662 (Junior Counsel for the Defendant) - represented the bank in a claim involving a novel issue of whether an anti-avoidance provision can be implied into an employment contract

## **Memberships and Appointments**

- Appointed as Deputy District Judge (December 2018)
- Appointed to the Panel of External Counsel - Competition Commission (2016)
- Member of the Publications Sub-Committee of the Hong Kong Bar Association (2012)

## **Publications, Lectures and Talks**

- John regularly lectures at CPD Courses for solicitors in Hong Kong

## **Scholarships and Awards**

- The Middle Temple Scholarship (2008)
- Peter Vine Postgraduate Law Scholarship (2006)
- Baker & McKenzie Prize in Company Law (2005)
- Johnson, Stokes and Master Scholarship (2004)