

John Scott, KC, SC, JP

Downing College, Cambridge MA (Hons) Law
LLM (Cantab)

Tel: +852 2826 7018

Email Address:

john.scott@dvc.com.hk

Year Of Call:

1982 (England & Wales)

1986 (Hong Kong)

1996 (Hong Kong Inner Bar)

Practice Areas: Arbitration , Mediation, Chancery,
Commercial Law, Company Law and Insolvency,
Construction Law, Employment and Anti-Discrimination,
Family Law, International Trade, Securities Law, Banking
Law



John Scott, KC, SC, JP is a Master of the Bench of the Middle Temple and an accomplished trial advocate with over 30 years of experience in many areas of commercial litigation. He has a long-standing track record in complex company, commercial, construction and arbitration cases. Mr. Scott is active as both a litigator and an international arbitrator. He also has an extensive family law practice. Mr. Scott was named Asia Pacific Leading Silk by Legal 500. According to Chambers & Partners, Mr. Scott has earned a reputation for being a “smooth yet forceful advocate who knows how to cut to the chase”.

Arbitration

John Scott SC, KC, JP frequently appears as Counsel and sits as an arbitrator in Hong Kong, Singapore and elsewhere in the region. He has been appointed as arbitrator in substantial construction and infrastructure projects, and has sat as an ICC, SIAC and HKIAC-appointed arbitrator in numerous disputes over the last 20 years.

Commercial Litigation

In the context of commercial litigation, Mr. Scott acted on behalf of the successful appellant in a widely reported Court of Final Appeal decision clarifying the correct test in an application for ancillary relief in aid of foreign proceedings (*Compania Sud Americana de Vapores S.A. v Hin- Pro International Logistics Limited* (2016) 19 HKCFAR 586).

In *Bel Global Resources Holdings Ltd. v Elite Dragon Limited* [2017] HKCFI 718 and HKCFI

1247 Mr. Scott acted for a Hong Kong-listed company and obtained a substantial judgment for the Plaintiff against that company's former managing director.

Company Law

Mr. Scott has an extensive contentious and non-contentious company law practice having acted in various prominent cases, including the contested privatization of PCCW, schemes of arrangement and reductions of capital, having appeared in the high-profile restructuring of the Hutchison, Cheung Kong and Hopewell groups of companies by way of Schemes of Arrangement.

Mr. Scott was the senior counsel in the recent milestone case of ***Re Allied Properties*** [2020] 5 HKLRD 766, where the Court of Appeal sanctioned a privatization scheme of the arrangement, making this a pioneering and welcome addition to HK's company law landscape.

His contentious banking expertise also entails involvement in landmark cases, including acting for the successful bank in ***Natamon v Citibank N.A.*** concerning KYC and AML issues.

Matrimonial and Family Law

In matrimonial matters, Mr. Scott has acted in substantial MPS and ancillary relief hearings dealing with the valuation of shares in listed and private companies and the valuation of trust property. He recently acted on behalf of the Respondent in a milestone family law case concerned with the Jurisdiction of the Hong Kong Courts: ***TO also known as TT and KO*** FCMC 12767/2018 [2020] HKFC 149.

Security Regulatory & Disciplinary Matters

Mr. Scott frequently appears in securities regulatory and disciplinary hearings, including in ***Re Mayer***, a case concerned with the disqualification of listed company directors. More recently, Mr. Scott appeared for the SFC in ***Re Magic***, a Market Misconduct case concerned with corporate disclosure requirements during a Takeover.

Public Services

John Scott SC, KC, JP is a Justice of the Peace and the Chairman of the Hong Kong Bar Association Committee on Company Law. He also chairs the ICC's subcommittee on Commercial Law and Practice.

Publications

Among his many publications, John Scott SC, KC, JP co-authored Halsbury's Laws Vol 25 on Arbitration (Cap. 609), and the 2020 Re-issue of Halsbury's Laws of Hong Kong on Arbitration Vol. 2.

In 2021, Mr. Scott authored an article "Electronic Signatures and Related Issues" with DVC's Jonathan

Lee. This article appeared in The Hong Kong Lawyer's [e-newsletter](#) dated 14 May 2021.

Directory Quotes:

John Scott SC of Des Voeux Chambers is an exceptionally accomplished barrister who has practised at the Hong Kong Bar for over 35 years, and his broad commercial dispute resolution experience incorporates a notable emphasis on company, construction and financial services issues and embraces both litigated and arbitrated cases. Source Commend "John is a very classy, respected counsel and a very good and reasonable opponent."

Chambers & Partners: Greater China Region (2023)

John Scott SC is recognised as a Leading Silk for **Construction & Property, Commercial Disputes** and **Family & Private Client**.

Legal 500 Asia Pacific HK Bar (2023)

John "has a very busy practice," and is "regarded very highly as a silk who has been around a long time, is well liked as an advocate and is very successful." He is applauded for being an exceptionally accomplished barrister who has practised at the Hong Kong Bar for over 35 years and his broad commercial dispute resolution experience incorporates a notable emphasis on company, construction and financial services issues and embraces both litigated and arbitrated cases."

Chambers & Partners Greater China Region (2022)

John Scott SC is sought after for his expertise in handling complex matrimonial finance matters. He is recognised as a Leading Silk for Construction & Property, Commercial Disputes and Family & Private Client.

Legal 500 Asia Pacific HK Bar (2022)

John Scott KC, SC, JP has been recommended by [Who's Who Legal](#) as a "Global Leader" in the field of **Construction**.

WWL: Global Leaders 2022

John Scott KC, SC, JP has been recognized by [Who's Who Legal](#) as a “**National Leader**” in the field of **Arbitration** and **Construction**.

WWL: Mainland China & Hong Kong SAR 2022

Who's Who Legal 2022

John Scott KC, SC, JP has been ranked as Leading Senior Counsel for Hong Kong Family & Divorce Law by the Doyles Guide 2022.

Doyles Guide (2022)

John Scott KC, SC, JP is lauded as “a very, very seasoned counsel who knows the law extremely well and is extremely talented.” He draws on over 30 years of legal practice at the Hong Kong Bar, and his broad commercial dispute resolution experience incorporates a notable emphasis on company, contractual and insolvency issues. He is praised for the breadth of his practice as a “very good all-round Senior Counsel” who is “excellent with clients and a very good advocate.”

Chambers & Partners Asia Pacific (2021)

“He has a good reputation as an arbitrator.” John Scott SC is recognised as a Leading Silk for Commercial Disputes, Construction and Family & Private Client matters.

Legal 500 Asia Pacific HK Bar (2021)

John Scott KC, SC, JP is renowned for his impressive construction practice which spans infrastructure disputes across the region. (National Leader for Mainland China & Hong Kong SAR - Construction)

Who's Who Legal 2021

John Scott KC, SC, JP was recognised by the [Doyles Guide 2021 as a Recommended Senior](#)

[Counsel for Leading Construction & Infrastructure Litigation Barrister - Hong Kong](#)

Doyles Guide (2021)

John Scott KC, SC, JP has been recognised by [Doyles as a Leading Senior Counsel for Hong Kong Family, Divorce and Matrimonial matters in 2021](#).

Doyles Guide (2021)

John Scott KC, SC, JP attracts praise not only as a “very experienced” and “smooth yet forceful advocate who knows how to cut to the chase,” but also for a breadth of practice which incorporates particular strengths in company law, restructuring and insolvency issues and matters arising in the banking industry. Interviewees also report that he is “increasingly involved in matrimonial cases with company aspects.” In the financial services sphere, he acted for the successful defendant in ***PT Tugu Pratama Indonesia v Citibank NA***, a case which helped clarify the law concerning both a bank’s duty of care as a paying agent and the scope of the defence of limitation.

Chambers & Partners Asia Pacific (2020)

John Scott KC, SC, JP was recognized by Who’s Who Legal 2020 as a Recommended Senior Counsel for Construction Law

Who’s Who Legal (2020)

John Scott KC, SC, JP was singled out by the Doyles Guide 2020 as a Recommended Senior Counsel and recognised as a Leading Construction & Infrastructure Litigation Barrister - Hong Kong

Doyles Guide (2020)

“John Scott KC, SC, JP has been recognised by the Doyles Guide in the Recommended category for Senior Counsel for Leading Family & Divorce Law Barristers - Hong Kong, 2020”

Doyles Guide (2020)

John Scott KC, SC, JP was recognized by Who's Who Legal for Construction Law in 2019

Who's Who Legal (2019)

John Scott KC, SC, JP "certainly deserves his reputation as a leading silk" in the opinion of more than one interviewee, one of whom especially stresses his "great presence in court," quickness of response and ability when dealing with witnesses, "to get answers which get to the main points of a case," qualities which, taken together, "give him an edge." He devotes much of his time to restructuring and insolvency issues, regulatory matters and construction disputes., he acted successfully for the defendant in ***Elite Dragon Limited v BEL Global Resources Holdings Limited***, a High Court case which helped clarify the law concerning the extent of directors fiduciary duties.

Chambers & Partners Asia Pacific (2019)

John Scott KC, SC, JP has been recognised by Doyles as a Leading Senior Counsel for Hong Kong Family, Divorce and Matrimonial matters in 2018

Doyles Guide (2018)

John Scott KC, SC, JP was named Asia-Pacific Barrister of the Year for 2018 at the Asia Law Awards held in September 2018.

Asia Law Awards (2018)

John Scott KC, SC, JP is characterised by sources as "an extremely good all-rounder and very persuasive advocate," particularly respected by juniors for his "good, always patient leadership." His handling of construction-related disputes, including arbitrations, attracts particular notice, and he is also increasingly selected for regulatory work, lately representing the Securities and Futures Commission in Market Misconduct Tribunal proceedings which determined that Mayer Holdings and nine of its executives had committed a breach of disclosure requirements by not reporting anomalies in the company's accounts as soon as practicable after these were discovered by auditors.

Chambers & Partners Asia Pacific (2018)

"John Scott KC, SC, JP combining this role with continuing activity as both a litigator and an international arbitrator, noted for his expertise in the handling of construction, company law and contentious financial services issues. Peers praise him for his "measured and reasonable submissions" and skilful, persuasive advocacy and juniors find him "a very user-friendly leader."

Chambers & Partners Asia Pacific (2017)

"John Scott KC, SC, JP is a respected practitioner with an enviable reputation, described by sources as both "very experienced" and "good on his feet." His key practice areas include contentious company law, banking and construction issues."

Chambers & Partners Asia Pacific (2016)

Expertise:

Membership and Appointments

- Member of HKICPA Disciplinary Panel A
- Member of HKSAR Barristers Disciplinary Tribunal Panel
- Bencher of the Middle Temple
- Chairman of Standing Committee on Company Law Reform

Selected Cases

- ***Securities And Futures Commission v. Cheung Keng Ching & Ors*** [2011] 4 HKC 453. Company law - Directors - Disqualification of Directors
- ***Re Wheelock Properties Ltd*** [2010] 4 HKLRD 587. Company law - Scheme of arrangement - Privatisation of public listed company
- ***Tadjudin Sunny v. Bank of America NA*** [2009] 4 HKLRD 662. Employment Contract - Implied term
- ***Peconic Industrial Development Ltd v. Lau Kwok Fai & Ors*** (2009) 12 HKCFAR 139. Limitation of Actions - Fraud - Whether non-fiduciary is a constructive trustee and can plead limitation defence
- ***Sanyuan Group Ltd v. Stock Exchange of Hong Kong Ltd*** [2009] 5 HKC 124. Stock Exchange - Company delisted because of insufficient level of operations/value of assets
- ***Securities And Futures Commission v. C & Ors*** [2009] 4 HKC 167. Stock Exchange -

Insider dealing - Provisional remedies

- ***Re PCCW Ltd*** [2009] 3 HKC 292. Company law - Privatisation of listed company
- ***Kensland Realty Ltd (In Liq) v. Tai, Tang & Chong (A Firm)*** (2008) 11 HKCFAR 237; [2008] 3 HKC 90. Limitation of Actions - Tort
- ***McDonald and Golden Dynasty Enterprises Ltd*** [2008] 5 HKLRD 569. Receivership: Cross-boarder Insolvency - Authority of Receivers
- ***Re Almojil*** 61 HCAJ 9/2013 (20th June 2014). Shipping Law: Jurisdiction to bring in rem claim, beneficial ownership of vessel
- ***S v. L*** [2007] 5 HKC 217. Recusal - Comments of judge in matrimonial case.
- ***Stock Exchange of Hong Kong Ltd v. New World Development Co Ltd & Ors*** [2006] 2 HKLRD 518. Judicial review - Whether Disciplinary Committee of Stock Exchange 'a court' within meaning of art 35 of Basic Law.
- ***A Solicitor (23/05) v. Law Society Of Hong Kong*** [2006] 2 HKLRD 116; (2006) 9 HKCFAR 175. Solicitor ordered to disclose documents for inspection by Council of Law Society - Non-disclosure on grounds of LPP
- ***Bill Chao Keh Lung v. Don Xia*** (2004) 7 HKCFAR 260. Leave to appeal to Court of Final Appeal - appeal as of right under s.22(1)(a)
- ***Re Kansa General International Insurance Co. Ltd.*** (In Compulsory Liquidation) [1999] 3 HKLRD 94. Company law - Scheme of arrangement - Grounds on which court to sanction scheme
- ***Re CDCP International Ltd*** [1987] 2 HKC 324. Company law - Winding-up - Inability of company to pay debts - Mortgage debenture

Publications, Lectures and Talks

- Mr. Scott SC, JP authored Electronic Signatures and Related Issues with DVC's Jonathan Lee. This article appeared in [The Hong Kong Lawyer](#)'s e-newsletter dated 14 May 2021
- Mr. Scott SC, JP co-authored the 2020 Re-issue of Halsbury's Laws of Hong Kong on Arbitration Vol. 2. with Mr. Tom Ng and Mr. Timothy Hill.
- Halsbury's Laws: Arbitration Ordinance Cap. 609 (co-author)
- Happy 5.25 Birthday to the Companies Ordinance (Cap 622) - a seminar featuring DVC's John Scott, SC
- Speaking at the annual Middle Temple Amity Visit in Hong Kong on the Resolution of Disputes in relation to the Belt and Road Initiative (September 2018)
- "Removal of an Arbitrator for Misconduct" (1989) 5 Con. L.J. 185
- "The Arbitration Ordinance Amendments" The New Gazette June 1991
- "Particularising the Pregnant Negative" The New Gazette September 1991
- Getting to Grips with Arbitration Amendments" (1990) New Gaz. 23
- "Halsbury's Laws of Hong Kong" Vol. 1 Arbitration Section (co-author)
- "Butterworths Practical Insolvency Handbook" (co-author)
- "Chitty on Contracts" Hong Kong Specific Contracts: Reviewing Editor (2004)
- "Company Law in Hong Kong: Insolvency" General Editor (2006)
- "Hong Kong Construction Law" General Editor (2008)

-
- Schemes of Arrangement and Reductions of Capital