

## John Scott QC, SC, JP

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

### 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



Formerly Head of Chambers Mr. Scott is an accomplished trial advocate with over 30 years experience in a wide range of commercial disputes. He has earned a reputation for being a “skilful and persuasive advocate\*”. He has a long-standing track record in complex company, commercial, construction and arbitration cases and is active as both a litigator and an international arbitrator.

Mr. Scott is a Master of the Bench of the Middle Temple, and frequently sits as an arbitrator in Hong Kong, Singapore and elsewhere in the region. He was appointed as an arbitrator in a construction dispute relating to a substantial Indonesian infrastructure project, and has sat as an ICC, SIAC and HKIAC appointed arbitrator in numerous disputes over the last 20 years.

In the context of commercial litigation, he 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 judgment for the Plaintiff of over HK\$100m against that company’s former Managing Director.

Mr. Scott has an extensive contentious and non-contentious company law practice having acted in various prominent cases including the contested privatisation of PCCW, and in non-contentious matters, including Schemes of Arrangement and Reductions of Capital, having appeared recently in the high-profile restructuring of the Hutchison, Cheung Kong and Hopewell groups of companies.

His banking expertise entails involvement in landmark cases including acting for the successful bank

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in ***Natamon v. Citibank N.A.*** concerning KYC and AML issues.

In matrimonial matters, he has acted in substantial MPS and ancillary relief hearings dealing with aspects of valuation of shares in listed and private companies and the valuation of trust property.

Mr. Scott frequently appears in securities regulatory and disciplinary hearings, including the recent case of ***Re Mayer***, concerned with the disqualification of listed company directors.

Mr. Scott is Chairman of the HKSAR Telecommunications (Competition Provisions) Appeal Board and Chairman of the Standing Committee on Company Law Reform.

\* Chambers & Partners 2017

## Directory Quotes:

John Scott QC, 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."

Chambers & Partners Asia Pacific (2020)

John Scott QC, SC, JP was recognised in the Recommended Senior Counsel category by the Doyles Guide for Leading Construction & Infrastructure Litigation Barristers - Hong Kong, 2020

Doyles Guide (2020)

John Scott QC, 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 QC, SC, JP "certainly deserves his reputation as a leading silk" in the opinion of

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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." Devoting 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 SC, QC, JP was recognized by Who's Who Legal for Construction Law in 2019

#### Who's Who Legal (2019)

John Scott SC 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 SC, QC, 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 QC, 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 QC, 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 QC, 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

- 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
- Halsbury's Laws: Arbitration Ordinance Cap. 609 (co-author)