

## Lawrence K F Ng

LLM (YALE)

LLB (First Class Honours) (HKU)

PCLL (Distinction in Conveyancing and Probate Practice and Revenue Law) (HKU)

### Email Address:

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### Year Of Call:

1993 (Hong Kong)

**Practice Areas:** Administrative and Public Law, Arbitration, Mediation, Chancery, Commercial Law, Company Law and Insolvency, Employment and Anti-Discrimination, International Trade, Defamation Law



Lawrence K F Ng is an experienced advocate and has appeared in all levels of court in Hong Kong. He has a broad civil practice, with emphasis on the following areas: commercial and company litigation, defamation, property and probate law and employment law. He was called to the Bar in Hong Kong in 1993.

He has recently appeared before the Court of Final Appeal in the following landmark cases:

1. **Jonathan Lu v Paul Chan Mo Po** (2018) 21 HKCFAR 94, where the Court of Final Appeal laid down a definitive ruling on the meaning of malice in the context of the qualified privilege defence (led by Andrew Caldecott QC and Gerard McCoy SC).
2. **Incorporated Owners of Po Hang Building v Sam Woo Marine Works Ltd** (2017) 20 HKCFAR 241, where the Court of Final Appeal upheld the constitutionality of section 63B of the District Court Ordinance (cap. 336) on the basis that it is proportionate and does not go beyond what is reasonably necessary for the achievement of the legitimate aims.
3. **Big Island Construction (HK) Ltd v Wu Yi Development Co Ltd** (2015) 18 HKCFAR 364, where the Court of Final Appeal held that the decision of the English Court of Appeal in *Seldon v Davidson* [1968] 1 WLR 1083 should not be followed in Hong Kong and that there is no presumption of an implied obligation to repay from the mere fact of payment to a stranger because the making of a bare payment to another may in the nature of things be explicable by reference to a wide variety of possibilities (led by Denis Chang SC).
4. **Oriental Press Group v Fevaworks Solutions** (2013) 16 HKCFAR 366 is the first case in Hong Kong on the liability of a website host for defamatory postings by internet users (led by Michael Thomas SC)

5. **Oriental Daily Publisher Ltd v Ming Pao Holdings Ltd** (2012) 15 HKCFAR 299 is the leading authority in Hong Kong on quantum of damages in defamation cases (led by Michael Thomas SC).

6. **Champion Concord Ltd v Lau Koon Foo** (2011) 14 HKCFAR 837 concerned the construction of a settlement agreement entered into as a result of mediation and a challenge to the jurisdiction of the Court of Appeal (led by John Scott SC).

He has recently appeared for the Oriental Group in their defamation claims against Google as an Internet search engine, the owner/operator of a blog and the owner/operator of an Internet discussion forum and in successfully opposing Google's appeal against the Court of First Instance's dismissal of its application to set aside service of the writ outside jurisdiction: **Oriental Press Group v Google LLC** [2018] 1 HKLRD 2014 (led by Robert Whitehead SC). He has also recently appeared for the chairman of the Emperor Group Dr Yeung Sau Shing Albert in his defamation claim against Google Inc and in successfully opposing Google's application to set aside service of the writ outside jurisdiction: **Dr Yeung Sau Shing Albert v Google Inc** [2014] 4 HKLRD 493; [2015] 1 HKLRD 26. This case concerns Google's autocomplete function and is the first case of its kind in Hong Kong. He has also recently appeared in the high-profile defamation trial in **Jonathan Lu & Others v Paul Chan Mo-po & Another**, HCA 370/2012 (led by Robert Whitehead SC).

He appeared as counsel for the respondent in **Landune International Ltd v Cheung Chung Leung** [2006] 1 HKLRD 39 (CA), the leading Court of Appeal case on the no reflective loss principle in company law in Hong Kong.

He represented the plaintiff in **Golden Eagle International (Group) Ltd v GR Investment Holdings Ltd** [2010] 3 HKLRD 273, the first reported case in Hong Kong on the new "sanctioned offers" provisions contained in O.22, rr.23 & 24, RHC.

He also has experience in employment and tort law. In **Sun Min v Hong Kong Ming Wah Shipping** (2006) 9 HKCFAR 49; [2005] 1 HKC 381 (CA); [2004] 2 HKC 1, he acted for a pregnant employee who succeeded in her claim against her employer for damages for wrongful termination of employment. In **H v Lau Ka Yee Michael** [2006] 4 HKLRD 579, he represented a victim of sexual abuse in his claim against a former priest and the Catholic Diocese of Hong Kong. This case is the first of its kind in Hong Kong.

Lawrence K F Ng sat as a Deputy District Judge for periods in 2015, 2016 and 2018. He is a Consultant Editor of the Hong Kong Law Report & Digest (since 2005) and a Contributing Editor of Hong Kong Civil Procedure (since 2002). He was an Associate Editor of Hong Kong Cases (2000-2006).

Academically, Lawrence K F Ng obtained an LLB degree (First Class Honours) from HKU and an LLM degree from Yale Law School. At HKU, he was awarded the Simon Lee Medal in Law.

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## Expertise:

### Scholarship and Awards

- Yale Law School tuition waiver scholarship for LLM degree
- S.L. Pao Education Foundation Scholarship
- Simon Lee Medal in Law
- Baker & McKenzie Prize (for Law of Business Associations)
- Baker & McKenzie Scholarship for International Summer Clerkship
- Representative of Hong Kong in Jessup International Moot Court Competition in Washington DC
- Deacons Prize in Law
- Johnson, Stokes & Master Scholarship in Law
- Deacon's Prize for HKU Mooting Competition
- Sir Man Kam Lo/Jardine Scholarship
- Chan Kai Ming Prize

### Selected Cases

#### Commercial and Company Law

- **Big Island Construction v Wu Yi Development** (2018) 2 HKLRD 1145 (personal liability of director for costs)
- **Po Hang Building (IO) v Sam Woo Marine Works Ltd** (2017) 20 HKCFAR 240 (constitutionality of s.63B of the District Court Ordinance)
- **Big Island Construction (HK) Ltd v Wu Yi Development Co Ltd** (2015) 18 HKCFAR 364 (burden of proof and restitution)
- **Champion Concord v Lau Koon Foo** (2011) 14 HKCFAR 837 (challenge to the jurisdiction of the Court of Appeal; construction of a settlement agreement entered into as a result of mediation)
- **NEC Tokin Hong Kong Ltd v Cheung Kin Keung** [2013] 3 HKLRD 250 (injunction prohibiting disposal of assets granted under proprietary claim)
- **Golden Eagle v GR Investment** [2010] 3 HKLRD 273 ("sanctioned offers" provisions contained in O.22, rr.23 & 24, RHC)
- **Big Island Construction v Wu Yi Development** [2010] 2 HKC 356 (guidelines on the procedure and merits of an application for subpoena during the course of trial)
- **FBC Construction v Big Island Construction**, HCA 1363/2008; CACV 83/2009 (statutory derivative action; summary judgment application)
- **Ng Yee Wah v Lam Chun Wah** [2009] 2 HKLRD 427 (CA), FAMV 27/2009 (application for leave to appeal to the CFA; whether consent order gives rise to *res judicata*)
- **Choi Tak Lan v Ng Wing Hong**, CACV 267/2008; HCMP 2670-2672/2006 (validity of allotment of shares)

- **Chan Chi Ming v Brilliant Rise Container** [2009] 4 HKC 458 (CA); [2008] 1 HKLRD 648; [2008] 1 HKC 487 (construction of s.291 AB of the Companies Ordinance-reinstatement of deregistered company; claim against solicitor for breach of warranty of authority)
- **Ever Joint v Nice Theme** [2006] 4 HKLRD 516; [2007] 2 HKC 101 (whether a derivative action can be brought or continued by a company which has gone into liquidation and whether the action should be stayed)
- **Landune International Ltd v Cheung Chung Leung** [2006] 1 HKLRD 39 (CA) (no reflective loss principle in company law)
- **Cheung Hon Wah v Cheung Kam Wah** [2005] 2 HKLRD 599 (application to amend s.168A petition based on post-petition events)
- **Cheung Kam Wah v Cheung Hon Wah** [2005] 1 HKC 136 (CA) (appeal against grant of an interlocutory injunction)

### Defamation Law

- **Jonathan Lu v Paul Chan Mo Po** (2018) 21 HKCFAR 41 (meaning of malice in the context of the qualified privilege defence)
- **Oriental Press Group Ltd v Google LLC** (2018) 1 HKLRD 1042 (defamation claims against Internet search engine, the owner/operator of a blog and the owner/operator of an Internet discussion forum; application to set aside service of the writ outside jurisdiction).
- **Dr Yeung Sau Shing Albert v Google Inc** [2014] 4 HKLRD 493; [2015] 1 HKLRD 26 (defamation claim against Internet search engine; application to set aside service of the writ outside jurisdiction).
- **Jonathan Lu & Others v Paul Chan Mo-po & Another**, HCA 370/2012 (defamation jury trial)
- **Oriental Press Group v Fevaworks Solutions** (2013) 16 HKCFAR 366 (defamation claim against website host for defamatory postings by internet users)
- **Oriental Daily v Ming Pao** (2012) 15 HKCFAR 299 (quantum of damages in defamation cases)
- **Oriental Daily v Ma Chiu Sing** [2009] 2 HKLRD 558 (CA) (defamation claim - interlocutory injunction and contempt of court proceedings)
- **Lee Ching v Lau May Ming** [2007] 3 HKLRD 623 (defence of qualified privilege and malice)
- **Emperor Investments v SBI E-2 Capital Securities** [2006] 1 HKC 266 (*forum non-conveniens*)
- **Cutting De Hart v The Sun** [2005] 3 HKLRD 133 (defence of qualified privilege extended to the news media)
- **Lee Man Kin v Wong Mei Chun**, HCA 2876/2003 (defamation claim)

### Property and Probate Law

- **Fupo Investments Ltd v Ma Wing Kwong** [2019] 5 HKLRD 119 (land law - possessory rights over land - family assets - action for possession of family properties against son based on

wrongful occupation)

- **Pacific Dunlop Garment Ltd v Fundamental Global Ltd & Ors** [2014] 6 HKC 339 (whether option to purchase land was validly exercised)
- **Re Estate of Haque Shaquil** [2012] 1 HKLRD 689 (pass over of executor under s.36 of the Probate and Administration Ordinance)
- **Re Estate of Ma Shu Tau, deceased**, HCMP 35/2011 (represented the beneficiaries of a substantial estate in the Administrators' Beddoe application)
- **Chan Chi Ming v Brilliant Rise Container Depot**, HCA 1110/2003 (claim for possession of land)
- **First View Development v Pat City**, HCA 2071/2006 (requisition on title)
- **The Incorporated Owners of Tsuen Wan Garden v Prime Light**, HCA 1526/2006 (claim to enforce a deed of mutual covenant)

### **Employment Law**

- **Sun Min v Hong Kong Ming Wah Shipping** (2006) 9 HKCFAR 49 (CFA) (claim by pregnant employee for damages for wrongful termination of employment)
- **Lui Lin Kam v Nice Creation Development** [2006] 3 HKLRD 655 (meaning of continuous contract under the Employment Ordinance)
- **Sun Hiu Lan v Leung King Catering** [2004] 3 HKLRD 953 (continuity of employment)

### **Tort Law**

- **H v Lau Ka Yee Michael** [2006] 4 HKLRD 579 (claim by a victim of sexual abuse against a former priest and the Catholic Diocese of Hong Kong)

### **Publications, Lectures and Talks**

- Consultant Editor - Hong Kong Law Report & Digest (since 2005)
- Contributing Editor - Hong Kong Civil Procedure (since 2002)
- Associate Editor - Hong Kong Cases (2000-2006)

### **Memberships & Appointments**

- Chairman, Appeal Tribunal Panel (Buildings) (2018 to 2021)
- Deputy District Judge (January 2015, May 2016 and February 2018)
- External Examiner, PCLL Civil Litigation course at HKU (since 2007), CUHK (since 2015) and CityU (since 2015)
- Chairman, Hong Kong Bar Association Standing Committee on Barristers Qualification Examination (from 2005 to 2019)
- Bar Council Member, Hong Kong Bar Association (2002 to 2007 and 2009 to 2012)
- Member, Inland Revenue Board of Review (2005 to 2007)