

Martin Kok

BCL, University of Oxford (Distinction)
LL.B., University of Hong Kong (First Class) (Rank 1)
M.Sc., University of Oxford
Rhodes Scholar (2011)
Bar Scholar (2013)
Charles Ching Scholar (2013)

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Year Of Call:
2014 (Hong Kong)

Practice Areas: Commercial Law, Company Law and
Insolvency, Family Law, Administrative and Public Law,
Intellectual Property, Arbitration, Competition Law,
Chancery, Land & Planning Law, Securities Law, Mediation,



Martin is a Rhodes Scholar, and is also a Bar Scholar and a Charles Ching Scholar. He obtained a Distinction in his postgraduate BCL degree at the University of Oxford, after he received First Class Honours in his LLB at the University of Hong Kong (ranking first in his year).

He joined Des Voeux Chambers in 2014, and his practice covers both advisory and advocacy work in civil, public, and matrimonial law. Apart from advocacy work at the various Court levels, Martin has handled a range of commercial arbitration cases, primarily before arbitral tribunals under HKIAC or UNCITRAL rules. He has also provided expert opinion on Hong Kong law before the Supreme People's Court of the PRC.

Martin is a part-time Lecturer (Non-Clinical) at the Department of Law of the University of Hong Kong. His writings have appeared in publications ranging from the Restitution Law Review and the Journal of Intellectual Property Law & Practice.

As from 2016, Martin has served on a number of Committees of the Hong Kong Bar Association, including the Committee on Companies Law, the Committee on Intellectual Property, the Committee on Competition Law, and the Committee on Constitutional Affairs and Human Rights.

Court of Appeal- Selected Cases

Yeung Bing Kwong Kenneth v. Mount Oscar Ltd [2019] 3 HKLRD 575 - Court of Appeal - Appeal in relation to a declaration and injunctive relief that a company's ordinary resolution to remove a director is invalid or otherwise null and void

Re Sun Fung Timber Co Ltd [2022] HKCA 1655 and HKCA 1660 (led by Anson Wong SC) - Court of Appeal - Appeal against an order dismissing a winding-up petition based on debt arising from arbitral award, and application for leave to appeal to the CFA

Allied Ever Holdings Ltd v. Li Shu Chang and Ors [2021] HKCA 577 (led by Wong Yan Lung SC and with Alan Kwong) - Court of Appeal - Appeal in relation to the discharge of appointment of liquidators

Success House Industries Ltd and Others v. Liao Chen Toh [2021] HKCA 1148 (led by Edward Chan SC and Anson Wong SC) - Court of Appeal - Appeal in relation to contempt proceedings for alleged breach of Court orders

Ageas Insurance Company (Asia) Ltd v. Lam Hau Wah Inneo CACV 65/2014 (9 January 2015) (led by Mark Strachan SC) - Court of Appeal - Contractual dispute between insurance company and former regional director and agency manager

Lee Chick Choi v. Best Spirits Company Limited CACV 138/2015 (24 February 2017), CACV 25/2015 (22 June 2017) - Court of Appeal - Appeal against bankruptcy order and application for recusal of Judge to hear appeal, and striking out of appeal against Judge's dismissal of Statutory Demand

Ho Loy v. Director of Environmental Protection and Chief Executive in Council CACV 216/2014 (27 May 2016) (led by Anson Wong SC) - Court of Appeal - Application for an extension of stay of proceedings upon the filing of memorandum of notification legal aid application

Bright Gold Limited v. Mega Well Development Limited [2019] HKCA 1440 (led by Anson Wong SC) - Court of Appeal - Stay of execution pending appeal in relation to a dispute relating to sale and purchase of landed properties

Savills (Hong Kong) Ltd v. Kit Wang Group (China) Ltd. CACV 212/2015 (26 May 2016) - Court of Appeal - Appeal against the granting of summary judgment in dispute involving sale and purchase of property

Ip Pui Lam Arthur and Another v. Ho Yuk Wah David (A Bankrupt) and Others [2018] HKCA 604 (led by William Wong SC) - Court of Appeal - Proprietary injunction in relation to disposal of certain sums held in escrow account

Court of First Instance- Selected Cases

The University of Hong Kong v. Hong Kong Commercial Broadcasting Co Ltd [2016] 4 HKLRD 113;

[2016] 4 HKC 583 (Trial), [2016] 1 HKLRD 536; [2015] 6 HKC 677 (Interlocutory injunction) (led by Clifford Smith SC) - Court of First Instance - Injunction restraining for breach of confidence in connection with discussions in the Council of the University of Hong Kong

Sima Sai Er v. Next Magazine Publishing Ltd and Ors. HCA1500/2014 (8 August 2014) (led by Anson Wong SC) - Court of First Instance - Interlocutory injunction restraining publication of materials on the ground of breach of confidence/ misuse of private information

Relevant employees whose shares in China Shanshui Investment Company Limited held by Zhang Caikui on trust and Anor. v. Zhang Caikui and Anor. HCA 1661/2014 etc. (10 November 2017) (led by Winnie Tam SC) - Court of First Instance - application for joinder as an intervener or additional defendant

Chen Hongqing v. Mi Jingtian and Others [2018] HKCFI 1169 (led by Johnny Mok SC, and with Stephanie Wong) - Court of First Instance - Application to discharge interim receivers appointed in aid of arbitration in the PRC

Re First Natural Foods Holdings Limited HCMP 205/2013 (17 February 2017) - Court of First Instance - Petition brought by SFC pursuant to S.214 of the Securities and Futures Ordinance (Cap. 571) in respect of the affairs of a Bermudan company listed in Hong Kong

Re China Fishery Group Ltd. and China Fisheries International Limited HCMP 367, 368/2015 (17 March 2016) (led by William Wong SC) - Court of First Instance - Application for the continuation of ex parte orders appointing provisional liquidators

Re Luen Tat Watch Bank Manufacturer Limited HCCW 497/2009 (27 November 2017) (led by Wong Yan Lung SC, William Wong SC, and with Alan Kwong) - Court of First Instance - Application for an order to stay the winding-up order against the company and to discharge the appointment of liquidators

Guangdong Shunde Zhanwei Trading Ltd (廣東順德展煒商貿有限公司) v. Sun Fung Timber Co Ltd (新豐木行有限公司) [2022] 1 HKLRD 441 (led by Anson Wong SC) - Court of First Instance - Application to set aside order to enforce PRC arbitral award, including on grounds of fraud and public policy

Re CIF International Construction Co., Ltd. HCMP 3219/2016 (14 March 2017) - Court of First Instance - Application for removal and appointment of liquidators and for Lazarus Order to restore company under S.290 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap. 32)

Nerium Biotechnology, Inc. and Ors v. Nerium International, LLC and Anor. [2018] HKCFI 674; HCA 1188/2016 (24 November 2016) (led by Ms. Winnie Tam SC) - Court of First Instance - Application for interlocutory injunction to restrain the infringement of registered trade mark, passing off and breach of contract

Hengshi International Investments Limited v. Bayspring International Ltd and Anor. HCMP 1916/2015 (18 December 2015, 17 and 21 March 2016) (led by Anson Wong SC) - Court of First Instance - Proprietary injunction in aid of arbitration and order for disclosure of bankers' records in relation to loan and security arrangements

Dragon Success Enterprises Limited v. Aeso Holding Limited HCMP 1647/2017 (4 September 2017) (led by Barrie Barlow SC) - Court of First Instance - Application to appoint interim receivers over the entire shareholding of a wholly-owned subsidiary of a Hong Kong-listed company

Chen Ningning v. King & Wood (a firm) HCMP 163/2012 (21 March 2016) (led by Anson Wong SC) - Court of First Instance - Hearing of preliminary issues in originating summons in which plaintiff sought to tax bills issued by defendant firm

Tong Wun Ying Polly v. Appeal Tribunal (Buildings) and Another [2021] HKCFI 2119 - Court of First Instance - Application for leave to apply for judicial review against decisions made by the Appeal Tribunal (Buildings)

Liao Chen Toh v. Loyal International Enterprises Co. Ltd. HCA 2302/2014 (30 March 2016) (led by Anson Wong SC and with Benny Lo) - Court of First Instance - Application for proprietary injunction to restrain the dealing of monies transferred from companies' bank account

Mice Engineering Ltd v. Johnson Controls Hong Kong Ltd [2022] HKCFI 2768 - Court of First Instance - Application for stay of proceedings in favour of arbitration

Fubon Bank (Hong Kong) Ltd v. Union Sharp Hong Kong Investment Ltd and Ors [2022] HKCFI 1509 - Court of First Instance - Mortgage action involving defences including undue influence, misrepresentation, and estoppel

Shenzhen Hina New Economy Equity Investment Fund Partnership (Ltd Partnership) v. Unipax Properties, Llc [2021] HKCFI 2912 (led by Anson Wong SC) - Court of First Instance - Proprietary injunction over the shareholding in a Hong Kong company, in aid of CIETAC arbitration under S.45 of the Arbitration Ordinance (Cap. 609)

Savills (Hong Kong) Ltd v. Kit Wang Group (China) Ltd. HCA 1779/2014 (24 August 2015) - Court of First Instance - Appeal against the granting of summary judgment in dispute involving sale and purchase of property

Re Lee Siu Fung, Siegfried [2017] 1 HKLRD 1155 - Court of First Instance - Application for a private examination order under S.29 of the Bankruptcy Ordinance (Cap. 6)

Re CNT Group Limited HCMP 1454 & 2548/2017 (13 December 2017) (led by Anson Wong SC) - Court of First Instance - Application for leave to commence derivative action and petition for unfair prejudice

Mayer Corporation Development International Limited v. Alliance Financial Intelligence & Ors. HCCL 2/2016 (11 August 2016) - Court of First Instance - Security for costs application in claim to set aside Court judgments in respect of dispute as to beneficial ownership of shares

Re L & A International Holdings Limited [2017] 3 HKC 507 (led by William Wong SC and with Stephanie Wong) - Court of First Instance - Interlocutory injunction in relation to dispute over voting rights exercisable in Hong Kong-listed company

FT Life Insurance Company Limited v. Choy Hoi Yan Jacqueline HCA 1599/2014 - Court of First Instance - Civil Trial in relation to contractual dispute between insurance company and insurance agent

Standard Chartered Bank (Hong Kong) Limited v. Ease Keen International Limited and Ors. HCA 1622/2016, HCMP 2687 & 2688/2016 (6 November 2017) - Court of First Instance - Applications for consolidation of actions and for the conversion of OS into writ action

Thiess Mongolia LLC v. Mongolia Energy Corporation Ltd HCA 34/2016 (4 December 2017) (led by Clifford Smith SC) - Court of First Instance - Application for specific discovery in context of mining dispute

Citibank N.A. v. Hunter Socks & Apparel International Limited HCMP 2063/2016 (25 July 2017) - Court of First Instance - Application for leave to appeal against Judge's decision in relation to exclusive jurisdiction clause in favour of foreign Court

DBS Bank (Hong Kong) Ltd. v. Cheng Mei Ling and Ors HCMP 1825/2016 (21 September 2017) - Court of First Instance - Mortgage action by OS for delivery of vacant possession as against the registered owner and mortgagor, in which defendant raised defence of undue influence and applied for OS to be continued as if begun by writ

Re First Ocean Financial Holdings Co Ltd [2022] 1 HKLRD 798 - Court of First Instance - Application to set aside winding-up order under RHC O.35, r. 2 and rule 210 of Companies (Winding-up) Rules (Cap.32H)

China CITIC Bank Corporation Limited (Quanzhou Branch) v. Li Kwai Chun and Ors [2018] HKCFI 1800 (led by Anson Wong SC) - Court of First Instance - Applications for continuation and discharge of Mareva Injunction

Canton Plus Enterprise Ltd and Anor v. Tong Zhenjun and Ors [2018] HKCFI 1402 (led by Anson Wong SC), [2018] 1 HKC 277 with Rachel Lam - Court of First Instance - Interlocutory injunction in relation to the inspection and disclosure of documents belonging to various shipping companies

Lau Wing Yan v. The Owners and/or Demise Charterers of the Ship or Vessel "BBG Glory" HCAJ 77-80/2017 - Court of First Instance - Application to vary costs order nisi

Smart Trike MNF Pte Ltd and Ors v. Chiu Sui Chun and Ors [2018] HKCFI 562 (led by Anson Wong SC) - Court of First Instance - Application for amendment of pleadings in copyright, breach of confidence, and breach of fiduciary duties claim

Ip Pui Lam Arthur and Another v. Ho Yuk Wah David (A Bankrupt) and Ors [2018] HKCFI 455 (led by William Wong SC) - Court of First Instance - Application to discharge proprietary injunction over funds allegedly held on trust

Leung Siu Man and Others v. Leung Yiu Tai [2019] HKCFI 1971 (with Alan Kwong) - Court of First Instance - Trial in relation to beneficial ownership of landed property in New Territories

Leung Kwok Chun v. SEAVI Advent Asia Investments (IV) Ltd HCSD 16/2016 (29 November 2016) (led by Richard Khaw SC) - Court of First Instance - Application to set aside statutory demand based on consent order

Re Leung Lai Hing Cindy HCB 777/2015 (3 April 2017) - Court of First Instance - Bankruptcy petition based on non-compliance with statutory demand and involving debtor's defence of undue influence

On Your Mart Co Limited v. Cosway (HK) Limited HCA 1060/2012 (28 July 2015) (led by Anson Wong SC) - Court of First Instance - Civil Trial involving contractual dispute in relation to courier service agreement

Ageas Insurance Co (Asia) Ltd v. Choy Hoi Yan, Jacqueline HCA 1599/2014 (unrep., 8 July 2016) - Court of First Instance - Contractual dispute in relation agent's contract between insurance company and agent

Re Girolami QC [2017] 1 HKLRD 1226 (led by Richard Khaw SC) - Court of First Instance

Re David Gerard Goldberg QC HCMP 3016/2014 (9 December 2014) (led by Li Chau Yuen SC) - Court of First Instance

Other Courts and Tribunals

Wan Koon Wo v. Li Yin Nai and Anor. DCCJ 1994/2012 (22 July 2015) - District Court - a 12-day trial in relation to land boundary and party wall disputes in the New Territories

Administrative Appeals Board - Appeal in Yiu Wing Ching, John v. Privacy Commissioner for Personal Data AAB No.46/2014 against the decision of the Privacy Commissioner for Personal Data to terminate investigation (25 March 2015)

PIBA Appeal Committee - Appeal from the decision of the Disciplinary Committee of the Professional Insurance Brokers Association in relation to charges of misconduct of financial adviser (29 January

2016)

Veterinary Surgeons Board - Disciplinary Inquiry hearing in relation to charges of administration of inappropriate dosage of medication and failure to compile appropriate or adequate medical records (21 September 2016)

Travel Industry Council Appeal Board - Appeal against TIC Compliance Committee in relation to decisions imposing penalties for contravention with Directive No. 157 (31 March 2017)

Commercial Arbitration

Commercial Arbitration - UNCITRAL Rules - Dispute as to the construction of contractual agreement governing public utility (led by Jonathan Crow QC and Anson Wong SC) (2016)

Commercial Arbitration - UNCITRAL Rules - Application to challenge the Arbitral Tribunal's jurisdiction in the context of contractual dispute over hotel development in the PRC (led by Ambrose Ho SC) (27 August 2015)

Commercial Arbitration - CIETAC Rules - Substantive arbitration hearing in case involving breaches of sales and services agreement in relation to installation of acrylic panels (July 2021)

Commercial Arbitration - HKIAC Rules - Substantive arbitration hearing for commercial and shareholding disputes in relation to companies under VIE (variable interest entity) structure (December 2019)

Commercial Arbitration - HKIAC Rules - Substantive arbitration hearing in relation to share redemption agreement entered into by reason of misrepresentation (November 2019)

Commercial Arbitration - HKIAC Rules - Substantive arbitration hearing in relation of breach of sales agent contract in air passenger services business (November 2017)

Commercial Arbitration - HKIAC Rules - Application to set aside interim injunctive relief to restrain removal of director

Commercial Arbitration - HKIAC Rules - Emergency arbitration procedure in relation to interim relief to restrain disposal of shares and removal of directorship

Commercial Arbitration - HKIAC Rules - Contractual dispute in relation to the operation of a wharf business in the PRC

Expertise:

Scholarships and Awards

- Rhodes Scholarship (2011)
- Bar Scholarship (2013)
- Charles Ching Memorial Scholarship (2013)
- Joint Law Society of Hong Kong / Bloomsbury Book Prizes (2011)
- Maxwell Law Prize (2011)
- Association of China-Appointed Attesting Officers Scholarship (2011)
- Hou De Charitable Foundation Scholarship (2010-2011)
- M.W. Lo Memorial Scholarships (2007-2008, 2008-2009, 2009-2010)
- Dean's Honours List (2006-2007, 2007-2008, 2008-2009, 2009-2010)
- Professor Dafydd Evans Memorial Scholarship (by the Class of 1972) (2009-2010)
- Simon K Y Lee Medal in Law (2009-2010)
- Deacons Prize in Law (2009-2010)
- Haldanes Moot Cup (2009)
- HSBC Hong Kong Scholarship (2008-2009)
- Lovells Scholarship in Law (2008-2009)
- Mr. Alan Leong S.C.'s Chambers Scholarships in Public Law (2007-2008)
- Des Voeux Chambers Junior Scholarship (2007-2008)
- Kai Chong Tong Scholarships (2007-2008)
- Peter Willoughby Memorial Prize for Criminal Law (2007 - 2008)
- Linklaters Prize for Overall Excellence in Law (2006-2007)
- Ho Fook Prize (2006-2007)

Memberships and Appointments

- Committee Member, Committee on Intellectual Property, Hong Kong Bar Association (2018 - present)
- Committee Member, Committee on Competition Law, Hong Kong Bar Association (2016 - present)
- Committee Member, Committee on Companies Law, Hong Kong Bar Association (2016 - 2018)
- Committee Member, Committee on Constitutional Affairs and Human Rights, Hong Kong Bar Association (2016 - 2018)
- Lecturer (Non-Clinical), Department of Law, The University of Hong Kong (2015 - present)
- Coach, Mooting and Dispute Resolution Programme, The University of Hong Kong (2014 - 2018)

Relevant Past Positions

- Committee Member, Oxford Lawyers without Borders (OxLWOB) (2012-2013)

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- Editor, Hong Kong Journal of Legal Studies (HKJLS) Editorial Board (2007-2009)
 - Committee Member, Equal Opportunity Committee, The University of Hong Kong (2009)

Publications, Lectures and Talks

- Contributing Editor of Hong Kong Civil Procedure (the “White Book”) (Sweet & Maxwell)
- “The Rule in *Seldon v Davidson* and the “Absence of Basis” Approach Revisited in Hong Kong” [2015] *Restitution Law Review*, Vol. 23, 128 (co-authored with Kelvin Kwok)
- “The storm over a teacup: Hong Kong top court clarifies IP law” *Journal of Intellectual Property Law & Practice* (2016) 11 (6): 408-410 (co-authored with Stephanie Wong)
- “Substance and Procedure in the Hong Kong Conflicts of Laws: Redrawing the Boundaries and Affording Substance to ‘Substance’” (2011) 5 *HKJLS* 109
- “Insolvency Proceedings and Liquidation Works” (2016) ALE Seminar (with Linda Chan SC, Eva Sit, and Vincent Chen)
- “Minority Shareholders’ Remedies” (2017) CPD Seminar
- “Injunctions: Holding the Ring in Commercial Litigation” (2017) CPD Seminar
- “Unlocking the Law of Restitution” (2017) CPD Seminar
- “Litigating Trade Mark and Passing-Off Disputes” (2017) CPD Seminar
- “Breach and Confidence and Misuse of Private Information in Hong Kong” (2016) CPD Seminar
- “Demystifying the Law of Unjust Enrichment” (2014) CPD Seminar
- “Ring-fencing Domestic Property: Is there a solution?” (2014) CPD Seminar