

Tom Ng

BCL (Dist.) (Oxon.)
LLB & BBA (Law) (1st Class Hon.) (HKU)
Bar Scholar (2015)
Charles Ching Scholar (2016)
FHKI Arb

Email Address:

ngkacheunghk@gmail.com

Year Of Call:

2016

Practice Areas: Arbitration , Mediation, Chancery,
Commercial Law, Company Law and Insolvency, Land &
Planning Law, Securities Law, Banking, Conveyancing and
Property, Defamation, Media and Entertainment,
Regulatory, Shipping and Insurance, Trusts & Probate



Tom is developing a broad civil and commercial practice, with a particular focus on company and insolvency work, banking law, and trust and probate matters. Tom has appeared as sole trial counsel before the Court of First Instance, the District Court and Arbitral Tribunals, and as sole advocate before the Court of Appeal. He was a Marshall to Mr. Justice Reyes in 2009 and to Mr. Justice Harris in 2016. He appeared in the recent cross-border insolvency cases of **Re China Huiyuan Juice Group Ltd** [2021] 1 HKLRD 255 and **FDG Electric Vehicles Ltd** [2020] 5 HKLRD 701.

Tom has published more than 10 items in overseas and local peer-reviewed journals, including the Law Quarterly Review and the Cambridge Law Journal. His publications have been referred to by Chitty on Contracts and Clerk & Lindsell on Torts.

Directory Quotes:

Tom is praised for being "a rising star" and noted for "having the best legal knowledge of any junior in chambers," and commended for being "very good in terms of his analysis and presentation." He is regarded as "an excellent junior and someone to whom [we] now regularly turn for advice." " His highly varied caseload is built around a strong core of company, insolvency and financial services-related work. "He's definitely [one] I'd recommend," and "he helps a lot of silks do their job."

Chambers & Partners Greater China Region (2022)

"He has demonstrated exceptional technical skill across many disciplines." Tom Ng is commended as a Rising Star for Commercial Disputes.

Legal 500 Asia Pacific HK Bar (2021)

Expertise:

Membership and Appointments

- Part-time lecturer in equity and trusts, HKU
- FHKI Arb

Selected Cases

Company and Insolvency

- **Re China Huiyuan Juice Group Ltd** [2021] 1 HKLRD 255
- **FDG Electric Vehicles Ltd** [2020] 5 HKLRD 701
- **Re Allied Weli Development Ltd** (CACV 58/2016, 18 July 2017) (sole advocate before a 3-member Court of Appeal: whether the court has jurisdiction to wind up a foreign company)
- **Re Gain Semiconductor Ltd** [2020] HKCFI 596 (unfair prejudice trial)
- **Re Minloy Ltd** [2019] HKCA 461 (unfair prejudice; appeal)
- **Re Golden Gate International Kindergarten and Nursery Ltd** [2018] HKCFI 641 (winding up; whether debt contingent)
- **Re Posismo Ltd** [2018] HKCFI 344 (winding up; whether sham agreement)
- **Garson Real Property Agencies (HK) Ltd v Ho Pui Fong** [2018] HKCFI 911 (injunction against former sole director)
- **Re Kaisa Group Holdings Ltd** [2017] 1 HKLRD 18 (Scheme of arrangement: application for sanction by non-Hong Kong company)
- **Re Luen Tat Watchband Manufacturer Limited** (HCCW 497/2009, 27 November 2017) (stay of winding up order)
- **Re Petrocom Energy Limited** (HCCW 20/2014, 8 September 2017) (stay of winding up order)
- **Re CIF International Construction Co Ltd** (HCMP 3219/2016, 14.3.2017) (Application to declare dissolution void and removal of liquidator)
- **Re New Resources Holdings Ltd** (HCMP 2985/2014, 8 June 2017) (whether transfer of shares to be registered)
- **Re Lucky Resources (HK) Ltd** [2016] 4 HKLRD 301 (Petition to wind-up company based on an arbitration award)

Banking

- **Standard Chartered Bank v Wendy Lau** [2021] 1 HKLRD 712 (acting for SCB)

- **Habib Bank Zurich (Hong Kong) Ltd v. Creation Castle Ltd** [2020] HKCFI 1062 (bank's duties to its customer)
- **HSBC v. SMI Holdings Group Ltd** [2019] HKCFI 1948 (bank's duties to its customer)
- **PT Tugu Pratama Indonesia v. Citibank N.A.** [2018] 5 HKLRD 277 (trial; bank's duties to its customer)
- **Liquidator of Almond Ltd v. Citibank** [2019] HKCFI 634 (acting for Citibank (Hong Kong) Ltd)
- **AKBank v. Mainford Ltd** [2018] HKCFI 405 (injunction)
- **AKBank v. Mainford Ltd** [2018] HKCFI 363 (bankers' books order)

Land, Trusts and Probate

- **Fok Chun Yue Benjamin v. Fok Chun Wan Ian & Ors** (HCA 92/2016) (acting for the Plaintiff)
- **Re the Estate of Lim Por Yen** [2021] HKCA 139
- **Li Ping Chun v. Liang Tonghua** (CACV 220/2016, 19 October 2017) (sole advocate before a 3-member Court of Appeal: acting for the Plaintiffs-administrators)
- **Kong Hon Kui Thomas v. Wu Yuk Chun Judy** [2019] HKCA 1449 (appeal; acting for the personal representatives)
- **Kong Hon Kui Thomas v. Wu Yuk Chun Judy** [2019] HKCFI 742 (sole trial counsel acting for the Plaintiffs-personal representatives)
- **Re the Estate of Lim Por Yen** [2018] HKCFI 637 (interrogatories to be administered on the executor)
- **Re Fortune King Trading Ltd** (HCCW 432/2012, 19 May 2017) (whether company held land on trust)
- **Cheung Ping Sum v. Wong Chi Hang** (HCMP 1490/2016, 15 July 2016)

Jurisdiction challenge

- **Madison Communications Private Ltd v. Le Ecosystem Technology India Private Ltd** [2017] 5 HKLRD 284 (jurisdiction challenge; whether exclusive jurisdiction clause applies; whether the Defendant had a defence)
- **Excelsior Capital Asia (HK) Ltd v. Zhang Hengshun** [2018] HKCFI 181 (jurisdiction challenge; setting aside leave for service out; acting for the Defendant-partners)
- **PAG Holdings Ltd v. Gorthy** (HCA 3040/2016, HCMP 282/2017, 21 July 2017) (application for anti-suit injunction and stay in favour of arbitration)

General Civil and Commercial, asset tracing

- **Progetto Jewellery Co Ltd v. Lau Chiu Ying** [2020] HKCFI 209 (13-day trial; sole trial Counsel)
- **Acute Result Holdings Ltd v. Lioncap Global Management Ltd** [2019] HKCFI 1580
- **Mathnasium Center Licensing LLC v. Chang Chi Hung** [2019] 2 HKLRD 375 and CACV

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- **Chinacast Education v. Mozart Management Co Ltd** [2018] HKCFI 851 (specific discovery)
- **Mi Jingtian v. Stephen Liu & China Shanshui Cement Group Ltd** (HCA1103/2017, 24 May 2017)

Public law, human rights and public institution

- **MTR v. Tsang Kin Shing** [2018] HKCFA 56 (acting for MTR)
- **MTR v. Kwok Wing Kin** [2020] HKCFI 185; [2019] 5 HKLRD 385 (acting for MTR)
- **TVB v. Persons unlawfully and willfully damaging any property of the Plaintiff** [2019] HKCFI 2723
- **Lingnan University v. Alan Tang** [2019] HKCFI 2749 (acting for Lingnan University)

Scholarships and Awards

- Bar Scholar
- Charles Ching Scholar
- Sir Edward Youde Memorial Fellowships
- Peter Vine Postgraduate Law Scholarships
- Des Voeux Chambers Oxford Scholarship
- Brian McElney Medal in Law
- Brasenose College Prize
- 21 other scholarships and awards

Publication/ Lectures/ Talks

Peer-reviewed publications

1. Referred to by Chitty on Contracts: Volume 2, 32nd edn. (2015), [34-409]: "Misdirected Funds and the Bank's Right to Debit the Originator's Account" (2015) 131 Law Quarterly Review 202
2. Referred to by Clerk & Lindsell on Torts, 21st edn. (2014), [16-01], [16-62]: "The Torts of Malicious Prosecution and Abuse of Legal Process" (2014) 130 Law Quarterly Review 43
3. "Directors' Duty not to Prefer One Creditor to Another" [2015] Cambridge Law Journal 20
4. "Rectification and Rescission of Trust Appointment for Mistake" [2015] Conveyancer 266
5. "Liability Insurance, Contractual Indemnity and Subrogation" [2015] LMCLQ 167
6. "Disgorgement Remedy for Dishonest Assistance" (2015) 21 Trusts & Trustees 571
7. "Judicial Enforcement of the Listing Rules in Hong Kong" (2015) 45 HKLJ 389
8. "Sale and Rent Back, Vendor-Purchaser Constructive Trust and Scintilla Temporis" (2015) 24 Nottingham LJ 143
9. "The Proper Scope of the 'Without Prejudice' Rule" (2015) 34 Civil Justice Quarterly 316
10. "Fiduciary Duties and Equitable Compensation in Hong Kong" (2015) 26 KLJ 14 (with SHK Wong)
11. "The Protection of Well-known Trade Marks in Hong Kong" (2013) 43 Hong Kong LJ 435
12. "Res Judicata, Disciplinary Actions and Public Law Proceedings" (2011) 22 King's LJ 397

Other academic publications

13. "The Doctrine of Encroachment: Theories and Problems" (2013) 7 HKJLS 215
14. Headnote: HKSAR v. Lau Hok Tung [2011] 2 HKLRD 205
15. "Abuse of Legal Process as a Cause of Action" (2011) 5 HKJLS 183
16. "Shooting Stars", 29 April 2009, The Student Standard (article on restrictive covenant)

Regulatory: Submission to the SFC/Administration in Response to Public Consultation

17. "Submission to Open-Ended Fund Companies Consultation Paper issued by Financial Services and the Treasury Bureau", May 2014 (with J. Chung)
18. "Submission to the Consultation Paper on an Effective Resolution Regime for Financial Institutions in Hong Kong", Mar 2014 (with J. Chung)
19. "Submission to the Consultation on Amendments to the REITS Code", Feb 2014 (with J. Chung)
20. "Submission to the SFC Consultation Paper on the Proposed Amendments to the Professional Investor Regime and the Client Agreement Requirements", Jul 2013 (With J. Chung)
21. "Submission to the SFC consultation on the regulation of sponsors", Jun 2012 (With J. Chung)
22. "SFC's Consultation to amend the Code of Conduct in relation to establishment of the FDRC", Jan 2012 (With J. Chung)
23. "SFC's Consultation on the Proposed Guideline on Anti-money Laundering and Counter-terrorist Financing", Nov 2011 (With J. Chung and J. Lai)
24. "SFC's Consultation Conclusions and Further Consultation on the Securities and Futures (Short Position Reporting) Rules", Oct 2011 (With J. Chung)
25. "Submission in response to the SFC's consultation paper on Proposed Amendments to the Securities and Futures (Financial Resources) Rules", May 2011 (With J. Chung)
26. "Submission to the SFC's consultation paper on Proposed Amendments to Specified Stock and Futures Exchanges", Apr 2011 (With J. Chung)
27. "Submission to the SFC consultation Concerning Pre-deal Research", Nov 2010 (With J. Chung)
28. "Submission to the SFC consultation paper Concerning the Regulatory Oversight of Credit Rating Agencies", Aug 2010 (With J. Chung and J. Yip)
29. "Submission to the SFC consultation on the Draft Guidelines on Disclosure of Inside Information", Jun 2010 (With J. Chung and S. Wong)

Spoken Language

Fluent in English and Chinese