

Jason Yu

BA in Jurisprudence, University of Oxford (First Class)
BCL, University of Oxford (Distinction)
CEDR Accredited Mediator

Email Address: jason.yu@dvc.hk

Year Of Call:
2012

Practice Areas:
Company Law and Insolvency, Commercial Law, Chancery,
Securities Law, Intellectual Property, Mediation, Arbitration



Jason joined Chambers in 2012 after accepting numerous scholarships and prizes for his academic achievements. He completed his degree in Jurisprudence from the University of Oxford in 2009 with First Class Honours, ranking first in his class in Contract Law and ninth overall. In 2011, he obtained a Distinction in his BCL degree at the University of Oxford. He was awarded the Bar Scholarship in the same year.

Jason has appeared in all levels of court in Hong Kong (including the Court of Final Appeal in **Ryder v Timely** (2015) 18 HKCFAR 544, one of the leading cases on illegality in the conflict of laws).

Directory Quotes

Jason Yu of Des Voeux Chambers is "in a lot of big cases" and is, in an opinion shared by a number of referees, "seen as one of the rising stars of his seniority." Particularly active in company matters, he also offers extensive experience of intellectual property and conflict of laws issues. Highly popular with many leading silks, who "trust his research and judgment," he is also acknowledged for "very powerful advocacy" in his own right.

Chambers & Partners Asia Pacific (2018)

Expertise

Notable Cases

Company and insolvency:

- **Re Bank of East Asia** [2018] 4 HKLRD 396, [2018] 4 HKLRD 427, [2018] HKCFI 2002 - acting for hedge fund in unfair prejudice petition on shares placed for improper purpose, striking out and discovery applications (led by Charles Sussex SC and José Maurellet SC)
- **Re Convoy Global Holdings Ltd** [2018] HKCFI 2112 - effect of clauses providing for finality in meeting chairman's decision (led by José Maurellet SC)
- **Re Convoy Global Holdings Ltd** [2018] HKCFI 1729 - resisted interim injunction under s.728 of Cap 622 (led by José Maurellet SC), principles on indemnity costs (as sole counsel)
- **Re Mongolian Mining Corp** [2018] HKCFI 2035 - scheme of arrangement of Cayman company with shares listed in Hong Kong (led by José Maurellet SC)
- **Re Ting Wai Monastery** [2018] 1 HKLRD 346 - winding up and provisional liquidation of charitable company (as sole counsel)
- **Re Masahiko Nishiyama**, HCA930/2018 - recognition of foreign bankruptcy in asset concealment case (as sole counsel)

- **Re AGI Logistics** [2016] 5 HKLRD 737, [2015] 4 HKLRD 300 - post-petition dispositions by intermediaries void under s.182 of Cap. 32 (led by José Maurellet SC on appeal)
- **Re Dayuan International**, HCCW103/2015, HCMP2143/2011 - unfair prejudice petition and injunctions; inspection of subsidiaries' records (led by Johnny Mok SC, William Wong SC and Victor Joffe QC)
- **Re China Shanshui Cement Group**, HCA2880/2015 - acted for state-owned listco in disputes (led by Charles Sussex SC)
- **Re Chung Sun Kwan**, CACV233/2016 - resisted annulment of bankruptcy on behalf of bank (as sole counsel)
- **Re Lam Ying Ho** [2015] 2 HKC 162 - appeal on suspension of automatic discharge from bankruptcy (as sole counsel)
- **Re David Ho** [2015] 2 HKLRD 603 - obtained examination orders; resisted LPP claim, appeal and discharge of injunction (as sole counsel)
- **Re STX Pan Ocean** [2014] 5 HKLRD 581 - conversion of voluntary winding up with debts over US\$200 million (with Richard Zimmern)
- **Re High Fashion New Media**, HCA1724/2014 - injunction restraining breach of shareholders agreement (led by Russell Coleman SC)
- **Re Sheng Da Investment** [2013] 3 HKLRD 559 - validity of resolutions passed in breach of shareholders' agreement (with Jonathan Chang)

Acted for liquidators and trustees in various proceedings, including trust, void disposition and unfair preference claims and winding-up of listcos: e.g. **Re China Solar Energy**, HCCW108/2015, **Re Anxin-China**, HCCW317/2015, **Re Lucky Ford**, HCA1357/2012, **Re Red Personnel Ltd**, HCA213/2013, **Re Luen Tat Watch Band**, HCA1428/2012

Arbitration:

- **T v A** [2018] 3 HKLRD 730 - jurisdiction challenge under Art. 16 UNCITRAL Model Law; issues of assignment, subrogation, conflicts of laws and PRC law (led by Clifford Smith SC)
- **Paloma v Capxon** [2018] 2 HKLRD 1424 - resisted application to set aside leave to enforce award, recognition of foreign members' voluntary winding up (as sole counsel)
- **Chimbusco v Fully Best** [2016] 1 HKLRD 582, [2016] 1 HKC 149 - indemnity costs awarded as a rule if action stayed in favour of arbitration (as sole counsel)
- **Commercial arbitration**, UNCITRAL rules - acting in dispute relating to an oil field investment with claims over US\$1 billion (as sole counsel)
- **Commercial arbitration**, HKIAC - acted for North American pension fund in trial concerning distressed PRC private equity investment of US\$200 million (led by Douglas Lam SC)
- **Commercial arbitration**, ICC - acted for North American footwear retailer in jurisdiction challenge against former distributor (led by José Maurellet SC)
- **Commercial arbitration**, HKIAC - acted for listco in defending claim to enforce shareholders' agreement by global pharmaceutical manufacturer (as sole counsel)
- **Commercial arbitration**, HKIAC - trial on breach of contract for sale of commodities (led by José Maurellet SC)

Commercial and civil:

- **Banco de Chile v Boruida** [2018] HKCFI 1780, [2018] HKCFI 2294 - obtained freezing and disclosure orders and release of implied undertaking on behalf of bank (as sole counsel)
- **Stinson v Gu** [2018] HKCA 10, HCA2352/2012 - partnership dispute in horse-betting operation (led by Winnie Tam SC)
- **Chantal v Leung** [2017] 4 HKC 538 - principles on deduction of wages under Employment Ordinance (as sole counsel)
- **Resolution and Collection Corp v Nishiyama**, HCA569/2016 - obtained Mareva and Chabra injunction in aid of Japanese proceedings (led by Winnie Tam SC)
- **China Baoli v Orient Equal**, HCA1399/2016 - multi-party and multi-jurisdiction litigation involving issues of conflicts of laws,

fraud and repo financial products (led by Charles Sussex SC)

- **Ryder v Timely** (2015) 18 HKCFAR 544 - CFA decision on defence of foreign illegality (with Richard Zimmern)
- **Ryder v Timely** [2015] 2 HKC 582, [2013] 6 HKC 584, [2013] 5 HKLRD 343 - on conditional sanctioned offers (as sole counsel) and effect of sanctioned offers in appeals (with Richard Zimmern)
- **LIXIL v Cai**, HCMP 1860/2015 – resisted disclosure in aid of injunction over €335 million of assets (as sole counsel)
- **JSC BTA Bank v Ablyazov** [2014] 5 HKC 209 - obtained Mareva, Chabra and receivership orders on behalf of bank in aid of UK fraud claims for over US\$6 billion (led by José Maurellet SC)
- **Excel Courage v Wong** [2014] 3 HKLRD 642 - appeal on principles of material non-disclosure (with Rachel Lam)
- **Anite v WBCL**, HCA2560/2013 - implied undertakings and privilege against self-incrimination (as sole counsel)
- **Toyota Tsusho v Chimei**, HCA1173/2011 - trial on forgery, letter of credit fraud and unjust enrichment (with Jonathan Chang)
- **Pacific Electric Wire & Cable v Willi**, HCCL18/2009 - illegal service abroad; non-party cost orders (led by Clifford Smith SC)
- **Chan v Lee See Woo**, CACV10/2013 - on burden of proof in forgery cases (with Richard Zimmern)

Intellectual property:

- **Interactive Media v Just Media** [2018] HKCFI 1114 - resisted injunction to restrain alleged passing off (as sole counsel)
- **Nagravision v Zhuhai Gotech** [2018] HKCFI 1330 - injunctions to enforce US default judgment on copyright infringement (led by José Maurellet SC)
- **GMedia v Tencent**, HCA495/2017 - patent infringement by use of 2D code technology in WeChat app (led by Winnie Tam SC)
- **Oriental Food Industries v Sze Hing Loong**, HCA2094/2011 - dispute of ownership of goodwill (led by Winnie Tam SC)
- **Islam Food v Tam**, HCA1597/2010 - assessment of damages for passing-off and trade mark infringement (as sole counsel)
- **SBE v Hyde**, HCA1358/2011 - summary judgment and lack of genuine use of trade mark (led by José Maurellet SC)

Regulatory and public law:

- **Uber Drivers Prosecution**, KCCC274-277&279/2016 - constitutionality of offence charged against Uber drivers (led by Adrian Huggins SC and Derek Chan SC)
- **Trustees of Union Church v Senior Missionary**, HCMP1579/2016 - statutory interpretation of reverter clause in Union Church Incorporation Ordinance (led by José Maurellet SC)
- **Lee v HK Automobile Association** [2015] 3 HKLRD 689 - resisted stay pending review of disqualification decision by sporting authority (led by José Maurellet SC on appeal)
- **Hong Lee v Law Society**, CACV155/2014 - Law Society's duty of care in intervening solicitors' firm (as sole counsel)
- **SFC v Wang Jian Hua**, HCMP745/2013 - orders for listcos to commence actions under s.214 of SFO (as sole counsel)
- **Audit Investigation Board v KM Choi**, HCMP1703/2013 - obtained first enforcement order on behalf of Financial Reporting Council (as sole counsel)
- **Re Robin Dicker QC** [2013] 2 HKLRD 245, [2013] 5 HKC 512 - CFA factor in overseas admissions (led by Gerard McCoy SC)

Probate:

- **Re an Estate** (2017) - scope of power of advancement under Trustee Ordinance (led by Charles Sussex SC)
- **Nativat v Nativat** [2013] 3 HKLRD 340, [2014] 1 HKC 350 - appeal on striking-out claim by foreign executors pending grant (led by Chua Guan-Hock SC)
- **Tao Shen Jong v Yung**, HCAP10/2010 - acted in interlocutory disputes in probate matter (led by Victor Joffe QC)

Scholarships and Awards

- Bar Scholarship (2011)
- Charles Ching Memorial Scholarship (2011)
- Wadham College Prize (2011)
- Donner Foundation Scholarship, Full Scholarship for BCL (2010)
- Sir Nicholas Pumfrey Prize, Best Mooter in Oxford IP Moot (2010)
- Slaughter and May Prize, Top First in Contract Law at Oxford (2009)
- Peter Carter Prize, Top First at Wadham College, Oxford (2009)
- Dr Lee Shau Kee Scholarship, Full Scholarship for BA (Juris.) (2006)

Memberships

- Member, Committee on International Law, Hong Kong Bar Association
- Coach (IP Moot Team), Faculty of Law, University of Hong Kong

Publications and Talks

- Presented workshop for HKICPA Diploma in Insolvency (with Jose Maurellet) – 26 April 2014
- Presented CPD seminar on “Winding Up Companies in Hong Kong” (with Alexander Tang and Ebony Ling) – 31 October 2012