

Jason Yu

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

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Year Of Call:
2012

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



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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] HKCFI 1647 - acting for hedge fund in unfair prejudice proceedings against bank officers in relation to share placements for improper purposes, appeared in applications for striking out and discovery (led by Charles Sussex SC and Jose Maurellet SC)
- **Re Ting Wai Monastery** [2018] 1 HKLRD 346 - winding up and appointment of provisional liquidators over company formed for charitable purposes of operating a Buddhist monastery (as sole counsel)
- **Re Bankruptcy of Nishiyama**, HCA930/2018, HCA3016/2017 - acting for foreign trustees in bankruptcy to obtain recognition orders in Hong Kong in a case of a complex scheme to defraud creditors (as sole counsel)
- **Re Winasia Industries**, HCMP2675/2017 - principles as to director's liability for costs of action to rectify information in the Companies Registry (as sole counsel)
- **Re AGI Logistics** [2016] 5 HKLRD 737, [2015] 4 HKLRD 300 - appeal on void post-petition dispositions by

intermediaries under s.182 of the Companies (Winding-Up and Miscellaneous Provisions) Ordinance (led by Jose Maurellet SC on appeal)

- **Re Dayuan International**, HCCW103/2015, HCMP2143/2011 - defended unfair prejudice petition and extensive injunctive relief; on shareholders' inspection of subsidiaries' records (led by Johnny Mok SC, William Wong SC and Victor Joffe QC)
- **Re China Shanshui Cement Group**, HCA2880/2015 - defending claims against state-owned listed company (led by Charles Sussex SC)
- **Re Ingredients Plus**, HCMP2454/2015 - on scope of rectification proceedings in the context of breaches of shareholders' agreements (as sole counsel)
- **Re Chung Sun Kwan**, CACV233/2016; HCB21283/2002 - acted for Bank of China in resisting annulment of bankruptcy order and appeal (as sole counsel)
- **Re Lam Ying Ho** [2015] 2 HKC 162 - acted for trustees-in-bankruptcy in appeal on cooperation required by bankrupts and evidential standard in applications to suspend automatic discharge from bankruptcy (as sole counsel)
- **Re David Ho** [2015] 2 HKLRD 603, HCB3819/2009, HCMP995/2014 - acted for trustees-in-bankruptcy to obtain examination orders; resisted LPP claim, costs appeal and discharge of injunction (as sole counsel)
- **Re STX Pan Ocean** [2014] 5 HKLRD 581 - conversion of voluntary to compulsory winding up of company with creditors claims amounting to over US\$222 million (with Richard Zimmermann)
- **Hansen v High Fashion**, HCA1724/2014 - shareholders' dispute and injunctions involving alleged breach of shareholder's agreement (led by Russell Coleman SC)
- **Re Sheng Da Investment** [2013] 3 HKLRD 559 - declaration of validity of resolutions passed in breach of shareholders' agreement (with Jonathan Chang)

Advised and acted for liquidators and trustees in numerous proceedings, including trust, void disposition and unfair preference claims and winding-up of listed companies: 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

Commercial and civil:

- **Bank of China v Days Properties Ltd**, HCMP2170/2015 - represented bank in mortgage enforcement proceedings, on doctrine of unconscionable dealing (as sole counsel)
- **Stinson v Gu**, CACV61/2017, HCA2352/2012 - partnership claim in relation to horse-betting operations (led by Winnie Tam SC)
- **Chantal v Leung** [2017] 4 HKC 538 - on definition of "deduction" of wages under s.32 of the Employment Ordinance (as sole counsel)
- **Resolution and Collection Corp v Nishiyama**, HCA569/2016 - represented Japanese state-owned corporation in application for Mareva and Chabra injunction under s.21M of the High Court Ordinance (led by Winnie Tam SC)
- **China Baoli v Orient Equal**, HCA1399/2016 - represented lender in multi-party and multi-jurisdiction litigation involving complex issues of conflicts of laws, fraud and nature of repo financial products (led by Charles Sussex SC)
- **Ryder v Timely** (2015) 18 HKCFAR 544 - leading decision on the defence of foreign illegality where contract not governed by foreign law by Lord Collins NPJ (with Richard Zimmermann)
- **Ryder v Timely** [2015] 2 HKC 582, [2013] 6 HKC 584, [2013] 5 HKLRD 343 - leading case on conditional sanctioned offers (as sole counsel) and effect of sanctioned offers on appeal (with Richard Zimmermann)
- **LIXIL Corp v Cai**, HCMP 1860/2015 – acted for defendant in resisting disclosure orders in aid of a Mareva injunction over €335 million worth of assets (as sole counsel)
- **JSC BTA Bank v Abyazov** [2014] 5 HKC 209 - represented bank in obtaining Mareva, Chabra and receivership orders under s.21M of the High Court Ordinance in aid of some of the largest English civil fraud actions with claims exceeding US\$6 billion (led by Jose Maurellet SC)
- **Excel Courage v Wong** [2014] 3 HKLRD 642 - appeal on regrant of Mareva injunction upon discharge on grounds of material

non-disclosure (with Rachel Lam)

- **Hong Lee v Law Society**, CACV155/2014, HCA2216/2013 - appeal on duty of care of Law Society in intervention of solicitors' firm (as sole counsel)
- **Anite Telecoms v World Best Cargo-link**, HCA2560/2013 - on leave to release party from implied undertakings in relation to documents obtained pursuant to disclosure order and privilege against self-incrimination (as sole counsel)
- **Toyota Tsusho v Chimei Innolux**, HCA1173/2011 - trial on forgery, letter of credit fraud, unjust enrichment and change of position; application to adduce late witness statements (with Jonathan Chang)
- **Pacific Electric Wire & Cable v Robin Willi**, HCCL18/2009 - on illegal service of process abroad and non-party cost orders (led by Clifford Smith SC)
- **Chan v Lee See Woo**, HCMP1813/2007, CACV10/2013 - on burden of proof in forgery cases; trial and appeal in securities dispute (with Richard Zimmern)

Arbitration:

- **T v A**, HCCT57/2017 - application under Article 16 of UNCITRAL Model Law to rule on tribunal's jurisdiction, involving issues of assignment, subrogation, conflicts of laws and trial on PRC law (led by Clifford Smith SC)
- **Paloma v Capxon** [2018] HKCFI 1147 - resisted application to set aside leave to enforce Convention award for over US\$20 million, advising on issues of recognition of foreign members' voluntary winding up in HK (as sole counsel)
- **Chimbusco v Fully Best Trading** [2016] 1 HKC 149 - on default rule to award indemnity costs where action stayed in favour of arbitration (as sole counsel)
- **Commercial arbitration**, HKIAC - acted for large North American pension fund in trial concerning distressed private equity investment of US\$200 million in the PRC following fraudulent transactions (led by Douglas Lam SC)
- **Commercial arbitration**, ICC - acted for North American footwear retailer in preliminary jurisdiction challenge against former distributor (led by Jose Maurellet SC)
- **Commercial arbitration**, HKIAC - acted for listed company in defending claim to enforce shareholders' agreement by global pharmaceutical manufacturer (as sole counsel)
- **Commercial arbitration**, HKIAC - acted for respondent in trial for damages in excess of US\$7 million for breach of contract in a sale of commodities (led by Jose Maurellet SC)

Intellectual property:

- **Interactive Media v Just Media** [2018] HKCFI 1114 - acted for publisher of horse racing journal in resisting interlocutory injunction to restrain alleged passing off (as sole counsel)
- **Nagravision v Zhuhai Gotech** [2018] HKCFI 1330 - acted for satellite receiver manufacturer in resisting interlocutory injunctions to enforce US default judgment and alleged copyright infringement (led by Jose Maurellet SC)
- **GMedia v Tencent**, HCA495/2017 - acted for plaintiff in patent infringement action concerning the use of two dimensional code technology in Tencent's WeChat app (led by Winnie Tam SC)
- **Oriental Food Industries v Sze Hing Loong**, HCA2094/2011 - acted for Sze Hing Loong in defending summary judgment for trade mark claim on grounds of ownership of goodwill (led by Winnie Tam SC)
- **Islam Food v Tam**, HCA1597/2010 - acted for plaintiff in assessment of damages for passing-off and trade mark infringement (as sole counsel)
- **SBE Licensing v Hyde**, HCA1358/2011 - defended summary judgment on grounds of lack of genuine use of a trade mark (led by Jose Maurellet SC)

Regulatory and public law:

- **Uber Drivers Prosecution**, KCCC274-277&279/2016 - acted for Uber drivers in hearing of argument on constitutionality of offence upon which drivers were charged for driving passengers using the popular app (led by Adrian Huggins SC and Derek Chan SC)
- **Trustees of Union Church v Senior Missionary of the LMS**, HCMP1579/2016 - on statutory interpretation of reverter clause in Union Church Incorporation Ordinance (led by Jose Maurellet SC)
- **Lee v Hong Kong Automobile Association** [2015] 3 HKLRD 689 - resisted stay of proceedings for review of disqualification decisions of sporting authority (led by Jose Maurellet SC on appeal)
- **Securities and Futures Commission v Wang Jian Hua**, HCMP745/2013 - on orders for listed companies to commence actions against wrongdoers under s.214(2)(e) of the Securities and Futures Ordinance (as sole counsel)
- **Audit Investigation Board v KM Choi & Au Yeung**, HCMP1703/2013 - acted for Financial Reporting Council to obtain first enforcement order in HK (as sole counsel)
- **Re Robin Dicker QC** [2013] 2 HKLRD 245, [2013] 5 HKC 512 - leading case on the CFA factor in admissions of overseas counsel (led by Gerard McCoy SC)

Probate:

- **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