

## **Newton M. Y. Mak, Barrister-at-law**

### **麥銘賢大律師**

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Chambers of Ronny Wong SC

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Call: 2014 (HK)

### **Professional Qualifications**

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Since 2013 AHKIArb, Hong Kong Institute of Arbitrators

Since 2013 HKMAAL Accredited General Mediator

### **Profile**

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Newton joined the Bar with more than 10 years of commercial experience, having worked as a management consultant and project manager in the information technology discipline.

Newton focuses on civil litigation and advisory works. He has been instructed in a wide range of contentious matters. His main practice areas include company, commercial, employment, personal injuries, insolvency, trust, and probate.

### **Selected Litigation / Advisory Works**

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#### **Company**

- Acted for the applicant listed company in applying for leave to judicial review decisions of the Listing Committee and Listing Review Committee of the Hong Kong Stock Exchange to cancel the listing of the company's shares: *Superb Summit International Group Limited* (HCAL 336/2020), [2020] HKCFI 892.
- Acted for the defendant directors in opposing and counterclaiming inspection of company's records under sections 375 and 740 of the Companies Ordinance (Cap 622) (led by Mr. Ronny Wong SC): *Re CCCC Financial Limited* (unrep., HCMP 3194/2016, 8/11/2017).
- Acted for the defendants in striking-out the plaintiffs' common law double derivative claim as being an abuse of the process of the court (led by Mr. Ronny Wong SC): *Huinong Delta Investments Ltd & Ors v CCCC Financial Limited & Ors* (unrep., HCA 2814/2016, 6/11/2017).

## Commercial

- Acted for the respondent in opposing application for leave to appeal against an order refusing to grant Mareva injunction on the ground of no real risk of dissipation of assets (with Mr. Edward Alder): *China Medical Technologies, Inc. (in liquidation) & Ors v Wu Xiaodong & Ors* (HCA 3391/2016, 17/7/2019).
- Acted for the plaintiff company in obtaining Mareva injunction for an email fraud claim (HCA 2585/2016).
- Acted for the defendants in applying for leave to appeal against an order that refused to order fortification for a Mareva injunction (led by Mr. Ronny Wong SC): *Sun Yan & Ors v Superb Jade Limited* (unrep., HCA 813/2014, 23/10/2015).

## Employment

- Acted for the employer in applying for leave to appeal against decisions of the Labour Tribunal concerning claims of arrear of wages, commission, wages in lieu of notice and annual leave payment (HCLA 18/2020), [2021] HKCFI 220.
- Acted for the plaintiff employee in claiming for outstanding MPF contribution, annual leave payment and reimbursement of expenses, and in opposing the employer's counterclaim for breach of fiduciary duty and misappropriation of the company's fund (with Mr. Adrian Leung): *Mok Hon Kin Patrick v C3S Far East Limited* (DCCJ 4860/2015), [2019] HKDC 798.
- Acted for the respondent employer in opposing application for compensation under ss.9, 10 and 10A of the Employee's Compensation Ordinance (Cap 282): *Wu Suen Pong v Kwok Wing Man t/a Ching Ching Transportation Co.* (unrep., DCEC 2075/2013, 22/6/2015).

## Insolvency

- Acted for the applicant director in applying for leave to appeal against an order concerning documentary production made under s.221 of the Companies (Winding Up and Miscellaneous Provisions) Ordinance (Cap 32) (with Mr. Edward Alder): *The Joint and Several Provisional Liquidators of China Medical Technologies, Inc. v Samson Tsang Tak Yung* [2020] HKCFA 8, (2020) 23 HKCFAR 145, [2020] 2 HKLRD 268, [2020] HKC 8.
- Acted for the debtor insurance agent in opposing bankruptcy petition: *Re Lee Wai Kwok* (unrep., HCB 5994/2014, 13/1/2016).
- Acted for the bankrupt in obtaining annulment of bankruptcy order under s.33(1)(a) of the Bankruptcy Ordinance (Cap 6) on the ground of defective service of statutory demand and petition where the petitioner creditor had failed to exhaust all reasonable means to effect service (HCB 861/2015).

## Trust

- Acted for the plaintiff beneficiary in O.85 proceedings against the trustee of Chinese customary land trusts (祖/堂) registered under s.15 of the New Territories Ordinance (Cap 97), claiming for distribution of profits and directions for ongoing administration of the trusts (HCMP 1289/2020).
- Acted for the plaintiff beneficiaries in claiming specific discovery and breach of trust against a trustee corporation (DCCJ 1542, 1659, 1660, 1740, 1987, 2392, 3714 & 5155/2018).

## Privacy

- Acted for the plaintiffs in obtaining urgent *quia timet* interlocutory injunctions to restrain media from making intended privacy-intruding publication of article and photograph on the grounds of misuse of private information and breach of confidence (led by Mr. Ronny Wong SC) (HCA 374/2018 and HCA 396/2018).

## Personal Injuries

- Acted for the employer in defending a personal injury claim for vicarious liability of an accident involving a person alleged to be its employee or agent (DCPI 898/2016).
- Provided written advices on liability, quantum and evidence in various personal injury claims involving workplace, traffic and construction site accidents.

## Criminal

- Acted for the appellant in appealing against conviction of conspiracy to defraud in relation to “connected transaction” as defined in the Listing Rules of the Hong Kong Stock Exchange (led by Ms. Wing Kay Po and with Ms. Doris Li): *HKSAR v Leonora Yung, The Personal Representative of the Estate of Cheng Chee-Tock Theodore* (FACC 7/2014), (2016) 19 HKCFAR 86, [2016] 6 HKC 149.
- Acted for the deceased appellant’s widow in obtaining leave to continue appeal in the CFA notwithstanding the death of the appellant: (led by Ms. Wing Kay Po and with Ms. Doris Li): *HKSAR v Cheng Chee-Tock Theodore* (FACC 7/2014), (2015) 18 HKCFAR 292, [2015] 5 HKC 230.

## Education

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P.C.LL.	The Chinese University of Hong Kong	(Distinction)
J.D.	The Chinese University of Hong Kong	
M.Sc.	The University of Hong Kong	(Distinction)
B.Sc.	University of Wisconsin - Madison, USA	(Dean’s Honour List)

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## **Academic Scholarships and Awards**

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- 2012            Willem C. Vis International Commercial Arbitration Moot
- 3<sup>rd</sup> Place, Best Individual Oralist (Vienna)
  - Honourable Mention for Best Team Orals (Vienna)
  - Honourable Mention for Best Memorandum for Claimant (East)
  - Honourable Mention for Best Memorandum for Respondent (East)
- 2011            J.D. Scholarship for Academic Excellence  
*The Chinese University of Hong Kong*
- 2010            J.D. Scholarship for Academic Excellence  
*The Chinese University of Hong Kong*

## **Languages**

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Fluent in English and Cantonese; Conversant in Mandarin.