

HONG KONG / JUDGMENT

RE COLLINGWOOD THOMPSON QC

COURT

Court of First Instance

DECIDED

14 November 2007

CASE / FILE NUMBER

HCMP2190/2007

Source: legalref.judiciary.hk · Research copy typeset by Esheria. Not court-issued or certified.

bjbj HCMP 2190/2007 IN THE HIGH COURT OF THE HONG KONG SPECIAL ADMINISTRATIVE
REGION COURT OF FIRST INSTANCE MISCELLANEOUS PROCEEDINGS NO. 2190 of 2007

IN THE MATTER of the application of Collingwood THOMPSON Q.C. to be approved admitted and
called to practice as a Barrister of the High Court of the Hong Kong Special Administrative
Region IN THE MATTER of the Legal Practitioners Ordinance (Cap. 159)

Before : Hon Ma CJHC in Court Date of Hearing : 14 November 2007 Date of Judgment : 14
November 2007

J U D G M E N T

The present application for the admission of overseas counsel is made in respect of the same
proceedings for which the applicant in HCMP 1722/2007 (Mr Edmund Lawson QC) was admitted.
The relevant proceedings are in the District Court in a trial due to commence on 7 January 2008.
The earlier admission (see the judgment dated 24 September

2007) admitted the applicant in that case to appear for a solicitor who was charged with two
counts of conspiracy to defraud. The context was the takeover of a Hong Kong Company
(imGO Limited, later renamed Shanghai Land Holdings Limited) by a Mainland
businessman, Mr Chau Ching Ngai, using a corporate vehicle (Global Town Limited). The
acquisition was to be financed by the Bank of China (Hong Kong) Limited. The 7th
Defendant in DCCC 980/2006 (Mr Donald Koo), through his firm, acted as the legal advisor
to the Bank of China in relation to the loan facility provided by the Bank. He faces two
charges Conspiracy to defraud together with five others (including two solicitors) the Stock
Exchange of Hong Kong Limited, the Securities and Futures Commission and shareholders
of imGO Limited by the making of various false representations relating to the proposed

setting up of an Executive Committee for that company. Making false statements as a director contrary to section 21 of the Theft Ordinance, Cap. 210 in the annual report of Shanghai Land Holdings Limited with intent to deceive. It is unnecessary to go into the facts of the criminal proceedings as it does not appear to be contentious that the case is, as I have assumed in the earlier application, to be one of unusual difficulty or complexity. I am prepared to make the same assumption in the present application. Mr Adrian Huggins SC, who appears for the Hong Kong Bar Association, criticizes the application for the lack of effort made to inquire about the availability of local senior counsel. The affirmation in support of the application from Mr Koo gives details of his having considered (and rejected) instructing some six local senior counsel. Mr Huggins was critical of the lack of detail provided of the reasons for not instructing these counsel or other senior counsel. Furthermore, the Bar has filed an affirmation providing details of some nine senior counsel who have indicated their expertise in relevant areas as well as their availability. The court has on numerous occasions emphasized the necessity in all cases for an applicant (or, rather, his solicitors) and of course the burden is on the applicant, to demonstrate that serious consideration has been given to instructing local senior counsel. This is an aspect that is often ignored or underestimated but where insufficient efforts have been shown (or there is insufficient evidence of the efforts made) the court can refuse admission on this ground alone. I take this opportunity to remind would be applicants and their solicitors of the need to provide proper details on this aspect. As Mr Huggins has submitted, it is an important facet of the court's discretion. In the present case, Mr Anderson Chow SC, for the Applicant has submitted that efforts were made to instruct local leading counsel and that whether more or less efforts ought to have been made depends on the circumstances. This is of course correct that one has to look at the circumstances in any given case. In my judgment, what was said by Mr Koo in his affirmation is important (paragraph 10 of his affirmation) After having decided to retain London Counsel, those advising me proceed to prepare a comprehensive written Instructions to Counsel (of some 40 pages and 10 odd box files of exhibits) which were delivered to both Mr. Alun Jones Q.C. and Mr. Collingwood Thompson Q.C. in early August for their preliminary advice. There was some delay in the finalization of their advices which were not available until early October

2007. After having received their written advices and considered the same with my legal team, I decided to instruct Mr. Collingwood Thompson Q.C. to represent me in the Proceedings. Further, the admission of Mr. Edmund Lawson Q.C. on 24th September 2007 to represent the 6th Defendant in this matter also reinforced our understanding that this is a suitable matter for the admission of overseas counsel. (emphasis added) As I think Mr Huggins accepted, it is a relevant factor in the present case that in the same proceedings overseas counsel has been admitted for another party. This is particularly so since criminal proceedings are involved. It would be invidious if it should be thought that while one party could get the benefit of overseas counsel, other parties cannot. This is not in any way to downplay the status or ability of Hong Kong counsel but it is quite simply a matter of

fairness and perception of fairness. In the circumstances of the present case, I think it is decisive. Mr Huggins has forcefully pointed out that there has been delay in making the present application and indeed in a way, there has been but it is not a weighty factor in the circumstances of the present case. For the above reasons, I would grant the application that the Applicant be admitted to the Hong Kong Bar under section 27(4) of the Legal Practitioners Ordinance for the purpose of conducting the defence of Mr Donald Koo in DCCC 980/2006 and rendering any advice as may be required in conference in relation to these proceedings. (Geoffrey Ma) Chief Judge, High Court Mr Anderson Chow SC and Mr Victor Dawes, instructed by Messrs Hastings & Co for the Applicant Mr Adrian Huggins SC & Mr Keith Yeung, instructed by Messrs Anthony Chiang & Partners for the Hong Kong Bar Association Ms Michelle Chui of the Department of Justice for the Secretary for Justice

PAGE PAGE - A B C D E F G H I J K L M N O P Q R S T U V 1udk 1udk H I J K L M N O P Q R S T U V (#p# &`#\$!0 !0 !0 !0 !0 !0 !0 !0 !0 1A \ @\$_"D jFen & 6" Normal.dot setup Microsoft Word 9.0 Judiciary Title Microsoft Word Document MSWordDoc Word.Document.8

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE https://legalref.judiciary.hk/lrs/common/ju/ju_frame.jsp?DIS=59160

CASE PAGE <https://chat.esheria.ai/case-law/hong-kong/re-collingwood-thompson-qc-2007>

Prepared on 29 October 2026 · Esheria