



T: + 852 2525 7388

M: + 852 5191 1255

E: joshbaker@princeschambers.com.hk

JOSH BAKER

Year of Call

2019 Barrister, Hong Kong

Academic

2018 PCLL, University of Hong Kong

2016 LLM (Distinction, Top of Class), University of Hong Kong

2014 MA, University of Cambridge

Practice profile

Josh was called to the Bar in June 2019 having worked in litigation in Hong Kong with solicitors' firms for seven years. He is developing practices in commercial, public and family law. In March 2019 he served as marshal to Her Honour Judge S D Melloy.

Josh graduated first in his year from the LLM in Human Rights at the University of Hong Kong in 2016. He read law as an undergraduate at the University of Cambridge.

Josh has experience across a range of commercial matters, and is comfortable handling heavy work as part of a team as well on urgent and *ex parte* applications. He has a particular knowledge of civil fraud, asset tracing and recovery, and has advised in the banking and financial services context. He frequently advises on strategy and the preparation of evidence. He is the author of the new chapter on agency in *Chitty on Contracts: Hong Kong Specific Contracts* and a contributor to the White Book.

In the public law space, Josh has acted for individuals, NGOs and incorporated applicants. He often advises on matters with a civil liberties and fundamental rights dimension, and where international law is material. He has advised on matters related to the National Security Law, and is very familiar with discrimination law in the private and public law contexts.

Josh works in all areas of family law. He has advised on matters relating to the validity of marriages and divorce proceedings, custody, and parentage. He has a particular interest in child protection, and is often consulted on questions of family migration. He is co-author of the new *Atkins' Court Forms* in family law and a contributor to *Duxbury, Etc.*

Selected work

Commercial and civil

- *Asia Steel & Metals Limited v The Hongkong and Shanghai Banking Corporation Limited* HCA 578/2020 – acting for a commodities group in US\$1.24M claim for negligence and dishonest assistance arising from the bank's handling of payment instructions.
- *Henderson v Henderson* HCMP 1780/2013 – acting for the defendant (claimant) in a \$13M claim for loss occasioned by the wrongful grant of worldwide *Mareva* relief pursuant to the undertaking in damages (with Azan Marwah).
- *KH Foundations v Chun Yip Construction Co Ltd* HCCT 43/2019 - appeared for the plaintiff in applications for production under O.24 r.11 and further and better particulars (with Phillip Rompotis).
- *Hospital Authority v Lopez* DCCJ 3315/2020 – acting for the defendant in a claim for medical fees.
- Advising a family trust on the use of overseas corporate structures.

- Advising an international cosmetics distributor on legal issues surrounding its proposed multi-layered marketing scheme.
- *Busby v Mahtani* HCSD 21/2018 – defending application to set aside statutory demand.

Public law

- *Y v ICAC* [2020] HKCFI 161 – judicial review of ICAC warrant to enter and search premises granted under the Prevention of Bribery Ordinance – whether warrant defective for generality (with Tim Parker and Jin Pao SC).
- *He Wei v Director of Immigration* HCAL 209/2019 – leave to apply for judicial review of prospective investment visa decision – whether Director's valuation of company lawful – whether premature application should be permitted (with Shaphan Marwah).
- *Lee Sui Hing v Secretary for Justice and Commissioner of Police* DCCJ 6171/2019 – acting for the plaintiff in claims in negligence and for unconstitutional deprivation of liberty, arising from police and prosecution's handling of fingerprint evidence and objections to bail, before charges were withdrawn (with Shaphan Marwah).
- *S and K v Torture Claims Appeal Board* HCAL 1762/2018 – acting for protection claimants – whether adequate inquiries made of centralised identity system in country of origin.
- Advising individuals whose bank accounts are frozen pursuant to Letters of No Consent issued under the Organized and Serious Crimes Ordinance, on systemic and fact-specific challenges by application for judicial review.
- Advising an association of stakeholders on a constitutional and fundamental rights challenge to aspects of a regulatory Bill laid before the Legislative Council.
- Advising a victim of forced labour in claims for breach of BOR 4 procedural obligations that arise from a failure to conduct any or any meaningful investigations into a credible instance of forced labour.
- Advising a screened in refugee on tort and BOR 3 claims for mistreatment at the hands of immigration officials whilst in administrative detention.
- Advising a leading NGO on a challenge to Director of Immigration's refusal to permit wife and mother to leave Hong Kong with her child.

Family law and practice

- *BVDR v TOYJ* FCMP 171/2020 – applications for interim sole custody, care and control and a non-molestation order.
- *THBRS & Anor v AA* FCMP 84/2014 – costs of proceedings for declaration of paternity – evasive litigation conduct – whether a children's matter such that 'no order' ought to be made (with Azan Marwah).
- Advising a mother in respect of whom a children's declaration and decree absolute was obtained without notice on application to set aside and appeal.
- Advising a migrant mother in respect of bigamy and immigration matters.

Publications

- Contributor, *Hong Kong Civil Procedure 2020, 2021*.
- Contributor, *Butterworths Hong Kong Banking Law Handbook* (5th ed, 2020).
- Author, Agency (chapter 1) in *Chitty on Contracts: Hong Kong Specific Contracts* (6th ed, 2019).

- Author, Novelty and Orthodoxy: 2018 in Civil Justice, *Special Release to Hong Kong Civil Procedure 2020*.
- Contributor, *Duxbury, Etc: Practical Guide to Hong Kong Family Law and Courts* (2019, 2020).
- Contributor, General Editor's Updates, *Archbold 2019, 2020*.
- Co-author, Family Law in *Atkins' Court Forms Hong Kong* (2019 reissue).
- Author, Eastern and Western perspectives of surrogacy: out with the old, in with the best interests? [2016] 4 *International Family Law Journal*.