



Carter Chim

Barrister-at-Law

Denis Chang's Chambers

Call: 2012 (HK)

Set: Main Set

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"Carter is well known amongst the Hong Kong Bar as a leading specialist in Hong Kong competition law. He is sought after by practitioners for his superb knowledge of competition law and experience in a growing number of cases in Hong Kong."

"Carter Chim...is frequently instructed on complex and high-value cases."
Legal 500 Asia-Pacific 2023, Competition Law – Leading Juniors, Tier 1

"A conscientious and industrious barrister with thorough knowledge of competition law."

"Carter Chim is 'well-recognised in Hong Kong for his experience in competition law matters' and is well-versed in representing public and private clients across a wide spectrum of competition law issues, with enforcement actions prominent in his recent caseload. "
Legal 500 Asia-Pacific 2022, Competition Law – Leading Juniors, Tier 1

"There is no question in relation to his wealth of knowledge in competition law. Given his background also in academia, he is able to present a lot of food for thought to the Competition Tribunal. He is a relentless advocate and his submissions were well researched, and does an admirable job for a client facing an uphill battle."

Legal 500 Asia-Pacific 2021, Competition Law – Leading Juniors, Tier 1

Biography

Competition Law

Carter has been recognised by *The Legal 500 (Legalease)* as a Leading Junior (Tier 1) in Competition Law for three consecutive years (i.e. 2021-2023).

With the support of the British Chevening Postgraduate Scholarship, Carter read competition law at King's College London, where he received a LL.M. in Competition Law (Distinction) in 2011. From 2015 to 2016, he was appointed as a Legal Counsel to the Competition Commission (Hong Kong), during which he furthered his studies in competition law and was awarded the Postgraduate Diploma in Economics for Competition Law from King's College London. During his tenure, he also acted as the first case manager for the Competition Commission in its first public enforcement action in *Competition Commission v Nutanix Hong Kong Ltd v Others* (CTEA 1/2017).

In 2016, Carter returned to Denis Chang's Chambers and has since been regularly accepting instructions on competition matters from leading law firms such as Linklaters, Slaughter & May and Deacons. His previous or present clients include, among others, some of the respondents in *Competition Commission v W Hing Construction Co Ltd and Others* (CTEA 2/2017), *Competition Commission v TH Lee Book Co Ltd and Others* (CTEA 2/2020) and *Competition Commission v Linde HKO and Others* (CTEA 3/2020).

In addition to his legal practice in this area, Carter also taught competition law at The Chinese University of Hong Kong from 2016 to 2019, and has been serving as a senior lecturer at The University of Hong Kong since 2019. He was also appointed as a non-governmental advisor to the International Competition Network during 2018 to 2022. Currently, he is a member of the Hong Kong Bar Association's Special Committee on Competition Law.

Biography (continued)

Constitutional and Administrative Law

Carter has acted in a number of landmark constitutional and administrative law cases before the Hong Kong Court of Final Appeal, including:

- *Secretary for Justice v Leung Kwok Hung* (2021) 24 HKCFAR 234 (concerning the scope of parliamentary privilege enjoyed by a member of the Legislative Council in the course of proceedings);
- *Leung Kwok Hung v President of the Legislative Council (No 1)* (2014) 17 HKCFAR 689 (autonomy of the Legislative Council in conducting the business of its internal affairs);
- *Leung Kwok Hung v President of the Legislative Council (No 2)* (2014) 17 HKCFAR 841 (legal principles governing legal costs in an application for judicial review);
- *Ho Chun Yan, Albert v Leung Chun Ying* (2013) 16 HKCFAR 735 (lawfulness of the Chief Executive Election in 2012).

He also represented the successful defendants in *Turbo Top Ltd v Lee Cheuk Yan & Ors* [2013] 3 HKLRD 41, in which the plaintiff failed to obtain an interlocutory injunction to restrain the defendants from protesting and keeping temporary structures in a public open space.

Carter taught constitutional law and administrative law at various local universities, namely, The University of Hong Kong (2013 – 2015), The City University of Hong Kong (2014 – 2015), and The Chinese University of Hong Kong (2016 – 2019).

Biography (continued)

Criminal Law

Carter secured successful outcomes for the defendants before the Hong Kong Court of Final Appeal in *HKSAR v Chow Nok Hang & Anor* (2013) 16 HKCFAR 837 (concerning the elements of the offence of “disorder in public places” under section 17B of the Public Order Ordinance, Cap. 245) and *HKSAR v Lo Kin Sun* (2021) 24 HKCFAR 11 (established that there was a departure from the accepted norms concerning the conduct of the defendant’s trial where he was unrepresented, denying him the right to a fair trial and rendering his conviction unsafe and unsatisfactory).

Carter was also instructed by the Prosecution in the landmark case concerning misconduct in public office and bribery in *HKSAR v Raphael Hui & Ors* (HCCC 98/2013). Subsequently, Carter successfully defended the defendant in another case concerning misconduct in public office: *HKSAR v Leung Kwok Hung* (DCCC 546/2016).

He regularly appears in the magistrates’ courts as a counsel-on-fiat for the prosecution and a duty lawyer for the defendants.

Commercial and Property Disputes

General civil matters form a core part of Carter’s practice. Matters which he is regularly instructed to handle include winding up petitions (for the successful petitioner in *Re Yuan Tong Global Financial Group Ltd* [2021] HKCFI 1534), water leakage cases, property disputes, discrimination cases, and more.

In light of his expertise in property disputes and other general civil matters, Carter was appointed to teach Land Law I & II in The University of Hong Kong during 2019- to 2021. Currently, he teaches Civil Procedure at The University of Hong Kong.

Education

Postgraduate Diploma in Economics for Competition Law, King's College London (2016)

LLM in Competition Law, King's College London (Distinction) (2011)

PCLL, The University of Hong Kong (2010)

LLB, The University of Hong Kong (2009)

BSocSc (Government & Laws), The University of Hong Kong (2007)

Scholarships and Prizes

British Chevening Postgraduate Scholarship (2011)

Peter Vine Postgraduate Law Scholarship (2011)

Appointments

Non-Governmental Advisor, International Competition Network (2018-2022)

Legal Counsel, Competition Commission (Hong Kong) (2015-2016)

Committee Member, Committee on Competition Law, HK Bar Association (2012 – present)

Selected Cases

Competition Law

- ***Competition Commission v Linde HKO Limited & Others [2021] HKCT 3*** (as sole advocate at the Competition Tribunal)

1st Case Management Conference – Discovery

Represented the 3rd Respondent to resist an order to make general discovery

- ***Competition Commission v TH Lee Book Co Ltd & Others (CTEA 2/2020)*** (Competition Tribunal, led by Abraham Chan SC)

1st and 2nd Case Management Conferences

Represented the 2nd and 3rd Respondents in the 1st and 2nd Case Management Conferences

- ***Competition Commission v W Hing Construction Co Ltd (永興聯合建築有限公司) (No 3) [2020] 2 HKLRD 1229*** (as sole advocate at the Competition Tribunal)

Represented the 2nd and 3rd Respondents in this landmark case in which the Competition Tribunal, for the first time, laid down a 4-step approach to determining pecuniary penalty. It was also the first time for the Competition Tribunal to deal with the issues of legal costs and investigation costs.near-monopoly.

- ***Competition Commission v W Hing Construction Co Ltd (永興聯合建築有限公司) (No 2) [2019] 3 HKLRD 46*** (as sole advocate at the Competition Tribunal)

Represented the 2nd and 3rd Respondents in this landmark case in which the Competition Tribunal, for the first time, dealt with the efficiency defence in section 1 of Schedule 1 to the Competition Ordinance, Cap. 619.

Selected Cases

Administrative and Constitutional Law

- ***Secretary for Justice v Leung Kwok Hung* [2021] HKCFA 32** (Court of Final Appeal, led by Lord Pannick QC and Margaret Ng, with Jason Lee as co-counsel)

Represented the Appellant in this landmark case concerning the scope of parliamentary privilege enjoyed by a member of the Legislative Council (“LegCo”) in the course of Legislative Council proceedings

- ***Leung Kwok Hung v President of the Legislative Council (No 1)* (2014) 17 HKCFAR 689** (Court of Final Appeal, led by Martin Lee SC and Hectar Pun SC)

Represented the Appellant in this landmark case concerning the non-intervention principle and the autonomy of the Legislative Council in conducting the business of its internal affairs

- ***Leung Kwok Hung v President of the Legislative Council (No 2)* (2014) 17 HKCFAR 841** (Court of Final Appeal, led by Martin Lee SC and Hectar Pun SC)

Represented the Appellant in this landmark case in which the Court of Final Appeal, for the first time, laid down the legal principles governing costs in an application for judicial review. Succeeded in arguing that the Appellant brought a meritorious public interest litigation so that the Appellant should not be ordered to pay costs to the Respondent.

- ***Ho Chun Yan, Albert v Leung Chun Ying* (2013) 16 HKCFAR 735** (Court of Final Appeal, led by Martin Lee SC and Hectar Pun SC)

Represented the petitioner in an academic appeal on the relationship between judicial review and election petition in a legal challenge of the Chief Executive Election 2012.

- ***Turbo Top Ltd v Lee Cheuk Yan & Ors* [2013] 3 HKLRD 41** (as sole advocate at the Court of First Instance)

Represented the 4th and 5th defendants, who succeeded in resisting the plaintiff’s application for an interlocutory injunction to restrain the defendants from protesting and keeping temporary structures in a public open space.

Selected Cases

Criminal Law

- ***HKSAR v Lo Kin Sun (2021) 24 HKCFAR 11*** (Court of Final Appeal, led by Eric Cheung as solicitor advocate)

Represented the successful appellant in establishing that there was a departure from the accepted norms concerning the conduct of the defendant's trial where he was unrepresented, denying him the right to a fair trial and rendering his conviction unsafe and unsatisfactory.

- ***HKSAR v Chow Nok Hang & Anor (2013) 16 HKCFAR 837*** (Court of Final Appeal, led by Martin Lee SC, with Randy Shek as co-counsel)

Represented the successful defendant in clarifying the elements of the offence of "disorder in public places" under section 17B of the Public Order Ordinance, Cap. 245)

- ***HKSAR v Leung Kwok Hung (DCCC 546/2016)*** (District Court, led by Martin Lee SC and Hectar Pun SC, with Anson Wong as co-counsel)

Represented the successful defendant who faced an allegation of misconduct in public office

- ***HKSAR v Raphael Hui & Ors (HCCC 98/2013)*** (Court of First Instance, led by David Perry QC, Joseph Tse SC, Louis Mably QC and Maggie Wong SC)

Represented the successful prosecution in the trial of this case concerning misconduct in public office and bribery

Winding Up Petition

- ***Re Yuan Tong Global Financial Group Ltd [2021] HKCFI 1534*** (as sole advocate at the Court of First Instance)

Represented the successful petitioner and persuaded the Court that the respondent did not have a bona fide defence to the petitioner's claim

Selected Cases

Administrative and Constitutional Law

- ***Secretary for Justice v Leung Kwok Hung* [2021] HKCFA 32** (Court of Final Appeal, led by Lord Pannick QC and Margaret Ng, with Jason Lee as co-counsel)

Represented the Appellant in this landmark case concerning the scope of parliamentary privilege enjoyed by a member of the Legislative Council (“LegCo”) in the course of Legislative Council proceedings

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