

Tim Parker

“Tim is superbly clever, and a highly talented and effective advocate who is always well prepared and inspires great confidence.”

– LEGAL 500 HONG KONG, 2022

Year of call: 2017
Degree: LLM, First Class (Cantab), (Whewell Scholar), BA (University of Melbourne), LLB (University of Hong Kong)
Languages: Chinese (Mandarin) (working knowledge)



Tim has a wide-ranging practice that encompasses all Chambers' main areas of work, with a particular focus on public international law, public and regulatory matters, competition, and commercial law. He is based in Hong Kong where he has established a formidable reputation as a leading junior, with particular recognition for his public law work.

Tim commenced practice in England and Wales in March 2018 on completion of his six-month pupillage in Chambers, having been called to the Bar in 2017. Tim was admitted as a barrister in Hong Kong in 2009. He is ranked as an 'up and coming' junior in Chambers Global, which describes him as "one of the best public law juniors around". He is also listed as a 'Future Leader' by Who's Who Legal. He is highly ranked for his Administrative and Public Law, Competition Law, Commercial Dispute Resolution expertise in Legal 500's Hong Kong Bar rankings, as well as for Commercial Dispute Resolution in Chambers & Partners Hong Kong.

EXPERIENCE

Public International Law

Tim accepts instructions in all areas of Chambers' public international law practice.

“A very bright and user friendly barrister, especially when it comes to competition and public law related matters.”

– LEGAL 500, 2022

Cases

Certain Underwriters at Lloyds of London & Ors. v Syrian Arab Republic & Ors.

CL-2015-000667

The Commercial Court ordered a UK bank to disclose whether it holds funds on behalf of the Syrian Arab Republic, Syrian Airforce Intelligence, President Bashar Al-Assad and Gen Muhammad Al Khuli (former Chief of Syrian Airforce Intelligence). Tim acted for the claimants.

Joseph Lau Luen Hung v Hong Kong Special Administrative Region

Judicial review proceedings brought to challenge the proposed Extradition Law which would allow extradition from Hong Kong to other parts of the PRC. Acted for the Applicant, led by Lord Pannick QC. Shortly before the hearing in Hong Kong, the Bill was withdrawn because of protests.

The Deputy Registrar of the Cayman Islands and the Attorney General of the Cayman Islands v Day (Chantelle) and Bush (Vickie Bodden)

CICA No. 9 of 2019

The Court of Appeal of the Cayman Islands (Goldring P, Field and Morrison JJA) allowed the Government's appeal. Tim acted for the Deputy Registrar and Attorney General.

Advice to a Government

Advice re: an ongoing matter before the International Court of Justice (2017).

Advice to a Government

Advice re: an intended action before the International Court of Justice (2016).

GA v Director of Immigration

(2014) 17 HKCFAR 60 (Court of Final Appeal)

Establishing circumstances in which mandated refugees enjoy right to work. With Michael Fordham QC.

Ubamaka Edward Wilson v Secretary for Security

(2012) 15 HKCFAR 743 (Court of Final Appeal)

Treaty reservations; domestic incorporation of ICCPR; constitutional law; successfully arguing unlawfulness of removal where a risk of inhuman or degrading treatment.

C & Others v Director of Immigration (UNHCR Intervening)

(2013) 16 HKCFAR 280 (Court of Final Appeal)

Junior Counsel for UNHCR. Establishing that the HKSAR, a non-party to the Refugee Convention, may not lawfully return or expel mandated refugees.

Prosecutor v Jovica Stanišić

IT-03-69-A, 9 December 2015 (Appeals Chamber, International Criminal Tribunal for the former Yugoslavia)

Legal Consultant to Mr. Stanišić.

Public & Regulatory

Tim accepts instructions in all areas of Chambers' public law practice.

“An excellent advocate, with tremendous experience in both public and competition law. He commands the respect of all the judges he appears before.”

– LEGAL 500 HONG KONG, 2022

Cases

Greater Bay Airlines

[2022]

Appearing for Greater Bay Airlines (“GBA”) before the Air Transport Licencing Authority (“ATLA”) at the private inquiry hearing of GBA’s application for a licence to operate as a commercial airline. The licence was granted by ATLA and makes way for GBA to operate scheduled passenger and cargo flights on up to 104 specified routes at an unlimited frequency to and from Hong Kong International Airport.

CWYJ v LTYE

[2020] HKCA 913

The Court of Appeal discharged a Prohibition Order restraining the Respondent / ex-husband from leaving Hong Kong on the ground that the travel restriction disproportionately interfered with his freedom of movement under Article 31 of the Basic Law and his common law right to work. Tim acted pro bono for the successful Respondent.

Hong Kong Journalists Association v Commissioner of Police

[2020] HKCFI 2882

The High Court of Hong Kong found that the existing mechanism for handling misconduct complaints against police officers was constitutionally deficient. The mechanism, which is managed by a department within the Hong Kong Police Force, lacked independence and impartiality and fell short of the requirements of Article 3 of the Hong Kong Bill of Rights (which prohibits cruel, inhuman or degrading treatment or punishment). The Court also found that the Commissioner had acted unlawfully by failing to prevent officers deploying on public order duties without clearly visible, unique identity markings. Tim Parker acted pro bono for the Hong Kong Journalists Association. Please see the judgment [here](#).

The Deputy Registrar of the Cayman Islands and the Attorney General of the Cayman Islands v Day (Chantelle) and Bush (Vickie Bodden)

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The Court of Appeal of the Cayman Islands (Goldring P, Field and Morrison JJA) allowed the Government’s appeal. Tim acted for the Deputy Registrar and Attorney General.

Joseph Lau Luen Hung v Hong Kong Special Administrative Region

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H v Director of Immigration

[2020] HKCFA 22

The HK Court of Final Appeal held, in an important decision on judicial review procedures, that out-of-time judicial review applicants who are refused an extension of time at first instance may appeal to the Court of Appeal as of right. The Court overruled a line of earlier Court of Appeal authorities to the contrary. The Court further held that it had jurisdiction to hear appeals in such cases, and that the bar on bringing an appeal to the top Court against a decision refusing leave to appeal to the Court of Appeal did not apply, since the applicants had not needed leave in the first place.

Infinger v Hong Kong Housing Authority

[2020] 1 HMKRD 1188

Application for judicial review against the Housing Authority's ("HA") policy to exclude same-sex couples from eligibility to apply for Public Rental Housing ("PRH") as "Ordinary Families" under the "General Application" category (the "Spousal Policy"). Tim acted for the successful applicant.

Re The German Swiss International School Association Limited

[2020] HKCFI 1341

Acted for GSISAL in their application for a declaration that the German language restrictions contained in its Articles of Association ("the Articles") infringe the Race Discrimination Ordinance (Cap. 602) ("the RDO").

QT v Director of Immigration

[2018] 4 HKC 403 (HK Court of Final Appeal)

Represented QT in a landmark discrimination case in the Hong Kong Court of Final Appeal (with Dinah Rose QC). The Court ruled that the Director of Immigration acted unlawfully by excluding a same-sex couple from his policy of granting dependant visas to the spouses of employment visa holders.

Browne v Munokoa

[2018] UKPC 18 (Privy Council)

Appeal to the Privy Council from the Cook Islands concerning the status, interpretation and application of indigenous customary laws in former colonial territories. Concerned with succession rights of non-blood adoptees under Māori traditions and customs.

AA v Securities and Futures Commission

[2017] 1 HKLRD 1018, and ongoing (Court of First Instance)

Securities regulation; human rights; transmission of compelled testimony to overseas regulator for use in criminal proceedings.

Television Broadcasts Limited v Communications Authority and Chief Executive of the Hong Kong Special Administrative Region

[2016] 2 HKLRD 41 (Court of First Instance)

Right to fair trial; successful constitutional challenge to broadcasting sector competition law. (Appeal pending). With Dinah Rose QC.

Tsang Kin Chiu v Commission of Police

[2015] 4 HKLRD 71 (Court of First Instance)

Police abuse of democracy protester; judicial review against failure to disclose identity of police officer suspects.

Leung Sze Ho Albert v Bar Council of the Hong Kong Bar Association

[2016] 1 HKC 421 (Court of Appeal,)

Freedom of choice of occupation; Barrister challenging constitutionality of the Bar Code of Conduct prohibition on subsidiary occupations.

Brian Alfred Hall v Commissioner of Correctional Services

[2015] 2 HKLRD 917 (Court of First Instance)

Human rights; fair hearing before an independent and impartial tribunal; successful constitutional challenge to prison disciplinary proceedings resulting in loss of days.

GA v Director of Immigration

(2014) 17 HKCFAR 60 (Court of Final Appeal)

Establishing circumstances in which mandated refugees enjoy right to work. With Michael Fordham QC.

Brian Alfred Hall v HKSAR

(2014) 17 HKCFAR 17

Whether Court of Final Appeal had jurisdiction to overturn its own judgment acquitting accused; successfully arguing Court should not exercise implied power.

C & Others v Director of Immigration (UNHCR Intervening)

(2013) 16 HKCFAR 280 (Court of Final Appeal)

Junior Counsel for UNHCR. Establishing that the HKSAR, a non-party to the Refugee Convention, may not lawfully return or expel mandated refugees.

Ubamaka Edward Wilson v Secretary for Security

(2012) 15 HKCFAR 743 (Court of Final Appeal)

Treaty reservations; domestic incorporation of ICCPR; constitutional law; successfully arguing unlawfulness of removal where a risk of inhuman or degrading treatment.

A v Commissioner of the Independent Commissioner against Corruption

(2012) 15 HKCFAR 362 (Court of Final Appeal)

Constitutional law; principle of legality; right to silence; compelled testimony.

Andrew Brine & Anor. v Liquor Licencing Board

HCAL 33/2012, 31 March 2012 (Court of First Instance)

Successful challenge against refusal of a liquor license.

Chan Chun Chuen v Commissioner of Inland Revenue

[2012] 2 HKLRD 379 (Court of Appeal)

Inland revenue judicial review re tax liability in excess of HK\$ 330,000,000.

Z v Director of Legal Aid

[2011] 4 HKLRD 362 (Court of First Instance)

Successful judicial review challenge to the test for the grant of criminal legal aid.

CH v Director of Immigration

FAMV 34/2012, 5 December 2011 (Court of Final Appeal, Appeal Committee)

Challenge to immigration policy precluding espousal of asylum claims until permission to remain had expired.

Competition

Tim accepts instructions in all areas of Chambers' competition law practice.

“An excellent advocate, with tremendous experience in both public and competition law. He commands the respect of all the judges he appears before.”

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Cases

Competition Commission v Nutanix & Ors

[2018] HKCT 1

The first case before the Hong Kong Competition Tribunal.

Television Broadcasts Limited v Communications Authority and Chief Executive of the Hong Kong Special Administrative Region

[2016] 2 HKLRD 41 (Court of First Instance)

Right to fair trial; successful constitutional challenge to broadcasting sector competition law. (Appeal pending). With Dinah Rose QC.

Commercial

Tim accepts instructions in all areas of Chambers' commercial law practice.

“An intelligent and astute counsel of high integrity”

– CHAMBERS AND PARTNERS HONG KONG, 2022

Cases

Greater Bay Airlines

[2022]

Appearing for Greater Bay Airlines (“GBA”) before the Air Transport Licencing Authority (“ATLA”) at the private inquiry hearing of GBA’s application for a licence to operate as a commercial airline. The licence was granted by ATLA and makes way for GBA to operate scheduled passenger and cargo flights on up to 104 specified routes at an unlimited frequency to and from Hong Kong International Airport.

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CL-2015-000667

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Indian Overseas Bank v Seabulk Systems & Ors

[2018] HKCFI 112 (Court of First Instance)

Ports machinery construction contracts; bank guarantees; loss of security.

Basab Inc. & Anor. v Superb Glory Holdings Ltd & Anor

[2015] HKCA 233 (Court of Appeal)

Breach of chargee's duties; sale at an undervalue; security for costs.

China Ping An Insurance (Hong Kong) Co. Ltd v Tsang Fung Yin Josephine & Another

[2013] 6 HKC 262 (Court of Appeal)

Commercial law; insurance; whether policy avoided.

AOF Imaging Technology v Global Industrial Services (HK) Ltd & Anor.

[2013] HKCFI 1402 (Court of First Instance)

Commercial contract; personal guarantee; striking out.

Tadjudin Sunny v Bank of America

[2010] 3 HKLRD 417 (Court of Appeal)

Bankers' bonuses; successfully contending for implied anti-avoidance terms barring capricious denial of contractual bonuses.

ACHIEVEMENTS

Education

- Whewell Scholarship in International Law, University of Cambridge (2014)
- E. M. Burnett Prize, University of Cambridge (2014)
- Hollond-Whittaker Studentship in Law, Trinity College, Cambridge (2015 -)
- Bar Scholarship, awarded by the Chief Justice of the Hong Kong SAR (2009)
- Baxter Prize, Philip C Jessup International Law Moot Court Competition (World's Best Memorial) (2006)
- Best Oralist, Asia Cup International Humanitarian Law Moot (2006)

Publications

- Richard Gordon QC and Johnny Mok SC, *Judicial Review in Hong Kong* (2nd Ed), LexisNexis, Hong Kong, 2014. Contributing author (6 chapters).
- *Halsbury's Laws of Hong Kong: Administrative Law*, 2nd Ed., 2011 Reissue, Vol. 1, (LexisNexis, Hong Kong, 2011). Sole author.
- "Trials in Absentia at the Special Tribunal for Lebanon: Incompatibility with International Human Rights Law", *Journal of International Criminal Justice*, Volume 8, No. 2, (Oxford University Press, May 2010), co-author with W. Jordash.
- *Tort Law and Practice in Hong Kong* (2nd Edition), Thomson Reuters Hong Kong, 2011, Contributing Editor: Chapter 11 (Nuisance) and Chapter 12 (Rylands v Fletcher Liability).
- Hong Kong Bar Association, Committee on International Law
- Hong Kong Bar Association, Committee on Human Rights and Constitutional Affairs
- Hong Kong Competition Commission, Panel of External Counsel
- CEDR Accredited Mediator

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board