



Marco S.P. Tse

Called to the Bar in HK in 2014

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Call

Hong Kong	2014
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Education

P.C.LL.	The Chinese University of Hong Kong	2013
LL.B. (Hons)	The Chinese University of Hong Kong	2012

Practice profile

Marco practices in civil and criminal law and has appeared as an advocate, either being led as a junior or in his own right, in the Court of First Instance, the District Court, Magistrates' Courts and the Lands Tribunal.

Marco is developing a broad criminal practice and has worked on a variety of cases covering corruption offences, sexual offences, immigration offences, driving offences, forgery, deception offences and industrial summonses.

Marco also prosecutes for the Department of Justice in the Magistrates' Courts on a regular basis.

In respect of his civil practice, Marco has acquired experience in a wide range of matters including contractual disputes, adverse possession, trusts, probate and succession, landlord and tenant, personal injuries, Mareva injunctions, applications under the Mental Health Ordinance and appeals against refusal of legal aid.

Marco can conduct cases and draft in both English and Chinese.

Language

Fluent in Cantonese, English and Putonghua.

Notable Cases

Criminal cases

HKSAR v Wong Ying Ho Kennedy and others (HCCC 409/2015; DCCC190/2017)

Acted for Wong Ying Ho Kennedy (a member of the Political Consultative Conference of the PRC) who is charged with 2 bribery offences. The trial was ordinarily scheduled to take place before a jury in the High Court in February 2017, but upon the application by the Department of Justice, the High Court Judge ordered that the matter be transferred to the District Court for trial. Marco is not involved in the District Court trial. (led by Mr. MK Wong SC)

HKSAR v Ho Chai Kong (HCMA 328/2014)

Lay client was convicted of indecent assault after trial (the trial was conducted by another counsel) and had his conviction quashed in the appeal on the ground that the learned trial magistrate erred in accepting the evidence of the victim (led by Mr. MK Wong SC)

HKSAR v Luo Jian Siang & Fan Po Hsun (HCMP 3205/2015)

Lay clients were charged with breach of condition of stay and refused bail in Magistrates' Court. Lay clients made a bail application to the Court of First Instance which was granted. The Department of Justice eventually decided to offer no evidence against the lay clients. (with Ms. Amanda W.M. Li)

HKSAR v Szeto Kin-kwan Franco (KTCC 4866/2016)

Acting for lay client who was charged with the offence of soliciting and accepting an advantage as an agent under section 9 of the Prevention of Bribery Ordinance (Cap. 201). (in his own right)

HKSAR v Chen Tin Ho (KCS 13084 - 13086/2016)

Lay client was charged with 3 summonses for failing to stop and report to the police after an accident. Lay client was acquitted of all summonses after the no case to answer submission was accepted.

Industrial summonses

HKSAR v Fai Hung Construction (HK) Co. Ltd (KCS 22922 - 22935/2014)

The defendant company was charged with 14 summonses, arising from a fatal accident. The prosecution applied for an adjournment on the first day of the trial and subsequently decided to offer no evidence against the defendant company for all summonses. (with Ms. Amanda W.M. Li)

HKSAR v Jadelink Holdings Limited (KTS9926/2016)

The defendant company was charged with an offence under section 6A of the Factories and Industrial Undertakings Ordinance (Cap.59), arising from an accident in which a finger of an employee of the defendant company was cut off by a mincer. The defendant was acquitted of the summons after trial. (in his own right)

HKSAR v Well Flooring & Engineering Co. Ltd & Another (ESS 21596 - 21603/2016)

The defendant company was charged with 4 summonses involving, *inter alia*, offences under section 6A of the Factories and Industrial Undertakings Ordinance (Cap.59). The defendant company was acquitted of all summonses after trial. (in his own right)

HKSAR v Hong Kong Macau (Asia) Engineering Co. Ltd (KCS 27279 - 27280/2016)

The defendant company was charged with 2 summonses concerning failure to take adequate steps to prevent any person from falling from a height of 2m or more. The defendant company was acquitted of both summonses after trial. (in his own right)

HKSAR v Kwan On Construction Co. Ltd & Another (KCS 21539 - 21542/2016)

The defendant companies were charged 4 summonses involving offences under sections 6A and 13 of the Factories and Industrial Undertakings Ordinance (Cap.59), where a crane tilted sideways during a lifting operation in the Kai Tak Development Stage 4 construction site. The defendant company was acquitted of all summons after trial. (in his own right)

Civil cases

Primecredit Limited v Wong Ho & Another (HCMP 2103/2015; CACV 246/2016)

Acting for lay client who made substantial financial contribution to the purchase of a Home Ownership Scheme property of which the legal title was vested with her family members. A creditor of the son of lay client, the registered owner of the property, contended that lay client is not a beneficial owner of the property and sought to enforce a charging order against the property. The appeal will be heard in June 2017. (with Mr. Anthony P.W. Cheung)

Fung Ka Wing v The Kik Lok Tung Benevolent Society Limited (DCCJ 400/2016)

Represented the defendant in the District Court trial resisting an adverse possession claim by a former tenant in respect of a residential unit in a multi-storey building (together with Mr. Hatten Kong)

Wong Lan v Chung Lok Ho (DCCJ 4881/2016)

Acting for the defendant resisting an adverse possession claim in respect of a village house in the New Territories. (in his own right)

Ma Oi Lan v & Others v Chan Wai Kuen & Another (LDPD 970/2016)

Represented the landlord in the trial in the Lands Tribunal where the respondent raised promissory estoppel as a defence. The rented property was recovered after trial and the subsequent review application of the respondent was dismissed. (in his own right)

Re TS (HCMH 22/2016)

Application under Part II of the Mental Health Ordinance (Cap.136) for the appointment of a committee of the estate to manage and administer the property and affairs of a mentally incapacitated person. (in his own right)

Shortlist

Commercial Crimes

General Civil and Chancery Practice

General Crimes

Personal Injuries and Employees' Compensation