

DENISE SOUZA

BARRISTER-AT-LAW

Year of Call

2013 Barrister (Hong Kong)

Practice Areas

- Administrative & Public Law
- Appellate Law
- Civil Law
- Non-Refoulement Claims
- Criminal Law
- Defamation Law
- Employment Law
- Intellectual Property
- Land & Property Law
- Tort & Personal Injuries
- Discrimination Law
- Medico-Legal
- Regulatory & Disciplinary

Academic Qualifications

- 2012, PCLL, The University of Hong Kong
- 2011, LLB, The University of Hong Kong

Languages Spoken

- English
- Cantonese

Contact Details

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Background

Denise has a broad civil and criminal practice.

Her civil practice has a particular emphasis in public law and judicial review involving immigration, asylum and refugees. She has appeared for both the Applicant and Respondent in judicial review cases. She also has experience in matters including contract, land and property, employment, intellectual property, medico-legal, disciplinary regulations, and discrimination.

In discrimination matters, Denise has been instructed in civil actions under anti-discrimination legislation, and in constitutional challenges involving unlawful discrimination. She has also appeared for the Equal Opportunities Commission, intervening as *Amicus Curiae* in discrimination proceedings.

In criminal matters, Denise has been instructed for both the Prosecution and the Defence in criminal trials and appeals. She has experience in a wide range of criminal offences, including homicide, sexual offences, misconduct in public office, dangerous drugs, immigration offences and commercial crime.

Notable Cases

Civil

- *Ng Hon Lam Edgar v Secretary for Justice* [2020] 4 HKLRD 908
 - Appeared for the Secretary for Justice in a constitutional challenge against the exclusion of spouses in same-sex marriages from legal entitlements and benefits under the Intestates' Estates Ordinance (Cap.73) and the Inheritance (Provision for Family and Dependants) Ordinance (Cap. 481), on the basis that it constitutes unlawful discrimination on the grounds of sexual orientation.
- *G & Ors. v Lam Kui Po William (TCAB Decisions)* [2020] 2 HKLRD 118
 - Appeared for Applicants in a judicial review challenge concerning the loss of their personal data by the Torture Claims Appeal Board, and a procedural challenge against the non-disclosure of information pertaining to the loss of this personal data.
- *ON v Torture Claims Appeal Board / Non-refoulement Claims Petition Office* (HCAL 663 of 2017)
 - Represented the Applicant in a judicial review against the refusal of his protection claims, involving persecution on the grounds of his sexual orientation.
- *Chan Tsui Yan v Social Workers Registration Board* (HCAL 63 of 2017)
 - Appeared for the Social Workers Registration board in judicial review proceedings concerning its conduct of disciplinary proceedings
- *Lam San Keung v Beauti-rich International Enterprise Ltd* (HCA 2390 of 2012)
 - Appeared for the Defendant in civil action involving an agreement for sale and purchase of property, where vendor alleged to be suffering from mental incapacity.
- *Law Chi Yuen v Secretary for Education* [2016] 5 HKLRD 302
 - Appeared on behalf of the Equal Opportunities Commission, intervening as *Amicus Curiae*, in a judicial review of a decision alleged to amount to disability discrimination contrary to the Disability Discrimination Ordinance (Cap. 487).
- *Francis v Hospital Authority* [2016] 1 HKLRD 885
 - Appeared for the Hospital Authority in an application for Habeas Corpus
- *Drs. F, G and H v Education and Accreditation Committee of the Medical Council of Hong Kong & Anor.* (CACV 274 of 2015, HCAL 26 & 55 of 2014)
 - Appeared for Applicants in a judicial review against decisions to remove medical practitioners from the specialist register as a result of disciplinary inquiries conducted pursuant to the Medical Registration Ordinance (Cap. 161).

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Notable Cases (Cont.)

- *Singh Arjun v Secretary for Justice (On behalf of the Commissioner of Police)* (DCEO 9/2011)
 - Appeared on behalf of the Equal Opportunities Commission, intervening as Amicus Curiae, in civil action involving allegations of race discrimination under the Race Discrimination Ordinance (Cap. 602)
- *X v Melvyn Kai Fan Lai* [2019] HKDC 122
 - Appeared for the Claimant in resisting costs following proceedings under the Sex Discrimination Ordinance (Cap. 480)
- *ER v Li Kwok Chang Lawrence* [2018] 1 HKLRD 1104
 - Appeared for the Claimant in resisting costs following discontinued action under the Disability Discrimination Ordinance (Cap. 487).
- *Secretary for Justice v Li Pang Kay* [2016] 2 HKLRD 882
 - Appeared for Defendant publications in a case involving contempt of court

Criminal

- *HKSAR v Chak Kong Fai* (HCCC 109/2019)
 - Appeared for the Defendant in a criminal trial involving allegations of sexual offences with a mentally incapacitated person.
- *HKSAR v Gutierrez Alvarez Keishu Mercedes* [2020] 2 HKLRD 720
 - Appeared for the Appellant in a criminal appeal in the Court of Appeal involving a charge of trafficking in dangerous drugs, and included a systemic challenge to the lack of dockside recording in criminal trials.
- *HKSAR v Liang Yaoqiang* (2017) 20 HKCFAR 1
 - Appeared for the Appellant in a criminal appeal to the Court of Final Appeal involving a charge of murder, and questions of law arising from the directions to the jury on the defence of provocation
- *HKSAR v So Ping Chi* [2019] 1 HKLRD 140 (Court of Appeal); DCCC 338/2015 (District Court)
 - Appeared for the Prosecution in a criminal trial and appeal involving one charge of misconduct in public office contrary to common law and s.101(1) of the Criminal procedure Ordinance, Cap. 221
- *HKSAR v Wong Kam Ching* (DCCC 337/2015)
 - Appeared for the Prosecution in a criminal trial involving a charge of perjury.
- *HKSAR v Chow Chi Wai & Anor.* (HCCC 458/2013)
 - Appeared for the Prosecution in a Criminal trial involving the prosecution of the coxswains of two vessels involved in a collision near Lamma Island, for multiple counts of manslaughter by gross negligence and offences under the Shipping and Port Control Ordinance (Cap. 313).

Publications

The Annotated Ordinances of Hong Kong- Crimes Ordinance, Cap 200

Editor of Updates (2020)

The Annotated Ordinances of Hong Kong- Homicide Ordinance, Cap 339

Editor of Updates (2020)

The Annotated Ordinances of Hong Kong- Race Discrimination Ordinance, Cap 602

Editor of Updates (2020)