



Jessica van der Kamp

Senior Associate

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Overview

Jessica van der Kamp is a senior associate in the Litigation & Dispute Resolution practice in JSM's Hong Kong office practicing arbitration and litigation, with a focus on construction, town planning, environmental regulation and general commercial disputes. Jessica is a member of JSM's International Arbitration group. She has represented clients in Hong Kong, Singapore and elsewhere across Asia, Africa and the Middle East in arbitrations relating to mega-infrastructure projects, large-scale development and refurbishment projects, and high-value commercial distribution agreements. She has also acted for clients in arbitration-related court proceedings, including set-aside applications, injunctions, and consolidation proceedings. Notably, Jessica acted for the Respondent in *P v. M* (2018 and 2019) where the Claimant's award was partially set aside twice on grounds of serious irregularity and procedural unfairness.

Jessica also regularly represents clients in administrative tribunals and court proceedings, including judicial reviews and appeals, with a focus on town planning, conservation and environmental issues. She recently acted for the Appellants in a successful town planning appeal concerning the development and conservation of Nam Sang Wai and Lut Chau, an area of high-ecological value protected under the Ramsar Convention (*Nam Sang Wai Development Company Ltd & Others v. Town Planning Board*). Jessica also acted for the successful Appellant in the landmark Court of Final Appeal case concerning a judicial review challenge to a Town Planning Board decision in *Hysan Development Co Ltd & Others v. Town Planning Board*. Jessica also has experience advising on non-contentious construction-related matters, such as compliance with environmental and building regulations. Jessica is a Solicitor Advocate who has been granted Higher Rights of Audience in respect of civil proceedings in Hong Kong.

Experience

Contentious Work Experience

- Acting for a prominent multi-national contractor in a mediation against a sub-contractor on issues concerning delay and supply of services in relation to the construction of a Singaporean multi-million dollar rail infrastructure project.
- Acted for a respondent employer in a consolidated arbitration proceeding under the HKIAC Domestic Arbitration Rules against main contractor in relation to a final account dispute. The Arbitrator's final award was successfully setting aside twice on grounds of serious irregularity and procedural unfairness (*P v. M* [2018] HKCFI 2280 and *P v. M* [2019] HKCFI 1864).
- Acted for a claimant distributor based in the Middle East in an ad-hoc Hong Kong seated international arbitration concerning a breach of a distribution agreement.
- Acted for a university in relation to the collapse of a roof structure on one of its campus buildings.
- Acting for a developer in a judicial review challenging the Director of Environmental Protection's decision approving an environmental impact assessment report and the granting of an environmental permit. The decision is currently under appeal (*Join Smart Ltd v. Town Planning Board* [2021] 4 HKLRD 645, [2021] HKCFI 2726).
- Acting for a developer in a judicial review challenging the Town Planning Board's refusal to rezone an area into a high-density residential zone to facilitate an approved residential development proposal. The decision is currently under appeal (*Join Smart Ltd v. Director of Environmental Protection* [2022] 1 HKLRD 1110, [2022] HKCFI 457).
- Acted for developers in a successful town planning appeal concerning a proposal to convert a network of abandoned and commercial fishponds into a residential development and a nature reserve for wetland conservation at Nam Sang Wai and Lut Chau, an area of ecological importance and a site of special scientific interest protected under the Ramsar Convention (*Nam Sang Wai Development Company Ltd & Others v. Town Planning Board*, Town Planning Appeal No. 1 of 2017 and 3 of 2014)
- Acted for a developer in a successful judicial review challenge (and successfully defeated an appeal) concerning the proposed rezoning of an area into a low-rise low density residential zone (*Hong Kong Resorts v. Town Planning Board* [2021] HKCA 1313 and *Hong Kong Resorts v. Town Planning Board* [2020] 4 HKLRD 298, [2020] HKCFI 1956).
- Acted for a developer in the landmark appeal before the Court of Final Appeal concerning a judicial review challenge to the Town Planning Board's decision imposing restrictions on their land (*Hysan Development Co Ltd & Others v. Town Planning Board* (2016) 19 HKCFAR 372).
- Acting for a university in a dispute against, inter alia, a leading professional consultant firm in relation to defective cladding works of a flagship campus building.
- Acted for the Real Estate Developers Association in an appeal before the Court of Final Appeal concerning a judicial review challenge to the decision of the Building Authority requiring applicants of building plan submission to provide proof of ownership or realistic prospect of control of a site (*Real Estate Developers Association of Hong Kong v. Building Authority* (2016) 19 HKCFAR 243).

- Acted for a respondent Incorporated Owners relating to liability arising from water damage, including related mediation and Lands Tribunal disputes and other ancillary issues including warranties and defective works.
- Acted for a local contractor in the Commission of Inquiry on excess lead found in drinking water.
- Acted for an international joint venture main contractor in a Hong Kong-seated international arbitration concerning the construction of an overseas military base in East Africa. The final account dispute covered a wide range of construction issues including variation, prolongation, acceleration and disruption claims.
- Acted for a claimant international joint venture main contractor in an arbitration under the HKIAC Domestic Arbitration Rules in a final account dispute relating to a mega-infrastructure project in Hong Kong.
- Acted for owners of a hotel and office block in a judicial review challenging the Town Planning Board's decision approving a proposal to construct of a series of buildings and structures in an iconic harbourfront location zoned as Open Space.
- Acted for a developer in a town planning appeal against the Town Planning Board's decision refusing planning permission for a proposed minor relaxation of a building height restriction in a medium-density residential zone with commercial uses serving the neighbourhood (*Town Planning Appeal No. 1 of 2022*).
- Acted for a charitable institution in a town planning appeal against the Town Planning Board's decision refusing planning permission for a columbarium in a Government, Institution or Community zone (*Town Planning Appeal No. 5 of 2021*).
- Acted for various developers in multiple town planning appeal against the Town Planning Board's decision refusing planning permission for a proposed office development in a high-density residential zone with commercial uses (*Town Planning Appeal No. 4 of 2019* and *Town Planning Appeal No. 3 of 2020*).
- Advised a statutory authority on objections to sections 16 and 17 applications to the Town Planning Board and a subsequent town planning appeal concerning a proposed columbarium development.

Non-contentious Work Experience

- Acted for a substantiated torture claimant and refugee in securing one of the first permissions for employment from the Director of Immigration. The success of this early experience led to the development of a more extensive pro bono employment permission programme that brought in the involvement of other members of Hong Kong's legal community. This initiative also went on to win the 2019 "Asia Pro Bono Initiative of the Year Award" from Asia Legal Awards (2019) and the firm's Pro Bono Project of the Year (2019).
- Advised a multinational public utilities company on a draft subcontract agreement for the operation and maintenance of a sewage treatment facility.
- Advised a multinational public utilities company on its partnership agreement with a local utilities company for the operation and maintenance of an overseas solid waste incineration plant.
- Advised a statutory body on the recovery of a claim against an insolvent overseas supplier under a overseas bank guarantee.

- Advised an multinational public utilities company on its compliance with environmental, health and safety regulations in the operation of a sludge treatment facility.
- Advised a statutory authority on contract risks and risk management in a large redevelopment project.
- Advised various employers on third party rights in construction and building contracts.
- Advised a public corporation on the risks of a judicial review challenge to a proposed policy of the corporation.
- Advised a statutory body as an interested party to a judicial review challenge by a member of the public against the Town Planning Board's decision to rezone a harbourfront area to a Government, Institution or Community zone to facilitate the statutory body's proposal to develop state-of-the-art facilities.
- Advised a developer on its section 17 review application to the Town Planning Board for planning permission for a proposed office development in a high-density residential zone with commercial uses.

Qualifications

Education

- The University of Hong Kong, PCLL
- The University of Hong Kong, JD
- London School of Economics and Political Science, LLM
- Utrecht University, BA

Admissions

- Hong Kong
- Court: Hong Kong Higher Rights of Audience (Civil Proceedings)

Languages

- Cantonese
- English
- Mandarin