

**IN THE COURT OF APPEAL OF NEW ZEALAND**

**I TE KŌTI PĪRA O AOTEAROA**

**CA450/2022  
[2023] NZCA 300**

BETWEEN

XING ZHONG  
Appellant

AND

JICAI LI AND FANG YU  
First Respondent

YUN SHENG  
Second Respondent

WEN CHEN  
Third Respondent

ZHONG WEI ZHOU  
Fourth Respondent

BO LIN  
Fifth Respondent

JIYUAN WU  
Sixth Respondent

FANG YU  
Seventh Respondent

WMW TRUSTEE LIMITED  
Eighth Respondent

YANGXUAN WANG AND MENGQUI  
WANG  
Ninth Respondents

XIN ZHAO  
Tenth Respondent

ZELIX TRADING LIMITED  
Eleventh Respondent

QIN XIN ZENG AND AIXUAN GUO  
Twelfth Respondents

JCM NZ LIMITED  
Thirteenth Respondent

YIKAI CHEN  
Fourteenth Respondent

CHEN FENGLIANG AND DING MING  
MING  
Fifteenth Respondents

ZHIREN ZHANG  
Sixteenth Respondent

LOVE HOMES LIMITED  
Seventeenth Respondent

ER XIA CAO AND ER SHENG CAO (as  
trustees of ZION TRUST) AND ER SHENG  
CAO AND ER XIA CAO (as trustees of  
CAO TRUST) together with JUN WU  
Eighteenth Respondents

JASVINDER SINGH AND TINA SINGH  
Nineteenth Respondents

GREEN LAND INVESTMENT LIMITED  
Twentieth Respondent

REGISTRAR-GENERAL OF LAND  
Twenty-first Respondent

LEQUN ZHAO  
Twenty-second Respondent

XING ENTERPRISES LIMITED  
Twenty-third Respondent

TRINITY HOPE INVESTMENT  
LIMITED  
Twenty-fourth Respondent

FLATBUSH LAND LIMITED  
Twenty-fifth Respondent

HIU CHING CHAN  
Twenty-sixth Respondent

Court: Miller and Brown JJ

Counsel: Appellant in person  
R O Parmenter for First to Seventeenth and Nineteenth Respondents  
K H Morrison and T Y Yao for Eighteenth Respondents  
M E Casey KC for Twenty-Sixth Respondent

Judgment: 18 July 2023 at 11.00 am  
(On the papers)

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### JUDGMENT OF THE COURT

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**The application is declined.**

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### REASONS OF THE COURT

(Given by Miller J)

[1] This judgment responds to an application to remove counsel and solicitors for the first to nineteenth respondents.

[2] We accept that the Court has jurisdiction to disqualify counsel at the instance of an opposing party where their very involvement risks injustice or brings the Court's processes into disrepute, but it is very sparingly exercised.<sup>1</sup> The jurisdiction is obviously vulnerable to abuse at the hands of an applicant who seeks to disqualify opposing counsel for tactical reasons or simply because he feels strongly about the case.

[3] The appellant, Xing Zhong, has offered no sufficient justification in this case. His affidavit rests on unsupported allegations of conflict of interest, breach of professional standards, dishonesty, and vexatiousness.

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<sup>1</sup> *Cant v R* [2013] NZCA 321 at [61].

[4] Mr Zhong has been warned that if he persisted in this application, he may face indemnity costs. Because such an award may be appropriate, we reserve costs at this time. They should be fixed when the appeal is finally determined.

[5] The application is declined.

Solicitors:

Carson Fox Bradley Limited, Auckland for First to Seventeenth and Nineteenth Respondents

Meredith Connell, Auckland for Eighteenth Respondent

Duthie White, Auckland for Twenty-Sixth Respondent