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PRINCE'S CHAMBERS

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## THOMAS YEON

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### Admissions

2022 Barrister, Hong Kong

### Academic

2020 Postgraduate Certificate in Laws, University of Hong Kong

2019 Master of Laws, London School of Economics and Political Science (Merit)

2018 Bachelor of Laws, University of Durham (First class honours)

### Practice profile

Thomas is developing a broad civil and arbitration practice (including cases involving a regulatory dimension) and accepts instructions in all areas of Chambers' work. He is comfortable with being instructed as sole counsel or a member of a larger team. He is capable of providing written submissions and conduct hearings in both English and Chinese (traditional/simplified). He is a Middle Temple Scholar and a Fellow of the Hong Kong Institute of Arbitrators.

Thomas has contributed to practitioners' texts and published at peer-reviewed legal periodicals, including matters involving cross-border elements and conflicts of laws.

Prior to commencing practice, Thomas served as a Judicial Assistant at the Hong Kong Court of Final Appeal. In this capacity, he assisted in substantive appeals, applications for leave to appeal and other legal research and publications on a variety of private law and public law matters.

### Appointments and Memberships

#### Appointments

- Member of the following Committees of the Hong Kong Bar Association:
  - Standing Committee on International Practice (2023 – Present)
  - Practice Committee on Financial and Securities Law (2025 – Present)
  - Practice Committee on Arbitration (2024 – Present)
  - Practice Committee on Companies Law (2023 – Present)
- Tutor, City University of Hong Kong (2024 – Present) (subject: arbitration)
- Lecturer (Non-Clinical), University of Hong Kong (2023) (subject: tort)
- Judicial Assistant, Hong Kong Court of Final Appeal (2020 – 2021)

#### Memberships

- Fellow, Hong Kong Institute of Arbitrators (since July 2024)
- International Editor (Asia), Cambridge Law Review (2019 – 2020)

### Selected Cases

#### Arbitration

- Advised a financial services and investment company in an application to set aside a HKIAC award on liability on the basis of determination of disputes beyond scope of submission to arbitration and procedural irregularity
- Acted for an investor against a trust management services company for default in periodical payments from trust fund and return of principal (ICC Rules) (governing law: Hong Kong law)
- Acted for a Hong Kong cosmetics and skincare products company in a 5-day trial for breaches of joint venture agreement for damages over HK\$300 million (HKIAC Rules) (governing law: Hong Kong law) (with Samuel Wong)

- Advised a PRC state-owned enterprise on potential arbitration proceedings arising from failure to deliver metal ores due to supplier's administration proceedings (LCIA Rules) (governing law: English law) (with Samuel Wong)

#### Banking and Financial Services

- ***Yinggao Resources Limited and another v HSBC*** [2024] HKCA 1130 (with Tanie Toh) – Breach of banking mandate and negligence dispute arising from loss in metal trading contracts; application for leave to amend pleadings to claim loss from lost opportunities to invest
- ***Xue Xiaoyun v Susan Yung and BOCI Securities Limited*** HCA 2526/2018 (with Samuel Wong) – Negligent misstatements by investment advisor on cross-border transactions, vicarious liability of securities firm (judgment pending)
- Advising on various mortgage actions involving miscalculations in amounts due and allegations of misconduct of financial institutions and lenders
- Advised a firm of auditors on claims against a HKEx-listed company for unpaid audit fees and disputes over quality of work performed

#### Bankruptcy and Insolvency

- ***In the Matter of China First Capital Group Limited*** HCCW 559/2023 — substitution application by creditor based on an HKEx-listed company's failure to repay principal and interests on investment bonds (judgment pending)
- Advised on the presentation of proof of debt against the China Evergrande Group concurrent or alternative to commencement of arbitration proceedings for breach of investment agreements by the company and its directors

#### Commercial and International Trade

- ***Kaiser Financing Company Limited v Chen Jiarong*** HCA 1998/2023 (led by William Wong SC) – Recovery of loan and interests in excess of HK\$260 million
- ***Michael Yap and another v Lai Yip Dyeing Factory Limited and others*** HCA 1084/2011 (with Samuel Wong) — Payment of judgment debt following oral examination of judgment debtors arising from judgment for failures to repay under promissory note and deed of guarantee
- Advising a local food importer and distributor on a stay application in favour of the Court of Milan (Italy)

#### Company

- ***In the Matter of Hong Kong Real Estate Agencies General Association Limited:***
  - CACV 74/2024 — Resisted security of costs application pending appeal (judgment pending)
  - [2024] HKCFI 518 — Disputes over election of executive committees and validity of election resolutions; interim injunction restraining expulsion of members
- ***In the Matter of East Asia Vacuum Plating Factory Limited*** HCMP 1274/2024 – Application under section 570 of the Companies Ordinance (Cap.622) to appoint directors for company with no living directors or shareholders
- Advising a shareholder on the removal of a director of a company on the basis of improper corporate management and breach of directors' duties

#### Fraud and Asset Recovery

- ***Kyodo Yushi Asia Pte Ltd v Yukun International Trade Co Ltd and others*** HCA 1696/2021 (with Ernest Ng) – International telephone and email fraud against a Singaporean company over alleged acquisition plans
- ***Lung Chi Man Jowai v Ko Tai Chu*** DCCJ 4130/2021 — Summary judgment application for recovery of investment sum from failure to complete a project on the purchase and sale of land

#### Securities

- Advising on Market Misconduct Tribunal proceedings on false trading, price rigging, stock market manipulation, and conspiracy to perpetrate market misconduct under the Securities and Futures Ordinance (Cap.571)

#### Taxation and Costs

- **香港特別行政區 訴 秦錦釗** – taxation of costs following 97-days criminal trial on conspiracy to export unmanifested cargo and conspiracy to commit money laundering in excess of HK\$3 billion:
  - [2024] 6 HKC 434 – Review by Taxing Master
  - [2024] HKDC 1917 (with Wing So) – Review by Judge

- Advising on claims against the Director of Legal Aid for costs orders made against a legally-aided party in ancillary relief proceedings (with Tanie Toh)
- Acted for a financial services and investment company on resisting overall costs of arbitration and interlocutory proceedings therein (HKIAC Rules)

#### Trusts, Probate, and Succession

- ***In the Matter of the Estate of Li Wun Yee*** (administration of estate of assets worth over HK\$100 million and recovery actions in the PRC):
  - HCA 1436/2023 – acting for the estate against claims for breach of directors' duties and breach of trust (led by Ambrose Ho SC)
  - HCCA 5726/2023 – Passing-over application pursuant to section 36 of the Probate and Administration Ordinance (Cap.10) by a caveator
- ***Gordon David Michael George Oldham, the Administrator of the Estate of David Tang*** HCMP 944/2024 — Application for a Beddoe Order in favour of the sale of company shares for estate administration and distributions

#### **Publications and Seminars**

##### Publications – Practitioners' Texts

- *Bullen and Leake and Jacob's Hong Kong Precedents of Pleadings* (4<sup>th</sup> edn) (forthcoming):
  - "Admiralty" (with Edward Alder)
  - "Bankers" and "Bills of Sale" (with Kenneth Lee and Tanie Toh)
- "Vicarious Liability" and "Conflict of Laws" in *Tort Law and Practice in Hong Kong* (4<sup>th</sup> edn)
- "Winding-Up by the Court" in *Company Law in Hong Kong: Insolvency 2023*

##### Publications – Academic

- "Taking 'Public Function' Seriously" (2021) 51(2) *Hong Kong Law Journal* 547–572 (with Gabriel Wan) (referred to in *Chitty on Contracts – Hong Kong Specific Contracts* (7<sup>th</sup> edn), §14-151)
- "Maintaining Constants amongst Variable Factors: The Challenge of Equitable Accounting in the Property Context" (2021) 27(8) *Trusts and Trustees* 761–770 (with Benny Chung)
- "*Joe Zhixiong Zhou v SAIF Partners II L.P.*: The Importance of Mapping Out the Correct Corporate Structure" (2021) 27(5) *Trusts and Trustees* 394–405 (with Benny Chung and Bennett Au Yeung)
- "*Xiamen Xinjingdi Group Ltd v Eton Properties Ltd*: Clarifying the Steps and Issues to Consider when Lodging a Trust Claim in Cross-Border Disputes" (2021) 27(3) *Trusts and Trustees* 246–263 (with Benny Chung)
- "Comparative Constitutional and Administrative Law in Hong Kong: In Search of Coherence" [2021] *Public Law* 261–270 (with Trevor T.W.Wan)

##### Seminars

- "Winding Up in Light of Potential Arbitration and Jurisdictional Issues: Recent Developments" (CPD accredited; March 2024)
- "UN Convention on Contracts for the International Sale of Goods (CISG): 'Love it or hate it, but NEVER leave it!'" (October 2023) (with Louise Barrington, Samuel Wong, and Sherlin Tung)
- "*Pacta Sunt Servanda* in Changing Times" (Chinese University of Hong Kong, "*Pacta Sunt Servanda*" academic conference; 25 June 2021) (as Research Assistant to the Hon Geoffrey Ma)

#### **Scholarship and Awards**

- Middle Temple Scholarship for Advocacy Training (2025)
- Winner, 9<sup>th</sup> Hong Kong Human Rights Moot (2020)
- 3 Verulam Buildings Prize for Best Overall Submission, LSE Law Review (2020)
- Winner, Ambassador's Moot (2018)
- Clyde & Co Research Internship in Public Law and Human Rights, Durham Law School (to Professor Helen Fenwick, Professor Roger Masterman, and Dr Se-Shauna Wheatle) (2017)
- Letter of Commendation for Academic Excellence, Durham Law School (2016)