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KEVIN LEE

Employment

Prince's Chambers (2015 – present)
Cleary Gottlieb Steen & Hamilton LLP (2010 – 2014)

Academic

LLM, University of Cambridge (St Edmund's College)
LLB, University of Durham (Grey College)
Abingdon School

Practice profile

Kevin Lee's practice covers all aspects of commercial litigation and international arbitration. He has particular experience of advising on, and acting in, disputes involving banking and financial services, company law, competition law, public law, shipping and international trade, insurance and reinsurance, securities regulatory, and conflicts of law. In 2023, he was listed as a leading commercial disputes barrister (Legal 500).

Examples of notable current and recent instructions include:

- *2018 Asian Games* – representing a Korean national broadcasting company in an international commercial arbitration regarding construction disputes which arose in the aftermath of the 2018 Asian Games, which was held in Indonesia
- *IDS Holdings Limited Litigation* – acting for the Korean Bankruptcy Trustee appointed by the Seoul Bankruptcy Court in multiple cross-border insolvency proceedings in Hong Kong, including one of the first ever applications for recognition of a foreign bankruptcy trustee in Hong Kong. IDS Holdings was a corporate vehicle used to launder criminal proceeds made from the second largest Ponzi scheme in Korean history (US\$900M)
- *Woo v Funvest Global Pte.* – representing the defendant company in a commercial conspiracy claim said to have misappropriated KRW1.2 Trillion (US\$1 Billion). Injunction against the defendant was discharged on the basis that it was far removed from the alleged conspiracy
- *Woori Bank v World Tec (HK) Company Limited* – acting for Woori Bank (the largest bank in Korea) in obtaining a judgment against World Tec and an order for payment of US\$ 3.6 million, which sum represented the unpaid principal and interest under two loan facility agreements
- *Wong Pik Lin v Zurich Assurance Ltd* – a class action for lay plaintiffs in an insurance claim against Zurich Assurance for their breach of contractual clause ensuring a waiver of premiums payments upon customer's proof of disability. The contractual clause in question was deemed ambiguous, and was interpreted in favour of the plaintiffs (application of the *contra proferentem* principle)

Kevin's scope of practice extends to fields including all forms of contractual dispute, commercial injunction, judicial review, telecommunication, intellectual property and professional disciplinary proceedings. He is also frequently instructed in matters involving, among others, employment, chancery, building and construction (including proceedings before the Appeal Tribunal (Buildings)) and has experience handling matters pertaining to civil fraud, global asset-tracing and recovery, defamation, personal injury and professional negligence. As a Korean-born barrister, Kevin has a

unique breadth of expertise and experience in Korean matters, and regularly acts in disputes involving Korean clients, particularly those with an international dimension and where both commercial and criminal elements are present.

Examples of Kevin's current and recent work also include:

- *Korean International School* – representing the local Korean international school in a defamation claim arising out of a defamatory article directed at the school's board members
- *YouBank Cryptocurrency Scam* – representing Korean victims in the 2019 Chinese cryptocurrency wallet scam, which used online platform to lure investors to raise funds before misappropriating the said funds through a typical Ponzi scheme
- *Ng Sau Fung v The Incorporated Owners of Po Wah Court* – representing the Defendant Incorporated Owners in their defence against a fatal accidents claim brought by the administrator of the deceased's estate
- *Sing Sing Engineering Co Limited v Swee Kheng Building Co Limited* – acting for the Plaintiff in a commercial dispute involving numerous interlocutory applications
- *Appeal Tribunal (Buildings), Case No 113 of 2016* – acting for the Appellant in an appeal against the Building Authority's order to remove unauthorized building works in breach of legitimate expectation of the Appellant

Much of Kevin's work also takes place in domestic and international arbitration and mediation under a wide variety of institutional rules, as well as in ad hoc proceedings. He is also actively accepting instructions in court applications in support of arbitral proceedings.

Kevin is a member of the Companies Law Committee and the Competition Law Committee of the Hong Kong Bar Association. Prior to coming to the Bar, Kevin was at Cleary Gottlieb Steen & Hamilton (Hong Kong) for three years, where he gained experience in capital market transactions and global mergers and acquisitions.

Kevin is a native English and Korean speaker, and is comfortable working with both local and international clients.

Other

Kevin was formerly the President of Durham University Law Society and a General Editor of the Durham Law Review (the then *Inter Alia*). Kevin also previously served clerkships at Kim & Chang (Seoul, 2008), the Supreme Prosecutor's Office (Seoul, 2008) and the LA District Attorney's Office (Los Angeles, 2007).

In 2019, Kevin was appointed as a National Legal Advisor to the National Unification Advisory Council, a Korean constitutional body chaired by the President of South Korea, Mr Moon Jae-in. He advises the President on South Korea's *Peaceful Unification Policy* and recommends policy implementations for a democratic and peaceful inter-Korean unification with North Korea.

He also writes a weekly column on the law for *Weekly Hong Kong*.

Publications

Kevin Lee, *Hong Kong Banking Law Handbook* (5th Ed), LexisNexis Butterworths (2020) (ISBN/ISSN: 9789888683161)

Kevin Lee, *Commercial and Company Law: LexisNexis Practical Guidance*, LexisNexis (2020)

For Kevin's academic research papers, please visit:
https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=4478168

Further interests

Kevin is a member of the panel for the Free Legal Advice Scheme in Hong Kong, through which he provides pro bono legal advice to lay clients in relation to a variety of legal matters. He is also a keen sportsman and an avid chess player. Prior to coming to the Bar, he competed nationally for the Durham University Fencing Club and played chess for Grey College and Abingdon School.

Key corporate M&A and capital market deals during employment with Cleary Gottlieb Steen & Hamilton

- TPG in a cross-border acquisition of Vishal Retail Ltd.'s wholesale business (Drafted the main agreement and participated in management negotiations)
- Samsung Electronics Co., Ltd.'s US\$1 Billion 1.75% Notes Offering (conducted due diligence and drafted Offering Circular)
- Korea Development Bank's privatization through Korea Exchange-listed IPO with Rule 144A/Reg S Offering (conducted due diligence and participated in the drafting of Offering Circular)
- Industrial Bank of Korea's March 2011 Medium-Term-Note Takedown (US\$500 Million Notes due 2016)
- POSCO's December 2011 Yen 15 Billion Reg S Bond Offering (drafting and closing the Offering Circular)
- Woori Bank's April 2011 MTN Takedown (US\$500 Million Subordinated Notes due 2021); also participated in Woori Bank's US\$7 Billion Global Medium Term Note Programme Update
- Hyosung Corporation in the acquisition of Global Safety Textiles (conducted due diligence and drafted the main acquisition agreement).
- Hyundai Steel's US\$500 Million Notes Offering due 2016 (drafted first version of the Offering Circular)
- Kookmin Bank in US\$8 Billion Global Medium Term Note Programme Update; also drafted first versions of Kookmin Bank's US 20-F filings for financial years 2012 and 2011; conducted and supervised due diligences for KB Financial Group and other KB subsidiaries
- Korea National Oil Corporation's US\$1 Billion 4.00% Notes Offering due 2016 (conducted the closing stage and obtained key signatures from the issuer and underwriters)
- KT Corporation's US\$350 Million 3.87% Notes Offering due 2017 (drafted the first version of Offering Circular)
- Korea Gas Corporation's January 2012 Global Medium Term Note Takedown (US\$750 Million 6.250% Notes due 2042)

- LG Siltron's 2011 IPO with Korean listing and Rule 144A/Reg S international tranche (participated and assisted partners in management discussions and prospectus drafting)
- Hana Bank's April 2012 Medium Term Note Offering (US\$500 Million Notes due 2017)

이동주 (李東柱) 법정 변호사

이동주 변호사는 기업소송 및 자문을 주로 담당하는 홍콩의 법정 변호사 (Barrister)로, 기업회생 및 파산절차, 임의증재를 포함한 국제상사증재, 국제소송 및 각종 해외 분쟁에서 홍콩법 및 영국법에 관한 폭넓은 변호 및 자문을 제공하고 있습니다. 이 변호사는 인수합병, 합작투자, 금융, 증권, 지식재산권, 통상무역, 기업형사 등의 분야뿐만 아니라 건설, 에너지, 조선, 해양, IT, 통신 사건 등 해외에서 발생하는 국내 고객 또는 로펌들의 각종 사건들을 수행, 대리하고 있으며, 분쟁해결을 위한 전제적인 자문 및 소송업무를 지원하고 있습니다.

주요처리사례

기업일반

- *Woori Bank v World Tec Company Limited* – 우리은행 홍콩지사 채권추심
- *Wong Pik Lin v Zurich Assurance Ltd* – 보험 회사 Zurich 보험료 면제 소송
- *Appeal Tribunal (Buildings), Case No 113 of 2016* – 정부 불법건축물 대리소송
- *Ng Sau Fung v The Incorporated Owners of Po Wah Court* – 사망사고 대리
- *Sing Sing Engineering v Swee Kheng Building Material* – 즉결심판절차 소송
- *IDS Forex HK Limited* – IDS Forex 홍콩지사 해외 자산회수 및 도산관련 법무 대리

법원 명령/ 마레바 (Mareva) 형 자산 동결/ 압류 명령

- *HIHO Metal HK Limited v Chang Young Soo* – 피고인 홍콩자산 동결
- *JWILL Technology v ChinaChem* – 피고 동결자산 홍콩법원 회수명령 수행
- *ClosetMaid v Good Tree Trading* – 피고 홍콩자산 동결 및 회수
- *Yudal Shipping v Hong Kong Sheng Shi Ping Trade* – 홍콩자산 동결 및 회수

국제증재

- *MBC C&I* – 국내 지상파 방송사의 2018 자카르타/ 팔렘방 아시안 게임 프로젝트 관련 홍콩 증재.
- 건설, 조선, 플랜트, 엔지니어링 관련 – 국내 법인과 중국 법인의 선박관련 계약분쟁 홍콩 및 서울 증재.
- 기술/ 라이센스 분쟁 – 국내 법인 상표권 침해 및 특허권 양도 계약분쟁 관련 홍콩 및 서울 증재.
- 해외 소송 및 집행판결 청구/ 방어 관련 소송 – 서울, 홍콩 내 종재판정 집행소송 다수 수행.
- 기업 인수 합병 및 합작투자 (JV), 주주간 분쟁 – 국내 법인 자회사 매각 및 합작계약 분쟁 관련 홍콩 및 서울 증재 대리.

기업 인수합병 및 채권발행

- *TPG Asia M&A* – TPG Asia 그룹의 Vishal Retail Ltd. 인도법인 인수 자문
- *TPG Global* – TPG Global 의 Vodafone Group 소유 Japan Telecom 인수 자문
- *Hyosung Corporation* – 효성그룹의 Global Safety Textiles 인수 자문
- *Samsung Electronics* – 삼성전자 US 달러 10 억 불 1.75% 채권발행 법률자문
- *POSCO* – 포스코 2011년 12월 150 억 엔 Reg S 채권발행 법률자문
- *Hyundai Steel* – 현대중공업 5 억 불 미국 채권발행 법률자문
- 기타 30 여 건의 한국기업 인수합병 및 채권발행 법률자문

경력

법정 변호사 (2015 – 현재)

클리어리 고틀립 홍콩지사 Cleary Gottlieb Steen & Hamilton (2010 – 2013)

김·장 법률사무소 Kim & Chang (Clerkship, 2008)

홍콩회사법변호사회 정회원 (Member, 2019 – 현재)

홍콩공정거래법변호사회 정회원 (Member, 2019 – 현재)

홍콩주재 한인회, 한국국제학교 자문변호사 (Legal Advisor, 2016 – 현재)

홍콩코트라 K-Move 센터 법률 멘토 (Mentor, 2019 – 현재)

서울 대검찰청 Supreme Prosecutor's Office (Clerkship, 2008)

케임브리지법대 국제법 학술지 편집위원 Cambridge International Law Journal (Editor, 2021 – 2022)

더럼법대 학생회장 Durham University Law Society (President, 2008 – 2009)

더럼법학과 학술지 편집위원 Durham Law Review (General Editor, 2008 – 2010)

미국 LA 대검찰청 LA District Attorney's Office (Clerkship, 2007)

삼성법률봉사단 Samsung Legal Aid Services (Internship, 2006)

학력

케임브리지대학교 University of Cambridge (LLM)

더럼대학교 University of Durham (LLB)

아빙던학교 Abingdon School

경기초등학교 Kyonggi Elementary School

자격

홍콩 법정변호사 (Barrister, 2015 – 현재)

언어

한국어, 영어, 중국어