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PRINCE'S CHAMBERS

EUGENE KWOK

Admissions

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|------|---|
| 2023 | Fellow of the Chartered Institute of Arbitrators (FCIArb) |
| 2008 | Barrister, Hong Kong |
| 2003 | Solicitor, England & Wales |
| 2002 | Solicitor, Hong Kong |
| 2001 | Solicitor, New South Wales (Australia); High Court of Australia |

Academic

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|------|---|
| 1999 | Bachelor of Laws (1st Class Honours) |
| 1995 | Bachelor of Commerce (Accounting & Finance) |

Experience

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|----------------|---|
| 2008 – Present | Barrister and Arbitrator, Prince's Chambers |
| 2002 – 2007 | Solicitor, Dispute Resolution Group, Baker & McKenzie |
| 2000 – 2002 | Trainee Solicitor, Baker & McKenzie |

Commentary

"Eugene is very thorough and has good legal knowledge. He is responsive and has good initiative, and is skilled in advocacy."

– Legal 500 (Hong Kong Bar – Commercial Disputes), 2024.

"Eugene is efficient and extremely user-friendly. His knowledge of the law is thorough whilst his strategic advice is practical."

– Legal 500 (Hong Kong Bar – Commercial Disputes), 2022 & 2023.

"Best Commercial Disputes Specialist 2021 (Hong Kong)".

– APAC Insider Legal Awards.

"A calm and collected barrister with an impressive depth and breadth of knowledge and a keenly analytical mind. User-friendly and helpful."

– Legal 500 (Hong Kong Bar – Commercial Disputes), 2021.

Practice profile

Eugene Kwok has been a commercial disputes lawyer for over 20 years, first as a solicitor and now as a barrister and arbitrator based in Hong Kong.

Eugene graduated with a Bachelors of Commerce (majoring in Accounting and Finance) in 1995 and a Bachelor of Laws (with First Class Honours) in 1999. He joined international law firm Baker & McKenzie in 2000 as a trainee solicitor and then, in 2002, as an associate with its Dispute Resolution Group. Eugene qualified as a solicitor in: (1) New South Wales and all federal courts of Australia in 2001; (2) Hong Kong in 2002; and (3) England & Wales in 2003.

In 2008, Eugene joined the Hong Kong Bar to focus on court advocacy, legal advice and analysis, and legal drafting. His busy practice includes complex and general commercial litigation and arbitration, contract and transactional disputes, corporate insolvencies and restructuring cases, shareholder disputes, personal bankruptcies, and probate and wills disputes.

Eugene also sits as an independent arbitrator. Eugene is accredited as a Fellow of the Chartered Institute of Arbitrators (FCIArb) and has completed the CIArb's intensive Applied Arbitration for Fellows course. Eugene is on the Panel of Arbitrators for the Beijing Arbitration Commission/Beijing International Arbitration Center (BAC/BIAC) and the Chinese Arbitration Association, Taipei.

From 2011 to 2016, Eugene taught part-time as a Lecturer (Non-Clinical) with the University of Hong Kong for its Civil Litigation course, and in 2013 for its Professional Practice & Management course as well. Eugene is also a contributing author of the practitioner text *Companies Law in Hong Kong – Insolvency*.

Eugene speaks fluent English and Cantonese.

Selected cases

Trials:

- *Macro Charm Ltd v Phoenix Nicaragua S.A. & Others* [2022] HKCFI 1822 (fraudulent misrepresentations/deceit)
- *Chen Yung Ngai Kenneth v Ho Yuk Wah David* [2020] HKCFI 2518 (sham transactions and beneficial ownership of companies)
- *Re Trade Treasure Ltd* [2019] HKCFI 2976 (intervener opposing changes to Companies Register; extension of "Duomatic principle" to unregistered beneficial share owners)
- *Re Shiu Kwong Man Jimmy; Re Siu Kong Fai* [2018] HKCFI 2504 (bankruptcy petitions involving the sale of secured property at an undervalue)
- *Ding Yong v Song Lihua* [2018] HKCFI 1285 (breach of contract)
- *Re Kwong Wing & Co (China) Ltd; Re Kingsway Int'l (HK) Corporation Ltd* (HCCW 61-62/2017) (creditor's winding up petition)
- *Owyang Loong Shui Ivan v Winco Paper Products Company Ltd* (DCCJ 4867/2014) (detinue and conversion of property)
- *Re Longmay International Ltd* (HCCW 268/2012) (creditor's winding up petition)
- *Re Capital Globe Ltd* (HCCW 422/2010) (creditor's winding up petition)
- *Pearldelta Group Ltd v Huge Winners International Ltd* (CACV 105/2010 & HCA 595/2008) (claim under a convertible bond)
- *Lee Hung Chiu, Philip v Becton Dickinson Asia Ltd* (HCA 2830/2000) (unfair dismissal from employment)

Arbitration:

- *China Solar Power (Holdings) Ltd v Ulvac, Inc* (HCMP 1191/2015) (setting aside an arbitral award)
- Representing Dutch electronics conglomerate in a dispute concerning the licensing of optical disc patents (Hong Kong seated arbitration)
- Representing luxury Swiss watch maker in a dispute with its exclusive Hong Kong and China distributor (Geneva seated arbitration)

Fraud and asset recovery:

- *Lesnina H. D.O.O. v Wave Shipping Trade Co Ltd* [2022] 2 HKLRD 727 (defence of recipient of misappropriated funds received via PRC underground banking)
- *Gaming Partners International Corporation v Paulo Da Silva* (HCMP 3354/2015) (search and seizure (or “Anton Piller” order) over a former employee’s residential premises)
- *Anello Asset Management LLP v General Trading Credit Carbon* (HCA 208/2013) (urgent injunction to freeze assets (or “Mareva” order) with disclosure orders against banks)

Company law and insolvency:

- *Re Rich Region Holdings Ltd* [2023] 2 HKLRD 636 (court ordered meeting of shareholders)
- *Re Lucky Legend Industries Ltd; Re Vintage Wine Cellar Ltd* [2021] 4 HKC 556 (dismissal of unfair prejudice petition in a shareholders dispute)
- *Chan Kai Yan v Leung Chi Kit* [2019] HKCFI 1828 (striking out “reflective loss” claims in a shareholders’ dispute)
- *Re Siberian Mining Group Company Ltd* (HCCW 392/2015) (striking out a shareholder’s petition against a listed company)
- *Tam Wing Yuen & Chow Doi Yik Caniel v Siberian Mining Group Company Ltd & Others* (HCA 2694/2015) (striking out a shareholder’s derivative action against a listed company)
- *Zhi Charles v Kim Young Jun & Others* (HCA 1821/2015) (dismissal of injunction against a listed company from holding its Annual General Meeting)
- *Zhi Charles v SRK Consulting Ltd & Others* (HCA 2247/2014) (striking out a shareholder’s derivative action against a listed company)
- *Zhi Charles v Jang Sam Ki & Others* (HCA 1151/2014) (striking out a shareholder’s derivative action against a listed company)
- *Re Siberian Mining Group Company Ltd* (HCCW 282/2014) (striking out a creditor’s winding up petition based on a promissory note)
- *Re KB (Asia) Ltd* (HCMP 307/2013) (schemes of arrangement – principles for ordering the meeting of creditors)
- *Abdul Aziz Essa v Capital Globe Ltd* [2012] 6 HKC 472 (personal costs order against non-party director in winding up proceedings)
- *Re 3D-Gold Jewellery Holdings Ltd* (HCCW 503/2008) (private examination orders against a company’s former auditors)
- *Re Gold Pleasure Industrial Company Ltd* (CACV 21/2009 & HCCW 49/2006) (removal of provisional liquidators from office)

Personal bankruptcy:

- *Re Ho Yuk Wah David* [2020] 2 HKLRD 608 (private examination orders in bankruptcy)
Wills, probate and trusts:
- *Chi Dong Eun v Choi Sung Min* (HCA 2676/2015) (striking out a claim brought by a beneficiary under a trust)
- *Re Haque Shaquil* [2012] 1 HKLRD 689 (creditor bypassing an executor in probate)
- *Re Drake & Morgan Ltd* (HCMP 1490/2009) (management of trust assets)
- *Re Wong Wai Fat* (HCAP 30/2012) (appointing professional administrators over an intestate estate)

Professional disciplinary proceedings:

- *Re Lai Man Chun Anthony* (17 June 2011) (Solicitors Disciplinary Tribunal)

Intellectual property:

- *Television Broadcasts Ltd v Warner Music Hong Kong Ltd & Others* (CT2, 3 & 4 of 2009) (Copyright Tribunal)
- *Revocation of Trade Mark 200001494 "All Saints"* (Trade Marks Registry)

Interlocutory proceedings:

- *Sun Hing Ginza Ltd v Chan Kai Yan* [2023] HKCFI 2410 (admissibility of expert evidence)
- *Chan Kai Yan v Leung Chi Kit* [2023] 5 HKLRD K1 (admission of new witness testimony for trial)
- *China Industrial Securities International Brokerage Ltd v Li Hailong* [2022] HKCFI 2694 (service of process out of jurisdiction)
- *Union Bank of India v Glory Universal Group Inc* [2021] 1 HKLRD 381 (asymmetric jurisdiction clauses)
- *Asia-Pac Infrastructure Development Ltd v Shearman & Sterling* [2020] 1 HKC 13 (trial of a preliminary issue on maintenance and champerty)
- *Re Trade Treasure Ltd* [2019] 5 HKLRD 355 (security for costs against intended intervenor)
- *Asia-Pac Infrastructure Development Ltd v Shearman & Sterling* [2018] 1 HKLRD 113 (joint privilege over client documents held by former solicitors)
- *Zhi Charles v Lim Hosok* [2017] 2 HKLRD 35 (constitutionality of section 22 of the Securities and Futures Ordinance)
- *Siberian Mining Group Company Limited v Zhi Charles* [2016] 4 HKLRD 88 (restraining order against a vexatious litigant)
- *Elco Holland BV v Airwell Air-Conditioning (Asia) Company Ltd* [2015] 5 HKC 375 (implying terms into a contract and the meaning of "business efficacy")
- *Re Lucky Ford Industrial Ltd* [2013] 3 HKLRD 550 (cost principles in a winding up)
- *Macro Charm Ltd v Phoenix Nicaragua S.A. & Others* (HCA 484/2012) (security for costs and non-party cost orders)
- *Falcon Insurance Company (Hong Kong) Ltd v Flagship Underwriting Management Ltd* [2011] 1 HKLRD 489 (admissibility of evidence for appeals)
- *Re Capital Globe Ltd* [2011] 3 HKC 19 (discovery and inspection of audited accounts in a creditor's winding up petition)

Publications

- Contributing author, *Companies Law in Hong Kong – Insolvency*.