

## 施文进 大律师

布里斯托大学法学士（荣誉学位）

### Email Address:

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### Year Of Call:

1994（英国）

1996（香港）

**Practice Areas:** Commercial Law, Company Law and Insolvency, Chancery, International Trade, Mediation, Arbitration, Banking, Regulatory & Securities, Shipping & Insurance, Trust & Probate, Professional Negligence, Sale and Carriage of Goods



施文进大律师在民法领域的仲裁与诉讼具有丰富的从业经验；包括公司及清盘法、银行、国际仲裁、公法、证券、航运以及专业疏忽等领域。

施大律师的执业重点为跨境商事诉讼以及公司及清盘事宜。施大律师参与过众多合资企业合同及股东纠纷、清盘呈请以及公司清盘过程中的法律申请。

施大律师是一名认可调解员、英国特许仲裁司学会会员以及税务上诉委员会成员。

## Expertise:

### 职务及任命

- 英国特许仲裁司学会会员
- 英国有效争论决议中心认可调解员
- 税务上诉委员会成员（2015年至今）

### 重要案件

- *Ryder Industries v. Chan Sui Woo* [2015] 18 HKCFAR 544. Seminal authority on the application of foreign illegality principles to breaches of foreign law in performance of contract.
- *Commission of Inquiry into the Collision of Vessels near Lamma Island on 1st October 2012* [2012]. Acted on before of Islands Ferry, the owner of the Sea Smooth, one of the MVs involved in the collision, during the course of the 3-month Inquiry
- *FG Hemisphere v. Democratic Republic of Congo, China Railway Group* [2011] FACV5, 6 and 7/2010, unreported. Injunction of US\$104million, relief sought of equitable execution over a sovereign state for

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a foreign ICC arbitral award. Issues of sovereign immunity in Hong Kong and relationship with Basic Law. This Landmark judgment from the Court of Final Appeal voluntarily referred matters to the NPCSC under 158 of Basic Law for interpretation.

- *Re: A Solicitor v. Law Society of Hong Kong* [2008] 2 HKLRD 576; [2008] 11 HKCFAR 117. The case resolved the standard of proof required in professional disciplinary proceedings in Hong Kong and overturned applicability of the rules of *Young v. Bristol Aeroplane* on the intermediate Courts in Hong Kong by applying a new streamlined test.
- *New World Development v. SEHK*, [2005] 2 HKLRD 612 CA; [2006] 2 HKLRD 518; [2006] 9 HKCFAR 234 CFA. Judicial review of the SEHK disciplinary tribunal procedures, in particular the right to full legal representation and the application common law right to a fair hearing to its regulatory procedures.
- *Asia Television Ltd. v. Mak Chi Kin t/a Wilson Top Marketing Promotion Co.* [2006] CACV No 148/2006, unreported. Rights of ATV under its standard form Rates Card with advertisers and their agents, whether single signature binding on multiple parties and whether joint and severally liable.
- *Yuanta Securities Asia Financial Services Ltd. v. Core Pacific investment Holdings (BVI) Ltd and others* [2005] HCCW 803/2003. Shareholders dispute and right to just and equitable winding up of a highly solvent company, tests for company participation in a shareholder dispute, and nature and requirements in pleading Petitions.
- *Wynn Macau LLC v. Henry Mong* [2009] HCA 190 and 191/2009. The right of Macau Casino to recover gambling debts in Hong Kong and basis of the suit i.e. whether under a credit agreement or the marker.
- *Re: Legend International Resorts* [2006] HCCW 1139/2004, unreported. [2011] CACV 58/2011, unreported. 4 January 2012 and 26 April 2012. The case relates to powers, matters to consider and reasons for the removal of liquidator in the course of a company's liquidation.
- *Kwok Wai Hing Selina v. HSBC Private Bank S.A.* [2012] HCCL 7 of 2010, unreported. The first [post trial] judgment in Hong Kong to deal with the mis-selling by Banks of high risk derivative products, particularly forward accumulators, to private customers.

## 工作语言

英语；广东话