

## Alan Kwong

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### Email Address:

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### Year Of Call:

2008 (Hong Kong)

**Practice Areas:** Company Law and Insolvency, Commercial Law, Securities Law, Land Law



Alan Kwong graduated from the University of Cambridge and the University of Hong Kong with first class honours in Politics and Law.

Alan practices mainly civil and commercial law, with a special focus on the areas of land disputes, companies, general commercial disputes and securities matters. Alan has been consistently instructed to act for banks and major listed companies in complicated civil disputes and insolvency disputes. Alan also appeared before the Court of Appeal in a number of leading authorities on land disputes in relation to common intention constructive trusts and estoppel.

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Alan also appeared before the Court of Appeal in a number of leading authorities on land disputes in relation to common intention constructive trust and estoppel: *see Cheung Lai Mui v. Cheung Wai Shing & Ors* [2020] 2 HKLRD 15 (led by William Wong SC); *Mo Ying v. Brillix Development Ltd* [2015] 2 HKLRD 985 (led by Audrey Eu SC.); and *Hong Kong Hua Qia Co Ltd v. Cham Ka Tai* [2015] 4 HKC 167

## Expertise:

### Notable Cases

#### Companies, Insolvency and Commercial Disputes

- *Societe Generale, Singaporean Branch v. Inter Pacific Group Pte & Ors* [2019] HKCFI 2947; [2019] HKCFI 2484; [2019] HKCFI 2405. Acted for an international bank in a tracing claim; obtained *Mareva* injunction freezing assets up to US\$79.8 million
- *Re Luen Tat Watch Bank Manufacturer Limited; Allied Ever Holdings Ltd v. Li Shu Chung & Ors* (HCCW 497/2009, 27th November 2017). Discharged and removed liquidators who were guilty of misconducts and who were sanctioned by indemnity costs (led by Wong Yan Lung SC and William Wong SC)
- *Goal Upward Investment v. Osmand Mohammed Arab & Anor* [2016] 5 HKLRD 158. Acted for an investor in a contractual dispute involving specific performance and computation of time
- *Chan Kai Yan & Anor v. Leung Chi Kit & Ors (Re: Lucky Ford Industrial Ltd.* [2013] 3 HKLRD 550. Acted for the minority shareholders of a joint venture company which owns and operates a shopping centre in Mong Kok; wound up the subject company and obtained costs on a common fund basis against the majority shareholders; one of the leading authority on costs in s.168A/s.177(1)(f) petition. (led by William Wong SC)
- *Re: Loong San Investment Co Ltd, Leeloong Investment Co L Ltd and Loong Wan Investments Ltd.* [2014] 3 HKLRD 224; HCMP 1830/2013, 1831/2013 and HCMP 2813/2013 (30 th April 2014); and HCMP 2059/2011, HCMP 2060/2011 and HCMP 2062/2011, 4th June 2012). Acted for the majority shareholders in three family companies holding 3 blocks of commercial buildings ; obtained leave to commence statutory derivative action (led by Johnny Mok S.C. regarding discovery application and William Wong SC regarding application for leave to commence statutory derivative action
- *Atal Technologies Limited v. Stratech Systems Limited* [2012] 3 HKLRD 281. Acted for a Singaporean listed company in a substantial contractual dispute regarding the “e-Channel” project of the Immigration Department of the HKSAR (led by Anthony Houghton SC)
- *Re: Wako Giken (HK) Limited* [2010] 4 HKLRD 121. Leading authority on interlocutory injunction in the context of ss.177(1)(f)/168A Petition; acted for the minority shareholders of a Japanese company, and obtained an interlocutory injunction in respect of control over subsidiary companies in PRC (led by Clifford Smith SC and Anson Wong SC)
- *Pevonia International LLC* (CACV 235/2014, 18th March 2015); (HCCW 417/2012, 23rd April 2014). Acted for a leading global skin product manufacturer incorporated in the USA; wound-up a joint venture company in Hong Kong; successfully overturned the costs order made by the Court of First Instance. (led by William Wong SC)
- *Re: Yuen Mun Wa* [2012] 5 HKLRD 108. Bankruptcy proceedings; argued the threshold in respect of “bona fide dispute on substantial grounds”

## **Lands Disputes**

- *Mo Ying v. Brillex Development Ltd & Anor* [2015] 2 HKLRD 985; [2014] 3 HKLRD 224. One of the leading authorities on common intention constructive trust and estoppel by standing by; acted for a professional investor to resist a wife’s claim for beneficial ownership (led by Audrey Eu SC)
- *Cheung Lai Mui v. Cheung Wai Shing & Ors* [2020] HKCA 148; HCA 1652/2012 (10th April

2017). Conducted a 14-day trial in respect of a family land dispute in Sai Kung; another Court of Appeal authority on the constituting elements of common intention constructive trust and proprietary estoppel (led by William Wong SC)

- *Hong Kong Hua Qia Co Ltd v. Cham Ka Tai* [2015] 4 HKC 167. Acted for a mistress; established beneficial interest in a property by virtue of the doctrine of promissory estoppel
- *Leung Siu Man & Ors v. Leung Yiu Tai* [2019] HKCFI 1971. Acted for some siblings in a family dispute; established beneficial interest in a property by virtue of the doctrine of common intention constructive trust
- *IO of Morlite Building v. Asia Century Ltd & Ors* [2016] 6 HKC 467. This authority concerns the Court's approach to the underlying dispute in applications taken out by the incorporated owners to enforce charges registered against the subject properties of individual owners
- *Perfect China International Ltd v. Chan Yat Siu & Anor* [2012] 5 HKC 258. Resisted an action to enforce DMC on the grounds of lacking clean hands and acquiescence (led by Patrick Chong)
- *Ge Li v Sun Mei Industrial Ltd & Ors* (HCA 1009/2010, 5th March 2013). Acted for a developer/vendor; dispute on experts' valuation of a property in Sai Kung
- *Re: Chu Kar Yin Catalina v. AMTD Risk Management Ltd.* (HCMP 266/2010, 26th February 2010). Acted for the subsidiary of a major listed company in Hong Kong, and resisted an application to vacate *lis pendes*

## **Civil Procedure**

- *Dickson Valora Group (Holdings) Co Ltd & Anor v. Fan Ji Qian* [2019] 2 HKLRD 173. Leading authority on granting anti-suit injunction based on *quasi-contracts* (led by Anson Wong SC)
- *Dickson Valora Group (Holdings) Co Ltd & Moravia CV & Ors* [2019] 3 HKLRD 173. Resisting application for (i) striking out an unfair prejudice petition on ground of lacking *locus standi*; and (ii) staying the petition in favour of arbitration (led by Anson Wong SC)
- *Li Sin Man Seline & Anor v. Li Shu Chung & Anor* [2018] 3 HKLRD 294. This authority concerns the Court's powers in granting interim certificates under Order 62, rule 17(1))
- *Choi Chung Bun Vincent v. Australia China Holdings* [2013] 2 HKC 361. Appeared before the Court of Appeal to aside the costs order of the Court of First Instance in interlocutory proceedings; recent; this authority concerns the approach to costs in setting aside default judgment
- *Top One Interntional (China) Property Group Co Ltd v. Top One property Group Ltd & Ors* [2011] 1 HKLRD 606. Leading authority on relief against sanction
- *EDS Wellness Holdings Ltd v. Shum Yeung* (HCA 1775/2012, 11th March 2015). Acted for a listed company; successfully resisted a judgment debtor's application to set aside judgment on the alleged ground of fraud (led by Ambrose Ho SC)
- *Lee Sai Nam v. Li Shu Chung & Anor* (HCA 1711/2009, 31st May 2013). Breach of unless order; relief against sanction (led by William Wong SC)
- *Sun Focus Investment Ltd v. Tang Shing Bor & Anor* [2012] 5 HKLRD 853. One of the leading authorities on costs against non-parties under section 52A of the High Court Ordinance and Order 62 rule 6A of the Rules of High Court

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- 廣東長虹電子有限公司 v. Inspur Electronics (HK) Ltd [2015] 2 HKLRD 714. Appeal against leave to enforce Mainland award
  - 惠州市東方聯合實業有限公司 v. Wong Wai Tsang (HCCT 73/2010, 28th February 2012). Enforced a PRC Arbitration Award assigned in favour of an Assignee pursuant to section 40B and 2GG of the Arbitration Ordinance

### **Listing and Compliance Matters**

- Re Japan Home Centre (Management) Ltd, JHC (Inter'l Ltd); Japan Home Centre (HK) Ltd & Familj (China) Ltd (HCMP 1650-1653/2013, 15th August 2013). Acted for and advised the “Japan Home Group” in relation to the listing plan on the Main Board of the Stock Exchange of Hong Kong under International Housewares Retail Co Ltd; obtained reliefs under sections 111 and 122 of the predecessor Companies Ordinance (Cap.32).
- Perfect Display Limited (HCMP 1711/2013). Acted for and advised Perfect Optronics Ltd in relation to its listing plan on the GEM Board of the Stock Exchange of Hong Kong; obtained reliefs under sections 111 and 122 of the predecessor Companies Ordinance (Cap.32).
- Grace Glory Limited (HCMP 442/2010, 22nd April 2010). Acted for and advised the “China Wood Flooring” Group in relation to its listing plan on the Main Board of the Stock Exchange of Hong Kong under Nature Home Holding Company Limited; obtained reliefs under sections 111 and 122 of the predecessor Companies Ordinance (Cap.32).
- China New Rich Medicine Holdings Co. Ltd (HCMP 2006/2012). Acted for and advised China New Rich Medicine Holdings Co Ltd in relation to its listing plan on the GEM Board of the Stock Exchange of Hong Kong; obtained reliefs under sections 111 and 122 of the predecessor Companies Ordinance (Cap.32).
- Handled no less than 20 applications seeking relief under sections 111 and 122 of the predecessor Companies Ordinance (Cap.32) and/or section 431 of the Companies Ordinance (Cap.622).
- Handled and advised on no less than 20 cases on investigation and enquiries carried out by the Stock Exchange of Hong Kong and the Securities & Futures Commission.