

Alan Kwong

LLM (Cantab)
LLB (HKU)
BSSc (Govt & Laws) (HKU)

Email Address:

alan.kwong@dvc.hk

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 in the areas of land disputes, companies and securities matters.

Alan is consistently instructed to act for international banks, listed companies and public authorities.

In recent years, Alan conducted a series of cases, which involved misconducts of delinquent liquidators and trustees from leading international firms: *Allied Ever Holdings Ltd v. Li Shu Chung & Ors* [2021] HKCA 497; *Luen Tat Watch Bank Manufacturer Ltd v. Stephen Liu and David Yen* [2020] 5 HKLRD 183 (against liquidators from Ernst & Young) (led by Wong Yan Lung SC and William Wong SC); *Re Quality Denim Ltd* [2021] 2 HKLRD 1183 (against liquidators from Deloitte); *Joint & Several Trustees of the Properties of So Chin Wan v. Assen Ltd* (in Liquidation) & Ors [2020] HKCA 1081 (led by Anson Wong SC); *Lee Shu Hang & Li Sin Man Seline v Kan Lap Kee* (also known as Terry Kan) [2022] HKCFI 651 (against a liquidator of Shinewing) (led by Douglas Lam SC).

Alan has been instructed to appear before the Court of Final Appeal and the Court of Appeal in a number of leading authorities on land disputes in relation to common intention constructive trust and estoppel: *Cheung Lai Mui v. Cheung Wai Shing & Ors* (2021) 24 HKCFAR 116 (led by William Wong SC); *Mo Ying v. Brilllex 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.

Alan is additionally vested in providing public services. Whilst Alan was appointed to serve as Temporary Deputy Registrar of the High Court in August 2021 and Deputy District Judge in February 2023, he also authored various chapters on land laws in *Bullen & Leake & Jacob's Hong Kong Precedents of Pleadings* (3rd Ed) (published in 2021).

Directory Quotes:

“Alan is a highly effective and eloquent advocate. He provides holistic and strategic advice; he is a very well-rounded counsel.”

Legal 500 Asia Pacific HK Bar (2023)

Expertise:

Appointment

- Temporary Deputy Registrar of the High Court (August 2021)
- Deputy Judge of the District Court (February 2023)

Notable Cases

Companies, Insolvency and Commercial Disputes

- *Salleh Abu Baker v Anway Ltd* [2023] HKCA 187; [2021] HKCFI 3407. Acted for the largest duty free operation in Hong Kong, and successfully opposed claims brought by an ex-CEO
- *Lee Chi Keung & Ors v Wong Chi Chin & Ors* [2022] HKCFI 3315. Acted for majority shareholders in a company dispute, and successfully resisted claims for proprietary injunction and preservation order
- *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)
- *Luen Tat Watch Bank Manufacturer Ltd v. Stephen Liu and David Yen* [2020] 5 HKLRD 183. Leading authorities on ownership of documents generated in the course of liquidation
- *Re Quality Denim Ltd* [2021] 2 HKLRD 1183. Set aside a liquidator’s decision to accept the legal costs claimed by a party; authorities on liquidators’ obligations to scrutinize legal bills and the Court’s exercise of scrutinizing powers
- *Joint & Several Trustees of the Properties of So Chin Wan v. Assen Ltd* (in Liquidation) & Ors [2020] HKCA 1081. Authorities by the Court of Appeal on trustees’ powers to conduct examination under section 29 of the Bankruptcy Ordinance (Cap.6)
- *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 S.C 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 injunctions 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
- *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

- *Poon Chi Hang v. Lai Ho Sun* [2021] HKCA 1611. Established adverse possession over a unit in a residential building
- *Wong Yin Tak v. Yip Wai Man* [2021] HKCFI 2124. Established beneficial interest in a property by virtue of the doctrine of common intention constructive trust
- *Lau Kai Ping Joyce v. Fulland International Ltd* [2020] HKCFI 1501. Established adverse possession over farmlands in Lau Fau Shan, the New Territories
- *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)

Civil Procedure

- *Lee Shu Hang & Li Sin Man Seline v Kan Lap Kee* (also known as Terry Kan) [2022] HKCFI 651. Established that against a court-appointed liquidator was guilty of contempt of court (led by Douglas Lam SC)
- *Essilor Manufacturing (Thailand) Co Ltd v. Wong Kam Wai & Ors* [2020] HKCA 351. Court of Appeal's authority on the legal principles governing lapse of injunction orders in the context of adjournment necessitated by COVID 19
- *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 set 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

- 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

Publication

- Chapters on land laws in Bullen & Leake & Jacob's Hong Kong Precedents of Pleadings (3rd Ed) (published in 2021)