

Jenkin Suen SC

LLB (HKU)
PCLL (HKU)
BCL (Oxon)
MALCS (HKU)
2019 (Hong Kong Inner Bar)

Email Address:

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Year Of Call:

2004 (Hong Kong)
2019 (Inner Bar)

Practice Areas: Administrative and Public Law, Arbitration, Mediation, Chancery, Commercial Law, Company Law and Insolvency, Competition Law, Employment and Anti-Discrimination, Land & Planning Law, Intellectual Property, International Trade, Securities Law, Tax Law,



Jenkin Suen SC has developed a leading civil practice, specialising in commercial and chancery disputes, company and insolvency litigation, land and planning law, public law and regulatory litigation. He is adept in both trial and appellate advocacy, and is regularly engaged in major commercial and public law cases.

Jenkin regularly acts for listed companies, banks, funds, insurance companies and transnational conglomerates in commercial, contractual and trust disputes, with active appearances in court trials, appeals, interlocutory applications and arbitrations. He has been involved in major cases such as the *Henry Fok estate*, *Shanshui Cement and Convoy* litigations. He is particularly known for his expertise in shareholder disputes, winding-up petitions and schemes of arrangement. He recently acted for a minority shareholder in obtaining interim payment on an unfair prejudice petition (*Xu Lu Chun v Wu Chang Jiang*, before Court of First Instance (CFI) and Court of Appeal (CA)). Aside from private companies and individuals, he frequently represents the Official Receiver, liquidators, the Registrar of Companies and the Insurance Authority.

In terms of land and planning law, Jenkin is often instructed in landmark cases involving important questions of construction, land compensation, planning law as well as administrative law. He represents developers and public bodies/the Government alike, such as the Secretary for Justice (SJ), the Director of Land, the Secretary for Development, the Town Planning Board (TPB) and the Land Registry, on both advisory and contentious matters. Among others, he represents the TPB in a landmark case on protective costs order (*Designing Hong Kong Ltd v TPB*, before CA and Court of Final Appeal) and two mega town planning appeals on development schemes in Nam Sang Wai involving complex planning and expert evidence.

In his public law and regulatory practice, Jenkin advises and represents a wide range of public bodies (such as the Securities and Futures Commission (SFC), the President of the Legislative Council, the Privacy Commissioner, the Mandatory Provident Fund Schemes Authority, the Medical Council and Hospital Authority) and the Government (such as the Chief Executive (CE), the SJ, the Director of Lands, the Building Authority, the Director of Immigration, the Director of Public Prosecutions (DPP) and the Secretary for Home Affairs). On regulatory and securities litigation, he is engaged by the SFC on a wide spectrum of advisory and contentious works including hearings before the Market Misconduct Tribunal, the Securities and Futures Appeals Tribunal and the Companies Court. He has also maintained a broad practice in public law, with court appearances on wide-ranging issues of constitutional law, election, planning, immigration, administrative appeals and disciplinary actions.

Alongside his private practice, Jenkin has written extensively in the legal field. He is the co-author of *Shareholders' Rights and Remedies in Hong Kong* (2011), the first practitioner text on the law of shareholders' remedies in Hong Kong. He is also a contributing author to *Company Law in Hong Kong - Practice and Procedure* (since 2007) and a contributing editor to *Hong Kong Civil Procedure* (since 2007).

Directory Quotes:

New silk Jenkin Suen SC of Des Voeux Chambers is singled out in particular by interviewees for the exceptional quality of his research and the fact that he has "clearly thought through all the points" of an issue, the results of which preparation are "crisp, logical arguments," underpinning "a calm and measured approach and well thought out advice." His versatile practice extends across the full commercial, public law and regulatory spectrum, and he is regularly active on behalf of government officials and agencies, particularly on land and planning issues.

Chambers & Partners Asia Pacific (2020)

Jenkin Suen of Des Voeux Chambers maintains an impressively varied practice, being described by one source as "very good in regulatory, planning and administrative law matters" while another notes that he "knows a lot about company law and shareholder issues." The latter interviewee adds that Suen is also notable for his combination of a measured approach with very quick reactions and opines that he is clearly "going to go places," while a third contributor reports that he is "very client-oriented and solution-focused and very well liked by solicitors." He is often instructed on behalf of government bodies in planning disputes.

Chambers & Partners Asia Pacific (2019)

Jenkin Suen of Des Voeux Chambers maintains a wide-ranging commercial, public law and regulatory practice, focusing closely on company, insolvency and banking disputes and acting regularly for government bodies, particularly where planning questions are involved. Sources respect him as a "solid and hard-working" advocate who "knows his stuff" in such areas.

Chambers & Partners Asia Pacific (2018)

"Jenkin Suen of Des Voeux Chambers acts on a wide range of commercial and chancery matters, offering particularly extensive knowledge of company law and winning praise for his impressive level of activity and dedication to his clients' interests. He is often instructed by government departments and agencies, particularly with regard to land or insolvency disputes."

Chambers & Partners Asia Pacific (2017)

"Jenkin Suen of Des Voeux Chambers has a strong focus on commercial issues, as part of his larger corporate practice. One peer says he is "very dedicated, and goes the extra mile for his clients." He is also noted by sources for his high level of activity and regular court appearances."

Chambers & Partners Asia Pacific (2016)

Expertise:

Membership and Appointments

- Member, Committee on Constitutional Affairs & Human Rights (HKBA), since 2017
- Member, Committee on Companies Law (HKBA), since 2018
- Member, Committee on Land, Trust and Probate (HKBA), since 2018
- Member, Standing Committee on Code of Conduct (HKBA), since 2018
- Trainer, The Bar's Pupils Core Advocacy Programme, since 2017
- Chairman, Appeal Tribunal Panel (Buildings), 2015-2018
- Council Member, The Bar Council, 2007-2009

Selected Cases

Commercial/ Company/ Insolvency

- ***Re Golden Oasis Health Limited*** HCCW 236/2018. Stay Application of Winding-up Petition.
- ***Xu Lu Chun v Wu Chang Jiang*** CAMP 160/2019 / HCMP 3166/2014. Interim Payment Application on Unfair Prejudice Petition.
- ***Eminent Investments (Asia Pacific) Ltd v DIO Corporation*** CACV 207/2016 / HCA 1292/2011. Appeal and Trial on contractual interpretation, misrepresentation and breach.
- ***Tse's Brothers Co Ltd v Kinghall Development Ltd & Anor*** HCA 1341/2012/ HCA 2401/2012. Trial on land and trust law.
- ***Fabiano Hotels Ltd v Profitmax Holdings Inc*** HCA 3428/2018 / HCMP 2825/2016. Mareva Injunction and Summary Judgment Applications.
- ***Integrity Financial Advice Network Co Ltd v Lau Kong Kei / Chu Yau Shun*** HCA 2165/2011 / HCA 623/2012. Trials on misrepresentation and claw-back in agency contract.
- ***Fok Chun Yue Benjamin v Yau Wing Co Ltd*** HCMP 3250/2015. Leave application for statutory derivative action.
- ***Hansen International Ltd v High Fashion Apparel Ltd*** HCA 1724/2014. Interim injunction against removal of CEO.
- ***Sanctuary Systems Ltd v Orient International Holdings Hong Kong Co Ltd & Anor*** HCA 479/2010. Trial on Quistclose trust.

Land/Planning

- ***Dairy Farm Company, Limited v SJ on behalf of Director of Land*** HCMP 2423/2017. Trial on right of way and construction of Government lease.
- ***Nam Sang Wai Development Company Limited v TPB*** TPA 3/2014 & TPA 1/2017. Planning Appeals before the Town Planning Appeal Board.
- ***Lam Ar Fu Peter v Building Authority*** HCAL 2259/2018. Judicial review against decision of Appeal Tribunal (Buildings).
- ***Designing Hong Kong Ltd v Town Planning Board*** (2018) 21 HKCFAR 237, [2017] 3 HKLRD 560, [2017] 2 HKLRD 60; [2018] 5 HKLRD 828. Appeals on protective costs order (PCO) and joinder application.
- ***I Villas Ltd v SJ*** HCA 1883/2014. Trial on construction of lease covenants.
- ***Cheermark Investment Ltd v The Director of Lands*** [2018] 1 HKLRD 79. Appeal on statutory compensation for resumption of land.

Regulatory

- ***Re Magic International Holdings Limited***. Proceedings before the Market Misconduct Tribunal.
- ***Re Shandong Molong Petroleum Machinery Company Limited*** HCMP 1094/2019. Proceedings under Section 214 of the SFO.
- ***Re Sound Global Ltd HCMP 868/2019***. Proceedings under Section 214 of the SFO.
- ***FT Securities Limited v SFC*** SFAT 6/2018. Proceedings before the Securities and Futures Appeals Tribunal.

Public law

- ***Tsang Kin Shing v SJ***, HCAL 687/2019 and HCAL 2882/2018. Judicial reviews on prosecutorial decisions.
- ***SJ v Leung Kwok Hung*** CACV 200&201/2017, [2017] 4 HKLRD 115. Judicial Reviews concerning the 2016 Legislative Council election.
- ***Lok Man Fai Felix v Architects Registration Board*** [2019] 2 HKLRD 745. Appeal on disciplinary decision.
- ***Dr U v The Preliminary Investigation Committee of the Medical Council of Hong Kong*** FAMV 11/2018, CACV 151/2016, [2016] 4 HKLRD 31. Judicial review and appeals on statutory construction.
- ***Great Mighty Ltd v Director of Lands*** HCAL 125 & 126/2014. Judicial Review on ex gratia payment.
- ***Wong Tai Hoi v Au Nok Hin*** [2018] 2 HKLRD 789. Election Petition.
- ***Chan Ho Tin v Lo Ying Ki Alan*** [2018] 2 HKLRD 7. Election Petition.
- ***Yau Wai Ching v CE; CE & SJ v President of the Legislative Council*** (2017) 20 HKCFAR 390, [2017] 1 HKLRD 460 (CA), [2016] 6 HKC 417 (CFI). Judicial Reviews concerning the 2016 Legislative Council election.
- ***Commissioner of Registration v Registration of Persons Tribunal*** [2018] 4 HKLRD 810. Judicial Review against decision of Registration of Persons Tribunal.

Scholarship and Awards

- Hong Kong Middle Temple Society Advocacy Scholarship
- Des Voeux Chambers Scholarship
- Sir Edward Youde Memorial Fellowship for Overseas Studies
- Simon KY Lee Medal in Law
- The Hong Kong University Alumni Prize
- Sir Man Kam Lo/Jardine Scholarship
- King Edward VII Scholarship
- Li Po Chun Scholarship
- Johnson, Stokes & Master Scholarship in Law
- Lovell White Durrant Scholarship in Law

Publications, Lectures and Talks

- Co-Author of Shareholders' Rights and Remedies in Hong Kong (LexisNexis, 2011)
- Contributing Author of Company Law in Hong Kong - Practice and Procedure (Sweet & Maxwell)
- Contributing Editor of Hong Kong Civil Procedure (since 2007 up to present)
- Speaker in various seminars hosted by the Hong Kong Bar Association, LexisNexis and the Hong Kong Institute of Chartered Secretaries