

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:

Jenkin Suen SC is noted for his impressive handling of diverse public law, commercial and chancery matters. A counsel of choice for government entities and regulatory bodies, he is frequently seen on land and planning disputes, in addition to judicial review proceedings. He maintains a busy practice acting on company law, contractual and trust disputes, and continues to be sought out by listed companies, multinational corporations and financial institutions.

Chambers & Partners Asia Pacific (2021)

"Jenkin is very hardworking, diligent and responsive, and his advice on both legal and procedural aspects demonstrates his knowledge and familiarity with civil rules and procedures, particularly in securities law." 2019 Silk Jenkin Suen SC represented the plaintiffs in *Eminent Investments v DIO Corporation*, a case given leave to appeal to the Court of Final Appeal concerning the interpretation of "tail gunner clauses" in contracts with financial advisers to corporate transactions that make full fees payable if the transaction is aborted. Jenkin Suen SC is accredited as a 2019 Silk.

Legal 500 Asia Pacific HK Bar (2021)

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

- ***Eminent Investments (Asia Pacific) Ltd v. DIO Corporation*** FACV 3/2020, FAMV 330/2019, CACV 207/2016, HCA 1292/2011, [2017] 4 HKLRD 52. Appeal and Trial on contractual interpretation, misrepresentation and breach.
- ***Wang Yanlong v. NPCC (Hong Kong) Ltd***, HCMP 2190/2018. Application for rectification under section 42 of Companies Ordinance.
- ***Re Golden Oasis Health Limited*** HCCW 236/2018. Stay Application of Winding-up Petition.
- ***Kwok Hiu Kwan v. Johnny Chen*** HCMP 41/2018. Trial concerning an EGM of Convoy Global Holdings Limited.
- ***Re Swiss Reinsurance Co Ltd*** HCMP 898/2019. Scheme of Arrangement under the Insurance Ordinance.
- ***Xu Lu Chun v. Wu Chang Jiang*** CAMP 160/2019 / HCMP 3166/2014. Interim Payment Application on Unfair Prejudice Petition.
- ***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

- ***Nam Sang Wai Development Company Limited v. TPB*** TPA 3/2014 & TPA 1/2017. Planning Appeals before the Town Planning Appeal Board.
- ***Royal Billion Investment Limited v. TPB*** HCAL 1916/2018. Judicial Review of TPB's decision.
- ***Deluxe Ascent Limited v. Director of Lands*** HCAL 2442/2018. Judicial Review on ex gratia compensation of resumption of land.
- ***Senso Investment Limited v. Director of Lands*** LDMR 1/2012. Compensation claim under the Foreshore and Sea-bed (Reclamations) Ordinance.
- ***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.
- ***Kong Hong Kui Thomas v. Wu Yuk Chun Judy*** CACV 190/2019. Appeal on representation and estoppel in dispute on landed property.
- ***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

- ***Lai Voon Wai v. SFC*** SFAT 2/2020. Review application before the Securities and Futures Appeals Tribunal.
- ***Cai Hongping v. SFC*** SFAT 3/2020. Review application before the Securities and Futures Appeals Tribunal.
- ***Re Combest Holdings Limited*** HCCW 118/2020. Petition under Sections 212 and 214 of the SFO and application for appointment of provisional liquidators.
- ***Re Magic International Holdings Limited*** Proceedings before the Market Misconduct Tribunal.
- ***SFC 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

- ***Tong Ying Kit v. HKSAR*** HCAL 1601/2020. Habeas corpus application on the National Security Law.
- ***Loh Ming Yin v. Hong Kong Examinations and Assessment Authority*** HCAL 1087/2020. Judicial review on invalidation of public examination question.
- ***Kwok Wing Hang v. Chief Executive in Council; Leung Kwok Hung v. SJ*** FACV6- 9/2020, [2020] 2 HKLRD 771 [2020] 1 HKLRD 80, [2020] 1 HKLRD 1. Judicial Reviews concerning the Emergency Regulations Ordinance and the Prohibition on Face Covering Regulations.
- ***The Hong Kong Journalists Association v. The Commissioner of Police*** HCAL 2915/2019. Judicial Review on Police's duty towards journalists.
- ***So Tsun Fung v. The Commissioner of Police*** HCAL 3376/2019. Injunction application in judicial review.
- ***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

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- 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