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EUGENE KWOK

Admissions

2023	Fellow of the Chartered Institute of Arbitrators (FCIArb)
2008	Barrister, Hong Kong
2003	Solicitor, England & Wales
2002	Solicitor, Hong Kong
2001	Solicitor, New South Wales (Australia); High Court of Australia

Academic

1999	Bachelor of Laws (1st Class Honours)
1995	Bachelor of Commerce (Accounting & Finance)

Experience

2008 – Present	Barrister and Arbitrator, Prince's Chambers
2002 – 2007	Solicitor, Dispute Resolution Group, Baker & McKenzie
2000 – 2002	Trainee Solicitor, Baker & McKenzie

Commentary

"Eugene is very thorough and has good legal knowledge. He is responsive and has good initiative, and is skilled in advocacy."

– Legal 500 (Hong Kong Bar – Commercial Disputes), 2024.

"Eugene is efficient and extremely user-friendly. His knowledge of the law is thorough whilst his strategic advice is practical."

– Legal 500 (Hong Kong Bar – Commercial Disputes), 2022 & 2023.

"Best Commercial Disputes Specialist 2021 (Hong Kong)".

– APAC Insider Legal Awards.

"A calm and collected barrister with an impressive depth and breadth of knowledge and a keenly analytical mind. User-friendly and helpful."

– Legal 500 (Hong Kong Bar – Commercial Disputes), 2021.

Practice profile

Eugene specialises in commercial disputes. He has a busy practice that focuses on complex and general commercial litigation, contract and transactional disputes, corporate insolvencies and restructuring cases, shareholder disputes, bankruptcies, and probate disputes.

Eugene has acted in a number of large liquidation and corporate restructuring cases, including over venerable local retailers Tai Lin Radio Service Limited and Hong Kong Optical Company Limited, as well as publicly listed companies like Ocean Grand Holdings Limited, 3D-Gold Jewellery Holdings Limited, FU JI Food and Catering Services Holdings Limited, Starlight International Holdings Limited, and First Mobile Group Holdings Limited.

Eugene regularly acts for multinational clients who require an urgent asset freezing order, often to recover money misappropriated by fraud, as well disclosure orders against the wrongdoers (and their bankers) to trace the stolen funds. Eugene has also acted for recipients of stolen funds unwittingly caught up in a fraud.

Eugene is on the Legal Aid Department's panel of barristers for professional negligence, contractual disputes, commercial litigation, corporate winding up, and personal bankruptcy cases, as well as the Department of Justice's panel of barristers for civil cases involving the Hong Kong SAR Government.

Apart from representing clients in court, Eugene also advises and acts in commercial arbitrations around the world, and he accepts appointments to sit as an independent arbitrator in international commercial disputes. Eugene is accredited as a Fellow of the Chartered Institute of Arbitrators (FCIArb) and has completed the CIArb's intensive Applied Arbitration for Fellows course.

Prior to joining the Bar, Eugene was a litigation solicitor with the international law firm Baker & McKenzie, where he handled complex commercial disputes, cross-border insolvency actions, arbitrations, and securities and regulatory investigations.

From 2011 to 2016, Eugene taught part-time as a Lecturer (Non-Clinical) with the University of Hong Kong for its Civil Litigation course, and in 2013 for its Professional Practice & Management course as well.

Selected cases

Trials:

- *Macro Charm Ltd v Phoenix Nicaragua S.A. & Others* [2022] HKCFI 1822 (fraudulent misrepresentations/deceit)
- *Chen Yung Ngai Kenneth v Ho Yuk Wah David* [2020] HKCFI 2518 (sham transactions and beneficial ownership of companies)
- *Re Trade Treasure Ltd* [2019] HKCFI 2976 (intervener opposing changes to Companies Register; extension of "Duomatic principle" to unregistered beneficial share owners)
- *Re Shiu Kwong Man Jimmy; Re Siu Kong Fai* [2018] HKCFI 2504 (bankruptcy petitions involving the sale of secured property at an undervalue)
- *Ding Yong v Song Lihua* [2018] HKCFI 1285 (breach of contract)
- *Re Kwong Wing & Co (China) Ltd; Re Kingsway Int'l (HK) Corporation Ltd* (HCCW 61-62/2017) (creditor's winding up petition)
- *Owyang Loong Shui Ivan v Winco Paper Products Company Ltd* (DCCJ 4867/2014) (detinue and conversion of property)
- *Re Longmay International Ltd* (HCCW 268/2012) (creditor's winding up petition)
- *Pearldelta Group Ltd v Huge Winners International Ltd* (CACV 105/2010 & HCA 595/2008) (claim under a convertible bond)
- *Lee Hung Chiu, Philip v Becton Dickinson Asia Ltd* (HCA 2830/2000) (unfair dismissal from employment)

Arbitration:

- *China Solar Power (Holdings) Ltd v Ulvac, Inc* (HCMP 1191/2015) (setting aside an arbitral award)

- Representing Dutch electronics conglomerate in a dispute concerning the licensing of optical disc patents (Hong Kong seated arbitration)
- Representing luxury Swiss watch maker in a dispute with its exclusive Hong Kong and China distributor (Geneva seated arbitration)

Fraud and asset recovery:

- *Lesnina H. D.O.O. v Wave Shipping Trade Co Ltd* [2022] 2 HKLRD 727 (defence of recipient of misappropriated funds received via PRC underground banking)
- *Gaming Partners International Corporation v Paulo Da Silva* (HCMP 3354/2015) (search and seizure (or “Anton Piller” order) over a former employee’s residential premises)
- *Anello Asset Management LLP v General Trading Credit Carbon* (HCA 208/2013) (urgent injunction to freeze assets (or “Mareva” order) with disclosure orders against banks)

Company law and insolvency:

- *Re Rich Region Holdings Ltd* [2023] 2 HKLRD 636 (court ordered meeting of shareholders)
- *Re Lucky Legend Industries Ltd; Re Vintage Wine Cellar Ltd* [2021] 4 HKC 556 (dismissal of unfair prejudice petition in a shareholders dispute)
- *Chan Kai Yan v Leung Chi Kit* [2019] HKCFI 1828 (striking out “reflective loss” claims in a shareholders’ dispute)
- *Re Siberian Mining Group Company Ltd* (HCCW 392/2015) (striking out a shareholder’s petition against a listed company)
- *Tam Wing Yuen & Chow Doi Yik Daniel v Siberian Mining Group Company Ltd & Others* (HCA 2694/2015) (striking out a shareholder’s derivative action against a listed company)
- *Zhi Charles v Kim Young Jun & Others* (HCA 1821/2015) (dismissal of injunction against a listed company from holding its Annual General Meeting)
- *Zhi Charles v SRK Consulting Ltd & Others* (HCA 2247/2014) (striking out a shareholder’s derivative action against a listed company)
- *Zhi Charles v Jang Sam Ki & Others* (HCA 1151/2014) (striking out a shareholder’s derivative action against a listed company)
- *Re Siberian Mining Group Company Ltd* (HCCW 282/2014) (striking out a creditor’s winding up petition based on a promissory note)
- *Re KB (Asia) Ltd* (HCMP 307/2013) (schemes of arrangement – principles for ordering the meeting of creditors)
- *Abdul Aziz Essa v Capital Globe Ltd* [2012] 6 HKC 472 (personal costs order against non-party director in winding up proceedings)
- *Re 3D-Gold Jewellery Holdings Ltd* (HCCW 503/2008) (private examination orders against a company’s former auditors)
- *Re Gold Pleasure Industrial Company Ltd* (CACV 21/2009 & HCCW 49/2006) (removal of provisional liquidators from office)

Personal bankruptcy:

- *Re Ho Yuk Wah David* [2020] 2 HKLRD 608 (private examination orders in bankruptcy)

Wills, probate and trusts:

- *Chi Dong Eun v Choi Sung Min* (HCA 2676/2015) (striking out a claim brought by a beneficiary under a trust)
- *Re Haque Shaquill* [2012] 1 HKLRD 689 (creditor bypassing an executor in probate)
- *Re Drake & Morgan Ltd* (HCMP 1490/2009) (management of trust assets)
- *Re Wong Wai Fat* (HCAP 30/2012) (appointing professional administrators over an intestate estate)

Professional disciplinary proceedings:

- *Re Lai Man Chun Anthony* (17 June 2011) (Solicitors Disciplinary Tribunal)

Intellectual property:

- *Television Broadcasts Ltd v Warner Music Hong Kong Ltd & Others* (CT2, 3 & 4 of 2009) (represented TVB before the Copyright Tribunal)
- *Revocation of Trade Mark 200001494 "All Saints"* (Trade Marks Registry)

Interlocutory proceedings:

- *Sun Hing Ginza Ltd v Chan Kai Yan* [2023] HKCFI 2410 (admissibility of expert evidence)
- *Chan Kai Yan v Leung Chi Kit* [2023] HKCFI 2015 (admission of new witness testimony for trial)
- *China Industrial Securities International Brokerage Ltd v Li Hailong* [2022] HKCFI 2694 (service of process out of jurisdiction)
- *Union Bank of India v Glory Universal Group Inc* [2021] 1 HKLRD 381 (asymmetric jurisdiction clauses)
- *Asia-Pac Infrastructure Development Ltd v Shearman & Sterling* [2020] 1 HKC 13 (trial of a preliminary issue on maintenance and champerty)
- *Re Trade Treasure Ltd* [2019] 5 HKLRD 355 (security for costs against intended intervener)
- *Asia-Pac Infrastructure Development Ltd v Shearman & Sterling* [2018] 1 HKLRD 113 (joint privilege over client documents held by former solicitors)
- *Zhi Charles v Lim Hosok* [2017] 2 HKLRD 35 (constitutionality of section 22 of the Securities and Futures Ordinance)
- *Siberian Mining Group Company Limited v Zhi Charles* [2016] 4 HKLRD 88 (restraining order against a vexatious litigant)
- *Elco Holland BV v Airwell Air-Conditioning (Asia) Company Ltd* [2015] 5 HKC 375 (implying terms into a contract and the meaning of "business efficacy")
- *Re Lucky Ford Industrial Ltd* [2013] 3 HKLRD 550 (cost principles in a winding up)
- *Macro Charm Ltd v Phoenix Nicaragua S.A. & Others* (HCA 484/2012) (security for costs and non-party cost orders)
- *Falcon Insurance Company (Hong Kong) Ltd v Flagship Underwriting Management Ltd* [2011] 1 HKLRD 489 (admissibility of evidence for appeals)
- *Re Capital Globe Ltd* [2011] 3 HKC 19 (discovery and inspection of audited accounts in a creditor's winding up petition)

Publications

- Contributing author, *Companies Law in Hong Kong – Insolvency*.