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## EUGENE KWOK

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**Admissions**

2008	Barrister, Hong Kong
2003	Solicitor, England & Wales
2002	Solicitor, Hong Kong
2001	Solicitor, New South Wales, Australia

**Academic**

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

**Practice profile**

Eugene has a busy civil practice with a focus on general commercial litigation, contract disputes, corporate insolvencies and restructuring cases, shareholder disputes, contentious probate actions, bankruptcy, and employment disputes.

Eugene has acted in a number of large liquidation and corporate restructuring cases, including over the electronics retailer Tai Lin Radio Service 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 (now known as Shihua Development Company Limited), and First Mobile Group Holdings Limited.

Eugene regularly acts for clients who require an urgent freezing order over bank accounts, often where money has been misappropriated by international criminal syndicates. These freezing orders often include disclosure orders against the wrongdoers themselves as well as their bankers.

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.

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

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**

- *Chan Kai Yan v Leung Chi Kit* [2019] HKCFI 1828 (striking out a claim for being barred under the principles of reflective loss)
- *Asia-Pac Infrastructure Development Ltd v Shearman & Sterling* [2019] HKCFI 1395 (application for trial of a preliminary issue concerning champerty)
- *Re Shiu Kwong Man Jimmy; Re Siu Kong Fai* [2018] HKCFI 2504 (bankruptcy petitions, with sale of secured property at alleged undervalue)

- *Ding Yong v Song Lihua* [2018] HKCFI 1285 (breach of settlement agreement)
- *Asia-Pac Infrastructure Development Ltd v Shearman & Sterling* [2018] 1 HKLRD 113 (setting aside joint privilege over client documents held by former solicitors)
- *Re Kwong Wing & Co (China) Ltd; Re Kingsway Int'l (HK) Corporation Ltd* (HCCW 61-62/2017) (creditor's winding up petitions)
- *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 (order restraining a vexatious litigant from commencing new court actions)
- *Re Siberian Mining Group Company Ltd* (HCCW 392/2015) (striking out a contributories' just and equitable winding up petition against a listed company)
- *Tam Wing Yuen & Chow Doi Yik Caniel v Siberian Mining Group Company Ltd & Others* (HCA 2694/2015) (striking out a shareholders' derivative action with respect to a listed company)
- *Chi Dong Eun v Choi Sung Min* (HCA 2676/2015) (striking out a claim by a beneficiary of a trust)
- *Gaming Partners International Corporation v Paulo Da Silva* (HCMP 3354/2015) (search and seizure order (also known as an "Anton Piller Order") over a defendant's residential premises in aid of foreign proceedings)
- *Zhi Charles v Kim Young Jun & Others* (HCA 1821/2015) (dismissal of injunction seeking to stop a listed company from holding its Annual General Meeting)
- *China Solar Power (Holdings) Ltd v Ulvac, Inc* (HCMP 1191/2015) (setting aside of an arbitral award)
- *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")
- *Owyang Loong Shui Ivan v Winco Paper Products Company Ltd* (DCCJ 4867/2014) (trial on a claim in detinue and conversion of property)
- *Zhi Charles v SRK Consulting Ltd & Others* (HCA 2247/2014) (striking out a shareholder's derivative action with respect to a listed company)
- *Zhi Charles v Jang Sam Ki & Others* (HCA 1151/2014) (striking out a shareholder's derivative action with respect to a listed company)
- *Re Siberian Mining Group Company Ltd* (HCCW 282/2014) (striking out a creditor's winding up petition on an alleged debt founded on a promissory note)
- *Re Lucky Ford Industrial Ltd* [2013] 3 HKLRD 550 (cost principles in winding up)
- *Re KB (Asia) Ltd* (HCMP 307/2013) (scheme of arrangement – principles for calling meetings of creditors)
- *Anello Asset Management LLP v General Trading Credit Carbon* (HCA 208/2013) (injunction to freeze assets (also known as a "Mareva injunction") coupled with a disclosure order against the defendant and his bankers)
- *Re Haque Shaquil* [2012] 1 HKLRD 689 (court order for a creditor to bypass the executor in probate)
- *Macro Charm Ltd v Phoenix Nicaragua S.A. & Others* (HCA 484/2012) (security for costs and non-party cost orders)
- *Re Longmay International Ltd* (HCCW 268/2012) (creditor's winding up petition)
- *Abdul Aziz Essa v Capital Globe Ltd* [2012] 6 HKC 472 (personal costs order against a non-party director in winding up proceedings)

- *Re Wong Wai Fat* (HCAP 30/2012) (appointment of professional administrators over an intestate estate).
- *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)
- *Re 3D-Gold Jewellery Holdings Ltd* (HCCW 503/2008, 5 August 2011) (private examination by liquidators against the company's former auditors)
- *Re Lai Man Chun Anthony* (17 June 2011) (Solicitors Disciplinary Tribunal hearing)
- *Pearldelta Group Ltd v Huge Winners International Ltd* (CACV 105/2010 & HCA 595/2008) (trial involving the interpretation of terms in a convertible bond)
- *Re Drake & Morgan Ltd* (HCMP 1490/2009) (management of trust assets)
- *Television Broadcasts Ltd v Warner Music Hong Kong Ltd & Others* (CT2, 3 & 4 of 2009) (commercial dispute before the Copyright Tribunal)
- *Re Gold Pleasure Industrial Company Ltd* (CACV 21/2009 & HCCW 49/2006) (removal of provisional liquidators from office)
- *Lee Hung Chiu, Philip v Becton Dickinson Asia Ltd* (HCA 2830/2000) (trial of an employment dispute for unfair dismissal)
- *Revocation of Trade Mark 200001494 "All Saints"* (dispute before the Trade Marks Registry)

For a full list of the cases in which Eugene Kwok has appeared as Counsel, please visit the Judiciary Website at <http://legalref.judiciary.gov.hk/lrs/common/ju/judgment.jsp> and use the "Advanced Search" function.