

Thomas Wong

CALL: 2021 (ENGLAND AND WALES); 2018 (HONG KONG);
2010 (SOLICITOR, HONG KONG)

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Cantonese (native); Mandarin (fluent)



Overview

Thomas is a Barrister called to the English and Hong Kong Bars. He has a broad commercial, companies and insolvency litigation, and arbitration practice.

He was called to the English Bar in 2021 but has been practising as a Barrister in Hong Kong since 2018 (and a Hong Kong commercial litigation solicitor since 2010). His practice focuses on commercial litigation and arbitration often involving parties from the PRC and Hong Kong. He also has considerable experience in insolvency/company and Hong Kong chancery matters, and is steadily taking on offshore insolvency/company instructions (from both the Cayman Islands and the British Virgin Islands).

He has more than a decade's experience serving clients in Hong Kong, the Greater China Region and internationally, and is a native Chinese speaker (both Mandarin and Cantonese).

Prior to his move to the Bar, Thomas was a commercial litigator at Hogan Lovells and Clifford Chance during which time, he worked with clients directly and gained an understanding of their commercial objectives.

Thomas is a Fellow of the Chartered Institute of Arbitrators and the Hong Kong Institute of Arbitrators, and is also on the Hong Kong International Arbitration Centre ("HKIAC")'s List of Arbitrators as well as the Singapore International Arbitration Centre (SIAC)'s Reserve Panel of Arbitrators. He has been ranked as a Leading Junior in *The Legal 500* (Hong Kong Bar - Commercial Disputes) in consecutive years.

Thomas often sits as arbitrator and has sat as a Deputy District

Publications

- Contributing author for (1) Chitty on Contracts: *Hong Kong Specific Contracts* (7th Edition, 2023): Chapter 11 - Damages, and (2) *Hong Kong White Book 2024: Order 62 - Costs and Order 62A - Cost Offers and Payment into Court* (Sweet & Maxwell Hong Kong).
- Co-authored two chapters on Hong Kong law in two international legal encyclopaedias: Attachment of Assets (Mareva injunctions) and Enforcement of Money Judgments (Juris Publishing, Inc.).

Professional memberships

- Arbitrator, SIAC's Reserve Panel of Arbitrators: November 2023 - present
- Arbitrator, HKIAC's List of Arbitrators: 19 July 2023 - present
- Arbitrator, Hong Kong Bar List of Arbitrators: 15 July 2020 - present
- Fellow, Hong Kong Institute of Arbitrators (FHKI Arb): 26 May 2020 - present
- Fellow, Chartered Institute of Arbitrators (FCI Arb): 20 February 2020 - present

Judge in Hong Kong (equivalent to a Deputy Circuit Judge in England and Wales) in November 2023 – January 2024.

Education

- BPP University, Bar Transfer Test (2021)
- London School of Economics and Political Science, Certificate, Advanced EU Competition Law (2021), LLM (Distinction, 2019)
- The University of Hong Kong, PCLL (2008), LLB with Hons (2007), BSocSC (Govt & Laws) with Hons (2006)

Arbitration and related Court proceedings (excluding Shipping and sale of goods)

- Acting as counsel/involved as a member of the claimant's legal team in separate HKIAC-administered arbitrations:
 1. A cross-border intellectual property (franchising and manufacturing) dispute between a US company (the client) and its ex-Mainland Chinese manufacturer;
 2. On breaches of a shareholders and noteholders agreement and the failure to list a related company on an international stock exchange;
 3. Concerning breaches of two agreements, the exercise of a put option and misappropriation of funds; and
 4. On sale of goods in Mainland China (advising on the relevant Hong Kong law aspects).
- Also, acted for:
 1. A contractor (a subsidiary of a transnational conglomerate) who had completed refurbishment and other works at a residential development on MacDonnell Road (one of Hong Kong's most exclusive residential areas), where the incorporated owners had refused to pay on the purported grounds of defective works and the lack of an appointed Architect under the Contract (adapted from the Hong Kong Standard Form of Building Contract Private Edition – Without Quantities (2006 Edition)). The claim was fully settled in the client's favour after Particulars of Claim had been prepared and served on the Incorporated Owners;
 2. A group of real estate companies-respondents resisting the indirect (common law) enforcement in Hong Kong of a CIETAC arbitral award by fresh proceedings in the Court of First Instance: *○○○○○○○○○○○○○○○○v Eton Properties Ltd*, unrep, HCCL 13/2011, 14 June 2012 (CFI); and
 3. A major Hong Kong property developer on whether it had any ground for resisting the enforcement in Hong Kong of a New Zealand construction arbitral award against it.
- Thirdly, acted for a Mainland Chinese businessman in seeking a stay of a Hong Kong High Court Action in favour of arbitration: *Li Wenjun v Chen Chunhui* [2023] HKCFI 405.

Shipping and sale of goods

- Defending a SIAC arbitration claiming in excess of US\$4 million for: (1) loss in the market value of a cargo of Indian iron ore pellets, (2) additional financing costs, (3) port charges paid, and (4) value of the vessel's discharge time, all as a result of the cargo's alleged delayed discharge / delivery; and (5) loss and damage arising from an alleged breach of the arbitration agreement (led by David Lewis KC): SIAC Arbitration No 434 of 2021.
- As sole counsel in an eight-day trial, successfully defending a global toy and baby products company against sale of goods and related claims totalling circa US\$1.4 million brought by its former Hong Kong-based manufacturer – claims substantially reduced by circa US\$1 million (and half of the final judgment sum had previously been admitted by the clients): *Technic Star Universal Ltd v Tiny Love Ltd* [2021] HKCFI 2284.
- Acting for the defence of a US\$0.5 billion claim for damages for (i) Port Charges and (ii) the non-delivery of ten LNG cargoes arising out of the alleged failed performance of a longterm LNG supply contract, raising issues of contractual construction, wilful breach of contracts, liquidated damages / damages cap clauses, and the proper market valuation of the LNG cargoes in question.: LCIA Arbitration No: 225461 (led by Mr David Lewis KC and Oliver Caplin KC).
- Acting for a UAE head purchaser in commencing HKIAC arbitration against its PRC seller of steel coils for delayed delivery and in the wrong quantity, as well as producing a false bill of lading, resulting in the rejection of the steel coils by the sub-

purchaser.

- Acting for an Indonesian coal mining company in commencing SIAC arbitration against its UAE purchaser for defaults in payment and related claims.

Asset tracing / civil fraud

- Acting for 31 individual and corporate shareholders in a multifaceted shareholders' and investors' dispute involving: (1) an unfair prejudice petition (as petitioners: CR-2023-005099); (2) two CPR Part 8 claims for disclosure to one of the clients based on the information rights provision in a Noteholders Agreement (CL-2023-000686 and CL-2023-000794), (3) a Norwich Pharmacal application for three of the clients (CL-2023-000514), and (4) two CPR Part 7 misrepresentation claims against the majority shareholder of the company personally in respect of the secondary purchases by those three clients of their shares in the company concerned (BL-2024-000036 and BL-2024-000401) (in all cases, led by Mr Duncan Matthews KC and Tony Beswetherick KC, and with Harris Bor, Matthew Chan and Mark Baldock): *Segulah Medical Acceleration AB and 30 others v Akhilesh Shailendra Tripathi and others, Re Signifier Medical Technologies Ltd*.
- Acting for victims of an apparent telephone scam/cyber fraud in recovering the sums defrauded; obtaining judgment and Norwich Pharmacal order: *Lin Weiqing v Hang Seng Bank, Limited* [2019] HKDC 750; *Opera National de Paris v Sun Bon International Logistic Ltd*, DCCJ 218/2021 (summary judgment obtained from the master in January 2022, but see subsequently [2022] HKDC 766, 1382 and 1405).
- Acting for a high net worth individual investor in defending a claim in excess of US\$12 million purportedly on the strength of an equity swap transaction confirmation involving a Cayman Islands fund, on the bases of fraud, and in any event that the transaction is tainted by illegality (as constituting an unlawful gaming contract and/or being contrary to sections 114 and 115 of the Securities and Futures Ordinance (Cap 571)): *CS Asia Opportunities Master Fund v Zhao Haohui*, HCA 3001/2018.
- Acted for the plaintiff in an asset tracing/civil fraud case against various Defendants with pleaded claims (among others) in constructive trust, misrepresentation, dishonest assistance, knowing receipt, non est factum and breach of fiduciary duties: *Lau Lai Shan Lisa v Zhang Qi*, HCA 1395/2018.

Company law

- Acting for two ultra-high net worth individuals in their claims for over 80% beneficial ownership of two companies holding numerous local and foreign investments totalling almost HK\$200 million, and resisting the other side's (1) summary judgment application and (2) interim receivership application: *Suen Wai Mo v Lam Hong Ki*, HCA 133/2020 (led by Mr Denis Chang SC, with Raymond Ho and Tommy Cheung).
- Acted for an aggrieved minority shareholder of a quasi-partnership presenting an unfair prejudice petition against the other shareholder(s) seeking (inter alia) a buy-out order: *Re ebp Global Ltd*, HCCW 215/2020; *Re COBO Asia Limited*, HCCW 362/2021.
- Advised and appeared in applications:
 1. Relating to several companies' profit and loss accounts and balance sheets pursuant to Section 122(1B) of the old Companies Ordinance (Cap 32), in preparation for the listing of a related company;
 2. For a validation order under section 182, Cap 32; and
 3. For restoring a deregistered company under section 765 of the current Companies Ordinance (Cap 622), and resisting a last-minute application for leave to intervene in the restoration application.

Insolvency

- Assisting (as English Counsel) in Singapore proceedings arising from the insolvency of Hin Leong Trading (Pte) Ltd, formerly one of Singapore's largest independent oil traders, and its subsidiary Ocean Tankers (Pte) Ltd, both founded by former oil tycoon OK Lim (led by Mr Stephen Atherton KC). The Singapore High Court sought, and we prepared, submissions on two questions of law: (1) legal set-off in respect of the claims alleged to be assigned to the Client if such set-off had not been given effect to by a judgment of a court; and (2) whether any of the claims alleged to be assigned to the client would constitute bare rights of actions or mere rights to litigate.
- Acted for former Liquidators (Managing Directors of Ernst & Young) of one of Hong Kong's largest watchband brands in *Luen Tat Watch Band Manufacturer Ltd v Liu Yiu Keung Stephen*, as follows:
 1. Their appeal to the Court of Appeal against their removal for misconduct and an unusual adverse costs order: [2021] HKCA 577 (merits); [2021] HKCA 976 (costs) (led by Mr Stewart Wong SC);
 2. Resisting a related, nine-digit figure civil claim: HCA 1397/2018 (led by Mr Stewart Wong SC); and
 3. Resisting a related application for production of documents: [2020] 5 HKLRD 183, [2020] HKCFI 2610 (merits);

- Also, acting as sole counsel for an experienced ShineWing insolvency practitioner in three appeals to the Court of Appeal:
 1. Resisting an appeal brought by the Official Receiver against the client's successful first-instance decision effectively confirming that the client was a fit and proper person whom the creditors of a bankrupt might consider appointing as trustee in bankruptcy: *Re Chan John Loong Fai (the Bankrupt)* [2022] 1 HKLRD 63, [2021] HKCA 1834 (merits); [2022] HKCA 430 (costs);
 2. Appealing against the Court of First Instance's refusal to grant an order for provision of affidavits and for private examination by way of enforcing a previous Order of the Court for the provision of information and production of documents under section 29 of the Bankruptcy Ordinance (Cap 6): *Re So Ching Wan* [2021] 3 HKC 5, [2020] HKCA 1081 (merits); [2021] HKCA 666 (costs); and
 3. Appealing against a decision of the Disciplinary Committee of Hong Kong Institute of Certified Public Accountants: *Registrar of Hong Kong Institute of Certified Public Accountants v Tang Chung Wah* [2022] 5 HKLRD 298, [2022] HKCA 1421.
- Thirdly, acted for a group of creditors of a BVI company (in liquidation in the BVI), in (inter alia) their application for striking out the Hong Kong ancillary winding-up petition presented under Section 327 of the CO: *Re Pioneer Iron and Steel Group Co Ltd*, unrep, HCCW 322/2010, 6 March 2013 (CFI).
- Fourthly, successfully partially resisted an application for a validation order on the grounds of the subject company's doubtful solvency and lack of supporting evidence / safeguards to unsecured creditors: *Re Univision Engineering Limited* [2022] HKCFI 702.
- Fifthly, acted as co-counsel for a creditor-bank in resisting a substantive statutory demand setting aside application by the debtor: *Bank of Singapore Ltd v Li Wing Sang*, HCB 5577/2017 (CFI).

Offshore

- Acting (as English junior Counsel, with Harneys) for an Appellant before the Cayman Islands Court of Appeal and Grand Court against the official liquidator's rejection of its Proof of Debt of US\$25.8 million; issues included whether the claim was proprietary / trust in nature: *Shang Peng Gao Ke, Inc SEZC v Official Liquidator of HEC International Ltd*, CICA (Civil) Appeal 17 of 2023 (Grand Court Cause No FSD No 318 of 2021 (DDJ)) (led by Stephen Atherton KC at first instance and David Chivers KC on appeal).
- Acting (as English junior Counsel, with Harneys) for the same group of clients in defending a US\$273 million proprietary claim brought by the joint official liquidators of the 100% holding company of HEC International Ltd, and in resisting a belated proprietary injunction application seeking to preserve the entire US\$0.273 billion *in specie* by way of payment-in: *Ascentra Holdings, Inc (in Official Liquidation) v Ryunosuke Yoshida and four others*, FSD No 300 of 2023 (RPJ) (led by Vernon Flynn KC).
- Involved in acting for a family of prominent businessmen in an unfair prejudice petition in respect of a BVI top holding company of a group of valuable hotel and property investments and businesses in Africa, against their joint venture partners.

Land / property law

- Acting for a Hong Kong property developer against the Government in an express right of way/specified street (regulation 18A, Building (Planning) Regulations (Cap 123F)) dispute: *Leading Well Ltd v Director of Lands* [2022] HKCFI 3246 (appeal pending before the Court of Appeal).
- Acting for a Hong Kong company plaintiff in a High Court Action concerning an entire residential development in Shanghai worth over RMB1 billion: *Longlife International (HK) Co Ltd v May Delight Ltd*, HCA 2544/2016 (led by Mr Denis Chang SC).
- Acted for an experienced property investor against a wholly-owned subsidiary of a major Hong Kong property investor in a High Court Action concerning the sale and purchase of an entire shopping mall: *Cheung Shun Yee v Rich Resource Development Ltd* [2019] HKCFI 2835 (led by Mr Denis Chang SC, with Jun Lee).
- Secured summary judgment in an application for an order for sale of a co-owned property under section 6 of the Partition Ordinance (Cap 352) together with related relief, including an account against the defendant of the property's rentals for the past 15 years: *Jacques Cuvelier v Chen Qizhi* [2019] HKCFI 2386.
- Acted for a real estate agent company (on instructions) to attempt to seek summary judgment for its commission in respect of a transaction which was concluded by another real estate agent company, and where there was no signed estate agency agreement (or exclusivity agreement): *Fairmile Consultants Ltd v Esquel Enterprises Ltd* [2019] HKCFI 2797 (merits); [2020] HKCFI 253 (costs).
- Appeared as counsel for the plaintiff in successfully obtaining an order for the sale of property which the plaintiff co-

owned with the deceased (in the absence of a personal representative of the deceased's estate): *Poon Kit Ah v The Personal Representatives of Au-Yang Hoong Fung Victoria* (Deceased) [2020] HKCFI 3115.

Trusts

- Hong Kong Charitable Trust pre-action advisory matter jointly instructed by the charities and philanthropy team of Withers London and the private client and tax team of Withers Hong Kong.

Competition law

- Acted and appeared as co-counsel for two respondents in Hong Kong's first-ever trial of an enforcement action by the Competition Commission before the Competition Tribunal: *Competition Commission v W Hing Construction Co Ltd* [2018] HKCT 5; [2019] 3 HKLRD 46, [2019] HKCT 3; issues raised included "by object" restrictions under the First Conduct Rule, and the efficiency defence under section 1, Schedule 1 to the Competition Ordinance (Cap 619).

Securities and Futures Ordinance (Cap 571) (SFO)

- Acted as sole counsel for a listed company in a trial of a SFO section 214 Petition against the company and its founder and current and former officers; the company was ultimately awarded costs of and occasioned by the Petition on an indemnity basis against its founder and former executive director and chairman: *Securities and Futures Commission v Sound Global Ltd & 4 Ors* [2022] HKCFI 3025.

Arbitrator appointment

- Currently sitting with Mr Peter Chow (partner, King & Spalding Singapore) (as presiding arbitrator) and Mr Victor Dawes SC (Temple Chambers, Hong Kong; chairman, Hong Kong Bar Association) (as co-arbitrator) in two related sets of ad hoc commercial arbitration proceedings seated in Hong Kong and governed by the UNCITRAL Arbitration Rules.
- Also, currently sitting with Mr Shaun Wong (Managing Director, Shaun Wong LLC, Singapore) in a HKIAC-administered arbitration: an IP dispute concerning online gaming licensing between a Hong Kong company and a Taiwanese company.

Intellectual property

- Acting for plaintiffs in a trademark infringement, passing-off and breach of contractual restraint of trade action; successfully obtained judgment and a post-judgment Mareva injunction: *Profundo Technologies Ltd v Wenhuan Zhong*, HCA 1885/2015.
- Acted for Johnson & Johnson and successfully resisted a trade mark opposition (to "□□") by a wholly-owned subsidiary of Lee's Pharmaceutical (HK) Limited (HKEx: 0950): see Decision of the Registrar of Trade Marks dated 10 June 2020.
- Acted for BTCC (the first bitcoin exchange in the PRC, and ranked third amongst the bitcoin exchanges worldwide by trade volume) and successfully resisted three related trade mark oppositions (to "BTCC", "BTCC & Device" and "BTCC EXCHANGE" respectively) by The Depository Trust & Clearing Corporation: see three Decisions of the Registrar of Trade Marks all dated 7 July 2022 [2022] HKTMR 20, 21 and 22.

Recommendations

Thomas is incredibly smart and hard working, and also incredibly responsive. He quickly grasps the essential features of a case, his written and oral advocacy are both excellent, and clients love him and often don't see the need to instruct a silk if Thomas is handling the matter. [The Legal 500, Hong Kong Bar \(Commercial Disputes\) 2024](#)

[Thomas WK Wong] is passionate about the law and his enthusiasm in addressing legal issues and creativity in solving problems are some of his strengths. [The Legal 500, Hong Kong Bar \(Commercial Disputes\) 2023](#)

A junior who has litigation in his blood and is passionate about his work. He is very thorough and provides clear and succinct arguments on complex issues. [The Legal 500, Hong Kong Bar \(Commercial Disputes\) 2022](#)

[Thomas WK Wong] has sound legal knowledge and analytical powers, outstanding research skills, and ability to articulate arguments forcefully and yet clearly and succinctly. [The Legal 500, Hong Kong Bar \(Commercial Disputes\) 2021](#)

