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IAN CHENG

Senior Associate
Hong Kong SAR

E: ian.cheng@bclplaw.com
T: +852 3143 8455

BIOGRAPHY

Ian is an Associate in the Hong Kong SAR office. He has experience in construction arbitrations and in advising clients on employment law matters. He also has experience in appearing before the High Court, the District Court, and conducting trials in the Magistrates Courts in Hong Kong SAR.

Ian is a prosecutor on fiat on the Department of Justice's Magistrates Courts B List. Ian also is a member of the Appeal Panel (Housing), an independent statutory body established under section 7A of the Housing Ordinance (Cap. 283) to determine appeals lodged against the termination of lease agreements between the Housing Authority and its tenants.

Ian is a contributing author to Financial Regulation: Emerging Themes in 2020 - an extensive collection of articles around the themes of supervision, governance, financial crime and investigations and digital.

He was admitted as a Solicitor in Hong Kong SAR in 2017.

SPOKEN LANGUAGES

- Chinese (Cantonese)

- English

- Chinese (Mandarin)

ADMISSIONS

- Hong Kong

RELATED CAPABILITIES

- Construction Disputes
- Infrastructure
- Energy Transition
- Commercial Construction & Engineering
- Commercial Real Estate
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- Cross-border Employment Issues
- Employment Class & Collective Actions
- Business & Commercial Disputes
- Employment & Labor
- Real Estate

EXPERIENCE

- Advising a Hong Kong SAR non-profit organisation on its entitlements to liquidated damages, extension of time assessments, retention of monies and termination issues concerning the construction of a new operations building.

- Representing a major Korean contractor in disputes concerning the construction of a propane dehydration plant in Saudi Arabia.

- Representing the sub-contractor in an arbitration concerning the E&M works for a major casino in Macau.

- Representing the sub-contractor in arbitrations concerning the redevelopment of a landmark building in Hong Kong SAR.

- Representing the sub-contractor in an arbitration and the related appeals to the Hong Kong SAR courts concerning a major railway project.

- Representing the contractor in an arbitration concerning a JV dispute in Macau.

- Representing the employer in an arbitration concerning a bridge dispute.

RELATED INSIGHTS

Insights
May 15, 2025
HK releases Guideline concerning Generative AI

On 15 April 2025, the Hong Kong Government's Digital Policy Office published the Hong Kong Generative Artificial Intelligence Technical and Application Guideline ("Guideline")[1], which aims to provide operational guidance for various stakeholders in the application of generative artificial intelligence ("AI").

Insights
May 13, 2025
Fake legal authorities – AI hallucination or professional negligence?

Artificial intelligence ("AI") has the potential to make significant changes to various aspects of the practice of law. It is possible that many lawyers will incorporate AI in doing legal work, one way or the other and to some degree or other, in the foreseeable future. However, while AI is a powerful tool at lawyers' disposal, work generated by AI can contain errors, and AI has the potential to "hallucinate", i.e. make up false information or something that does not in fact exist. In two recent court cases in Canada and the UK, the lawyers submitted to the courts case authorities that did not exist, leading the other side's lawyers and the court to suspect that those cases had been (mis-)generated by the use of AI.

Insights
May 07, 2025
Abolition of MPF Offsetting Mechanism in Hong Kong

From 1 May 2025, in respect of Hong Kong's MPF scheme, the MPF offsetting mechanism will be abolished, meaning that employers no longer will be able to use the accrued benefits of their mandatory contributions under the Mandatory Provident Fund ("MPF") scheme to offset employees' severance payments ("SP") and long service payments ("LSP").

Insights
May 07, 2025
HK proposes changes to the "continuous contract" rule under Employment Ordinance

The Hong Kong Government has proposed to change the "continuous contract" requirement under the Employment Ordinance (Cap 57) ("EO") from the current "4-18" requirement to a more relaxed "4-17" or "4-68" requirement.

Insights
Apr 29, 2025
Does "back to back" mean "pay when paid" in construction contracts?

In Sze Fung Engineering Limited v Trevi Construction Company Limited [2025] HKCA 278[1], the Hong Kong Court of Appeal ("CA") ruled that the "back to back" wording in that case was not a "pay when paid" clause, but governed only the timing of payment.

Insights
Apr 28, 2025
Does Without Prejudice Privilege apply to reports prepared by third parties?

The without prejudice ("WP") rule generally prevents statements made in a genuine attempt to settle an existing dispute from being put before the court as evidence. Usually, these statements are made in communications between the opposing parties to a dispute. Can WP privilege attach to documents produced by third parties who are not parties to the dispute? This was a question before a deputy judge of the English High Court ("Court") in BNP Paribas Depositary Services Ltd v Briggs & Forrester Engineering Services Ltd [2024] EWHC 2575 (TCC)[1].

Insights
Apr 28, 2025
Hong Kong Court makes security for costs order against Mainland parties with no assets in Hong Kong

In Y and Another v GI and Another [2025] HKCFI 1317[1], the Hong Kong Court of First Instance ("Court") allowed the defendant's application for security for costs against the plaintiffs in respect of the plaintiffs' application to set aside an arbitral award. In doing so, the Court found that the plaintiffs were resident outside Hong Kong, had no assets available in Hong Kong and the setting aside application had little prospect of success.

Insights
Mar 19, 2025
HK Court relies on deemed service clause to dismiss a setting-aside application to enforce an arbitral award

Insights
Mar 18, 2025
HK court rules that gig delivery driver was not an employee