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BIOGRAPHY

Horace is an Associate in the International Arbitration and Construction Disputes practice. He is admitted as a Solicitor in Hong Kong SAR in 2020.

Horace has experience in complex international arbitration across a number of sectors (including construction, energy and international trade). These cover proceedings governed by various rules and institutions, including the HKIAC, LCIA and ICC.

Horace regularly advises main contractors and sub-contractors in construction and engineering disputes concerning major developments and projects in Hong Kong SAR and overseas, on a wide range of issues including variations, scope of work, EOT, delays and disruption, termination, defects, call of bond and insolvency.

SPOKEN LANGUAGES

- Chinese (Cantonese)
- Chinese (Mandarin)
- English

ADMISSIONS

- Hong Kong

RELATED PRACTICE AREAS

- Construction Disputes
- Litigation & Dispute Resolution
- Real Estate

RESOURCES

PUBLICATIONS

- Hong Kong Competition Tribunal establishes four-step approach to assess pecuniary penalties for contraventions of competition rules in recent judgment

RELATED INSIGHTS

Insights
Sep 21, 2022

Hong Kong Court of Appeal decision on cartel fines imposed on entities within the same undertaking

Competition Commission v W. Hing Construction & others [2022] HKCA 786 (judgment date: 2 June 2022) concerned an appeal from the first Hong Kong judgments concerning pecuniary penalties for contraventions of competition rules. The Court of Appeal held that pecuniary penalties for contraventions of competition rules are to be assessed based on the economic activities and conduct of the undertakings who are answerable for the contraventions, and that the legal or natural persons (entities) constituting such undertakings jointly and severally are liable for the pecuniary penalties. Accordingly, the Court of Appeal allowed the appeals by the Competition Commission (Commission) against two judgments in which the Competition Tribunal (Tribunal)

reduced the pecuniary penalties ordered against the respondents in recognition of the respondents' limited participation in the anti-competitive conduct because they h…

Insights
Aug 02, 2022

Hong Kong court provided guidance on the approach to granting Mareva injunctions in support of enforcement proceedings for arbitral awards

Hong Kong court continued the validity of a Mareva injunction granted in connection with the enforcement proceedings of a CIETAC award, and dismissed an application for security or fortification in support of the cross-undertaking as to damages. This case confirms the Hong Kong courts' pro-arbitration and pro-enforcement approach. G v X highlights that Hong Kong courts generally are more prepared to grant Mareva injunctions and other relevant orders in aid of enforcement proceedings of arbitral awards, in comparison with similar applications made at the interlocutory stage in court litigation. The judgment also illustrates how Hong Kong courts will apply the usual tests, and exercise its discretions, in respect of the grant of Mareva injunctions in the context of enforcement proceedings. The confirmation that parties may seek simultaneous enforcement in both the Mainland and Hong Kong under the Supplement…

Insights
Jul 29, 2022

Hong Kong court rules that it has no power to extend the time to challenge an arbitral award under Article 34 of the UNCITRAL Model Law

In AW and others v PY and another [2022] HKCFI 1397 (judgment date: 13 May 2022), a Hong Kong court held that it has no power to extend the time to challenge an arbitral award under Article 34 of the Model Law, as adopted by Section 81 of the Arbitration Ordinance of Hong Kong. The present case is important in establishing that Hong Kong courts do not have the power to extend the time for making a setting-aside application under Article 34 of the Model Law. This serves as a reminder to parties seeking to challenge an award under the Article to act in a prompt and timely manner.

Insights
Apr 04, 2022

Risks of having an overly helpful tribunal - arbitral award set aside by a Hong Kong court for containing decisions on matters beyond the scope of the submission to the arbitration

In Arjowiggins HKK2 Ltd v X Co [2022] HKCFI 128, after dismissing the claims and declining to grant the pleaded remedy, the tribunal invited submissions from the parties on an alternative remedy and ultimately granted relief that was not asked for in the pleadings. The respondent in the arbitration applied to set aside the award under Article 34(2)(a)(iii) of the UNCITRAL Model Law as incorporated by section 81(1) of the Arbitration Ordinance. In a judgment dated 12 January 2022, the Hong Kong Court of First Instance set aside the award on the ground that the award contained decisions on matters beyond the scope of the parties' submission to arbitration.

Insights
Mar 29, 2022

Pleading claims by sampling and extrapolation: recent guidance given by the UK Court of Appeal

Sampling and extrapolation is a common approach for presenting evidence in complex construction and commercial disputes. The exercise involves identifying and examining a properly representative set of sample

allegations, and extrapolating the results of the detailed investigation into the entire pool of allegations. In Building Design Partnership Ltd v Standard Life Assurance Ltd [2021] EWCA Civ 1793, the UK Court of Appeal confirmed that, as matter of principle, in appropriate cases, a claimant may plead its claims on an extrapolated basis.

Insights
Feb 15, 2022

Recent case where a Hong Kong court set aside an arbitral award - 廣東順德展煒商貿有限公司 v Sun Fung Timber Company Limited [2021] HKCFI 2407

In 廣東順德展煒商貿有限公司 v Sun Fung Timber Company Limited [2021] HKCFI 2407, a Hong Kong court set aside an enforcement order in respect of an arbitral award, after finding that the shareholder-director of the respondent had colluded with or was assisted by the claimant to misuse the arbitral process and procure the award to further his own personal interest.

Insights
Feb 14, 2022

Recent decision by the Hong Kong Court of Appeal on the threshold for resisting a winding-up petition based on a debt owed under an arbitral award

It is well-established in Hong Kong that the test for determining the validity of an opposition to a winding-up petition is whether the petition debt is disputed in good faith on substantial grounds. In Sun Fung Timber Company Limited and 廣東順德展煒商貿有限公司 [2021] HKCA 1660, the Hong Kong Court of Appeal confirmed that the same test applies in respect of a petition debt that is based on an arbitral award.

Insights
Feb 09, 2022

Hong Kong court rules that non-compliance with pre-arbitration conditions goes to admissibility, not jurisdiction

In the anonymised case of T v B [2021] HKCFI 3645, the High Court of Hong Kong ruled that a challenge concerning the non-compliance with a condition precedent for commencing arbitration ("pre-arbitration condition") is a challenge of admissibility, rather than a challenge of jurisdiction. This is the second recent decision in Hong Kong to adopt the admissibility vis-à-vis jurisdiction distinction, affirming it status as part of Hong Kong arbitration law. The pre-arbitration condition in question in T v B was a restriction against commencing arbitration before the construction project is completed ("pre-completion restriction"). Pre-completion restrictions are common in construction and infrastructure contracts in Hong Kong. The court also commented on the nature and validity of such restrictions.

Insights
Jan 06, 2022

Private actions relating to alleged contraventions of the Competition Ordinance of Hong Kong: the first reported Hong Kong judgments - Part Two

On 12 October 2021, the Competition Tribunal ("Tribunal") handed down its judgment on the merits of the first private action in Hong Kong for a contravention of a competition rule ("contravention"). This case concerns an alleged contravention, which was raised as a defence in two High Court actions. The Court of First Instance ("CFI") transferred the allegation to the Tribunal for determination. In the 12 judgments published over the course of three years, the CFI, the Tribunal and the Court of Appeal ruled on many important substantive and procedural issues. Our previous post (Part 1 of 2) provided an overview of the substantive issues. This post

(Part 2 of 2) will discuss the procedural issues relating to the nature of the case as proceedings transferred from the CFI to the Tribunal, and the approach taken by the Tribunal in respect of confidential documents and information.

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