



MIKE DOCHERTY

Of Counsel

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BIOGRAPHY

Mike has extensive experience in construction arbitration cases, from advising clients on commencing arbitration proceedings through to the preparation of pleadings, witness statements and preparation for the hearing itself. Mike's work involves meeting with clients and witnesses, experts and counsel to discuss both factual and legal aspects of the case, and to review and consider project documents. Mike also is involved in post-hearing aspects of arbitrations, including preparation of written submissions and advising on appeals from arbitrator's awards.

Mike also has been involved in the preparation of court cases in the High Court (Court of First Instance and Court of Appeal) and the Court of Final Appeal, in addition to preparing cases for arbitration hearings.

Prior to qualifying as a solicitor in 2009, Mike spent 12 years practicing as a civil engineer where he worked for a number of international contractors in Hong Kong SAR on major infrastructure projects, such as Kap Shui Mun Bridge, the Chek Lap Kok Airport Terminal Building and Cathay City. His engineering experience gives him an in-depth insight into the day to day running of construction and building projects.

Mike has lived and worked in Hong Kong SAR since 1994.

WHAT THEY ARE SAYING

"Mike Docherty always brings a cool head to problems." Legal 500 2021 Asia Pacific

SPOKEN LANGUAGES

- English

ADMISSIONS

- Hong Kong

RELATED PRACTICE AREAS

- Construction Disputes
- Infrastructure
- Energy & Natural Resources
- Commercial Construction & Engineering
- Litigation & Dispute Resolution
- Real Estate

EXPERIENCE

- Advised an international consultant in an arbitration against the developer arising from a large-scale infrastructure project in Hong Kong SAR.

- Advised an international specialist subcontractor in an arbitration and court proceedings against the main contractor arising from the MTRC's XRL Project.
- Advised the developer of a high-profile entertainment development in Hong Kong SAR in mediation, arbitration and court proceedings.
- Advised a specialist contractor in an arbitration against the main contractor in a dispute arising from a large public transport infrastructure project in the Philippines.
- Advises various contractors and sub-contractors on debt recovery, claims and disputes against parties at all levels in the contract matrix.

RELATED INSIGHTS

Awards

Jan 14, 2022

Chambers Asia Pacific & Greater China Region 2022

Awards

Jan 14, 2022

Legal 500 Asia Pacific 2022

Insights

Jan 07, 2021

Hong Kong court refuses to uphold an arbitral award for enforcement on grounds of excess of authority and denial of a fair hearing

In *X v Y* (HCCT 62/2018) [2020] HKCFI 2782 (Date of Decision: 5 November 2020), the Hong Kong Court of First Instance (the Court) set aside an order to enforce an arbitration award on the basis (i) that the tribunal's findings were beyond the scope of the arbitration clause and the parties submission to arbitration, and (ii) that the respondent in the arbitration had not been given a reasonable opportunity to present its case and to meet the case of the claimant in the arbitration. In her judgment, Mimmie Chan J explained the principles for determining the proper scope of the tribunal's jurisdiction where a dispute involves a series of connected agreements that are subject to different dispute resolution clauses. The court also provided guidance on how arbitrators should proceed if they are impressed by a point that had never been explored or advanced by either side in evidence or submissions.

Insights

Dec 08, 2020

Hong Kong sees the first disqualification order under its Competition Ordinance

Under the Competition Ordinance, the Hong Kong Competition Tribunal ("Tribunal") may, on application by the Competition Commission ("Commission"), impose a disqualification order prohibiting a person from being a director, liquidator or provisional liquidator of a company, a receiver or manager of a company's property, or taking part in the promotion, formation or management of a company. The disqualification order may be for a maximum period of 5 years (ss 101-103). This is one of many orders, remedies and penalties the Tribunal is empowered to

make in respect of competition law contraventions in Hong Kong. In *Competition Commission v Fungs E&M Engineering Company Limited & others* [2020] HKCT 9, the Tribunal issued its first disqualification order since the new statutory competition regime came into effect. The Tribunal also discussed the principles, guidelines and factors for determining the le...

Insights

Nov 25, 2020

Hong Kong Government's Policy Address 2020

This year's Policy Address was delivered today (25th November 2020) amidst the backdrop of a changing and dynamic environment. The Chief Executive ("CE") has set out a variety of key initiatives to address the city's land and housing supply, infrastructure, the environment, collaboration with the Greater Bay Area ("GBA"), and HK's ongoing role as an international financial center. We set out a list of key takeaways below highlighting primarily those aspects involving real estate and infrastructure.

Insights

Sep 29, 2020

Enforcing an arbitration award: don't mislead the court!!

In *1955 Capital Fund I GP LLC & another v Global Industrial Investment Limited* [2020] HKCFI 956, the court set aside an ex parte order for the enforcement of an arbitral award on the grounds of material non-disclosure by the applicants. This decision is a reminder to parties that they should ensure compliance with the enforcement procedures under the Arbitration Ordinance, and make full and frank disclosure of all material facts where the enforcement application is made on an ex parte basis.

Insights

Sep 22, 2020

Competition Tribunal adopts the Carecraft procedure for settlements in competition law cases

In *Competition Commission v Kam Kwong Engineering Company Ltd & others* [2020] HKCT 3, the Competition Tribunal (the "Tribunal") adopted the Carecraft procedure for disposing of enforcement proceedings against respondents who admit liability for contravention of competition rules under the Competition Ordinance (Cap. 619) (the "Ordinance").

Insights

Aug 21, 2020

Impact of arbitration clauses on insolvency proceedings: a retreat from the Lasmos Approach?

Recent Hong Kong cases have highlighted varying approaches regarding the impact of arbitration clauses on insolvency proceedings, in particular, on the Court's discretion to make a winding-up order where a debt is disputed. Recent judgments have varied between the so-called Traditional Approach which requires the company-debtor to show a genuine dispute on substantial grounds and the Lasmos Approach which requires the company only to commence arbitration in a timely manner.

Insights

Aug 06, 2020

HK and Macao put in place and activate their Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Cases

The Hong Kong-Macao Arrangement for Mutual Service of Judicial Documents in Civil and Commercial Cases (the Arrangement) came into force on 1 August 2020. The Arrangement provides a formal mechanism governing service in Macao of any process in connection with civil and commercial proceedings in a court or tribunal in Hong Kong, and vice versa. This Q&A outlines some of the key features of the Arrangement.