

Thomas Wong

CALL: 2021 (ENGLAND & 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 practice focused on litigation and international arbitration.

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 Hong Kong Chancery and insolvency matters.

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. 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 will sit as a Deputy District Judge in Hong Kong later in 2023.

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

- 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

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)

Arbitrator appointments

- 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.

Arbitration and enforcement of arbitral awards

- 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.
 4. On sale of goods in Mainland China (advising on the relevant Hong Kong law aspects). Also, acted for:
 5. 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.

Asset tracing / civil fraud

- 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, 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.

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 totaling 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, and with two other junior counsel).
- 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.

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).

Employment law

- Acted for two senior employees in successfully resisting a Labour Tribunal appeal; a novel legal point was involved. The Court of First Instance adopted verbatim, as part and parcel of its reasoning, the legal propositions set out in my written submissions: *Kouk Chung Fai v ebp Global Ltd* [2020] HKCFI 3070.

Insolvency

Acted for former Liquidators (Managing Directors of Ernst & Young) of one of Hong Kong's largest watchband brands in:

1. Their appeal against their removal for misconduct and an unusual adverse costs order: *Luen Tat Watch Band Manufacturer Ltd v Liu Yiu Keung Stephen* [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).
3. Resisting a related application for production of documents ([2020] 5 HKLRD 183; [2020] HKCFI 2610 (merits); [2021] HKCFI 835 (stay of execution); led by Mr Anson Wong SC).

Also, acting as sole counsel for an experienced insolvency practitioner in three appeals:

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).
3. Appealing against a decision of the Disciplinary Committee of Hong Kong Institute of Certified Public Accountants: [2022] HKCA 1421.

Thirdly, acted for a group of creditors of a BVI company, in (*inter alia*) their application for striking out a 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).

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 trademark opposition (to "□□") by a wholly owned subsidiary of Lee's Pharmaceutical (HK) Limited (HKEx: 0950): see Decision of the Registrar of Trademarks 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 trademark oppositions (to "BTCC", "BTCC & Device" and "BTCC EXCHANGE" respectively) by The Depository Trust & Clearing Corporation: see three Decisions of the Registrar of Trademarks all dated 7 July 2022 [2022] HKTMR 20, 21 and 22.

Land / estate agency

- Acting for a Hong Kong property developer in an appeal concerning an expressly granted right of way which directly affects the plot ratio (and thus the area of property permitted to be built) of the plot of land concerned: *Leading Well Ltd v Secretary for Justice (on behalf of the Director of Lands)* [2022] HKCFI 3246 (first-instance judgment under appeal).
- 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, and with another junior counsel).
- 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).
- Successfully obtained 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.

Sale of goods

- 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.

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 & four others* [2022] HKCFI 3025.

Trust

- 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.

Miscellaneous

- Handled, advised and pursued many other contractual, estate agency, sale of goods, employment, and/or Banking claims and summary judgment applications both before the Court of First Instance and the District Court. Examples: *Punjab National Bank v KSK Energy Ltd*, HCA 2150/2017 (summary judgment (liquidated claim) obtained; Counsel for the Bank); *Indian Overseas Bank v Ask Re Ltd & 3 others*, HCMP 2107/2019 (summary judgment (liquidated claim) obtained; Counsel for the Bank).

Recommendations

[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](#)