

James Kwan

Partner

Hong Kong

Biography

James Kwan is an International Arbitration partner who leads the International Arbitration practice in Hong Kong. He is a member of Hogan Lovells' International Arbitration Global Steering Committee leadership team. He specialises in technology, private equity, energy, and life sciences disputes. He has a range of international experience, having represented clients in arbitrations in Asia, the U.S., Middle East, and Europe under the major institutional and ad hoc rules, such as ICC, HKIAC, SIAC, CIETAC, LCIA, AAA, DIAC, and UNCITRAL. James has also sat as arbitrator and rendered awards in HKIAC, ICC, and DIAC arbitrations, and in addition is on the CIETAC, LCIA, SHIAC and KCAB and AIAC panels. James is a solicitor advocate with Higher Rights of Audience before the Hong Kong courts. James will be sitting as a Temporary Judicial Registrar in the High Court of Hong Kong in 2023.

James has recently been appointed as a member of the Solicitors Disciplinary Tribunal Panel by the Chief Justice of the Court of Final Appeal.

James was recognised as one of Asian Legal Business' Asia Super 50 Dispute Lawyers of 2023. James is the author of a chapter in The Hong Kong Arbitration Ordinance Commentary and Annotations, Sweet & Maxwell, 2015 (2nd edition); Arbitration in China: A Practical Guide, Sweet & Maxwell, 2004; and co-editor of Construction Arbitration in Hong Kong: A Practical Guide, 2015, Wolters Kluwer. He is one of the authors of the forthcoming publication Comparison of Asian International Arbitration Rules, 2024 (Third Edition), Juris Publishing.

James is the APAC and Hong Kong pro bono chair of



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Languages

English
Cantonese

Practices

International Arbitration
Energy Disputes
Litigation Services
Technology Litigation
Infrastructure, Energy, Resources,
and Projects

Industries

Manufacturing and Industrials
Energy and Natural Resources
Life Sciences and Health Care
Technology and Telecoms

Hogan Lovells. He was awarded the Gold Award for the Hong Kong Law Society Pro Bono and Community Work Recognition Programme in 2021 and 2022.

Representative experience

Acting for a large Chinese media conglomerate in an HKIAC arbitration involving a disputed sum of RMB 0.5 billion+ for the exercise of a put option and guarantee in an investment dispute (HKIAC, HK).

Acting for the Chinese majority shareholder in an HKIAC arbitration in an investment dispute. This agreement is one of many contracts relating to a SPAC listing on NASDAQ (HKIAC, HK).

Acting for a Chinese and Fortune Global 500 conglomerate in the commodities industry and its subsidiary regarding a USD67.6 m HKIAC arbitration arising out of 42 guarantee agreements (HKIAC, HK).

Acting for a Chinese oil company in a US\$150 million arbitration relating to the sale and purchase of interests in two petroleum production blocks (LCIA, London).

Acting in a US\$248 million HKIAC arbitration for Singapore, Taiwanese and Chinese investment funds (banks) against a group of Chinese and Cayman Islands companies for sports goods (HKIAC, HK).

Acting for an Indian photovoltaic company in a US\$407m arbitration regarding the sale and purchase of solar wafers (HKIAC, HK).

Acting for a Chinese industrial technology company in an HKIAC arbitration against a supplier of electric boilers concerning a Co-operation Agreement (HKIAC, HK).

Acting for two entertainment companies in HKIAC arbitrations concerning an artiste investment dispute in relation to a famous performer's concerts in Hong Kong and China (HKIAC, HK).

Acting for a luxury hotel group in two UNCITRAL arbitrations in a hotel management dispute against a Malaysia-based owner regarding a SE Asian luxury resort (ad hoc, UNCITRAL Arbitration Rules, HK).

Areas of focus

Oil and Gas: Exploration and Production

Construction and Engineering

Medical Devices

Water

Education and admissions

Education

Executive Masters of Business Administration, Kellogg Northwestern University and University of Science and Technology, Hong Kong, 2024

Wharton General Management Program, University of Pennsylvania, 2023

BSc., LLB (Hons), Australian National University

The College of Law Australia

Memberships

Asia Pacific Forum for International Arbitration – Hong Kong representative and former co-chair

Fellow of the Chartered Institute of Arbitrators and former Committee member of East Asia branch

Hong Kong Institute of Arbitrators – Fellow and former Council Member

ICC Hong Kong Arbitration Committee

ICC Young Arbitrators' Forum – inaugural Asia Committee Member

Hong Kong Law Society - Arbitrators' Appointment Committee

ICC/HKIAC/CIETAC/LCIA/DIAC/SHIAC/KCAB/ - List of arbitrators

Acting for a Chinese SOE in a US\$50m arbitration concerning an EPC contract for a cement grinding station in Mongolia (ICC, HK).

Acting for a Hong Kong based investment holding company in an arbitration in Hong Kong arising from the subscription of convertible bonds (ICC, HK).

Acting for a Chinese SOE in a US\$165m HKIAC arbitration regarding a sale of goods dispute for the delivery of alumina (HKIAC, HK).

Representing an Asian medical devices manufacturer in a US\$50m arbitration concerning the termination of a 10 year manufacturing agreement (HKIAC, HK).

Acting for a heavy equipment company in a US\$69m arbitration against a Singapore private equity fund & financial institution in a private equity arbitration on the exercise of a put option (KIAC, HK).

Acting for a German renewables company in a CIETAC arbitration against a Chinese asset management company concerning solar modules (CIETAC, Shanghai).

Acting for a Chinese technology company against a Thai listed company concerning the licensing of online games (SIAC, Singapore).

Acting for a UK-listed agribusiness multinational concerning a PRC law shareholders'/joint venture contractual dispute commenced by its Chinese joint venture partner (HKIAC, HK).

Acting for a Chinese listed technology company in an HKIAC arbitration involving the licensing of a software game to a Taiwanese distributor (HKIAC, HK).

Acting for a global mobile internet company in relation to redemption rights and the exercise of a put option by their investor (HKIAC, HK).

Acting for a U.S. medical devices manufacturer in a US\$200m arbitration regarding the termination of a distribution agreement for the promotion and sale of radiosurgery equipment (ICC, HK).

Acting for a Korean petrochemical company in a US\$200 million arbitration in an energy sales agreement dispute (ICC, Singapore).

Bar admissions and qualifications

Solicitor, England and Wales

Hong Kong

New South Wales

Accolades

A client describes [James] as a 'great practitioner who is very professional but also personable, dedicated, hard-working and very client-focused.' Another client applauds him for 'always providing us with some insightful tactic for dealing with the case.'

Chambers Asia-Pacific 2022

Clients appreciate that James Kwan 'provides solid advice and recommends courses of action that are very effective in dealing with the issues,' adding: 'He impressed us with his intelligent and structured approach to the case, his client focus and his hard work.' His diverse commercial arbitration practice covers numerous sectors including real estate, life sciences, energy, infrastructure and technology.

Chambers Asia-Pacific 2020

I particularly enjoy working with James Kwan of Hogan Lovells and find his attentive and amenable style very appealing. James is an excellent and experienced disputes lawyer who is able to distil complex legal issues into easily digestible advice.

Chambers Greater-China 2023

Acting for a Taiwanese photovoltaic solar cells manufacturer and seller in a US\$100m arbitration against a Japanese supplier concerning PV lines and solar equipment manufacturing systems (HKIAC, HK).

Acting for a U.S. recruitment company in a US\$170m post M&A arbitration concerning breaches and representations and warranties (HKIAC, HK).

Acting for a Chinese automobile manufacturer in several concurrent arbitrations over US\$250m relating to calls made to on demand performance guarantees issued by a Russian bank (HKIAC, HK).

Acting for a Chinese medical devices manufacturer in a US\$50m arbitration concerning the termination of a 10-year agreement for the production of auto disable syringes (HKIAC, HK).

Acting for a U.S. medical devices company in a post-acquisition arbitration concerning adjustment of net working capital, and claims for breaches of representations and warranties (HKIAC, HK).

Quiksilver Greater China Ltd. v. Glorious Sun JV Ltd. [2014] 4 HKLRD 759 which marked the first time a Hong Kong court stayed a petition to wind up a solvent company in favour of our client.

Acting for a Korean technology company in an arbitration concerning the payment of royalties against a Taiwanese company (ad hoc, HK).

Acting for a steel producer in arbitrations concerning a casino development and suspended works (ad hoc, UNCITRAL Arbitration Rules, Macau).

Acting for a Hong Kong listed company in an RMB65m arbitration relating to offtake disputes arising out of a shareholders' agreement (ICC, HK).

Acting for a Hong Kong listed company in an RMB40m arbitration relating to disputes arising out of a distribution agreement (ICC, HK).

Acting for a French fashion company in an arbitration on the termination of two license agreements and disputes concerning trademark and distribution rights in Korea and Malaysia (ICC, HK).

James is a leading figure in international arbitration who knows his stuff.

Chambers Greater-China 2023

James is a very experienced lawyer who is patient with clients and has great legal thinking skills.

Chambers Greater-China 2023

James Kwan and Zoe Dong are brilliant and professional and have great commercial sense.

Legal 500 Asia Pacific 2023

James Kwan is active in the market and is proactive and forceful.' 'Mr James Kwan is invariably thorough, meticulous and fair in his submissions, written or oral. This team is also able to turn around work in lightning speed, despite its obvious heavy workload.' 'James Kwan who is professional and knows how to win legally with professional knowledge.

Legal 500 Asia Pacific 2022

James Kwan is singled out by a client who notes his 'awesome and acute business sense coupled with outstanding technical knowledge and world-class client service.

Chambers Asia-Pacific 2021

'James Kwan is well versed with the legal concepts and always provides

Acting for a solar company in an arbitration against a Chinese entity concerning a parent company guarantee for the supply of solar modules (CIETAC, Shanghai).

Acting for a Shenzhen manufacturing company in a sale of goods arbitration against a trading company (CIETAC, Shanghai).

Acting for a petrochemical company in two arbitrations against a Philippines entity in a shareholders' dispute (LCIA, London; UNCITRAL, Geneva).

constructive suggestions whenever issues emerge.' James and his team 'work conscientiously and responsibly, answering customers' questions in a timely and cost-effective manner.'

Legal 500 Asia Pacific 2023

Awards and rankings

- Leading Lawyer, Dispute Resolution: Arbitration (Hong Kong), *Legal 500 Asia Pacific, 2022*
- Dispute Resolution: Arbitration – International Firms (China), *Chambers Greater China, 2022*
- Top 15 GAR 30 Global List, *Global Arbitration Review, 2019-2022*
- Dispute Resolution: Arbitration - International Firms (China), *Chambers Global, 2018-22*
- Dispute Resolution: Arbitration - International Firms (China), *Chambers Asia-Pacific, 2008-21*
- Named in the 2024 edition, *Who's Who Legal (WWL): Arbitration, 2024*
- Named in the Legal 500 Arbitration Powerlist - Hong Kong Region, *Legal 500, 2023*
- Asian Legal Business Asia Super 50 Dispute Lawyers, *Asia Legal Business, 2023*

Latest thinking and events

- Insights and Analysis
 - Primacy of the seat – Singapore court refuses claimant's set aside application in telecoms dispute
- News
 - Remittal reconsidered – Hong Kong court grants leave to appeal on illegality defence decision
- News
 - Arbitration Highlights in the Year of the Dragon
- News
 - Competence queried – Hong Kong court sets aside tribunal ruling on jurisdiction
- News

- AnAn refined – Singapore Court of Appeal allows winding-up in spite of arbitration agreement
- News
 - Arbitration agreements vs. winding up petitions – Hong Kong Court of Appeal to decide