



 **House Williams Bowers**

**Property and Building Management Practice**

November 2016

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**Howse Williams Bowers is an independent Hong Kong law firm which combines the in-depth experience of its lawyers with a creative, forward-thinking approach.**

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## **About Us**

Our key practice areas are corporate/commercial and corporate finance; commercial and maritime dispute resolution; clinical negligence and healthcare; insurance, personal injury and professional indemnity insurance; employment; family and matrimonial; property and building management; banking; financial services/corporate regulatory and compliance.

As an independent law firm we are able to minimise legal and commercial conflicts of interest and act for clients in every industry sector. The partners have spent the majority of their careers in Hong Kong and have a detailed understanding of international business and business in Asia.

The HWB partners and their teams have an excellent reputation for delivering high quality legal advice with a practical and commercial approach to solving legal issues in line with clients' commercial objectives.

## Our Approach

We provide a practical and forward-thinking approach to clients who want to resolve their contentious and non-contentious property and building management issues in a time/cost efficient manner. We are well-versed in all aspects of property and building management and we are fully aware of our clients' needs for a commercial approach to property and building management issues. We therefore give our clients a realistic idea of what to expect from our services and offer our clients practical and commercial approaches in resolving property and building management issues.

## Our Property / Building Management Practice

Our team is led by Kevin Bowers, who has 20 years of experience in advising upon property and building management issues. Our clients include some of the largest international real estate service agencies, listed property developers, international and local building management companies, quasi - government bodies, property investment funds; incorporated owners of commercial/residential buildings; commercial and individual landlords and tenants in Hong Kong. Kevin and his team have experience in providing advice upon the following:

- rights and obligations under land documents, such as Deeds of Mutual Covenant, Government Grants, building plans, house rules etc.
- drafting Deeds of Mutual Covenant, house rules, leases, licences and other land related documents
- interpretation of occupation permits and advising upon usage of premises and material change of use
- issues of easements / right of way, illegal structures, adverse possession, nuisance claims, common areas, slopes, defective buildings
- advising upon the terms of residential and commercial / retail tenancy agreements and resolving landlord and tenant disputes involving residential and commercial / retail properties and issuing proceedings for outstanding rent / management fees and related damages together with applications for possession of properties
- disputes between incorporated owners and owners of property in claims for breaches of Deeds of Mutual Covenant including the making of emergency injunction applications
- disputes involving breaches of construction / building contracts for negligence and fraud
- advising incorporated owners and building managers upon tendering exercises, budget and accounts and contribution of funds
- advising building managers / incorporated owners upon powers, rights and obligations

- advising upon judicial reviews in connection with government policies on land development

## **Our Non-Contentious Property Practice**

Our non-contentious property practice is led by Janet Lee (formerly of the Lands Department's Legal Advisory and Conveyancing Office). Janet has extensive experience in the following areas:

- reviewing, drafting and negotiating sale and purchase agreements of properties and other land related documentation
- advising on titles of properties
- identifying title defects and advising on available remedies
- handling sale and purchase, gift, mortgage and other transactions involving properties
- advising on terms of Government Grants including Modification Letters and Waivers
- advising on permitted usage of lands
- advising on issues relating to Government Grants enforcement actions
- advising on terms of Deeds of Mutual Covenants and rights and obligations amongst co-owners
- reviewing, drafting and negotiating leases and surrenders
- advising on tenancy matters and rights and obligations between landlords and tenants



## Kevin Bowers

*Partner / Solicitor Advocate*

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Kevin specialises in commercial, insurance and employment litigation and dispute resolution both in Hong Kong and internationally. He handles complex multi-jurisdictional commercial cases involving debt recovery, sale of goods, trade finance, media law, fraud, shareholder, joint venture, employment, property (including land rights disputes and building management / tenancy issues) and franchise disputes, contentions probate/trusts, asset tracing, injunction proceedings, jurisdictional challenges, public inquiries and judicial reviews.

He acts for both employers and employees in a wide range of contentious and advisory employment matters, and is experienced in advising upon and handling internal disciplinary investigations and proceedings.

Kevin acts for a wide range of commercial and residential landlords and tenants, as well as asset / building managers in high value property rights disputes and has successfully defended a claim for HK\$300 million arising from the competing uses of commercial properties in Hong Kong.

He is also experienced in professional indemnity, D&O liability and other general insurance and reinsurance-related claims. His experience extends to defamation-related litigation and pre/post-publication advice to both printed and new media-based publications in Hong Kong and abroad. Kevin is seasoned in conducting U.S. overseas depositions and is an advocate of alternative dispute resolution as well as an accredited mediator.

Kevin has represented major clients on important, high-value matters. He acted on behalf of Hong Kong's main cargo handler in *The Commission of Inquiry into the Opening of the Hong Kong International Airport* and for appellant insurers to the Privy Council in England. Kevin was also successful in obtaining one of the most far-reaching restraining orders worldwide from the Court of First Instance in Hong Kong and in representing a professional regulatory body before the Court of Final Appeal in Hong Kong in judicial review proceedings.

Kevin has appeared before the BVI Court as an expert witness on Hong Kong corporate law.

### ▼ *Experience*

2012 Howse Williams Bowers  
2011 Reed Smith Richards Butler  
2008 Richards Butler in Association with Reed Smith LLP  
2006 Richards Butler, Hong Kong  
1997 Deacons, Hong Kong  
1995 Masons, Hong Kong  
1990 Masons, London



### ▼ *Education*

1990 Guildford College of Law, CPE  
1989 University of Bristol, LLB (Hons)

### ▼ *Professional Qualifications*

1997 Hong Kong  
1992 England and Wales

### ▼ *Professional Affiliations*

Solicitor Advocate  
Accredited Mediator, Hong Kong International Arbitration Centre (HKIAC)  
Member, HKIAC Mediation Council  
Accredited Mediator, Law Society of Hong Kong  
Accredited Mediator, Hong Kong Mediation Accreditation Association Ltd. (HKMAAL)  
Associate Member, Association of Certified Fraud Examiners (ACFE)  
Examiner, University of Hong Kong (1998)  
Member, Professional Indemnity Advisory Committee, Law Society of Hong Kong  
Member, Law Society of England and Wales  
Member, Law Society of Hong Kong  
Member, Hong Kong Insurers Club  
Member, Hong Kong Insurance Law Association  
Member, Professional Negligence Lawyers Association  
Individual Hong Kong Representative, International Fraud Group

### ▼ *Reported Decisions*

- Red Sea Insurance Co. Ltd. v. Bouygues S.A. & 22 Others [Privy Council Appeal No.32/1993]
- The Law Society of Hong Kong v. Robert James Brook [FACV20/1998]
- Park Kit Investment Limited v. Tsang Kwok Fun t/a Dickie Tsang & Co. [HCA 4757/1998]
- Yeung Sai Ying by his lawful attorney Chan Mei Ching v. Kan Chung Nin Tony & Ho Chi Keung Raymond all formerly t/a Tony Kan & Ho [HCA 5963/2000]
- Benefit Charter Ltd. v. Kevin L.H. Kwong & Co. & Hung Chun Leung [HCA 4775/2000]
- Ray Chen v. Wan Ching Lam & Johnson Stokes & Master [2002] HKEC 704
- Great Honour Investments Ltd. & Wall International Investments Ltd. v. Ko Yin, Sino Global International Ltd. & Li Wong & Lam [HCA 298/2002]
- Kensland Realty Ltd. v. Whale View Investment Ltd. & Tam, Pun & Yipp [2002] 1 HCA 243
- Lee Shing Hong Ltd. v. Leon Ko & James Towliss (representative members or associates of the organization known as Greenpeace) [HCA 1741/2002]
- China United Holdings Ltd. & Large Investments Ltd. v. Johnson Stokes & Master [2005] HKEC 394
- All Link International Ltd. v. Ha kai Cheong & Another [2005] HKEC 881
- Wonderyouth Industries Ltd. v. China Great Wall Finance Co. [FACV 9/2005]
- Jae Hoon Oh v. Richdale [2005] 2 HKLRD / Chin & Another v Richdale & Another [HCPI 1887/2000]

- Chua Ming Yuen v. Hentron Investments Ltd. & Kwan Lai Hung and Kwan Lai Hung t/a L.H. Kwan & Co. v. Rowland, Chow, Chan & Co. & Hentron Investments Ltd. [2006] HKEC 263
- John Jude Monteiro v. Incorporated Owners of Block Nos. 41-44 Baguio Villa [2008] HKEC 1722
- Kwok Ping Sheung Walter v. Sun Hung Kai Properties Ltd & Others [HCA 857/2008 & CACV 145/2008]
- Nicholas Hill v. Alvarez & Marsal Asia Ltd. [HCA 56/2008 & HCMP 2461/2006]
- Cityability Ltd. v. Treasure Spot Investments Ltd. [2010] HKEC 148
- Re Wing Fai Construction Co. Ltd. [2010] HKEC 644
- Peter De Krassel v. Chu & Ors [HCA 1151/2005]
- Lehman & Co. Management Ltd. v Efficient Ltd. & Another [2011] HKLRD 237
- Grant Williams v Jefferies (Asia) Ltd. [HCA 320/2010]

#### ▼ Publications

- Contributing Editor, Hong Kong Civil Procedure: "*Hong Kong White Book*" (2004-2017)
- Contributing Editor, *Hong Kong Insurance Law* (2003 & 2009)
- Contributing Editor, *Halsbury's Laws of Hong Kong: Volume 15(1) Insurance (2007)*
- Exclusive Contributor (Hong Kong), *International Law Office: Insurance & Reinsurance* (2006 -2017)

#### ▼ Professional Recognition

##### *Firm*

- Hong Kong Law Firm of the Year - 2014 *Chambers Asia Pacific*
- Hong Kong Employment Firm of the Year - 2013 *Global Law Experts*
- HWB's commercial dispute resolution, insurance and employment practice groups are consistently ranked by *Asia Pacific Legal 500* and *Chambers Asia Pacific*

##### *Self*

- Kevin is consistently recognised as a leading commercial dispute resolution, insurance and employment lawyer by *Asia Pacific Legal 500*, *Chambers Asia Pacific*, *Global Law Experts*, *Asia Law Leading Lawyers* and *Euromoney's Legal Who's Who Hong Kong*





## Janet Lee

*Partner*

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Janet advises on a wide range of property and conveyancing matters including agreements for sale and purchase; deeds of mutual covenant; tender and auction transactions; management agreements; building management; leases and tenancy agreements; land documentation, including breach of lease conditions and lease enforcement action, and property related regulatory matters.

Janet previously worked at the Lands Department in their Legal Advisory and Conveyancing Office. Janet was admitted as a Solicitor in Hong Kong in 1993. She is fluent in written and spoken English, Cantonese and Mandarin.

### ▼ *Experience*

2016 Howse Williams Bowers  
2012 Legal Advisory and Conveyancing Office, Lands Department  
1998 Charles Yeung Clement Lam Liu & Yip, Solicitors

### ▼ *Education*

PCLL, University of Hong Kong  
LLB, University of Hong Kong

### ▼ *Professional Qualifications*

1994 England and Wales  
1993 Hong Kong

### ▼ *Professional Affiliations*

Member, Law Society of Hong Kong

## Our Team

### **Ying Ying Ho**

*Senior Associate*

Ying Ying qualified as a solicitor in New South Wales, Australia in 2004, Hong Kong in 2007 and England & Wales in 2008. She specialises in commercial and professional negligence litigation, dispute resolution and disciplinary proceedings. She also has extensive experience in shareholder and property / building management disputes, debt recovery, sale of goods, commercial fraud, injunction and related litigation. Ying Ying's experience also includes advising on a full range of contentious and non-contentious employment matters. Ying Ying is fluent in English, Cantonese and Mandarin.

### **Louise Greene**

*Senior Associate*

Louise specialises in commercial litigation and dispute resolution in both Hong Kong and internationally. She has particular experience in insurance (including professional indemnity, D&O liability, reinsurance and related claims) and commercial disputes, in particular, complex shareholder, insolvency and joint venture claims.

She also has extensive experience in property / building management, debt recovery, sale of goods, trade finance, media law, commercial fraud, injunction, jurisdictional challenges, judicial reviews, defamation and related litigation.

### **Tony Leung**

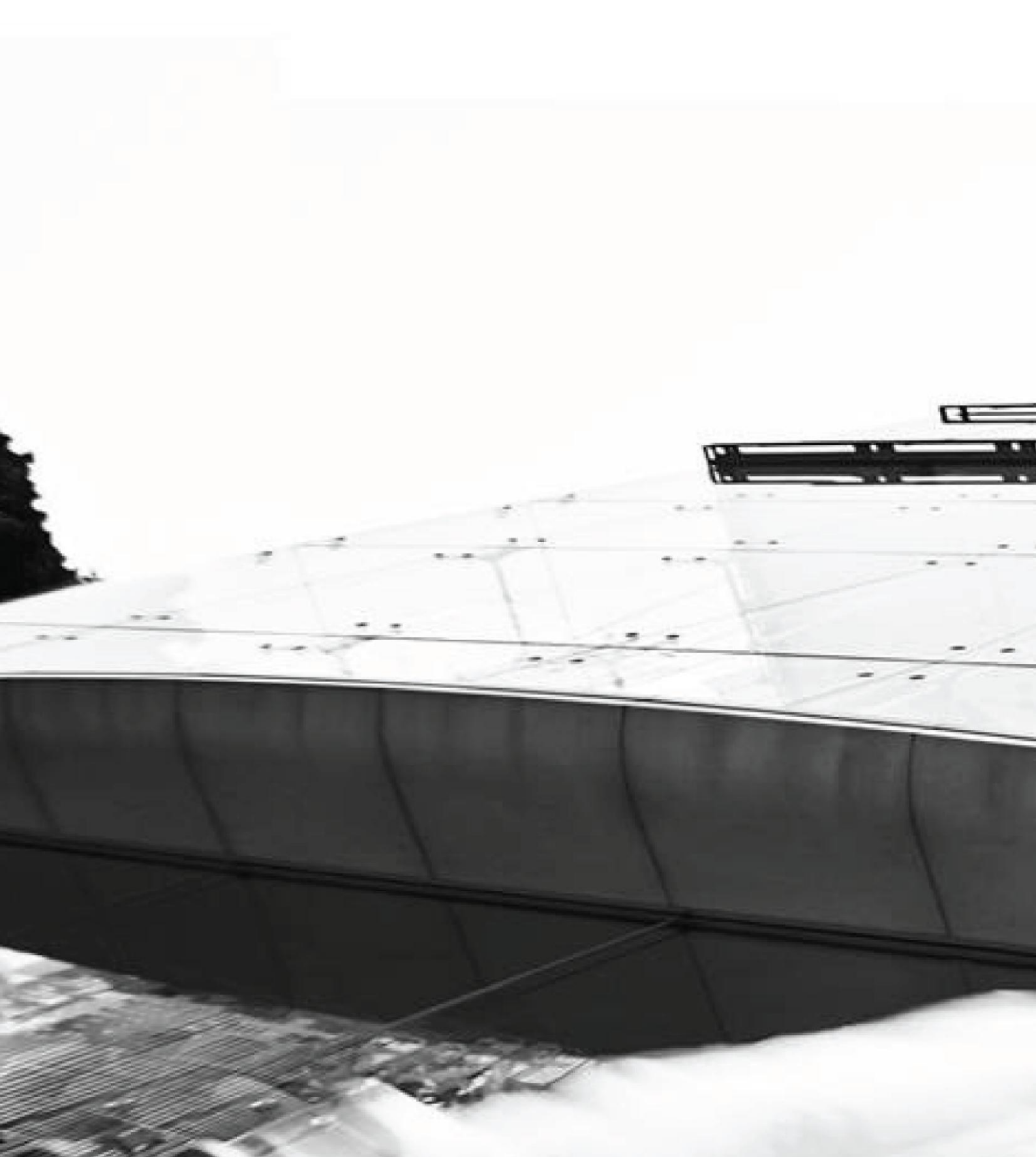
*Associate*

Tony joined HWB as a Trainee Solicitor in 2012. He completed his training contract and was admitted as a Solicitor in Hong Kong in 2014. Tony has gained experience in general commercial, shipping and medico-legal litigation and corporate/corporate finance work. Tony joined HWB's commercial dispute resolution team on qualification and is regularly involved in the handling of professional indemnity and property / building management matters. Tony is fluent in English, Cantonese and Mandarin.

### **Victoria Chang**

*Associate*

Victoria joined HWB in October 2016 and is currently working in the firm's dispute resolution team. Victoria has experience in commercial litigation and dispute resolution in both Hong Kong and internationally. She also has experience in debt recovery, insurance, property / building management and related litigation. Victoria is fluent in English and Cantonese.



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