



 **Howse Williams Bowers**

Property and Building Management Practice

March 2018

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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.

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. Kevin has been a panel solicitor for the Hong Kong Solicitors Professional Indemnity Scheme since 1997.

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, and regularly advises on broadcast and telecommunications matters.

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.

▼ *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

▼ *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 (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, The Professional Negligence Lawyers' Association

▼ *Education*

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

▼ *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 Effiscient Ltd. & Another [2011] HKLRD 237
- Grant David Vincent Williams v Jefferies (Hong Kong) Ltd. [2013] HKEC 981
- Commissioner of Police v. i-CABLE Communications Ltd. [HCMP 119/2016]

▼ *Publications*

- Contributing Editor, Hong Kong Civil Procedure: "*Hong Kong White Book*" (2004-2018)
- 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* (2006 - 2017)

▼ *Professional Recognition*

Firm

- Hong Kong Law Firm of the Year - 2014 Chambers Asia Pacific
- 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*, *Asialaw 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

Kane Mak

Senior Associate

Kane is a Senior Associate in the firm's commercial dispute resolution practice. He regularly advises on litigation and contentious regulatory matters. He has extensive experience handling disputes involving financial institutions and multinational corporations, and handles regulatory investigations (including criminal investigations) and 'white-collar' defence work. His experience includes advising corporations on handling urgent search warrants issued by law enforcement agencies, and handling urgent injunctions. He also advises corporations on compliance policies and training.

Kane is a member of the Law Society of Hong Kong's Criminal Law and Procedure Committee and is an accredited general mediator.

Kane is fluent in English, Cantonese and Mandarin.

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 after gaining 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 commercial and insurance litigation and dispute resolution. He has experience in insurance (including D&O liability and professional indemnity), misrepresentation claims, debt recovery, shareholder disputes, and construction / building management matters. Tony has also advised on matters relating to data privacy, and acted for a telecommunications / media company in relation to the production of journalistic materials.

Since 2014, Tony has been a Panel Solicitor for the Hong Kong Solicitors Professional Indemnity Scheme, advising upon both coverage and defence of a broad range of professional indemnity claims. Tony is fluent in English, Cantonese and Mandarin.

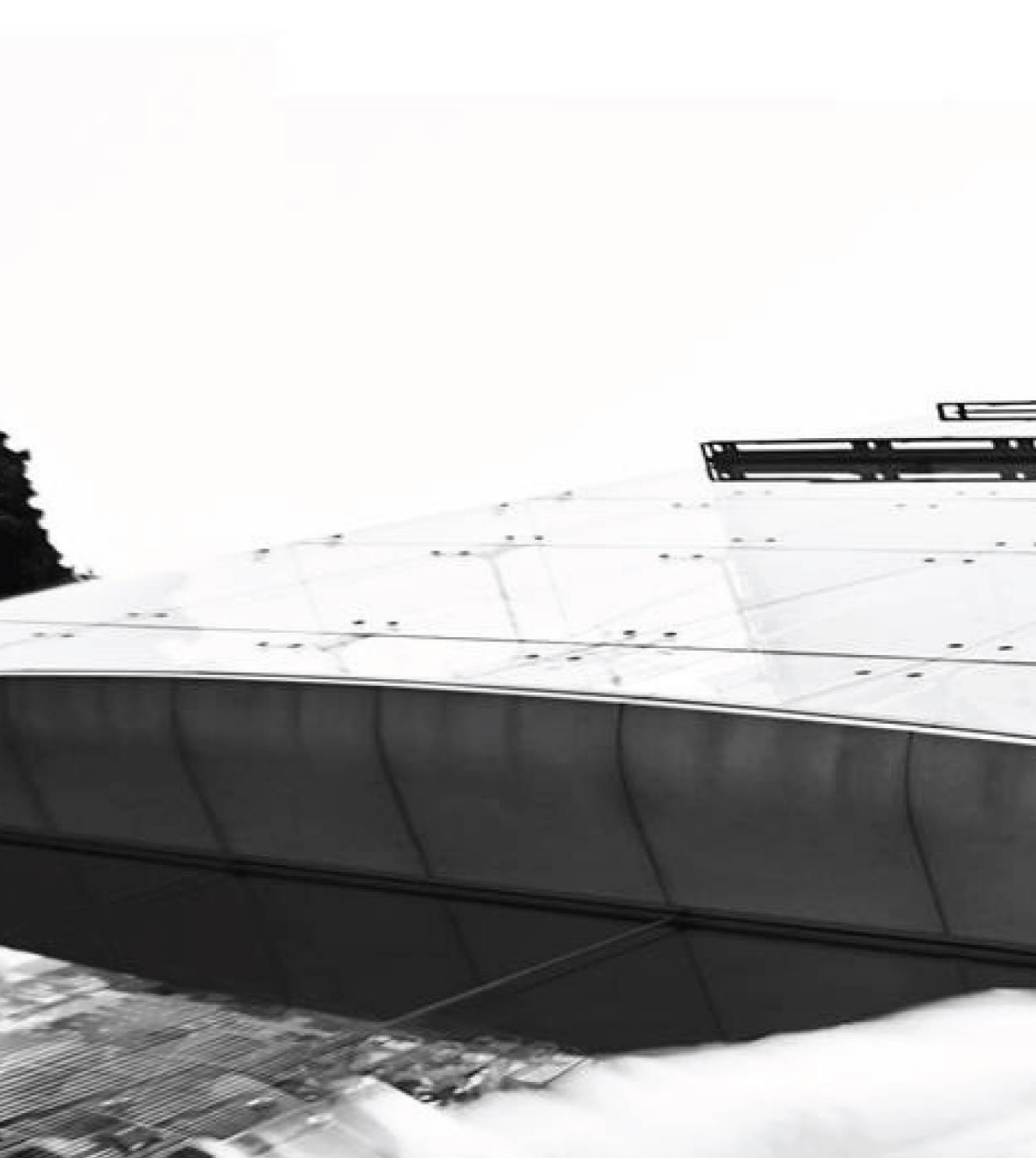
Viviane Lok

Associate

Viviane joined HWB in November 2014 as a paralegal and became a Trainee Solicitor in 2015. On qualification in March 2017, she joined the firm's commercial dispute resolution team as an Associate. Viviane has particular involvement in the handling of commercial litigation, insurance and professional indemnity, employment, broadcast / telecommunications and property / building management matters.

Before becoming a lawyer, Viviane was a fundraiser for a local Hong Kong not-for-profit organization.

Viviane is fluent in English, Cantonese and Mandarin.



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