



 **Howse Williams Bowers**

Dispute Resolution Practice

January 2019

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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.

Commercial

HWB's clients vary from internationally listed and private companies as well as multi-national conglomerates to local, family-owned businesses. Practice areas include:

- Alternative dispute resolution, including arbitration and mediation (**Chris Howse** is an accredited Arbitrator and Mediator, whilst **David Kan** is an accredited Mediator).
- Banking / financial services disputes.
- Commercial contract disputes.
- Commercial fraud.
- Contentious probate.
- Defamation.
- Shareholder / franchise / joint venture disputes.
- Boardroom disputes.
- Trade finance / sale of goods disputes.

Corporate and Regulatory

HWB's clients (both corporate and private individual professionals) include those subject to regulatory regimes, including governmental, professional and other public authorities with investigations, disciplinary proceedings and prosecutions often the subject of judicial review proceedings. The wide-ranging caseload includes:

- **Jill Wong** specialises in financial services and corporate regulatory and compliance issues. She has 20 years' experience advising financial institutions and multinational companies on contentious and non-contentious regulatory, compliance and risk management matters.
- Representing clients in regulatory investigations conducting internal inquiries; advising on regulatory compliance and advising on licensing and other applications to regulators and liaising with regulators on behalf of clients.
- Conducting administrative, regulatory, disciplinary and legal proceedings before the relevant boards, tribunals and courts.
- Contentious takeovers and mergers.
- Public inquiries.
- Investigations and prosecutions by the Hong Kong Monetary Authority, the Securities and Futures Commission, the Independent Commission Against Corruption and the Commercial Crime Bureau.
- The Medico-Legal and Professional Indemnity Insurance teams often work together on matters involving investigations and disciplinary proceedings by professional regulators.

Clinical Negligence and Healthcare

The Medico-Legal team is led by partners **Chris Howse, David Kan, Bernard Murphy, Oonagh Toner and Alison Scott**. David Kan and Bernard Murphy are dual-qualified as solicitors and medical practitioners.

Our clients include private hospitals as well as doctors, nurses, mid-wives, dentists, physiotherapists, group practices, other medical professionals and their respective insurers. We regularly advise on medico-legal matters that include:

- Internal hospital / clinic policies and procedures (e.g. admission, inter-hospital transfer procedures and incident reporting) and clinical risk management.
- Nursing and operations, including nursing operation guidelines, negligence claims against nurses and employment issues involving medical and nursing staff.
- Patient complaints, including those to the Department of Health. Assistance is given to private hospitals and to general and dental practices from an early stage in the investigation.
- Clinical negligence claims against doctors, dentists and private hospitals, including high-value obstetric cases and brain damage claims. As members of the legal panels of several healthcare professional indemnity insurers, our team handles a high volume of clinical negligence claims.
- General legal and ethical advice on confidentiality, patient rights, informed consent, documentation, record keeping and the release of information (including disclosure following death). **David Kan** has particular experience in mental health issues, and regularly lectures at specialist colleges, private hospitals and at medical and dental practices. He is also on the panel of the Guardianship Board.
- Representation before coroner's inquests, the Physiotherapists Board and the Medical and Dental Councils. **Bernard Murphy** has particular experience appearing before the Coroner's Court, whilst **Chris Howse** regularly advocates before the Medical and Dental Councils.
- Criminal proceedings including manslaughter and indecent assault; ICAC investigations and the Prevention of Bribery Ordinance; as well as breaches of the Pharmacy and Poisons Ordinance and the Dangerous Drugs Ordinance.
- Media coverage.
- Other legal issues pertaining to daily operations in private hospitals (e.g. debt collection, advertising and practice promotion, family disputes regarding patient care, the granting of admission privileges, discharge against medical advice and employment in the healthcare sector).

Insurance / Professional Indemnity / D&O

HWB's clients are represented in a range of industries and include doctors, dentists, solicitors, accountants, architects, estate / property agencies and surveyors.

Our Insurance, Medico-Legal and Shipping teams work closely together in order to maximise the overlapping practice areas.

Members of our team sit on legal panels for professional indemnity insurers that cover accountants, doctors, dentists and solicitors. These partners also hold honorary advisory positions in medical and insurance organisations and are members of advisory committees for professional regulators. We focus on areas that include:

- Professional negligence complaints and claims against professionals
- All matters of general insurance (e.g. coverage, indemnity, aggregation, business interruption, event and regulation)
- Managing D&O claims

HWB's market-leading Medical and Commercial Professional Indemnity Insurance teams have successfully managed and defended a significant number of valuable and high-profile professional indemnity claims against a wide range of professional individuals and organisations.

Employment

HWB's Employment team, led by partner **Patricia Yeung**, advises on all aspects of Hong Kong's employment law, including confidentiality clauses, data privacy issues, sex, race, family status and disability discrimination, non-solicitation clauses, provident funds, reductions in benefits, redundancy, restrictive covenants, share option schemes, transfers of business, summary dismissal, termination, payments due on termination, wrongful termination and springboard relief. We also work regularly with lawyers from other Asian jurisdiction to provide advice on immigration and work permit applications.

We provide our clients with a full service in respect of contentious and non-contentious Hong Kong employment matters from drafting employment contracts, staff handbooks and internal policies / procedures to handling disputes arising both during and on termination of the employer-employee relationship.

Our clients include organisations and individuals from a wide variety of international and local industries and markets with a large proportion of our client-base consisting of financial institutions and professional firms.

In 2013 HWB was awarded International Employment Law Firm of the Year in Hong Kong by Global Law Experts.

Shipping and International Trade

HWB's Shipping team is led by **Chris Howse, David Coogans, Emma Day and William Leung**. Clients include charterers and their insurers (P&I Clubs), cargo owners, freight forwarders, ship owners, recovery agents, banks, logistic companies, godowns, terminals, port authorities, commodity traders and their insurers. Our practice includes:

- P&I and defence club work
- Policy terms and disputes (e.g. war risk, breach of warranty, insurable interest, material non-disclosure etc.)
- Charter party and bill of lading disputes
- Collision, salvage and wreck removal
- Commodity and sale of goods disputes
- Trade finance

- Marine insurance disputes (cargo and hull policies)
- Maritime arbitration under both CIETAC and CMAC in Hong Kong, Korea and the PRC
- MOA disputes
- Personal injury and crew claims

Marine Personal Injury

HWB's Shipping and Medico-Legal teams work together to advise on matters relating to personal injuries and fatalities suffered on board ship.

Contentious Probate / Trusts

HWB's Dispute Resolution team works together with its Family and Matrimonial team when handling contentious probate and trusts matters, involving litigation arising from disputed wills, administration of estates, enforcement of trust arrangements, competing beneficial interests and all manner of inheritance situations.

Property and Building Management

HWB's clients include some of the largest international real estate agents, 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.

International Fraud Group (IFG)

In 2015 HWB was invited to join The International Fraud Group (IFG), an elite group of handpicked lawyers across 17 countries focused on unravelling fraud and tracing and returning assets. Being part of the IFG group enables us to track the electronic movement of money and, with an order, compel the institution that has handled it to tell us where it has gone. If it is still there, we will freeze it. IFG lawyers are experts in the use of cross-border piggyback injunctions. Being part of the IFG global network enables us to pursue fraudsters and recover assets across jurisdictions. HWB is the sole Hong Kong representative of the group.





Chris Howse

Partner

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Chris specialises in maritime and commercial dispute resolution, handling a wide range of disputes in the Hong Kong courts and international arbitrations throughout Asia. He has considerable experience in all types of dry shipping litigation on behalf of owners, charterers and their P&I Clubs. He also has particular expertise handling problems arising from the shipment of coal, iron ore, nickel ore and fluorspar.

Chris has more than 35 years of legal experience. He built the Hong Kong office of Richards Butler and he was Senior Partner and Managing Partner of that office from 1983 to 2011. He has considerable experience in arbitration and he is qualified as an arbitrator in Hong Kong, China (CMAC), Korea, Malaysia and other Southeast Asian jurisdictions. He has represented parties in arbitrations in China (both CIETAC and CMAC), Hong Kong, London, Singapore and Malaysia. In addition, Chris is an accredited mediator.

Chris also provides professional indemnity advice and assistance to a full spectrum of professionals in Hong Kong, including solicitors, accountants, brokers, architects, doctors, dentists and other healthcare professionals.

Chris leads the medico-legal team with fellow partners David Kan and Bernard Murphy. They advise doctors, dentists and their indemnity provider – the Medical Protection Society and Dental Protection Ltd – as well as private hospitals and other healthcare professionals. Chris also advises private hospitals, corporate healthcare providers and pharmaceutical companies on issues relating to the import and distribution of drugs and pharmaceutical products, drug liability claims and other regulatory matters.

▼ *Experience*

2012 Howse Williams Bowers
2011 Reed Smith Richards Butler
2008 Richards Butler in Association with Reed Smith LLP
1983 Richards Butler Hong Kong
1975 Richards Butler London

▼ *Education*

1975 College of Law
1973 University of Bristol, BA (Hons)
1970 University of Geneva

▼ *Professional Qualifications*

1978 England and Wales

1981 Hong Kong

1988 Australia

▼ *Professional Affiliations*

Arbitration:

Fellow, Chartered Institute of Arbitrators (Hong Kong)

Fellow, Hong Kong Institute of Arbitrators Ltd

Supporting Member, London Maritime Arbitrators Association

Arbitrator, Hong Kong International Arbitration Centre

Arbitrator, China Maritime Arbitration Commission

Arbitrator, Hong Kong Maritime Arbitration Group

Arbitrator, Korean Commercial Arbitration Board

Member, Hong Kong Arbitrations Law Review Committee (1996-2000)

Professional Indemnity Insurance:

Chairman, Hong Kong Law Society Professional Indemnity Claims Committee (2004-2007)

Deputy Chairman, Hong Kong Law Society Professional Indemnity Claims Committee (1999-2004)

Member, Hong Kong Law Society Professional Indemnity Insurance Claims Committee (1989-1999)

Member, Hong Kong Law Society Professional Indemnity Advisory Committee (1999-2006)

Member, Hong Kong Law Society Working Party on Professional Indemnity Insurance Scheme (1996-2004)

Chairman, Hong Kong Professional Indemnity Review Committee (2002)



David Kan

Partner, Solicitor Advocate

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David is a dual qualified medical doctor/solicitor and is a Founding Member of the Faculty of Forensic and Legal Medicine of the Royal College of Physicians (UK). He "changed horses" to law almost 25 years ago and nowadays he and Chris Howse lead a team of experienced healthcare lawyers which handle all types of clinical negligence claims, including complex high value and fatal accident claims.

As an experienced litigator, David has gained accreditation as a Solicitor Advocate with Higher Rights of Audience in Hong Kong's Court of First Instance, Court of Appeal and Court of Final Appeal. David has substantial advocacy experience representing clients before the Civil Courts, Coroner's Court and Medical and Dental Council.

David also has considerable experience in advising on mental health law, medical criminal proceedings, clinical trials and risk management issues.

David has a Master's Degree in Medical Law and Ethics which placed him on good stead to provide healthcare regulatory advice to healthcare professionals as well as institutional clients including hospitals, pharmaceutical and biotechnology companies, medical device manufacturers, specialist group practices and corporate healthcare providers. In 2008, David was appointed as an Honorary Associate Professor of the University of Hong Kong Faculty of Medicine. He regularly lectures at HKU as well as to the Specialist Colleges. He also provides clients and others with training in healthcare law. He is an advisor to various entities including the British Medical Association (HK) and the Hong Kong Medical Association.

Outside of private practice, David has served on the governing boards of a government hospital and a major international school for many years. He is also a qualified coach with the Squash Rackets Association (UK) and he trains almost daily.

▼ *Experience*

2012 Howse Williams Bowers

2011 Reed Smith Richards Butler

2008 Richards Butler in Association with Reed Smith LLP

1999 Richards Butler, Hong Kong

1998 Bevan Ashford Solicitors, UK

1996 Lees and Partner Solicitors, UK

▼ *Education*

2007 University of Hong Kong, Postgraduate Diploma in Child and Adolescent Health

1996 Keele University, Master Degree in Medical Law

1996 Birmingham University, LPC (with commendation)

1995 Birmingham University, CPE

1991 Nottingham University, Bachelor of Medicine and Bachelor of Surgery

1990 Nottingham University Exhibition Prize for Medicine

1989 Nottingham University, Bachelor of Medical Sciences (Hons)

▼ *Professional Qualifications*

1999 Hong Kong

1998 England and Wales

MA (Med Law), MBBS, MFFLM, BMed Sci (Hons), PDipCAH

▼ *Professional Affiliations*

Member, Hospital Governing Committee of the Bradbury Hospice

Founding Member, Faculty of Legal and Forensic Medicine, Royal College of Physicians UK

Member, Fitness-to-Practice Committee, University of Hong Kong Medical School

Legal Advisor, Hong Kong Medical Association

Legal Advisor, British Medical Association of Hong Kong

Member, Ethics Committee for the Hong Kong College of Obstetrics and Gynaecology

Panel Member, Guardianship Board of Hong Kong (2005-2008)

Vice-chairman, New Medico-Legal Society of Hong Kong (2005-2007)

Member, Personal Injury Medical Negligence Law Association of Hong Kong

Member, Hong Kong Association of the Pharmaceutical Industry

Member, Law Society of England and Wales

Member, Law Society of Hong Kong



David Coogans

Partner

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David is a commercial disputes lawyer specialising in international trade disputes. David has over 25 years of experience in commercial dispute resolution. He advises ship-owners, charterers and various property and liability insurers. David also has extensive experience outside of international trade matters, including dealing with shareholder disputes and the recovery of monies lost due to internet/identity fraud.

Before qualifying as a lawyer, David served as a deck officer in the British Merchant Navy with the Cunard Steamship Company. He has dealt with several high profile casualty matters.

David has handled arbitrations concerning a wide range of disputes with proceedings in Hong Kong, England & Wales, Australia, Singapore and the United States. David is familiar with UNCITRAL rules, LMAA terms, ICDR, ACICA and SIAC Rules. David has also acted as mediator in several high value disputes.

▼ *Experience*

2012 Howse Williams Bowers
2005 General Counsel P&O Cruises Sydney Australia
1989 Richards Butler, Hong Kong
1976 Cunard Steamship Company

▼ *Education*

1985 College of Law, Chancery Lane, London, Solicitors Final Examinations
1984 Anglia University, England, BA (Hons)
1980 Riversdale College, Liverpool, England, British 2nd Deck Officer's Certificate of Competency

▼ *Professional Qualifications*

1987 England and Wales
1989 Hong Kong
1991 Australia (NSW & Victoria and the ACT)

▼ *Professional Affiliations*

LEADR and nationally accredited mediation practitioner
Member, Law Society of Hong Kong
Member of the Hong Kong Maritime Law Association Executive Committee
Board member of the Maritime Services Training Board



Bernard Murphy

Partner

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Both a medical doctor and a solicitor, Bernard specialises in medico-legal issues, acting for a wide range of healthcare professionals including doctors, dentists, nurses and physiotherapists in proceedings before the Medical Council, clinical negligence claims, Coroner's Court, and Department of Health investigations. Bernard also acts for hospitals and other institutional and corporate healthcare providers in a comprehensive array of healthcare legal matters. Bernard's healthcare practice also extends to advising veterinary surgeons on proceedings before the Veterinary Surgeons Board (VSB) and advising veterinary practices in relation to complaints, claims and regulatory/legislative issues. Bernard was admitted as a solicitor in Hong Kong in 2004 and in England and Wales in 2005.. His legal career began with Richards Butler Hong Kong.

Before qualifying as a lawyer, Bernard practised medicine for more than ten years, the majority of that time in Hong Kong and China. During and following his medical training, Bernard worked as a doctor in NHS hospitals in the UK as a house physician and house surgeon. He was commissioned into the British Army in 1989 and worked as an army doctor until 1994. After leaving the army, Bernard worked in the field of emergency medical evacuation in China and Hong Kong between 1995 and 1999. He has also worked in private medical practice in Hong Kong.

An Adjunct Assistant Professor, Department of Accident and Emergency Medicine, the Chinese University of Hong Kong, Bernard lectures on healthcare legal issues for the Chinese University Department of Accident and Emergency Medicine. He has also presented lectures/workshops for doctors' medical practices, public and private hospitals the Chinese University School of Public Health, and the Hong Kong Polytechnic University Department of Physiotherapy.

▼ *Experience*

2012 Howse Williams Bowers
2011 Reed Smith Richards Butler
2008 Richards Butler in Association with Reed Smith LLP
2002 Richards Butler, Hong Kong

▼ *Education*

2002 University of Hong Kong, Postgraduate Certificate in Law
2001 Manchester Metropolitan University, Postgraduate Diploma in Law
1988 University of Aberdeen, Bachelor of Medicine and Bachelor of Surgery

▼ *Professional Qualifications*

2005 England and Wales

2004 Hong Kong

▼ *Professional Affiliations*

Adjunct Assistant Professor, Department of Accident and Emergency Medicine, The Chinese University of Hong Kong

Foundation Member, Faculty of Forensic and Legal Medicine, Royal College of Physicians

Member, British Medical Association of Hong Kong

Member, Law Society of England and Wales

Member, Law Society of Hong Kong



Oonagh Toner

Partner

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Oonagh specialises in dispute resolution and commercial and professional negligence litigation. She also handles clinical negligence claims advising healthcare professionals on a range of contractual, regulatory and criminal matters. Prior to qualifying as a Solicitor, Oonagh was an industrial designer and worked in design and advertising in London, Dublin and Hong Kong.

▼ *Experience*

2012 Howse Williams Bowers
2011 Reed Smith Richards Butler
2008 Richards Butler in Association with Reed Smith LLP
2005 Richards Butler, Hong Kong
Previously with Hayes Solicitors, Dublin, Ireland

▼ *Education*

Griffith College Law School, Dublin
Bachelor of Design in Industrial Design, National College of Art and Design, Dublin, Ireland
Master of Design in Design Management, Royal College of Art, London

▼ *Professional Qualifications*

2007 England and Wales
2006 Hong Kong
2005 Ireland

▼ *Professional Affiliations*

Member, Law Society of Hong Kong



Jill Wong

Partner

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Jill specialises in financial services and corporate regulatory and compliance issues, and is consistently identified as a leading lawyer in legal directories

She is "very client-focused and makes herself available to us where possible"

She has "exceptional understanding of Hong Kong's regulatory environment, and her relationships with many of the regulatory bodies allow her to provide us with excellent guidance"

She was previously Deputy General Counsel at the Hong Kong Monetary Authority and was in-house counsel as Head of the Asia-Pacific Regulatory Advisory Group, Legal and Compliance at Credit Suisse. In addition, Jill has also worked in leading international law firms in Hong Kong. This unique combination allows her to provide in-depth and constructive insights into the issues and challenges facing financial institutions and corporations.

Jill's experience compasses all aspects of banking, securities and insurance laws and rules affecting listed companies. She advises on both on contentious and non-contentious issues, and often in both capacities for the same clients.

She has hands-on practical experience in liaising with regulators, advising on regulatory compliance and implementing changes to internal practices, conducting internal investigations and advising on corporate governance. Jill has represented clients, both institutions and individuals, in numerous regulatory investigations and disciplinary inquiries.

▼ *Contentious Matters*

Jill has advised on numerous contentious regulatory investigations and internal inquiries involving allegations of:

- financial crime : breach of money-laundering, terrorist financing and sanctions laws, bribery/corruption
- market misconduct : provision of false or misleading information, breach of disclosure obligations, insider dealing, manipulation, etc
- breach of directors' duties
- inadequate corporate governance
- weaknesses in internal controls
- inadequate management/supervision
- breaches of regulations, codes and guidelines

- unlicensed activities
- breach of Hong Kong Listing Rules
- deficiencies in fund management and valuation procedures
- non-compliance with accounting or professional standards
- breaches of privacy legislation

Jill has advised on all aspects of investigations and inquiries: conducting internal investigations; preparing management and regulatory reports; liaising with investors, customers and other stakeholders; advising on remedial action and enhancements to internal controls; accompanying clients to regulatory interviews; negotiating settlements; advising on "fit and proper" issues and liabilities of senior management.

▼ *Non-contentious matters*

Jill has advised on non-contentious regulatory matters across a variety of issues:

- Licensing : structuring issues, regulatory applications and ongoing obligations
- Business conduct : compliance with codes (such as the SFC Code of Conduct, professional investor framework, cross-border activities, disclosures of fees, conflicts of interest issues, etc.) and rules (such as financial resources, contract notes, client money, deposit insurance scheme. etc.)
- Internal controls, policies and corporate governance (such as regulatory gap analyses, reviewing board/committee structures, drafting internal policies)
- Hong Kong Listing Rules (such as advice on disclosure of inside information, announcements, interim and annual reports)
- Entry and exit from Hong Kong : establishment of Hong Kong offices (including local representative offices), voluntary relinquishment of licences
- Client documentation : drafting, review and updating
- Retail/electronic payment systems, stored value facilities, credit/charge cards, clearing and settlement
- Data protection and outsourcing
- Competition law

Jill's skill sets go beyond pure legal advice, extending to legal and compliance risk management, such as oversight of cross-border projects, implementation of enhancements to internal controls, liaison with stakeholders (directors and shareholders) and so on.

▼ *Strategic insights*

Jill also advises clients on strategic matters, such as major regulatory changes and assisting them with business models, liaison with government or regulatory authorities.

▼ *Education*

Bachelor of Economics, Monash University, Melbourne, Australia
LLB Monash University, Melbourne, Australia

▼ *Professional Qualifications*

1996 Hong Kong
1995 England & Wales
Admitted as an Advocate and Solicitor in Malaysia

▼ *Publications and Industry Involvement*

Jill is active in contributing to books and articles, some typical examples are -

- Commentary on and Annotations of the Securities and Futures Ordinance, published by Thomson Reuters (2nd edition)
- "Financial Services and the Internet" in Internet Law in Hong Kong published by Sweet & Maxwell Asia
- Editorial Board of Hong Kong Practical Guidance published by LexisNexis
- Security Asia, "Privacy Issues In The Public Spotlight" Inaugural issue 2013
- Financier Worldwide, "Update on Market Misconduct; The SFC's "New" Weapon" November 2012
- Hong Kong Institute of Chartered Secretaries, "True Purpose trumps False Trading" July 2012
- Lexology.com, "More Protection for Personal Data - amendments to Hong Kong's Privacy Law" July 2012
- China Law Insight, "Hong Kong's new competition law; get ready for the antitrust revolution" June 2012
- China GC Agenda, "Financial Dispute Resolution Centre in Hong Kong soon to commence operations" June 2012

Jill is regularly quoted in the media, speaks at major conferences (UK, Singapore, and Hong Kong) and provides comments on regulatory initiatives. She sits on several committees involving the financial services industry, such as the HKICPA Disciplinary Panel and the British Chamber of Commerce Financial Markets Group.

She has been quoted in competition law publications such as Policy and Regulatory Report Competition Law - Global Intelligence and MLEX Market Insight. She commented on Hong Kong's competition law on the Hong Kong radio programme "Money for Nothing". In June 2016, she ran a Risk Management Elective for the Hong Kong Law Society on Hong Kong's New Competition Law for legal practitioners.



Alison Scott

Partner

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Alison joined HWB in March 2014, having previously worked as a partner with HWB's senior partner Chris Howse at Richards Butler in Hong Kong. She specialized in professional negligence and commercial litigation and has extensive experience in dispute resolution and commercial and professional negligence litigation. Alison returned to England in 1998 and was appointed as a Tribunal Judge with her Majesty's Courts and Tribunals Service specializing in Social Security law (including human rights and EC law, tax credits and benefit fraud). She was also appointed as a legally qualified chairperson for the Residential Property Tribunal in Wales, hearing appeals in respect of service charge disputes, enfranchisement valuations, determinations of fair and market rents, HMO licensing, rent repayment orders, park homes and local authority gypsy and traveller licensing issues and Right to Manage disputes. She continues to sit in both jurisdictions, returning to the UK for short periods to do so.

Alison continues to advise in respect of commercial litigation matters but also provides professional indemnity advice and assistance to doctors, dentists and other healthcare professionals in HWB's medico legal practice.

▼ *Experience*

- 2014 Howse Williams Bowers
- 2008 Judicial appointment, legally qualified chairperson, Residential Property Tribunal (Wales).
- 2001 Judicial appointment, tribunal chairperson then tribunal judge, HMCTS (social entitlement chamber)
- 1991 Richards Butler

▼ *Professional Qualifications*

- 1986 Admission as a solicitor, Hong Kong
- 1985 Admission as a solicitor, England and Wales



Emma Day

Partner

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Emma specialises in shipping, international trade and commercial disputes. She has experience in both wet and dry shipping matters. Emma has extensive experience in charterparty / bill of lading and other contract of affreightment disputes, instructed by shipowners and P&I clubs, charterers and freight forwarders and other logistics providers and their insurers.

Emma's charterparty experience includes advice on withdrawal / early redelivery, off-hire, laytime and demurrage, safe ports.

She has also handled disputes arising in China including providing urgent advice to owners and charterers regarding exercise of liens, discharge of cargo and alternative discharge port options. Recently she has advised various parties following the collapse of OWB and Copenship Bulkers.

Emma handles disputes resolved by arbitration in London, Hong Kong and Singapore and Court proceedings both in Hong Kong and London.

Emma also specialises in commercial litigation with experience in shareholder's disputes and director's breach of fiduciary duties. She also has extensive experience assisting clients securing the proceeds of fraud, obtaining injunctions and disclosure orders and tracing assets. This includes serving statutory demands and winding-up proceedings where appropriate.

She is able to advise on disputes involving debt recovery, sale of goods and joint venture with experience both in Hong Kong disputes and multi-jurisdictional disputes.

Emma is qualified in UK, Australia and Hong Kong with a total of 11 years in private practice. Her experience includes working as a claim executive for a major international transport and logistics company handling a variety of claims including claims for misdelivery, cargo damage and late delivery.

▼ *Experience*

2013 Howse Williams Bowers
2012 Thomas Miller Australasia Pty Ltd.
2011 Holman Fenwick & Willan, Sydney Australia
(including a secondment to Thomas Miller Australasia Pty Ltd.)
1991 Richards Butler, Hong Kong
1988 Richards Butler, London

▼ *Professional Qualifications*

2007 New South Wales, Australia
1992 Hong Kong
1988 England & Wales



Michael Withington

Partner

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Michael is experienced in a wide range of commercial litigation, including shareholder disputes involving both listed companies and high-profile private companies (many of which involve a cross-border element). He has also acted in litigation involving financial services institutions (including mis-selling claims and negligence claims), claims involving directors, and disputes over asset acquisitions.

A large part of Michael's practice at Howse Williams Bowers involves contentious employment matters (acting for both employers and employees), including claims over termination and remuneration, enforcement of post-termination restrictions, discrimination claims and partnership disputes. He advises employers and statutory bodies on internal investigations and disciplinary proceedings, and has represented a number of individuals in SFC investigations. He also has significant experience in conducting and defending judicial review proceedings.

Michael also has extensive insurance experience, particularly in relation to the defence of professional negligence claims and advising on coverage issues. He has been a panel solicitor for the Hong Kong Solicitors Professional Indemnity Scheme since 1998, and has represented both local and international law firms in connection with a broad range of claims.

▼ *Experience*

2015 Howse Williams Bowers
2012 Gall
2002 Herbert Smith Freehills
1998 Wilkinson & Grist
1994 Haldanes

▼ *Education*

1987 The University of Sydney, LLB

▼ *Professional Qualifications*

1994 Hong Kong
1994 England and Wales
1987 New South Wales, Australia

▼ *Professional Affiliations*

Member, Law Society of Hong Kong

▼ *Reported Decisions*

- Philippe Delhaise v Ng & Co & Erving Brettell [HCA 10165/2000; CACV 386/2003]
- Mimi Monica Wong v Mirko Sacconi [HCA 2061/2004]
- Pat Bobby Ying Ho v Hong Kong Solicitors Indemnity Fund Ltd [HCCT 40/2004]
- Michael John Treloar Rowse v The Secretary for the Civil Service, The Chief Executive & The Chief Secretary for Administration [HCAL 41/2007]
- GFI (HK) Securities LLC v Kang Gyong Hee & ICAP Equities Asia Ltd [HCA 451/2015]

▼ *Professional Recognition*

Michael is currently ranked by Chambers Asia as a Band 2 employment lawyer and a Band 3 insurance lawyer. Comments include:

2017: "He has a cool, calm demeanour. We use him during a crisis."

2015: "a seasoned operator"
"a very good litigator - very experienced and steady"

2014: "is an experienced litigator who certainly knows his stuff; gives clients sensible and considerate advice."

"He is particularly adept in restrictive covenants, partnership disputes and investigations by local regulators"

2013: "very quick and very clear on providing advice" ... "his immediate response and technical support are always available"

2012: "good judgement and great technical skills"..."is a seasoned practitioner for commercial litigious matters on labour issues"

2011: "has deep rooted experience in employment litigation"

Our Team

Maureen Liu

Senior Associate

Maureen specialises in dispute resolution, shipping and medico-legal issues advising healthcare professionals and hospitals on clinical negligence claims and complaints, Coroner's inquests and disciplinary proceedings. Maureen is fluent in English, Cantonese and Mandarin.

Iain Clayton

Senior Associate

Iain specialises in shipping and international trade dispute resolution. He acts on behalf of shipowners, charterers, P&I Clubs, underwriters and commodity traders. He has particular experience of charterparty disputes concerning off-hire, speed and performance, unsafe port claims, demurrage and ICA indemnity claims. His work also covers contracts of affreightment, cargo claims, international sale of goods, shipbuilding and ship management disputes. He has represented parties in LMAA, GAFTA and English High Court proceedings.

Iain previously worked in London and on secondment in Piraeus before joining HWB in Hong Kong in 2013. He was admitted as a solicitor of England and Wales in 2012. Iain is fluent in English and speaks conversational Mandarin.

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

Bianca Wu

Associate

Bianca joined the medico-legal team in Howse Williams Bowers upon completing her training contract in 2013. She has experience in dispute resolution and medico-legal matters (including non-contentious matters). She advises healthcare professionals and hospitals on clinical negligence claims and complaints, Coroner's inquests, disciplinary proceedings, debt-recovery by hospitals, Mental Health Ordinance matters and criminal matters. Bianca is fluent in English and Cantonese.

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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