

Joseph Kwan

Partner | Litigation and Dispute Resolution | Hong Kong

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Joseph is the head and leader of our Litigation and Dispute Resolution Department, which is one of the biggest litigation practices in Hong Kong. He is a very experienced and highly regarded lawyer who regularly helps clients to resolve disputes by providing legal advice with strategic insight. For over 30 years of practice, he has represented clients in many substantial and/or high profile commercial litigations, SFC initiated proceedings and commercial fraud/bribery cases.

Joseph's practice includes estate and trust matters, shareholders disputes, companies matters, listed companies investment disputes, cross border disputes and other types of complex litigation of substantial value. Joseph and the team that he leads regularly advise clients on Regulatory investigations by the SFC, HKMA or the Stock Exchange. He also advises corporate clients and individuals in relation to bribery and fraud investigations. His clients include Hong Kong listed companies, Fortune 500 companies, senior executives and Chinese families with significant investments in Hong Kong and overseas. He also regularly advises PRC based companies and their executives.

Highlights

- Joseph acted for clients in a number of complex and high value disputes amongst members of prominent Chinese families with substantial assets. These cases generated litigations over numerous issues in connection with for example the estate of the patriot of the family, discretionary trusts set up for the family members and/or shareholders disputes over family group of companies.
- Advised a senior executive in one of the most high profile corruption cases in Hong Kong that was tried by jury in the High Court for over 6 months.
- Represented a Fortune 500 technology company in a very complex disputes over the implementation of an IT solution. The case involves highly technical issues and a very substantial amount of documents.
- Acted for a multinational petrol company in a High Court trial over an investment dispute.
- Acted for an ex-senior executive of an American multinational financial services corporation in one of the biggest insider dealing cases in Hong Kong dealing with criminal prosecution and related civil proceedings.
- Represented a banking client in an action against an international investment bank and others over the subscription of shares in a public listed company.
- Represented a bank in dealing with credit card fraud case.
- Dealt with a number of mis-selling cases involving complaints by bank's customers, investigations by Regulators and internal compliance department as well as litigation to recover loss.
- Acted for a number of banks in a large scale investigations by the SFC and HKMA in connection with the sale of mini-bonds.
- Handled a number of cross border disputes, including acting for a listed company on a joint venture disputes in China, acting for a Hong Kong party in a High Court litigation in relation to a joint venture disputes over a property project in China, dealing with CIETAC Arbitration, PRC court proceedings and asset preservation orders in the PRC.
- Acted for PRC clients in a dispute with a public listed company in Hong Kong over certain share options.
- Represented a multi-national company in High Court trial in connection with a large scale employment disputes with former senior executives.



Principal Areas

- Litigation and Dispute Resolution
 - Administrative and Public Law
 - Banking Litigation
 - Contentious Regulatory
 - Fraud and Asset Tracing
 - Shareholder and Partnership Disputes
 - Tax Investigations, Audits and Disputes
 - Trust, Probate and Private Wealth Disputes
- Private Clients
- Regulatory
 - Bribery, Fraud and Corruption

Sectors

- Energy and Resources
- Financial Institutions
- Funds and Investment Management
- Life Sciences and Healthcare
- Private Equity and Investment
- Private Wealth
- Technology, Media and Telecom

Languages

- English
- Cantonese
- Mandarin

Jurisdictions

- Hong Kong

- Over the years, Joseph represented main parties in high profile public inquiries in Hong Kong dealing with the inquiry itself and the related public relation issues.
- Joseph also helped US firms in dealing with US Foreign Corrupt Practices Act (FCPA) investigations.
- Handled a wide range of contentious insolvency matters including cases involving one of the biggest department stores and one of the oldest construction companies in Hong Kong.

More about Joseph Kwan

Accolades

Recognised as an Eminent Practitioner in Dispute Resolution: Litigation by Chambers Greater China Region (2022 – 2023)

Recognised as an Eminent Practitioner in Dispute Resolution: Litigation by Chambers Asia Pacific (2021) and previously recognised as a leading lawyer in Dispute Resolution and Financial Services (contentious) in previous years

Recognised as a leading individual in Dispute resolution: Litigation by Legal 500 Asia Pacific (2023)

Recognised as a Recommended Lawyer in Dispute resolution: International Arbitration by Legal 500 Asia Pacific (2023)

Recognised in the “Hall of Fame” for Regulatory (Hong Kong) by Legal 500 Asia Pacific (2022 – 2023)

Recognised as a Litigation Star in Commercial and Transactions (2022-2023), Private Client (Hong Kong) (2023) by Benchmark Litigation Asia-Pacific

Recognised as a leading individual in Regulatory and Regulatory – Anti-corruption and compliance by Legal 500 Asia Pacific (2009 – 2020)

Recognised as an elite practitioner by asialaw Profiles in Dispute Resolution and Regulatory (2019 – 2020)

Recognised on the Citywealth Leaders List in Contentious Trist, Corporate and Regulatory (2019 – 2020)

Winner of the Lexology Client Choice Awards in Litigation (2015-2016)

Appointments/Memberships

Member, The Law Society of Hong Kong

Member, Civil Litigation Committee of The Law Society of Hong Kong

Greater Bay Area Hong Kong-Macao Lawyer Talent Pool

For a period in 2017 and 2018, Joseph was appointed and sat as a Deputy High Court Judge

For a period in 2010, Joseph was appointed and sat as a Deputy District Judge

Education

LLB, University of Birmingham

PCLL, University of Hong Kong

Publications

Articles

“Proposed Amendment to Eradicate – Pyramid Schemes”, Hong Kong Lawyer, *April 2011*

Books

“Arbitration in Hong Kong” for the International Arbitration Review, published by the UK based Law Business Research Ltd.

Author of the chapter “Has the Litigation Culture Changed?” in the book “Civil Justice Reform – What has it achieved?” published by Hong Kong University, University College of London and Sweet & Maxwell, *February 2011*