

## James Kwan

Partner

Hong Kong

### Biography

With a focus on resolving complex disputes in the Life Sciences and Health Care, Medical Devices, Energy and Natural Resources, Infrastructure and Transportation, construction, and technology sectors, James Kwan is an International Arbitration lawyer based in our Hong Kong office. He has represented clients in complex arbitrations in Asia, the United States, the Middle East, and Europe under the major institutional rules such as the International Chamber of Commerce (ICC), Hong Kong International Arbitration Centre (HKIAC), Singapore International Arbitration Centre (SIAC), China International Economic and Trade Arbitration Commission (CIETAC), American Arbitration Association (AAA), London Court of International Arbitration (LCIA), Dubai International Arbitration Centre (DIAC), Court of Arbitration for Sport (CAS), and in ad hoc arbitrations.

He is widely recognized as a leading individual in International Arbitration by major legal directories, such as *Asia-Pacific Legal 500*, *Chambers Asia-Pacific* and *Global*, *Euromoney's Guide to the World's Leading Arbitration Lawyers*, *Practical Law Company's Which Lawyer?*, *Benchmark Asia-Pacific: Arbitration*, *Global Law Expert* and was named one of *Asian Legal Business' Hot 100 Lawyers* of 2008 and 2011.



### Phone

+852 2840 5030

### Fax

+852 2219 0222

### Email

[james.kwan@hoganlovells.com](mailto:james.kwan@hoganlovells.com)

---

### Languages

English  
Cantonese

---

### Practices

International Arbitration  
Litigation

---

### Industries

Life Sciences and Health Care  
Diversified Industrials  
Energy and Natural Resources

---

### Areas of focus

James is an author of a chapter in *The Hong Kong Arbitration Ordinance Commentary and Annotations*, Sweet & Maxwell, 2015 (2<sup>nd</sup> 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.

## Representative experience

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

Represented financial institutions in a US\$248m HKIAC arbitration concerning the redemption of shares and the exercise of a put option for Singapore, Taiwanese, and Chinese banks (HKIAC, Hong Kong).

Representing a luxury hotel group acting in two UNCITRAL arbitrations concerning a hotel management dispute (UNCITRAL, Hong Kong).

Representing a heavy equipment company in a US\$39m arbitration concerning the exercise of a put option (HKIAC, Hong Kong).

Representing a Chinese listed technology company regarding the licensing of a software game to a Taiwanese distributor (HKIAC, Hong Kong).

Representing a Chinese listed technology company regarding the licensing of a software game (SIAC, Singapore).

Representing a theme park owner in a US\$130m arbitration against its consultant concerning the design of a water park project (HKIAC, Hong Kong).

Represented a Chinese state owned enterprise in a US\$50m arbitration arising out of an EPC turnkey cement plant project (ICC, Hong Kong).

Represented a Korean petrochemical company in a US\$200m arbitration in an energy sales agreement

Construction and Engineering

Medical Devices

Water

Oil and Gas: Exploration and Production

Power: Renewable Power

Hogan Lovells Taiwan Desk

---

## Education and admissions

### Education

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 Council Member

ICC Young Arbitrators' Forum – inaugural Asia Committee Member

ICC Hong Kong Arbitration Committee

---

## Bar admissions and qualifications

Solicitor, England and Wales

dispute (ICC, Singapore).\*

Represented an apple juice company in a RMB65m arbitration relating to offtake disputes arising out of shareholders' agreement (ICC, Hong Kong).\*

Represented an apple juice company in a RMB40m arbitration relating to disputes arising out of a distribution agreement (ICC, Hong Kong).\*

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

Represented a Chinese automobile manufacturer - several concurrent arbitrations over US\$250m regarding breaches of the underlying operational contracts that the guarantees secured (HKIAC, Hong Kong).\*

Represented a recruitment company in a US\$170m post M&A arbitration concerning breaches of representations and warranties (HKIAC, Hong Kong).\*

Represented an Indian company in a US\$16m arbitration concerning a parent company guarantee (CIETAC, Shanghai).\*

Represented a medical devices company in a post mergers and acquisitions (M&A) arbitration (UNCITRAL, Hong Kong).\*

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

*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.\*

Represented a Hong Kong listed company – JV / shareholder arbitration involving the termination of a

Hong Kong

New South Wales

---

## Accolades

"[James'] clients consider him an expert on the tactical side of arbitration, drawing attention to his mindset of '*very good commercial thinking, insightful and strategic thinking, and analysis of the facts and dispute.*' "

*Chambers Asia Pacific 2018*

---

"Hogan Lovells hired the '*particularly impressive*' James Kwan, who is praised for his '*thorough commercial understanding and strategic thinking.*'"

*Legal 500 Asia Pacific 2017*

---

"James 'knows his arbitration stuff' and '*fully understands the characteristics and requirements of the companies he represents.*'"

*Chambers Asia Pacific 2015*

---

joint venture agreement and purchase of the interests of the joint venture partner (AAA, California).\*

Represented a Middle East hospital in disputes arising out of a hospital management agreement (DIAC, Dubai).\*

\*Matter handled prior to joining Hogan Lovells.

## Awards and rankings

- Dispute Resolution: Arbitration - International Firms (China), *Chambers Global*, 2018-2019
- Dispute Resolution: Arbitration - International Firms (China), *Chambers Asia-Pacific*, 2008-2019
- Consistently ranked as a leading arbitration lawyer in Legal 500 Asia Pacific, Chambers Asia Pacific, Chambers Global, Euromoney's Guide to the World's Leading Arbitration Lawyers, Practical Law Company's Which Lawyer?, Benchmark Asia Pacific: Litigation and Global Law Expert, *Legal 500 Asia Pacific*
- One of Asian Legal Business', *Hot 100 Lawyers*, 2008 - 2011

## Latest thinking and events

- Hogan Lovells Publications
  - Back to basics - Hong Kong Court of Appeal queries approach to winding up petitions where arbitration is involved *Litigation, Arbitration, and Employment Alert*
- Hogan Lovells Publications
  - Mark your calendar: The interim measures arrangement between Mainland China and Hong Kong comes into effect on 1 October 2019 *International Arbitration Alert*
- Media Mention
  - HK-PRC agreement on interim measures for arbitration benefits all stakeholders
- Hogan Lovells Publications

- 'Easier to recognise than define' - English Court of Appeal considers "practical completion" for the first time in fifty years
- Hogan Lovells Publications
  - A game changer: Hong Kong and China agree milestone arrangement for interim measures in arbitration
- Hogan Lovells Publications
  - Developments in financial services arbitration: Revision of the ISDA arbitration guide *International Arbitration Alert*