

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.



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Languages

English
Cantonese

Practices

International Arbitration
Litigation Services
Technology Litigation

Industries

Life Sciences and Health Care
Diversified Industrials
Energy and Natural Resources

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

Acting for a Chinese oil company in a US\$150m arbitration relating to the sale and purchase of interests in two petroleum production blocks (LCIA, London).

Acting for a Chinese SOE in a US\$45m HKIAC arbitration regarding the delivery of alumina (HKIAC, Hong Kong).

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

Representing 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).

Acting for a heavy equipment company in a US\$68m 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 Chinese state owned enterprise in a US\$50m arbitration arising out of an EPC turnkey

Areas of focus

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

cement plant project (ICC, Hong Kong).

Representing a Korean petrochemical company in a US\$200m arbitration in an energy sales agreement dispute (ICC, Singapore).*

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

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

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

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

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

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

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

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

Representing a Hong Kong listed company – JV / shareholder arbitration involving the termination of a joint venture agreement and purchase of the interests

Solicitor, England and Wales

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

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

Chambers Asia Pacific 2015

"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 Kwan 'provides solid advice and recommends courses of action that are very effective,' 'He impressed us with his intelligent and structured approach to the case, his

of the joint venture partner (AAA, California).*

*Matter handled prior to joining Hogan Lovells.

client focus and his hard work.'

Chambers Asia-Pacific 2020

Awards and rankings

- Dispute Resolution: Arbitration - International Firms (China), *Chambers Asia-Pacific*, 2008-2020
- Dispute Resolution: Arbitration - International Firms (China), *Chambers Global*, 2018-2019
- 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
 - Hong Kong Law Contract Guide *Education Alert*
- Hogan Lovells Publications
 - Foreign arbitral institutions allowed to administer foreign-related arbitrations in Shanghai Lin-Gang Pilot Free Trade Zone in 2020 *Litigation, Arbitration and Employment Alert*
- 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