

PETER YUEN

Partner·Hong Kong

+852 3749 1177 / +852 9870 1177

peter.yuen@fangdalaw.com

PRACTICE AREA

DISPUTE RESOLUTION

Education

- He holds a Master of Art degree from Oxford University; a Master of Science degree from Cornell University, and a Graduate Diploma in Law (with distinction) from the College of Law in the UK.

Professional Qualification

- Admitted to practice in England and Wales
- Admitted to practice in Hong Kong SAR

Work Language

- Mandarin
- Cantonese
- English

Mr. Yuen's practice spans a number of areas including international and regional arbitration, China-related commercial arbitration and complex commercial litigation. Peter regularly acts for clients in complex commercial disputes before the Hong Kong courts and is experienced as coordinating counsel in cross-border multi-jurisdictional disputes, particularly in matters involving court proceedings in China. He has also established a busy practice in regulatory and corporate compliance and has conducted a considerable number of corporate internal investigations in Hong Kong and China.

Although Mr. Yuen's professional career to date has focused on counsel work, he also accepts arbitral appointments and sits as arbitrator. He is on the panel of BAC and the Shenzhen Court of International Arbitration and on the list of HKIAC arbitrators.

Mr. Yuen has been ranked as a leading individual for international arbitration in Chambers Asia since 2010. In recent years, he has handled a number of notable cases, including acting for a Hong Kong-listed company in an action against Next Magazine for libel and malicious falsehood, acting for San Want Media Holdings in a shareholder dispute over the control of ATV, and acting for an energy company in SIAC arbitration in a RMB 3 billion dispute over natural gas supply.

Peter Yuen "gets to the crux of the issues very quickly and guides the client throughout the process to find solutions to issues." He is recognized for his expertise in shareholder and fraud-related disputes, as well as acting on contentious regulatory and enforcement matters. One source praises his "extensive experience and knowledge in the field and ability to offer valid, practical advice." Another client praises his "experience in international arbitration", noting that he is "accommodating and extremely hard working" – Chambers Asia Pacific Guide 2020

REPRESENTATIVE MATTERS AND CASES

Hong Kong litigation

- Acted for various investors in investment and debt defaults involving cross-border proceedings, asset preservation applications and enforcement proceedings in Hong Kong and overseas
- Acted for two private equity houses in disputes with their PRC partner over investments in a billion-dollar project in the PRC and breaches of the shareholders' agreement
- Acted for a major China-based private equity firm in Hong Kong litigation with a former partner for breach of

Professional Background

- Before joining Fangda Partners, Mr. Yuen was a partner at a magic circle firm where he was responsible for the firm's China-related dispute resolution practice. Before becoming a lawyer, Mr. Yuen read chemistry at Oxford University and was a teaching fellow at Cornell University before studying law in England.
- Mr. Yuen publishes regularly in a number of leading arbitration and dispute resolution journals. He is also a contributing editor of the Hong Kong White Book and he has recently co-authored "The International Investigations Review".
- Mr. Yuen is a panel arbitrator of the Beijing Arbitration Commission and the Shanghai International Arbitration Centre.

fiduciary duties and misappropriation of business
- Acted for BVI-appointed liquidators in the liquidation of a Hong Kong-listed company's subsidiaries
- Acted for the minority shareholder of a major television company in a high-profile derivative action against: (i) the company's directors for breaching fiduciary duties and for procuring a breach of the ATV shareholders' agreement; and (ii) ATV and another ATV shareholder for breaching the ATV shareholders' agreement
- Acted for a Hong Kong-listed company in a complex and high-profile defamation action against Next Magazine for libel and malicious falsehood

Arbitration

- Acted for a China-based private equity firm in a high-value claim and counterclaim arising from a sales and purchase agreement with a Chinese auto dealership
- Acted for a Hong Kong-based conglomerate against a Hong Kong-listed company in a dispute over wrongful termination and loss of substantial profits arising under a distribution agreement governed by PRC law
- Acted for an international apparel brand seeking buy-out relief against its delinquent joint venture partner under a shareholder's agreement
- Acted for the claimant in HKIAC arbitration against a founder of a PRC technology company to enforce a put option under an investment agreement governed by PRC law
- Acted for an international hotel chain in HKIAC arbitration in a dispute arising from a hotel management contract
- Acted for a gas field developer in an ad hoc arbitration against a major state-owned enterprise in a dispute over a gas field development and construction project in the South China Sea
- Acted for a China-based land owner in ICC arbitration to defend claims brought by an international hotel construction and management company alleging breach of a hotel management agreement and to counterclaim under a suite of construction contracts
- Acted for a shareholder in HKIAC arbitration to defend a claim for specific performance of a shareholders' agreement
- Acted for a Singapore-based technology company in HKIAC arbitration to defend a claim brought by a subcontractor under an IT service contract
- Acted for a China-based technology company in a high-value ad hoc arbitration in Hong Kong against a group of international investors
- Acted for a group of Chinese companies in an investor-state arbitration against Mongolia in a dispute over an iron ore mine
- Acted for Danone in SCC arbitration proceedings against Wahaha for its breaches of a number of joint venture agreements
- Acted as sole arbitrator in an arbitration seated in Hong Kong and administered by HKIAC (A19063) in a dispute arising from a share purchase agreement
- Acted as sole arbitrator in an arbitration seated in Hong Kong and administered by HKIAC (A19039) in a dispute arising from a joint venture agreement
- Acted as sole arbitrator in an arbitration seated in Hong Kong and administered by HKIAC (A18033) in disputes arising from multiple concert agreements
- Acted as sole arbitratior in an arbitration seated in Hong Kong and administered by HKIAC (A14023, A14024 and A16115) in disputes arsing from multiple sale and purchase contracts
- Acted as sole arbitrator in an ad hoc arbitration seated in Taipei in a private equity investment dispute
- Acted as co-arbitrator in a BAC arbitration (2016 Jing Zhong An Zi No.2477)
- Acted as sole arbitrator in an HKIAC administered arbitration (A16115) for a claim under a service agreement brought by a Taiwanese businessman against a Taiwan-listed company and its subsidiary for alleged non-payment of commissions owed under a service agreement

Regulatory and corporate compliance

- Advised the board of a company undergoing US listing on certain transactions and corporate relationships
- Advised on an internal investigation into the CEO (and his brother) of a leading green energy supplier in China after the Stock Exchange of Hong Kong (HKSE) received a corruption complaint against them, included instructing a leading accounting and advisory firm to conduct an internal review of bank loan proceeds documentation, engaging International Risk to conduct background checks, reviewing contracts and corporate documents and attending various witness interviews as part of the internal investigation
- Advised a large Chinese corporation on a series of regulatory enquires from and interviews by the HKSE and the Securities and Futures Commission (SFC) about the disclosure or provision of false and misleading information, the timing of certain public announcements and the alleged extension of a loan by the company to a local government in China
- Advised a Hong Kong-listed company on: (i) an HKSE investigation into the timing of a public announcement and the potential breach of the Listing Rules; (ii) an SFC investigation into the potential disclosure of false or misleading information to induce transactions in the company's shares; and (iii) a Financial Reporting Council investigation in Hong Kong into the company's announcement of the results of an independent review of the its sales transactions with ten major customers, the company's annual corporate income tax filing documentation and the company's corporate income tax payment records
- Advised senior management for one of the largest telecommunications companies in China on Hong Kong regulatory issues arising from the company's alleged late announcement of potentially price sensitive information and handled the related HKSE enquiries
- Advised the audit committee at a major technology company in China on conducting a large investigation into fraud and false accounting allegations
- Advised various Hong Kong-listed companies on internal investigations into bribery and corruption and on SFC investigations into allegations of insider dealing and market misconduct including by senior management and board members
- Advised numerous companies and sponsors in pre-listing HKSE enquiries and "poison-pen" allegations
- Advised a Hong Kong company in an SFC disciplinary proceeding that alleged the company failed as sponsor of a Chinese company listed in Hong Kong to conduct adequate and reasonable due diligence on the Chinese company's listing application

Presentations/Speeches

- Panelist, “Drawing the Line Between State and Corporation – A Closer Look at State- Owned Enterprises”, a HKIAC event titled “China’s Business Giants: Understanding the Chinese State-Owned Enterprise”, Paris, February 2014
- “China/Korea Corporate Disputes”, Korea: International Arbitration Summit, Kluwer Law, Seoul, November 2013
- “Plenary” session, Risk & Corruption Symposium, Pacific Business Press, Hong Kong, May 2013
- “Risk Management in PE Transactions” – a seminar for private equity clients hosted by Fangda Partners and others, Beijing, May 2013
- Peter Yuen and others, “Resolving Private Equity-related Disputes through Arbitration–Why, Where and How?” – a Fangda-HKIAC workshop, In-House Congress, Beijing, March 2013
- Peter Yuen and others, “Top tips for litigating and arbitrating in China – with high points of the new Civil Procedure Law” – a Fangda seminar for Hong Kong Corporate Counsel Association members, February 2013
- Hong Kong Arbitration Week, HKIAC event for speakers from around Asia, October 2012
- Korea: International Arbitration Summit and the New Hub of Asia, Kluwer Law International, Seoul, December 2012
- “Ethical issues in international arbitration”, Jessup Moot, Beijing, February 2012

- “How and why when dealing with China related transactions”, HKU, May 2012
- “Arbitrating China-related disputes”, Beijing University, May 2012
- “Arbitrating Private Equity Dispute”, Singapore, SIAC Conference

Publications/Articles

Books

- “Chinese Arbitration Law”, Contributor and Co-editor with Damien McDonald and Arthur Dong, LexisNexis, Hong Kong (2015)
- “Arbitration Agreement”, Peter Yuen, Arbitration in Hong Kong: A practical guide (3rd ed) Sweet & Maxwell (2014)
- “Getting Statements of Truth Right in Practice”, Peter Yuen and Tim Harry, Hong Kong Civil Justice Reform Practice Manual (3rd ed) Sweet & Maxwell (2014)
- “Mongolia”, Batzaya Bodikhuu and Peter Yuen, Arbitration in Asia Handbook, Michael Moser and John Choong (eds) Oxford University Press (2011)
- “Commencement of arbitration and appointment of arbitrators”, Peter Yuen and John Choong, Arbitration in Hong Kong: A practical guide (2nd ed) Sweet & Maxwell (2011)
- “Drafting Arbitration Agreements in Commercial and M&A Transactions”, Peter Yuen, Business Disputes In China (3rd ed) Juris Publishing (2011)
- “A Comparative View on Impartiality and Independence of Arbitrators in International Arbitrations”, Peter Yuen, Business Disputes In China (3rd ed) Juris Publishing (2011)
- “A Comparative View on Impartiality and Independence of Arbitrators in International Arbitrations”, Peter Yuen, Business Disputes In China (3rd ed) Juris Publishing (2011)
- “The enforcement of domestic and foreign court judgments in the PRC”, Peter Yuen, Richard Chalk and Adam Silverman, Dispute Resolution in China, Juris Publishing (2011)
- Peter Yuen (contributor), The Hong Kong Arbitration Ordinance: Commentary and Annotations, John Choong and Romesh Weeramantry (eds), Sweet & Maxwell (2011)
- Hong Kong Civil Procedure “the White Book” (one of the contributing editors since 2007)

Journals

- Peter Yuen and others, Hong Kong and China chapters – Getting the Deal Through, Arbitration, Law Business Research, 2014, 2013, 2012, 2011
- Peter Yuen and Doris Yeung, HKIAC chapter, Getting the Deal Through, Arbitration, 2014
- Peter Yuen and others, Hong Kong and China chapters, The International Investigations Review, Law Business Research, 3rd Edition (July 2013), 2nd Edition (July 2012)
- China chapter, Annual Review: Commercial Arbitration, Financier Worldwide, 2013
- Peter Yuen and others, “Changes to the HKIAC Rules”, Corporate Disputes Magazine, Financier Worldwide, October - December 2013
- Peter Yuen and others, “International Arbitration Roundtable”, Financier Worldwide, June 2013
- Peter Yuen, Richard Chalk, Adam Silverman “Managing the complexities of cross-border disputes”, Special Report on International Dispute Resolution, Financier Worldwide, 2011

PLC

- Peter Yuen and Andrew Skudder, “The New HKIAC Arbitration Rules and how they compare to other institutional rules”, Arbitration Multi-jurisdictional Guide, 2013
- Peter Yuen and John Choong, “Hong Kong: ad hoc arbitration clause: drafting notes”
- Peter Yuen and John Choong, “Ad hoc arbitration in China: note”, 27 April 2011
- Peter Yuen and John Choong, “Hong Kong: ad hoc arbitration clause”

- Peter Yuen, “Hong Kong court considers validity of agreement to arbitrate in
- the PRC under ICC Rules”, 1 September 2011
- Peter Yuen and John Choong, “Plaintiff seeks to stay its own court proceedings in favour of arbitration”, 1 September 2011
- Peter Yuen and John Choong, “Consultation on proposed new Hong Kong Mediation Ordinance”, 26 March 2010

SCMP

- Peter Yuen, “Stricter rules key to scam-proof IPOs”, 1 February 2012

Professional Affiliations

- Visiting lecturer, Beijing University School of Law, 2011, 2012, 2014
- Part-time lecturer, University of Hong Kong (HKU), 2010, 2011, 2012, 2014