

CLARK WANG

BARRISTER

CEDR Accredited Mediator

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Clark Wang is one of the first batches of talents recruited by the University of Hong Kong from top PRC universities under the Jockey Club Scholarship Programme following the handover of Hong Kong in 1997.

As a native mandarin speaker with dual education and qualification in both mainland PRC and Hong Kong, Clark possesses the perfect skillset to solve disputes with PRC elements and has for that reason developed a substantial practice in cross-border litigation and arbitration in areas such as contractual disputes, corporate shareholders' disputes, company matters, securities law and family matters. Clark understands the legal and commercial reality of both jurisdictions therefore is able to identify and present the cases of his PRC clients to Hong Kong Courts and Tribunals in the proper PRC context and background. Conversely, he is also able to explain Hong Kong law to his PRC clients as well as the PRC Courts and Tribunals in a simple and straightforward manner.

Due to his skills and expertise, he has had the honour to be invited to act as an *amicus curiae* to advise the Court of Appeal and to represent and advise the Hong Kong government and public bodies including the Securities and Futures Commission in PRC related cases.

Clark is also experienced in other areas such as trust, insurance, land, and probate matters.

Clark is "*excellent in understanding the client's commercial goals and provides thoughtful strategic advice*" (*The Legal 500* 2022), "*analytical, diligent and thorough in his research and preparation*" (*The Legal 500* 2023).

RECENT HIGHLIGHTS

His recent highlights include:

- **Re: Man Wah Tong, a Religious Tong** HCA 595/2019, HCMP 496/2017, acting for concerned parties seeking to remove the entire management committee of a century-old Buddhist temple in respect of their mismanagement of this religious tong and charitable trust over the past decades.
- **Employees Compensation Assistance Fund Board v. Fong Chak Kwan** FAMV 43/2022 – Acting for the Employees Compensation Assistance Fund Board in the leading case on the interpretation of the tort gateway under O. 11 r. 1(1)(f) Rules of the High Court (Cap 4A) and the long-arm jurisdiction in general.

OTHER NOTABLE CASES

Commercial / Company

- **Daimler AG v Herbert Heinz Horst Leiduck and Anor**, HCA 4089/1994, CACV 172/2011 – Multi-jurisdictional commercial dispute against one of the most famous car manufacturers Daimler AG on international sale of goods contracts involving issues of Mareva injunction, fraud, bribery, privilege, interrogatories, sanctions of pre-emptive order, medical issues etc. that spanned almost 30 years. In particular, this case is linked to the US SEC's investigation and sanction of Daimler AG.
- **Gao Haiyan and Another v Ma Maogen** HCA 466/2012; **Achieve Goal Holdings Ltd v. Zhong Xin Ore-Material Holding Co Ltd** HCA 1987/2005 (also other related actions in HCA 1315/2012, HCCT 41/2010, CACV6/2019, FAMV 163/2020, BVIHC(COM) 2023/0068 etc.) – A series of shareholders' disputes for the control and ownership of a coal mine situated in Shaanxi, PRC valued over RMB 2 billion fought across the border whereby issues such as enforcement of arbitration award, contractual interpretation, PRC tax law, fraud (upon both parties and Courts of Hong Kong and mainland PRC), misrepresentation, anti-suit injunction, etc. are intertwined.
- **La Dolce Vita Fine Dining Co Ltd v. Zhang Lan** (HCMP 473, 474/2015; HCMP 585,586/2017; HCCT 35, 36/2019; 最高法民特4號, 5號) – A USD300 million multi-jurisdictional dispute involving the sale and purchase of a famous Chinese restaurant chain "South Beauty" by a private equity fund CVC. The main proceedings were conducted by way of CIETAC arbitration (applying HK law) whilst ancillary litigations were conducted in various jurisdictions such as mainland PRC, HK, Singapore and the US.
- **Yingde Gases Investment Ltd v Shihlien China Holdings Co Ltd** HCA 2059/2012 – A cross-border commercial dispute between partners of a joint-venture involving issues including jurisdiction, arbitration clause, interpretation of contract etc. and foreign laws including PRC law and Taiwan law.

Arbitration

- Represented an investment fund in a multi-jurisdictional commercial battle for the control and operation of a world-famous French cuisine brand established by a renowned Michelin-starred French master chef. Various litigations and arbitrations were instituted both in Hong Kong (HKIAC arbitration, CIETAC arbitration) and in mainland PRC (SHIAC arbitration, court litigation and various trademark disputes in PRC). The disputes centre around the licencing rights and goodwill to open and operate restaurants, tearooms, cellars, etc. under various shareholder' s agreements, sale and purchase agreements and licencing agreements.
- Represented the founder of a US listed company in HKIAC proceedings against a Chinese investment bank regarding the performance of certain convertible bonds, buy back clauses and guarantee contracts. Key disputes involve the validity of a single arbitration under multiple arbitration clauses and the validity of the relevant contracts.
- Represented a PRC based investment fund in HKIAC proceedings against respondents of various jurisdictions arising out of shareholders' agreement and sale and purchase agreement and successfully obtained **Mareva** injunctions in multiple jurisdictions in aid of arbitration.
- Represented a PRC State Owned Enterprise in HKIAC proceedings to enforce a sale and purchase agreement of certain machinery.
- Represented a Taiwan listed company in HKIAC and court proceedings in relation to a dispute of trading and agency agreement in the electronics industry.
- Represented a foreign owned real estate developer in CIETAC proceedings to enforce contracts relating to the sale and purchase of certain real estate project.
- Represented a PRC State Owned energy conglomerate in SIAC proceedings involving hundreds of suspected fraudulent contracts totally billions of USD.

Personal Injuries and Insurance

- ***Lo Siu Wa v Employees Compensation Assistance Fund Board and Anor***[2018] CFA 3 – Leading case on interpretation of insurance policies in the area of personal injuries and employees' compensation.
- ***So Yuk Kam v Liu, Chan & Lam (a firm) and Another***CACV 105/2014 – A personal injury case where professional negligence of a solicitor firm and the proper statutory interpretation of the Employees' Compensation Assistance Ordinance, Cap 365 in respect of the duties and obligations of the Employees Compensation Assistance Fund Board was\ hotly disputed.

Family

- ***W v C*** [2013] 2 HKLRD 602 – Acted as the **amicus curiae** in divorce proceedings whereby the issue of domicile, the jurisdiction of the Court to hear the divorce petition and the application of the principle of **forum non conveniens** were raised.

- **Y v W**, FCMC 1847/2011 – A jurisdiction challenge in a matrimonial dispute where the Domicile Ordinance, Cap 596 was first analyzed and applied since its coming to force in Hong Kong with PRC law opinions involved.

Land and Trust

- **Lawin (HK) Ltd v Ng Yau Fong Yvonne and Ors** [2022] 2 HKCFI 410 – Acting for several parties in a group of multi-party litigations involving disputes in land and issues including partnership, joint venture, agency, beneficial interest of a purchaser of land before completion, breach of fiduciary duties and voidable dispositions of land.
- **Wong Kam Tong v The Incorporated Owners of Yuen Long Tin Shing Court** [2012] 2 HKLRD 1128 – Leading case on the Court’s approach to award costs in the post-CJR era.
- **New Champion (HK) Ltd v Treble & Triple Ltd**, HCA 2691/2008 – Conveyancing dispute involving the interpretation of sale and purchase contract, especially the “escape clauses” .

Others

- **Secretary for Justice v Chan Thao Phoumy and Another**, [2018] 3 HKLRD 310 – Representing the Secretary for Justice in a landmark application to enforce the confiscation order made by the Intermediate People’s Court of Guangzhou in Hong Kong.

DIRECTORY QUOTATIONS

- *“Clark is excellent in understanding the client’s commercial goals and provides thoughtful strategic advice. He has a good command of the facts, and his legal submissions are succinct and to the point.”* (Legal 500 2022)
- *“He is analytical, diligent and thorough in his research and preparation.”* (Legal 500 2023)

APPOINTMENTS AND MEMBERSHIPS

Appointments

- Panel Arbitrator, Shenzhen Court of International Arbitration
- Panel Arbitrator, Xiamen Arbitration Commission
- Member, The Chartered Institute of Arbitrators
- Part-time Lecturer, Faculty of Law, the University of Hong Kong
- Part-time Lecturer, Faculty of Law, Peking University

Other Qualifications

- PRC Legal Qualification (2009)

EDUCATION

- PCLL (University of Hong Kong) (2005-2006)
- LLB (University of Hong Kong) (2002-2005)
- LLB (Tsinghua University) (2001-2002)