

LEON GUO

BARRISTER

Mainland PRC: 2013 (non-practicing)

Hong Kong Call: 2019

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Leon Guo possesses dual legal education and professional qualifications in both Mainland China and Hong Kong. Prior to his practice as a barrister in Hong Kong, he served as in-house counsel in the Legal & Internal Control Department of a state-owned enterprise in Beijing.

He specializes in international arbitration and commercial litigation, focusing particularly on financial and equity investment disputes, company and shareholder disputes, securities regulations, and white-collar crime.

In the area of international arbitration, Leon has extensive experience, both as sole advocate and as led junior, in cases involving complex issues. He also has experience in arbitration-related court proceedings, including application to set aside arbitral awards and to challenges to the jurisdiction of arbitral tribunals under sections 34 and 81 of the Hong Kong Arbitration Ordinance (Cap.609).

In commercial litigation, Leon frequently represents clients from both Mainland China and Hong Kong, with a specialization in cross-border disputes. He is also adept at providing advice and expert opinions to courts and arbitral tribunals in Mainland China on complex Hong Kong law issues.

Leon's expertise also extends to other practice areas, including winding-up/bankruptcy, land, trusts, probate, employment, family, and injunction.

RECENT HIGHLIGHTS

- **HKIAC Arbitration:** Represented a client in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The dispute concerns a loan agreement entered between the client and a security firm. Hong Kong law applies for the main dispute and the language of the proceedings is in Chinese. Leon acted for the Respondents in the arbitration, disputed the arbitral tribunal's jurisdiction and successfully obtained a judgment from the high court in setting aside the tribunal's Interim Award on Jurisdiction, and obtained the court's declaration that the arbitral tribunal does not have jurisdiction in the arbitration. This is the landmark case in Hong Kong where the issue of "compatibility" of different arbitration agreements is considered and interpreted by the court.
- **HKIAC Arbitration:** Represented a renowned businessman in an international arbitration administered by HKIAC under the UNCITRAL Rules. The dispute centered on the licensing of a globally recognized fashion brand and a series of share sale and purchase agreements. Acting as the sole advocate in a five-day trial, Leon navigated the complexities of the case, which was governed by Mainland PRC law and conducted in English. The proceedings involved serious allegations of conspiracy to defraud and other fraudulent activities. Given the intricate cross-border issues, legal experts from both Mainland China and the British Virgin Islands (BVI) were called and examined.
- **HKIAC Arbitration:** Represented clients in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The case concerns clients' investment in the shares of a listing company in Hong Kong, focusing on the primary debtor's repurchase obligations as well as the controlling shareholders' guarantee obligations. This ongoing case, with a total dispute amount exceeding HKD 630 million, uniquely touches upon the guarantee obligation of a deceased person which requires the application of the relevant legal principles from both Mainland China and Hong Kong, particularly concerning the definition of "personal representative" in arbitration proceedings seated in Hong Kong.
- **HKIAC Arbitration:** Represented clients in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The case involves disputes between investors and the clients for the former's alleged right to require the clients to repurchase shares under multiple contracts within a single transaction, as well as the guarantee obligations of various related parties. The jurisdiction of the arbitral tribunal is fiercely contested due to differing dispute resolution clauses in different contracts, distinguishing the case from the typical Fiona Trust scenario.
- **HKIAC Arbitration:** Represented clients in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. This case concerns the typical rights/obligations of redemption in certain share subscription agreements following the target company's failure in consummation of IPO as agreed/planned. The application of relevant Mainland PRC Foreign Exchange laws/regulations are in dispute notwithstanding that Hong Kong law governs the substantive dispute.
- **Cross-border Enforcement:** Acted for a client in resisting the enforcement of a PRC judgment in Hong Kong. The case involved a detailed examination of PRC civil procedural law, as well as the "finality" and "conclusiveness" of the PRC judgment, with assistance from PRC law experts.
- **Commercial Litigation:** Represented a client in a loan dispute with a Hong Kong-listed company in High Court proceedings. The main dispute is governed by Hong Kong law, and the case also involves BVI legal proceedings, including the restoration and winding up of BVI-registered companies, as well as the tortious liabilities of senior management of the Hong Kong-listed company.
- **Company Winding-up:** Acted for a client in a winding-up petition against a listed company in Hong Kong, following the client's purchase of certain corporate bonds issued by the respondent company. The matter involves cross-border winding-up and scheme of arrangements.

OTHER NOTABLE CASES

Commercial Litigation & International Arbitration

- Acted for a client in Hong Kong High Court proceedings concerning the validity and enforceability of a loan agreement signed in a casino in Macau SAR. Macau law applies as the governing law of the main contract and Macau law expert evidence was adduced in support of the client's defence case. Matters regarding the jurisdiction of Hong Kong court including the application of the doctrine of *forum non conveniens* are also in issue.
- Acted for a client in Hong Kong High Court winding-up proceedings against a listed company for the recovery of certain company bonds held by the client.
- Acted for a client in Hong Kong High Court proceedings concerning the client's investments in certain company notes issued by a security firm and the firm's alleged right of early redemption. Parallel litigations have been commenced in both Mainland China and Hong Kong. Hong Kong law applies to both of the proceedings. Leon is instructed in the Hong Kong proceedings to set aside a default judgment and is also instructed to provide a Hong Kong law opinion to the Mainland PRC court.
- Provided Hong Kong legal opinion for a Mainland China corporate client for its supply chain finance business and the potential risks thereof under the Money Lenders Ordinance (Cap.163) in Hong Kong. With support of the legal opinion, the client re-assessed and perfected its investment scheme in a larger scale.
- Provided Hong Kong legal opinion to a Mainland China corporate client for potential litigation proceedings in the High Court involving client's offshore investment schemes and possible trust claims arising from debentures issued out of Hong Kong.
- Provided Hong Kong legal opinion for a corporate client in Hong Kong regarding its potential dispute with outside investors and senior managements thereof. With the support of the legal team, the potential dispute was settled in the interest of the client at an early stage.
- Provided Hong Kong legal opinion to a Mainland corporate client in relation to the client's potential claim against a hi-tech joint venture partner in Hong Kong. The dispute concerns client's investment in a hi-tech medical service mobile app. operated in Hong Kong. Hong Kong law applies for the main dispute.
- Acted for a client in High Court proceedings in relation to client's application for the restoration of a Hong Kong company pursuant to s.767 of the Companies Ordinance (Cap. 622)
- HKIAC Arbitration: Involved in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The dispute concerns a foreign investment project in Mainland China and PRC law applies for the main dispute.
- HKIAC Arbitration: Involved in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The dispute concerns a contract for sale and purchase of goods. Hong Kong law applies for the main dispute.
- HKIAC Arbitration: Involved in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The dispute concerns the sale and purchase of certain company shares in Hong Kong. Hong Kong law applies for the main dispute.
- HKIAC Arbitration: Involved in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The dispute concerns a convertible bond issued by a Mainland China corporate client. Hong Kong law applies for the main dispute.
- HKIAC Arbitration: Provided Hong Kong legal opinion for client's intended application to set aside an arbitral award rendered in an arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The case concerns the client's charter business with various parties and grounds of fraud, procedural fairness and validity of the arbitration agreement are assessed.
- HKIAC Arbitration: Involved in an international arbitration administered by HKIAC under the HKIAC 2018 Administered Arbitration Rules. The dispute concerns a project agreement signed in Hong Kong. Hong Kong law applies for the main dispute.

- SIAC Arbitration: Involved in an international arbitration administered by the Singapore International Arbitration Centre (SIAC). The dispute concerns several sale and purchase agreements between a Mainland China corporate client and an offshore oil dealer. Singapore law applies for the main dispute and the proceedings are administered under the applicable UNCITRAL Rules.
- ICC Arbitration: Involved in an international arbitration administered by the International Chamber of Commerce (ICC) under the 2017 ICC Arbitration Rules. The dispute concerns a foreign investment project in Mainland China and Hong Kong law applies for the main dispute.

Land, Trust and Probate

- Acted for a Hong Kong real estate developer in a dispute involving development of a piece of New Territory land and the sale and purchase of real properties erected thereon. Hong Kong law applies for the dispute. Real estate valuation and administrative issues for Hong Kong real estate development are also involved.
- Acted for a land owner in the new territories in Hong Kong High Court proceedings for the redemption of an old mortgage.
- Provided Hong Kong legal opinion for potential litigation proceedings in the High Court regarding the sale and purchase of several properties in Hong Kong. Transfer of properties under joint tenancy and various other conveyancing issues are involved in the matter.
- Provided Hong Kong legal opinion for matters in relation to the client's will. Succession of client's property situated in both Hong Kong and Mainland China is involved and therefore co-operation with Mainland China legal practitioners is also conducted for the client's best interest.

Securities Regulations and Anti-Money Laundering

- Acted for one of the specified persons for hearings before the Hong Kong Market Misconduct Tribunal in which a Mainland China client was claimed by the Securities and Futures Commission to have engaged in insider dealing contrary to section 270 of the Securities and Futures Ordinance (Cap. 571). The case highlights the importance of "knowledge" of a specified person insofar as allegations of insider dealings are concerned
- Provided Hong Kong legal opinion for a Mainland China client regarding certain cross border tax enforcement issues. The matter involves tax law enforcement by Canadian tax authorities and the Hong Kong cross-border tax law enforcement regime as well as the anti-money laundering legal regime in Hong Kong.
- Provided Hong Kong legal opinion for a Mainland China corporate client which was involved in anti-money laundering investigations by the relevant Hong Kong law enforcement departments. The case concerns Mainland China client's nominal shareholding arrangements in the course of its business for cross-border sale and purchase of goods and oversea investments.

Personal Injury cases

- Provided personal injury advice on both liability and quantum for a construction site worker who sustained personal injuries as a result of an accident happened in the course of his employment with the sub-contractor of the site.
- Provided advice on liability, quantum, and evidence to an insurance company for a personal injuries case involving an accident happened to a construction site worker employed by the insured sub-contractor.
- Provided advice on quantum to an employee of a listed company for potential personal injuries claims as a result of an accident happened at work.
- Provided Hong Kong tort law opinion for a matter involving a personal injury claim in High Court proceedings regarding occupier's liability and the special duty of care of professional firemen.

Employment, Family, Injunction & Others

- Acted for a Hong Kong solicitor firm in defending an interlocutory injunction application involving conflict of interest of legal professionals in Hong Kong High Court proceedings.
- Provided Hong Kong employment law opinion for a Mainland China security firm in respect of the client's potential employment dispute with a female job candidate who allegedly was discriminated due to her state of pregnancy.
- Provided Hong Kong employment law opinion for a client's dispute with his former employer in relation to the termination of the client's employment and the client's entitlement of annual bonus.
- Provided Hong Kong family law opinion in relation to the client's intended cross-boarder divorce proceedings. Co-operation with Mainland China legal practitioners is also conducted for the client's best interest.
- Provided Hong Kong family law opinion regarding the client's divorce proceedings with marital assets situate in both Mainland China and Hong Kong.
- Provided Hong Kong procedural law opinion to a Mainland People's Court for various issues in relation to the civil procedure law of Hong Kong.

PUBLICATIONS

- [A general introduction to international arbitration in Hong Kong \(Lexology\)](#)
- [Hong Kong Court Clarifies the Application of Arbitration Agreements in Winding-up/Bankruptcy Proceedings](#)
- [Hong Kong Court's First Decision in Setting Aside Arbitral Award due to Incompatibility between Arbitration Clauses in Multiple Contracts](#)
- [Hong Kong Court Applies the "Centre of Gravity" Test in Considering the Application of Different Arbitration Agreements in Multiple Contract Disputes](#)
- [Hong Kong Court of Final Appeal: Pre-arbitration Compliance is a Matter of Admissibility Rather Than Jurisdiction](#)
- [New Practice Rules: Conditions, practical methods and special considerations for the enforcement of Mainland PRC civil and commercial judgments in Hong Kong](#)
- [UK Supreme Court: Company directors owe duty to the company's creditors under special circumstances](#)
- [Hong Kong Court rejects the enforcement of a Mainland Arbitral Award and found abuse of arbitral proceedings due to elements of fraud](#)
- [Hong Kong Court reiterates its long-standing policy of pro-arbitration in a recent judgment for enforcement of a Mainland Arbitral Award](#)
- [Hong Kong Court rules in a recent case that whether a pre-arbitration procedural requirement is fulfilled is a question of admissibility rather than jurisdiction](#)
- [Hong Kong Court rules a Mainland Arbitral Award manifestly invalid for contrary to public policy](#)
- [Hong Kong Court supports the enforcement of two Mainland Arbitral Awards and states that ground of public policy is not to be widely construed](#)
- [Hong Kong Court supports the enforcement of a Mainland Arbitral Award and reiterates the doctrine of severability of an arbitral award](#)
- [Injunctions in Hong Kong and its unique role in arbitral proceedings in Mainland China](#)
- [Injunctions in Hong Kong Court: Proprietary Injunctions](#)
- [Injunctions in Hong Kong Court: Mareva Injunctions](#)
- [Jurisdiction of Hong Kong Court: Jurisdictional challenge, forum non conveniens and its application](#)

LANGUAGE & OTHERS

Leon is a native Mandarin speaker and is fluent in speaking English and Cantonese.

He is currently a member of the Standing Committee of Mainland Affairs as well as a member of the Committee on Arbitration of the Hong Kong Bar Association.

EDUCATION

- PCLL & Juris Doctor, The University of Hong Kong
- Juris Master, Peking University, PRC

- Bachelor of Economics, Sun Yat-sen University, PRC