

蘇 穎

大律師

認許年份：2020

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Wing mainly focuses on international commercial arbitration and cross-border litigation, including maritime, aviation, and construction disputes. He is known for his expertise on costs and complex jurisdictional disputes, and most frequently instructed in cases involving Chinese SOEs and/or entities from Russia, Ukraine, or other CIS Countries, and increasingly, MENA countries. More recently, he has been involved in various investor-state arbitration cases.

Due to his experience in legal academia and university management, he has a background in higher education law, and Islamic and Hindu succession law. He also regularly advises on public international law, such as WTO law, diplomatic immunity, and state contracts.

Prior to joining the Hong Kong Bar, Wing has been a legal academic conducting research and teaching around the globe since 2010, including at Oxford, New Delhi, Luxembourg, Moscow, Kazan, Beijing, and Hong Kong, and previously acted as a legal advisor and expert witness for private clients for years in this capacity. He was formerly a judicial assistant of the Court of Final Appeal, and also served under the judge-in-chief of the Construction & Arbitration List of the High Court of Hong Kong. He also acts as an arbitrator.

He is one of the co-authors of the leading English textbook on the law of costs, *Friston on Costs* (4<sup>th</sup> edn OUP 2023), building upon his doctoral research on the area. He was appointed as a foreign legal expert by the Ministry of Science & Technology of the PRC government since 2019. Outside of his practice, he continues to regularly give lectures and supervise postgraduate and doctoral students from various law schools in PRC and Russia on civil procedure and international arbitration. He is currently a Distinguished Professor and Graduate Supervisor for civil procedure and international arbitration at the China University of Political Science & Law in Beijing.

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## 近期案例精選

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He acts as sole advocate in arbitration frequently, and his recent highlights include:

- **ICC Arbitration:** successfully acting for a PRC Central SOE for a URDG-758 claim in excess of 100 million Euros over assets in Crimea against a Russian bank under the control of the Ukrainian government (governing law: English law / Ukrainian law)
- **Investment Arbitration:** pre-action advice on merits for a PRC corporation on BIT claims against a certain CIS country (ongoing)
- **Investment Arbitration:** advising a company on claims against the Republic of Indonesia under the HK-ASEAN Free Trade Agreement

Given his academic background and training in comparative law, he often acts in cases fully or partially governed by civil law such as:

- **HKIAC Arbitration:** acting for a Swiss manufacturer against a PRC corporation on the sale of photovoltaic cell coating machinery (governing law: Swiss law)
- **HKIAC Arbitration:** acting for a PRC SOE against a Korean-American joint venture in an HKIAC arbitration on the acquisition of an Automobile manufacturing line

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## 其他精選案例

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### Sanctions

Wing frequently advises Russian / CIS entities and individuals, whether Russian / CIS or those seeking to trade with them (e.g. PRC SOEs and foreign corporations) to navigate through global sanctions risks. Wing also advises law firms and other professionals on the risk arising from accepting work due to these regulations.

- Representing a high net worth Russian individual in his claims against a Hong Kong bank for frozen assets
- Advising various Russian entities in the energy factor on sanction risks arising from its business model, and redrafting their commodities agreement to fit into Hong Kong law and Hong Kong arbitration
- Advising a PRC Central SOE on sanction risks on a supply agreement with a Russian conglomerate

## Commercial Arbitration

- **CIETAC Arbitration (Beijing):** defending a claim in excess of HKD 260 million against a PRC SOE for a 5G telecommunications project in Kyiv, after successfully discharging a freezing injunction in [2020] HKCFI 3066 (governing law: PRC law, Hong Kong law, Ukrainian law); resistance of enforcement of arbitral award based on retrospective application of statutes and conflict of interest (ongoing, HCCT 48/2023)
- **HKIAC Arbitration:** defending a Chinese owned BVI corporation in a claim for more than USD 17.5 million based on allegedly defective medical grade COVID-19 PPEs being exported to US hospitals, successfully resisting the claim on jurisdictional grounds (governing law: Hong Kong law / PRC law)
- **HKIAC Arbitration:** Advising and acting for a PRC SOE in a claim involving in excess of USD 32 million in relation to its investment in a BVI Tech Joint-Venture, leading to a successful settlement (governing law: Hong Kong law, BVI law)
- **HKIAC Arbitration:** Defending a PRC Tech company in a claim in relation to an IT project for South African National Parks (governing law: Hong Kong law)
- **SIAC Arbitration:** claim against a Thai listed company, dispute on quality and market price of alloys in the Southeast Asian market
- **Istanbul Arbitration Centre (ISTAC):** claim against a Turkish company for defective chemicals (governing law: CISG / English law / Turkish law)

## Construction Arbitration

- **Moscow ICAC Arbitration:** advising on a dispute on a defective works claim in relation to a Myanmar infrastructure project against a Russian corporation, leading to a successful settlement (governing law: English law & Myanmar law)
- **HKIAC Arbitration:** Representing a PRC SOE in a RMB 900 million claim for payment under a FIDIC (BOT) contract for the construction of a Russian natural gas pipeline, leading to a successful settlement (governing law: English law)
- **SIAC Arbitration (Singapore):** dispute on a defective works claim in relation to an Afghanistan infrastructure project (governing law: English law & Afghan law)
- **SIAC Arbitration (Singapore):** A variation claim and a delay claim in relation to the construction of a Siberian chemical plant (LCIA rules, governing law: English law)
- **CIETAC (Beijing) Arbitration:** claim against the insurer for fire damage at a construction site at a major residential project in Sichuan which led to a successful early settlement for more than RMB 60 million (governing law: Hong Kong law)

## Cross Border Commercial Work (Non-Arbitration based)

Wing regularly assists in asset freezing and the enforcement of foreign judgments. He also acts an expert witness for foreign courts on Hong Kong law and English law, and regularly advises on international transactions.

- Dozens of asset freezing and enforcement cases, whether under reciprocal arrangements or the common law
- Acting as an expert witness on Hong Kong law and English law for various PRC courts
- Acting as an expert witness on Chinese commercial practice in Canadian courts
- Advising a PRC state bank on a multi-jurisdictional syndicated loan of more than USD 850 million in support of an overseas mining project
- Regularly advises on cross-border transactions, especially on complex choice of law and jurisdiction issues

## Costs

Wing's specialty on costs disputes covers matters arising under arbitration, litigation (including taxation and taxation reviews), and also non-contentious matters. Wing also regularly advises on litigation and arbitration funding arrangements.

- **HKIAC Arbitration:** dispute over the applicable law for determining the rate of interest over costs
- **Yau v Chui** [2023] 1 HKC 423 successfully sought court to exercise discretion to reopen issues for taxation review under O.62 r33, pending further appeal to the Court of Appeal on the proper procedure to adopt where both costs and costs of taxation are sought to reviewed at the same time
- **Mark Richard Charlton Sutherland v CRB (a firm)** (CACV 502/2022) pending appeal to the Court of Appeal against [2023] 1 HKLRD 1 over on the proper test for the determination of a "natural break" in the calculation of the time bar for taxation, and whether it is permissible to apply a condition of an upfront payment of 100%
- **Indah v OWT Asia Limited** (CACV 322/2021) appeal to the Court of Appeal over decision to award wasted costs against a solicitor despite succeeding in an action
- Advising and negotiating on a dispute over a City firm's costs charged for a failed IPO, leading to a successful settlement
- Advising on choice of law clauses in a cross-border litigation funding arrangement, and whether it constitutes champerty

## EDUCATION

- P.C.LL. (University of Hong Kong)
- D.Phil. (Law) Candidate (Exeter College, University of Oxford)
- M.Phil. (Law) (Exeter College, University of Oxford)

- B.C.L. (Exeter College, University of Oxford)
- LL.B. (City University of Hong Kong)

## SCHOLARSHIPS AND PRIZES

### Scholarships

- Hong Kong Bar Association – Charles Ching Memorial Scholarship (2020)
- Society of Construction Law Hong Kong Scholarship (2020)
- Lincoln’s Inn Hardwicke Entrance Scholarship (2017)
- Max Planck Institute Luxembourg Scholarship (2015)
- Clifford Chance Prize in Civil Procedure (with historical record score) (2010)
- British Chevening Postgraduate Scholarship (Hong Kong) (2010)
- Hong Kong Government-City University Scholarship (for Local Students) (2009)
- Lovells Prize for Overall Excellence in the LLB (2008)
- Chiap Hua Cheng’s Foundation Scholarship (2007)
- Hong Kong Institute of Chartered Secretaries Scholarship (2007)
- Johnson, Stokes & Master Prize for Overall Excellence (2007, awarded again in 2008)
- Hong Kong Airport Authority Skyleaders Scholarship Award (2006, awarded again in 2007)
- Hong Kong Jockey Club Scholarship (for Local Students) (2006, awarded again in 2007, 2008)
- Baker & McKenzie Prize in Contract (2006)

### Prizes

- Champion, Oxford Hong Kong Mooting Competition (2017)
- Russian Federation Tatarstan Government “Algarysh” Grant (2017)
- Outstanding Academic Paper Award, City University of Hong Kong (2009)
- Honorable Mention, Martin Domke Award (Best Individual Oralist in the General Rounds), Willem C. Vis International Commercial Arbitration Moot (2008)

## LANGUAGES

- English
- Cantonese (Native)
- Mandarin (Fluent)
- Hokkien / Taiwanese (Competent)
- Russian (B1)
- Japanese (JLPT N2)

## APPOINTMENTS AND MEMBERSHIPS

### APPOINTMENTS

- PRC Ministry of Science & Technology, SAFEA, Foreign Legal Expert
- Judicial Assistant of the Court of Final Appeal (2018 – 2019)

### MEMBERSHIPS

- Member, Standing Committee on International Laws (CIntLaw), Hong Kong Bar Council
- Member, Standing Committee on International Practice (SCIPrac), Hong Kong Bar Council
- Arbitrator, Shenzhen Court of International Arbitration (SCIA) Panel of Arbitrators