



Matthew Suen
Barrister

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BIOGRAPHY

Matthew is developing a broad civil practice across the full range of commercial litigation, international arbitration and advisory work. He is comfortable being instructed as part of a counsel team or in his own right, and has appeared unled in the High Court.

Before coming to the Bar, Matthew had a stint at one of China's top Red Circle Firms where he acquired a good understanding of the mainland Chinese market in the context of cross-border commercial disputes. As barrister, Matthew has been regularly instructed to act – as junior or sole counsel – in commercial arbitrations administered by major arbitral institutions in Asia, including HKIAC, SIAC and CIETAC (HK). He also acts as secretary to arbitral tribunals.

Matthew read law in Hong Kong and mainland China and holds a Master of Laws degree in PRC Civil and Commercial Law from Peking University. He served pupillage with Mr Hectar Pun SC, Mr Adrian Lai JP, Dr Benny Lo, Mr Randy Shek and Mr Richard Yip before commencing his full practice in 2022. Matthew was named a Charles Ching Scholar by the Hong Kong Bar Association in the same year.

EDUCATION

- LLM, Peking University
- PCLL (Dist), The Chinese University of Hong Kong
- LLB, The Chinese University of Hong Kong
- HKIAC Tribunal Secretary Training Programme (May 2022)
- SCIA & SCIAHK Dual Qualification Tribunal Secretary Training Program (November 2023)
- The Hague Academy of International Law's Advanced Course in Hong Kong (1st edition, December 2023)

SCHOLARSHIP

- Hong Kong Bar Association – Charles Ching Memorial Scholarship (2022)
- Peking University Taiwan, Macao, Hong Kong & Overseas Students Scholarship (2021)

- PCLL Dean's Letter of Distinction (2019)
- PCLL Distinguished Scholarship (2018)
- Willem C Vis International Commercial Arbitration Moot, Vienna, Honourable Mention for Martin Domke Award for Individual Oralists (2018)
- Willem C Vis International Commercial Arbitration Moot, Vienna, Honourable Mention for Eric E. Bergsten Award for Team Orals (2018) – ranked 2nd (with his co-counsel) out of 357 teams in general rounds
- Chung Chi College Head's List (2014)
- Chung Chi College Class Scholarship (2014)
- CUHK Golden Jubilee (Mr. Walter Liu) Scholarship (2013)
- Yasumoto International Exchange Scholarship (2015)
- Global Exchange Scholarship (Faculty of Law) (2013)

SELECTED CASES

INTERNATIONAL ARBITRATION

- CIETAC Arbitration (Seat: Hong Kong SAR) – acting for a Chinese State-owned enterprise in a CISG-governed claim for outstanding purchase price against respondent-buyers incorporated in UAE and Kazakhstan (as sole counsel instructed by PRC lawyers)
- HKIAC Administered Arbitration (Seat: Hong Kong SAR) – advising two respondents in a claim for recovery of loan (as co-counsel)
- HKIAC Administered Arbitrations (Seat: Hong Kong SAR) – advising multiple respondents its potential liability under two agreements in respect of its acquisition of interests in a Cayman-registered exempted limited partnership (as co-counsel with PRC lawyers)
- HKIAC Administered Arbitration (Emergency Arbitrator Procedure) (Seat: Hong Kong SAR) – acting for a logistic company against an aviation general sales agent for recovery of money (led by Hectar Pun SC and with Richard Yip)
- HKIAC Administered Arbitrations (Seat: Hong Kong SAR) – acting for private equity firms in respect of its exercise of a put option in two arbitrations heard together pursuant to Article 30 of HKIAC Rules 2018 (with Adrian Lai)
- HKIAC Administered Arbitration (Seat: Hong Kong SAR) – acting for an investor in respect of its exercise of a put option (with Adrian Lai)
- HKIAC Administered Arbitration (Seat: Hong Kong SAR) – acting for the management members in a substantial shareholders dispute, award pending (with Richard Yip; formerly led by Alexander Gunning KC)
- HKIAC Administered Arbitration (Seat: Hong Kong SAR) – assisted in the 5-day evidential hearing of a damages claim against PRC state-owned enterprise for early termination of on a long-term contract (as junior)

- CIETAC (HK) Arbitration (Seat: Hong Kong SAR) – acted for a respondent-licensee of a global gourmet brand in a licensing dispute (with Richard Yip)
- SIAC Arbitration (Seat: Singapore) – successfully defended a claim for purchase price under a contract of sale of goods governed by the UN Convention on Contracts for the International Sale of Goods (CISG) featuring agency issues under PRC Contract Law (as sole HK counsel instructed by PRC lawyers)
- HKIAC Domestic Arbitration – acted for the claimants at the costs stage of the arbitral proceedings in respect of a claim for recovery of funds from a custodian (with Richard Yip)

INTERLOCUTORY

- *Oasis Kindergarten Ltd v Kowloon Tong Baptist Church*, HCA 684/2019 (ex tempore decision on 08.07.2022) – successfully resisted P’s application for interim-interim injunction before Summons Judge with costs (with Richard Yip)
- *Avia Trust Ltd v My Gold in Australia Ltd*, HCA 914/2022 (ex tempore decision on 03.11.2022) – appeared for D2 in resisting interim-interim Mareva injunction and continuation of Mareva injunction in the context of resisting a common law derivative action (with Richard Yip)
- *B2V Int’l Development Ltd v Hui Siu Kei Cardy & Anor*, HCA 504/2022 – (argued but settled) appeared for D2 in an application for security for costs against P under s 905 of the Companies Ordinance (Cap. 622)(as sole counsel); drafted the Defence for D2 (led by Hectar Pun SC)

COMPANY LAW & ADVISORY

- *Re Oasis Kindergarten Ltd*, HCCW 128/2023 – acted for the Petitioner who successfully recovered (with costs) the petitioning debt upon the Company’s undertaking to repay with 3 weeks given at the hearing of the winding-up petition (with Richard Yip)
- Advising a camp of majority shareholders on the prospect of resisting a unfair prejudice petition (as sole counsel)
- Advising a minority shareholder in a group of companies on the prospect of a statutory derivative action and unfair prejudice petitions (as co-counsel)
- Advised a camp of shareholders of a company (in members’ voluntary liquidation) on the prospect of a potential application to remove one of the joint and several liquidators pursuant to section 196 of the Companies (Winding Up and Miscellaneous Provision) Ordinance (Cap. 32)(with Adrian Lai)
- Advised a company in respect of a minority shareholder’s request for documents (as sole counsel)

ARBITRATION-RELATED COURT PROCEEDINGS

- *ZS Capital Fund Spc & Ors v Astor Asset Management 3 Ltd & Anor* [2023] 3 HKC 512, [2023] HKCFI 1047 – successfully obtained the uplift of the stay of proceedings under s 20 of the Arbitration Ordinance (Cap. 609) on the ground that the arbitration agreement was spent (notwithstanding that the Defendants’ application to set aside the arbitral awards was pending before Jamaican court)(with Richard Yip)

(Last updated on 26 December 2023)

Matthew has been regularly instructed to act as arbitration counsel. He has passed the SCIA&SCIAHK Dual Qualification Tribunal Secretary Training Program as well as the HKIAC Tribunal Secretary Training Programme. Matthew has experiences acting as secretary to arbitral tribunals and assisting independent arbitrators.