

Dr. David Fong

Barrister-at-Law



Call / Registration

2013 (Hong Kong)
2021 (Foreign Legal
Affairs Attorney
(Taiwan Region))

Languages

English
Cantonese
Mandarin (Basic)

Areas of Practice

Arbitration
Commercial
Company
International Trade
Maritime
Mediation
Tax

Practice Profile

Dr Fong was called to the Hong Kong Bar in 2013 and is regularly appointed as Arbitrator and Mediator in a wide range of disputes. He is also regularly instructed as Counsel in arbitrations and civil matters (with a focus in arbitration, commercial and shipping matters) before the courts of the Hong Kong SAR.

Dr Fong is a Fellow of several institutes of arbitrators and is listed on the panel of arbitrators of 20 arbitral institutions. He is the Immediate Past Chairman of the Chartered Institute of Arbitrators (East Asia Branch), a Vice Chairman of the Hong Kong Bar Association's Committee on Arbitration and a delegate for the Hong Kong SAR to the ICC Commission on Arbitration and ADR.

An accountant by training, Dr Fong worked as the financial controller of a commodities trading company before being called to the Hong Kong Bar. He is also a Fellow of both the Association of Chartered Certified Accountants and the Hong Kong Institute of Certified Public Accountants.

Dr Fong is experienced in shipping matters. He holds a LL.M. in Maritime and Transportation Law (with full scholarship and graduated with Distinction; high distinction in *International Investment Law and Ocean Law and Policy*) and has sat as an Arbitrator in more than 10 maritime arbitrations. Dr Fong is also a Member of the Hong Kong Maritime Arbitration Group and a Committee Member of the Hong Kong Maritime Law Association.

Dr Fong is also experienced in mediation. He is the Honorary Treasurer of the Joint Mediation Helpline Office Ltd and was also a mediation assessor of the Hong Kong Mediation Accreditation Association Ltd between 2014 and 2021.

Beyond Hong Kong, Dr Fong is the only Hong Kong barrister who is also a Foreign Legal Affairs Attorney (Taiwan Region). He has also passed the Greater Bay Area Legal Professional Examination.

Education

- LL.D. (International Arbitration), **East China University of Political Science and Law**
- LL.M. (Maritime and Transportation Law) (Distinction) (with full scholarship), **City University of Hong Kong**
- P.C.LL., **University of Hong Kong**
- LL.B. (Second Upper Class Honours), **University of London**
- Diploma in International Commercial Arbitration, **Chartered Institute of Arbitrators**
- Executive Diploma in Management, **HKUST Business School**
- **La Salle College**, Hong Kong

Selected Cases

Arbitration (as Arbitrator)

1. In the matter of an *ad hoc* arbitration between a BVI company and a Hong Kong company before a 3-member tribunal as the presiding arbitrator
 - Subject matter: Demurrage
 - Quantum: Mid 5-digit USD
 - Seat of arbitration: Hong Kong
2. In the matter of an arbitration between a Mongolian national, a Mongolian company and two Americans under the 2013 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Demerger agreement
 - Relief sought: Declaratory relief
 - Seat of arbitration: Hong Kong
3. In the matter of an *ad hoc* arbitration between a BVI company and a PRC company as the sole arbitrator
 - Subject matter: Sale and purchase of land
 - Relief sought: Order for the transfer of land
 - Seat of arbitration: Hong Kong
4. In the matter of an *ad hoc* arbitration between two PRC companies under the 2010 UNCITRAL Arbitration Rules as the sole arbitrator
 - Subject matter: Voyage charterparty
 - Quantum: High 5-digit USD
 - Seat of arbitration: Hong Kong
5. In the matter of an *ad hoc* arbitration between a Hong Kong company and a PRC company under the 2013 UNCITRAL Arbitration Rules as the sole arbitrator
 - Subject matter: Voyage charterparty
 - Quantum: Low 6-digit USD
 - Seat of arbitration: Hong Kong

6. In the matter of an *ad hoc* arbitration between a PRC company and a Malaysian company under *ad hoc* rules before a 3-member tribunal as the presiding arbitrator
 - Subject matter: Time charterparty
 - Quantum: Low 6-digit USD
 - Seat of arbitration: Hong Kong
7. In the matter of an *ad hoc* arbitration between a South Korean company and a Panamanian company under the 2017 LMAA Terms before a 2-member tribunal
 - Subject matter: Bareboat charter
 - Quantum: Close to 7-digit USD
 - Seat of arbitration: London
8. In the matter of an arbitration between a PRC partnership, two PRC companies, two PRC nationals and a PRC partnership under the 2015 CIETAC Arbitration Rules before a 3-member tribunal
 - Subject matter: Private equity investment
 - Quantum: Low 8-digit USD
 - Seat of arbitration: Beijing
9. In the matter of an *ad hoc* arbitration between a Hong Kong company and a BVI company under *ad hoc* rules before a 3-member tribunal
 - Subject matter: Demurrage
 - Quantum: Low 6-digit USD
 - Seat of arbitration: Hong Kong
10. In the matter of an arbitration between a Hong Kong company and a PRC company under the 2015 CIETAC Arbitration Rules (Hong Kong Arbitration Centre) before a 3-member tribunal
 - Subject matter: Sale and purchase of iron ore
 - Quantum: Low 7-digit USD
 - Seat of arbitration: Hong Kong
11. In the matter of an arbitration between a PRC company and a Japanese company under the 2018 HKIAC Administrated Arbitration Rules as the sole arbitrator
 - Subject matter: Sale and purchase of goods
 - Quantum: Low 6-digit USD
 - Seat of arbitration: Hong Kong

12. In the matter of an *ad hoc* arbitration between two Hong Kong companies under the 2017 HKMAG Terms as the sole arbitrator
 - Subject matter: Voyage charterparty
 - Quantum: Low 6-digit USD
 - Seat of arbitration: Hong Kong
13. In the matter of an arbitration between a Hong Kong company and a PRC company under the 2018 HKIAC Administrated Arbitration Rules as the sole arbitrator
 - Subject matter: Indemnity for cargo damage
 - Relief sought: Declaratory relief
 - Seat of arbitration: Hong Kong
14. In the matter of an *ad hoc* arbitration between a Hong Kong company and a PRC company under the 2021 HKMAG Terms as the sole arbitrator
 - Subject matter: Voyage charterparty
 - Quantum: Mid 6-digit USD
 - Seat of arbitration: Hong Kong
15. In the matter of an *ad hoc* arbitration between a Hong Kong company and a PRC company under the 2021 HKMAG Terms as the sole arbitrator
 - Subject matter: Voyage charterparty
 - Quantum: Mid 6-digit USD
 - Seat of arbitration: Hong Kong
16. In the matter of an *ad hoc* arbitration between a Hong Kong company and a PRC company under the 2021 HKMAG Terms as the sole arbitrator
 - Subject matter: Voyage charterparty
 - Quantum: Mid 6-digit USD
 - Seat of arbitration: Hong Kong
17. In the matter of an *ad hoc* arbitration between three Hong Kong companies and an individual under the 2013 UNCITRAL Arbitration Rules as the sole arbitrator
 - Subject matter: Sale and purchase of shares
 - Quantum: Low 7-digit USD
 - Seat of Arbitration: Hong Kong

18. In the matter of an arbitration between a Hong Kong company and a PRC national under the 2018 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Investment agreement
 - Quantum: Mid 8-digit USD
 - Seat of arbitration: Hong Kong
19. In the matter of an arbitration between a BVI company, a Cayman company, a PRC company and two PRC nationals under the 2018 HKIAC 2018 Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Convertible note purchase agreement and deeds of guarantee
 - Quantum: Low 9-digit USD
 - Seat of arbitration: Hong Kong

Arbitration (as Party Representative)

1. In the matter of an *ad hoc* arbitration between a Singaporean company and a Canadian company under the 1976 UNCITRAL Arbitration Rules before a 3-member tribunal
 - Subject matter: Termination of licensing agreement
 - Represented the Claimant
 - Seat of arbitration: Singapore
2. In the matter of an *ad hoc* arbitration between a Hong Kong company and a PRC company under the 1976 UNCITRAL Arbitration Rules before a sole arbitrator
 - Subject matter: Sale and purchase of steel
 - Represented the Claimant
 - Seat of arbitration: Hong Kong
3. In the matter of an *ad hoc* arbitration between a Hong Kong company and a Vietnamese company under the 1976 UNCITRAL Arbitration Rules before a sole arbitrator
 - Subject matter: Sale and purchase of steel
 - Represented the Claimant
 - Seat of arbitration: Hong Kong

4. In the matter of an *ad hoc* arbitration between a Hong Kong company and a Thai company under the 1976 UNCITRAL Arbitration Rules before a sole arbitrator
 - Subject matter: Sale and purchase of steel
 - Represented the Claimant
 - Seat of arbitration: Hong Kong
5. In the matter of an *ad hoc* arbitration between a Hong Kong company and a Belarusian company under the 2010 UNCITRAL Arbitration Rules before a sole arbitrator
 - Subject matter: Service contract
 - Represented the Claimant
 - Seat of arbitration: Hong Kong
6. In the matter of an *ad hoc* arbitration between a Hong Kong company and a Japanese company under the 2010 UNCITRAL Arbitration Rules before a sole arbitrator
 - Subject matter: Sale and purchase of steel
 - Represented the Claimant
 - Seat of arbitration: Singapore
7. In the matter of an *ad hoc* arbitration between a US company and a Hong Kong listed company under the 2010 UNCITRAL Arbitration Rules before a sole arbitrator
 - Subject matter: Service contract
 - Represented the Claimant
 - Seat of arbitration: Hong Kong
8. In the matter of an *ad hoc* arbitration between a Singaporean company and a PRC company under the 2013 UNCITRAL Arbitration Rules before a sole arbitrator
 - Subject matter: Sale and purchase of coal
 - Represented the Claimant
 - Seat of arbitration: Hong Kong
9. In the matter of an arbitration between a Hong Kong company and a PRC company under the 2005 CIETAC Arbitration Rules before a 3-member tribunal
 - Subject matter: Sale and purchase of steel
 - Represented the Claimant
 - Seat of arbitration: Beijing

10. In the matter of an arbitration between a PRC company and a Malaysian under the 1976 UNCITRAL Arbitration Rules (administrated by the HKIAC)
 - Subject matter: Employment contract
 - Represented the Respondent
 - Seat of arbitration: Hong Kong
11. In the matter of an arbitration between a PRC company and Swiss company under the 2015 CIETAC Arbitration Rules before a 3-member tribunal
 - Subject matter: Sale and purchase of glassware
 - Represented the Claimant
 - Seat of arbitration: Beijing
12. In the matter of an arbitration between a Hong Kong company and a PRC company under the 2018 HKIAC Administrated Arbitration Rules before a sole arbitrator
 - Subject matter: Sale and purchase of mobile phones
 - Represented the Respondent
 - Seat of arbitration: Hong Kong
13. In the matter of an arbitration between a Hong Kong company and 3 British companies under the 2018 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Real estate marketing agreement
 - Represented the 2nd Respondent
 - Seat of arbitration: Hong Kong
14. In the matter of an arbitration between a Samoan company, a BVI company and a Hong Kong company under the 2018 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Investment agreement
 - Represented the 2nd Respondent
 - Seat of arbitration: Hong Kong
15. In the matter of an arbitration between a BVI company and a Cayman company under the 2018 HKIAC Administrated Arbitration Rules before a sole arbitrator
 - Subject matter: Cryptocurrency trading
 - Represented the Claimant
 - Seat of arbitration: Hong Kong

16. In the matter of an arbitration between two Chinese companies and a Thai company under the 2018 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Supply of machinery
 - Represented the Claimants
 - Seat of arbitration: Hong Kong
17. In the matter of an arbitration between a BVI company, a PRC national and two PRC companies under the 2018 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Deed of guarantee
 - Represented the Claimants
 - Seat of arbitration: Hong Kong
18. In the matter of an arbitration between two BVI companies, two PRC nationals and two PRC companies under the 2018 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Deed of guarantee
 - Represented the Claimants
 - Seat of arbitration: Hong Kong
19. In the matter of an arbitration between a PRC national and two PRC companies under the 2018 HKIAC Administrated Arbitration Rules before a 3-member tribunal
 - Subject matter: Deed of guarantee
 - Represented the Claimants
 - Seat of arbitration: Hong Kong
20. In the matter of an arbitration between a PRC national and a BVI company under the 2021 UNCITRAL Arbitration Rules (administrated by the HKIAC)
 - Subject matter: Loan agreement
 - Represented the Claimant
 - Seat of arbitration: Hong Kong

Court Litigation

- ***Q and Another v F and Another*** [2023] HKCFI 647 (sole advocate) – the second time in Hong Kong where the Court made an order for the immediate enforcement of an arbitral award in an application for security for costs
- ***Wisdom Glory Investment Ltd v Adwo Media Holdings Ltd*** [2022] HKCA 685 (sole advocate)
- ***AW and Others v PY and Another*** [2022] HKCFI 1397 (led by Robert Whitehead SC)
- ***Wisdom Glory Investment Ltd v Adwo Media Holding Ltd*** [2022] HKCFI 1296 (led by Robert Whitehead SC)
- ***W v AW*** [2021] HKCFI 1707, [2021] 5 HKC 476 (led by Robert Whitehead SC) – the first successful case in Hong Kong in resisting an application for security for award sum and security for costs
- ***Yoichi Kuga v Saronic Holdings Ltd*** [2019] HKCFI 2994 (led by William Wong SC)
- ***DBS Bank (Hong Kong) Ltd v Guanxiang (HK) Trading Ltd and Others*** [2019] HKCFI 935 (with Alan Kwong)
- ***Shanghai Commercial Bank Ltd v Sunbo (H. K.) Ltd and Others*** [2018] HKDC 1288 (sole advocate)
- ***DBS Bank (Hong Kong) Ltd v Guanxiang (HK) Trading Ltd and Others*** [2018] HKCFI 1392 (led by Ambrose Ho SC and with Alan Kwong)
- ***Lei Shing Hong Credit Ltd v Kingsfine International Ltd and Another*** HCMP 1169/ 2016 (unreported, 21 April 2017) (sole advocate)
- ***Wong Ping Chun v Giant King Corporation Ltd*** HCMP 1509/ 2016 (unreported, 11 August 2016) (sole advocate)
- ***Wong Ping Chun v Giant King Corporation Ltd*** DCCJ 4020/ 2012 (unreported, 16 March 2016) (sole advocate)

Domain Name Dispute Resolution

- Appointed as a domain name panellist by the Asian Domain Name Dispute Resolution Centre in case no. HK-1600877 over the dispute of domain name <sz-bobst.com>

Advisory

- Regularly renders legal opinion in both English and Chinese on various arbitration, commercial and shipping matters

Mediation

- Appointed as a mediator in more than 60 civil, commercial and shipping disputes

Professional Memberships

- Fellow, **Chartered Institute of Arbitrators**
- Fellow, **Malaysian Institute of Arbitrators**
- Fellow, **Singapore Institute of Arbitrators**
- Fellow, **Asian Institute of Alternative Dispute Resolution**
- Panel Arbitrator (AIAC, BVIIAC, CAAI, CIETAC, CMAC, GZAC, HKIAC, HNAC, HZAC, JCAA, KCAB (International), LFAC, NNAC, SCIA, SHAC, SHIAC, SCMA, THAC, XAAC and ZHAC)
- Listed Arbitrator (HKBA)
- Fellow, **Association of Chartered Certified Accountants**
- Fellow, **Hong Kong Institute of Certified Public Accountants**
- Member, **Hong Kong Maritime Arbitration Group**
- Supporting Member, **London Maritime Arbitrators Association**
- Accredited Mediator, **Hong Kong Mediation Accreditation Association Limited**

Public Service and Appointments

- Vice Chairman, Committee on Arbitration, **Hong Kong Bar Association**
- Immediate Past Chairman, **Chartered Institute of Arbitrators (East Asia Branch)**
- Delegate for the Hong Kong SAR, Commission on Arbitration and ADR, **International Chamber of Commerce**
- Member, Arbitration and ADR Committee, **International Chamber of Commerce – Hong Kong**
- Committee Member, **Hong Kong Maritime Law Association**
- Honorary Treasurer and Director (Former), **Joint Mediation Helpline Office Ltd**
- Committee Member and Honorary Treasurer (Former), **La Salle College Old Boys Association**
- Standing Committee Member (Former), **China Academy of Arbitration Law**
- Member (Former), Standing Committee on Finance, **Hong Kong Bar Association**

Awards and Scholarships

- Hong Kong Maritime Industry Council Scholarship
- Oxford University Press Prize for Best Result in Scheme B Year 1 (Overseas Student)
- Chartered Institute of Arbitrators (East Asia Branch) Entry Course Overall Second Prize

Publications

- Co-author of ***Transport Law in Hong Kong, 3rd Ed.*** (Kluwer Law International, 2022)
- Contributing author of ***Maritime Law and Practice in Hong Kong, 2nd Ed.*** (Sweet & Maxwell, 2019)

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