



Sacha M. Cheong

Partner

Hong Kong
+852.2230.3590

Sacha.Cheong@klgates.com

OVERVIEW

Sacha Cheong is a partner in the firm's Hong Kong office. He has practised in Hong Kong since 2001 and focuses on litigation before the Hong Kong courts, international arbitration, and mediation.

His practice covers a broad range of areas, including complex commercial cases, white collar crime, employment, and construction/infrastructure. He has also been involved in various anti-trust/competition matters and anti-corruption investigations, as well as environmental and telecommunication disputes.

Sacha is dually qualified in law and civil engineering. He achieved the status of Chartered Civil Engineer in 2000 and worked on a number of prominent construction projects in Hong Kong between 1994 and 1998.

ACHIEVEMENTS

- Recognized by *The Legal 500 Asia Pacific* as a Recommended Lawyer (Other Key Lawyer) for Construction in Hong Kong, 2024

PROFESSIONAL / CIVIC ACTIVITIES

Sacha has tutored on the Associate Member entry course for admission to the Chartered Institute of Arbitrators. This course provides applicants with a basic knowledge of arbitration practice and procedure.

SPEAKING ENGAGEMENTS

- "Trade sanctions", co-presented with Alix Partners at the C-Integrity conference in May 2019.
- "Mediation", presented in November 2018.
- "Drafting arbitration clauses", presented in October 2018.
- "Identifying, avoiding and managing risks in a project life cycle", presented in October 2017.
- "Art and Law", co-presented with Hong Kong Arts Centre at Art Basel in March 2017.

- “Global Boardroom Risks Solutions, Circles of Influence: Liabilities and Responsibilities”, presented in March 2017.
- “Employee Terminations: Global Differences and the Issues that Arise”, presented in August 2016.
- “Global Employee Solutions in a Digitalised World “, presented in July 2016
- “Managing legal risks and developing an effective compliance program”, presented in April 2016.
- “Legal risk management and competition law”, presented to the Chinese Manufacturers' Association of Hong Kong in March 2016.
- “Reconcilable differences? PRC employment law considerations, anti-corruption investigations and Hong Kong perspectives”, presented in December 2014.
- “Force majeure, time, liquidated damages, variations and claims for additional expenditure”, presented in December 2012.
- “Mediation lawyering: How lawyers can make the most out of mediation”, presented to Law Lectures for Practitioners in October 2012.
- “Mediation,” presented in July 2012.
- “Enforcement of specific arbitration awards (Convention/non-Convention/PRC),” presented in February 2011.
- “Enforcement of Arbitration Awards,” presented in January 2011.
- “Hong Kong: An increasingly attractive jurisdiction for dispute resolution,” presented in August 2009.
- “Proceeds of crime and bribery – Hong Kong and PRC regulations,” presented in December 2008.
- “Basics of contract law,” presented to the Hong Kong Institution of Engineers in August 2008.
- “Construction delays – The legal analysis,” presented to the Hong Kong Institution of Engineers in July 2008.

EDUCATION

- P.C.LL., The University of Hong Kong, 1999
- Graduate Diploma in Law, Manchester Metropolitan University, 1998

ADMISSIONS

- Solicitor, England and Wales (non-practising)
- Solicitor, Hong Kong

LANGUAGES

- Chinese (Cantonese)

- Chinese (Mandarin)
- English

THOUGHT LEADERSHIP POWERED BY HUB

- 13 January 2021, Hong Kong's New Campaign to Combat Price Fixing Cartels
- 14 April 2020, Arbitration World
- 19 December 2019, Recognition and Enforcement of Court Judgments Between Hong Kong and China: A Review of the 2019 Arrangement
- 25 April 2019, The Privilege Against Self-Incrimination in Hong Kong Regulatory Investigations Under the Securities and Futures Ordinance
- 8 May 2018, Distribution Strategies in Hong Kong: A New, but Familiar Landscape for Product Manufacturers
- April 2018, Global Mobility in 2018: Are Things Tough All Over?
- 11 April 2018, Back to Back Victories for the LGBT+ Community
- 8 November 2017, Pride and Prejudice: The Power of Apologies
- October 2017, Arbitration World
- May 2017, Arbitration World
- December 2016, Arbitration World
- 13 September 2016, Proposed Security of Payment Legislation in Hong Kong
- 27 July 2016, Television Broadcasts Limited v Communications Authority & Anor [2016] HKCU 222
- 1 March 2016, Key Aspects of Hong Kong's New Competition Law and Ensuring that Your Organization is Compliant
- September 2015, Arbitration World

OTHER PUBLICATIONS

- "Features of the Proposed Amendments to the High Court Rules", *featured cover article in Hong Kong Lawyer*, August 2006.

NEWS & EVENTS

- 12 July 2022, K&L Gates Advises on Acquisition of Media Assets of Apple Daily Taiwan
- 11 November 2015, K&L Gates Advises Sunridge Gold Corp. on Sale of 60% Interest in Asmara Mining Share Company

MEDIA MENTIONS

- Mentioned, "Turn Capital's Acquisition of Media Assets of Apple Daily Taiwan," *Global Legal Chronicle*, 13 July 2022

AREAS OF FOCUS

- Commercial Disputes
- Antitrust, Competition, and Trade Regulation
- Construction and Infrastructure
- E-Discovery Analysis and Technology (e-DAT)
- Employment Disputes and Investigations
- Employment Issues in Business Transactions
- Environment, Land, and Natural Resources
- Human Resource Advice and Compliance
- Immigration
- Insurance Recovery and Counseling
- International Arbitration
- Workplace Safety

REPRESENTATIVE EXPERIENCE

- Assisted an international luxury hotel in relation to allegations of sexual assault by an employee against a hotel guest.
- Assisted Hong Kong & China Gas to review and draft contracts for the supply and purchase of gas from landfill sites in Hong Kong.
- Assisted a company to review and amend a design consultancy agreement involving the provision of cutting-edge software and design solutions.
- Represented a U.S. company as the claimant in SIAC arbitration proceedings (seated in Singapore) concerning disputes arising from the construction of an off-shore gas platform in Indonesia. The claims advanced were for extensions of time, variations, prolongation costs, as well as a damages claim for misrepresentation and bad faith.
- Assisted an international hotel group to review and amend their standard contracts and terms regarding the hiring of contractors and consultants.

- Assisted a U.S. Fortune 50 company to review and amend documents involving the construction of a roofed-facility for the assembly of wind turbines.
- Represented a Japanese contractor in domestic arbitration proceedings (seated in Hong Kong) against the Hong Kong Government concerning claims for adverse ground conditions (uncharted utilities), extensions of time, disruption and prolongation costs. The sums in dispute exceeded HK\$300 million.
- Represented the Hong Kong Housing Authority in litigation proceedings before the High Court in Hong Kong against a piling contractor on a public housing project. The contract with the piling contractor was terminated after it was discovered that some of the piles were of insufficient depth and records had been deliberately falsified to conceal the true depths. As a result of the criminal complaint, a number of site representatives were arrested and subsequently convicted of bribery.
- Represented the Hong Kong Government in domestic arbitration proceedings (seated in Hong Kong) concerning claims from a main contractor in relation to ground conditions on a river training project.
- Represented an international hotel group concerning a dispute with a consultant over the defective design and installation of windows and exterior cladding of a newly refurbished hotel in Hong Kong.
- Represented an international hotel group concerning a dispute with an E&M contractor over the defective design and installation of air-conditioning systems as part of a major refurbishment of a landmark hotel in Hong Kong.
- Represented a company in a contract dispute concerning the supply and installation of a glass façade on a high-rise commercial complex in Chile that was alleged to be of defective or inferior quality. The dispute also involved corresponding claims against the client's glass manufacturers/suppliers whose factories were located in the PRC.
- Represented a U.S. Fortune 50 company in an arbitration dispute relating to a renewable energy project (wind power) in the PRC. The dispute concerned a contract for the supply of wind turbines to the client's joint venture partner.
- Represented the Sun Fook Kong Group in relation to an array of litigation instituted by various contractors for alleged outstanding payments. (See *Tai Ying Fat v Sun Fook Kong Construction Ltd* [2011] HKEC 930; *Tai Ying Fat v Many Harvest Construction Co Ltd* [2011] HKEC 1152).
- Conducted an investigation for a U.S. bank relating to possible breaches of internal policies and compliance requirements by employees.
- Conducted an investigation for a Korean airline company in relation to allegations of price fixing in the passenger and air freight sectors. Interviews were conducted of more than 30 senior executives at the airline and necessitated a detailed review of documents relating to the airline's activities at various locations in South Korea.
- Conducted an investigation at the headquarters of a multi-national company in Tokyo, Japan. The investigation related to allegations of price fixing in the microchip industry.

- Represented Banco Delta Asia in relation to an investigation by the U.S. Treasury and a March 2007 order requiring all U.S. companies and financial institutions to sever links with the client. The issue arose as a result of allegations that the client was conducting business with the government of North Korea and is an example of the use of the USA Patriot Act to impede “rogue states” and “state sponsors of terrorism” from utilizing the international financial system.
- Represented an American multinational financial services company to freeze and recover money that was transferred to a bank account in the PRC as a result of an internet fraud scam. Mr. Cheong worked with a local PRC law firm to obtain a preservation order to secure the stolen money and then opened a dialogue with the suspected fraudster and the PRC bank which led to the repatriation of the funds in full.
- Represented Veolia group to recover sums that were fraudulently transferred to an account with Standard Chartered Bank in Hong Kong, which were then remitted out to a number of other banks in the PRC.
- Represented Wachovia Bank N.A. to recover money that was fraudulently transferred to an account with Hang Seng Bank in Hong Kong. The court proceedings included obtaining injunctive relief and bankers’ trust orders and, following judgment, garnishee proceedings to secure and attach the stolen money.
- Represented an international luxury hotel group on a sensitive fraud investigation. This matter raised money laundering issues under Hong Kong’s Organised and Serious Crimes Ordinance and resulted in arrests for suspected offences under the Prevention of Bribery Ordinance.
- Represented the Dextra group, a construction materials manufacturer, in litigation against a former senior executive relating to theft of confidential information, breaches of fiduciary duties and the setting up of a competing business, and in a corresponding litigation instituted by the former executive against the client for compensation under the Employment Ordinance. Both cases involved the coordination of extensive computer forensic examinations and review of documents.
- Represented Brooks Brothers in an investigation and subsequent litigation arising from allegations of fraud by a former senior executive of the client’s Hong Kong subsidiary. The case also involved a tracing claim against several other individuals and corporate defendants. As the case involved suspected money laundering and allegations of bribery, Mr. Cheong worked closely with the Commercial Crimes Bureau and the ICAC. Mr. Cheong worked on all aspects of the case, including obtaining injunctive relief in Hong Kong and other jurisdictions, bankers’ trust orders, discovery and the preparation of factual witness evidence.
- Represented JSC Transmashholding in relation to a €100 million fraud, of which approximately €30 million was transferred to accounts with HSBC and Standard Chartered Bank in Hong Kong. Mr. Cheong assisted the client to freeze the majority of the funds that were transferred to Hong Kong.
- Represented the KCRC (now the MTR Corporation) in proceedings against the Hong Kong Government before the environmental assessment appeal board relating to the rejection of an environmental impact assessment for the construction of the Lok Ma Chau spur line in Hong Kong. This was the first appeal to be heard in Hong Kong under this legislation and required testimony from experts in construction methods and wildlife conservation.

- Represented Wharf T&T in litigation proceedings before the High Court in Hong Kong against Hong Kong Telecom concerning claims arising from the deregulation of the fixed line telecommunications market in Hong Kong.
- Represented PCCW in judicial review and appeal board proceedings relating to anti-competitive practices concerning Apple's iPhone 5 and other products in Hong Kong.
- Represented Modern Terminals, a major container port operator in Asia, in litigation proceedings before the Lands Tribunal against the Ratings and Valuation Department of the Hong Kong Government concerning the assessed rateable value of Modern Terminal's port facilities in Hong Kong.
- Assisted a Danish global technology manufacturer in reviewing its agreements and policies with distributors for compliance with competition laws in Hong Kong.
- Assisted the Hong Kong subsidiary of a U.S. company with global operations in relation to employment termination issues in the context of an anti-corruption investigation.
- Represented Swiss Singapore in relation to the recognition and enforcement of an SIAC arbitration award in Hong Kong. The respondent was Henghou Industries.
- Represented a Finnish company, as respondent, in arbitration proceedings seated in the PRC and conducted under the SHIAC Arbitration Rules. The claimant was an affiliate of a Hong Kong listed company. The dispute arose from disagreements relating to the performance of a joint venture to import, sell and distribute paint products in the metal construction and machine equipment segment in the PRC.
- Represented the management companies of two funds in ad hoc UNCITRAL arbitration proceedings (seated in Hong Kong) in relation to claims brought by a PRC power company in relation to two carbon emissions reduction agreements.
- Represented TMF, a global provider of trust and fiduciary services, in litigation proceedings before the High Court in Hong Kong defending claims brought by a Trustee-In-Bankruptcy in relation to several landed properties that were transferred to companies within the trust structure by the bankrupt. The dispute also involved parallel court proceedings between TMF and the beneficiaries under the trust.
- Represented the PRC subsidiary of a U.S. company in ICC arbitration proceedings (seated in Hong Kong) defending claims arising from an agreement for the supply of aluminium products.
- Represented a Singaporean company (an affiliate of a large Indian conglomerate), as claimant, in five sets of arbitration proceedings seated in Hong Kong and conducted under the HKIAC Administered Rules. The respondent was a PRC company. The disputes concerned outstanding payments for the supply of iron ore and failure to perform the agreements.
- Represented CXC Global to freeze and recover money that was fraudulently transferred to an account with OCBC in Hong Kong as a result of an email identity scam.
- Represented a U.S. company, as respondent, in arbitration proceedings seated in Hong Kong and conducted under the HKIAC Administered Arbitration Rules. The claimant was an affiliate of a large PRC conglomerate

in the financial sector. The dispute arose from disagreements relating to the performance of a joint venture to purchase and sell aircraft engines and parts.

- Conducted an investigation for a U.S. company with global operations relating to allegations of corruption and ethical issues.
- Represented Netfortune Engineering (an affiliate of Far East Aluminum), as defendant, in litigation proceedings in Hong Kong. The plaintiff was Starworld Hotel. The dispute concerned the alleged defective supply and installation of the glass window panel system. The issues were complicated by an unexecuted subcontract that was subject to Macau law.
- Represented a Hong Kong construction company, as claimant, in arbitration proceedings seated in Hong Kong and conducted under the HKIAC Domestic Arbitration Rules. The respondent was a well-known retailer of music and entertainment products. The dispute concerned outstanding payments for services provided in relation to the construction and fit-out of the respondent's flagship store in Hong Kong.
- Represented Renoir Consulting (a leading consultancy in change management), as plaintiff, in litigation proceedings in Hong Kong. The defendant was Cargo Services Far East, an international logistics company. The dispute concerned outstanding payment for services rendered.
- Represented a Hong Kong construction company (an affiliate of a well-known Hong Kong developer) in ad hoc arbitration and litigation proceedings in Hong Kong. The respondent was a Korean construction company and affiliate of a large Korean conglomerate. The disputes concerned the defective installation of tiles on the exterior of 10 residential towers above a MTR station complex.
- Represented a PRC company in the paper industry in ICC arbitration proceedings (seated in Hong Kong) against a German financial institution relating to the alleged failure to disburse funds under two loan agreements.
- Represented AIA Pension and Trustee Company in litigation proceedings before the District Court in Hong Kong in relation to a dispute over contributions made to a retirement scheme.
- Represented McClinton Energy to recover money that was fraudulently transferred to an account with HSBC in Hong Kong.
- Represented Bohner Law Office to freeze and recover money that was fraudulently transferred to an account with China Construction Bank in Hong Kong as a result of a scam perpetrated by a fraudster pretending to be a client.
- Represented Hit Technologies Inc. to recover money that was fraudulently transferred to an account with HSBC in Hong Kong as a result of an email identity scam.
- Represented Allan Bros Inc. to freeze and recover money that was fraudulently transferred to an account with HSBC in Hong Kong as a result of an email identity scam.
- Assisted a U.S. company in relation to the closure of its business operations and office in Hong Kong and employment termination issues.

- Assisted the Hong Kong subsidiary of a U.S. company with global operations in relation to allegations of sexual harassment, victimization and termination issues.
- Assisted the Hong Kong subsidiary of a U.S. company with global operations in relation to allegations of sexual harassment, victimization and termination issues.
- Represented Boardman Molded Products to freeze and recover approximately US\$1.6 million that was wired to accounts in Hong Kong and Cambodia as a result of an email identity scam.
- Participated in annual meetings of the Index Industry Association and acted as legal advisor on compliance with competition laws in Hong Kong.
- Assisted a bank in relation to the outsourcing of various services and transfer of employees.
- Participated in meetings of various port operators and acted as legal advisor on compliance with competition laws in Hong Kong.
- Represented a U.S. bank in an arbitration dispute arising from a failed attempt to acquire a minority shareholding in a PRC bank. The sums in dispute were approximately US\$700 million.