



 Howse Williams

**Property and Building Management Practice**

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**Howse Williams is an independent Hong Kong law firm which combines the in-depth experience of its lawyers with a creative, forward-thinking approach.**

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## **About Us**

Our key practice areas are corporate/commercial and corporate finance; commercial and maritime dispute resolution; clinical negligence and healthcare; insurance, personal injury and professional indemnity insurance; employment; family and matrimonial; property and building management; banking; fraud; financial services/corporate regulatory and compliance.

As an independent law firm we are able to minimise legal and commercial conflicts of interest and act for clients in every industry sector. The partners have spent the majority of their careers in Hong Kong and have a detailed understanding of international business and business in Asia.

The HW partners and their teams have an excellent reputation for delivering high quality legal advice with a practical and commercial approach to solving legal issues in line with clients' commercial objectives.

## Our Approach

We provide a practical and forward-thinking approach to clients who want to resolve their contentious and non-contentious property and building management issues in a time/cost efficient manner. We are well-versed in all aspects of property and building management and we are fully aware of our clients' needs for a commercial approach to property and building management issues. We therefore give our clients a realistic idea of what to expect from our services and offer our clients practical and commercial approaches in resolving property and building management issues.

## Our Property / Building Management Practice

Our clients include some of the largest international real estate service agencies, listed property developers, international and local building management companies, quasi - government bodies, property investment funds; incorporated owners of commercial/residential buildings; commercial and individual landlords and tenants in Hong Kong. Our team have experience in providing advice upon the following:

- rights and obligations under land documents, such as Deeds of Mutual Covenant, Government Grants, building plans, house rules etc.
- drafting Deeds of Mutual Covenant, house rules, leases, licences and other land related documents
- interpretation of occupation permits and advising upon usage of premises and material change of use
- issues of easements / right of way, illegal structures, adverse possession, nuisance claims, common areas, slopes, defective buildings
- advising upon the terms of residential and commercial / retail tenancy agreements and resolving landlord and tenant disputes involving residential and commercial / retail properties and issuing proceedings for outstanding rent / management fees and related damages together with applications for possession of properties
- disputes between incorporated owners and owners of property in claims for breaches of Deeds of Mutual Covenant including the making of emergency injunction applications
- disputes involving breaches of construction / building contracts for negligence and fraud
- advising incorporated owners and building managers upon tendering exercises, budget and accounts and contribution of funds
- advising building managers / incorporated owners upon powers, rights and obligations
- advising upon judicial reviews in connection with government policies on land development

## Our Non-Contentious Property Practice

Our non-contentious property practice is led by Janet Lee (formerly of the Lands Department's Legal Advisory and Conveyancing Office). Janet has extensive experience in the following areas:

- reviewing, drafting and negotiating sale and purchase agreements of properties and other land related documentation
- advising on titles of properties
- identifying title defects and advising on available remedies
- handling sale and purchase, gift, mortgage and other transactions involving properties
- advising on terms of Government Grants including Modification Letters and Waivers
- advising on permitted usage of lands
- advising on issues relating to Government Grants enforcement actions
- advising on terms of Deeds of Mutual Covenants and rights and obligations amongst co-owners
- reviewing, drafting and negotiating leases and surrenders
- advising on tenancy matters and rights and obligations between landlords and tenants



## Janet Lee

*Partner*

Direct	+852 2803 3761
Mobile	+852 6397 7970
Fax	+852 2803 3618
Email	janet.lee@howsewilliams.com

Janet advises on a wide range of property and conveyancing matters including agreements for sale and purchase; deeds of mutual covenant; tender and auction transactions; management agreements; building management; leases and tenancy agreements; land documentation, including breach of lease conditions and lease enforcement action, and property related regulatory matters.

Janet previously worked at the Lands Department in their Legal Advisory and Conveyancing Office. Janet was admitted as a Solicitor in Hong Kong in 1993. She is fluent in written and spoken English, Cantonese and Mandarin.

### ▼ *Experience*

2016 Howse Williams  
2012 Legal Advisory and Conveyancing Office, Lands Department  
1998 Charles Yeung Clement Lam Liu & Yip, Solicitors

### ▼ *Education*

PCLL, University of Hong Kong  
LLB, University of Hong Kong

### ▼ *Professional Admissions / Qualifications*

1994 England and Wales  
1993 Hong Kong

### ▼ *Professional Affiliations*

Member, Law Society of Hong Kong



## Michael Withington

*Partner*

Direct	+852 2803 3612
Mobile	+852 5293 6967
Fax	+852 2803 3608
Email	michael.withington@howsewilliams.com

Michael is experienced in a wide range of commercial litigation, including shareholder disputes involving both listed companies and high-profile private companies (many of which involve a cross-border element). He has also acted in litigation involving financial services institutions (including mis-selling claims and negligence claims), claims involving directors, and disputes over asset acquisitions. He advises property managers and landlords in relation to enforcement of deeds of mutual covenant and tenancy disputes.

A large part of Michael's practice at Howse Williams involves contentious employment matters (acting for both employers and employees), including claims over termination and remuneration, enforcement of post-termination restrictions, discrimination claims and partnership disputes. He advises employers and statutory bodies on internal investigations and disciplinary proceedings, and has represented a number of individuals in SFC investigations. He also has significant experience in conducting and defending judicial review proceedings.

Michael also has extensive insurance experience, particularly in relation to the defence of professional negligence claims and advising on coverage issues. He has been a panel solicitor for the Hong Kong Solicitors Professional Indemnity Scheme since 1998, and has represented both local and international law firms in connection with a broad range of claims.

### ▼ *Experience*

2015 Howse Williams  
2012 Gall  
2002 Herbert Smith Freehills  
1998 Wilkinson & Grist  
1994 Haldanes

### ▼ *Education*

1987 The University of Sydney, LLB

### ▼ *Professional Admissions / Qualifications*

1994 Hong Kong  
1994 England and Wales  
1987 New South Wales, Australia

### ▼ *Professional Affiliations*

Member, Law Society of Hong Kong

### ▼ *Reported Decisions*

- Philippe Delhaise v Ng & Co & Erving Brettell [HCA 10165/2000; CACV 386/2003]
- Mimi Monica Wong v Mirko Sacconi [HCA 2061/2004]
- Pat Bobby Ying Ho v Hong Kong Solicitors Indemnity Fund Ltd [HCCT 40/2004]
- Michael John Treloar Rowse v The Secretary for the Civil Service, The Chief Executive & The Chief Secretary for Administration [HCAL 41/2007]
- GFI (HK) Securities LLC v Kang Gyong Hee & ICAP Equities Asia Ltd [HCA 451/2015]

### ▼ *Professional Recognition*

Michael is currently ranked by Chambers Asia as a Band 2 employment lawyer and a Band 3 insurance lawyer. Comments include:

2017: "He has a cool, calm demeanour. We use him during a crisis."

2015: "a seasoned operator"  
"a very good litigator - very experienced and steady"

2014: "is an experienced litigator who certainly knows his stuff; gives clients sensible and considerate advice."

"He is particularly adept in restrictive covenants, partnership disputes and investigations by local regulators"

2013: "very quick and very clear on providing advice" ... "his immediate response and technical support are always available"

2012: "good judgement and great technical skills"... "is a seasoned practitioner for commercial litigious matters on labour issues"

2011: "has deep rooted experience in employment litigation"



## Our Team

### **Tony Leung**

*Senior Associate*

Tony joined HW as a Trainee Solicitor in 2012. He completed his training contract and was admitted as a Solicitor in Hong Kong in 2014 after gaining experience in general commercial, shipping and medico-legal litigation and corporate/corporate finance work. Tony joined HW's commercial dispute resolution team on qualification and is regularly involved in commercial and insurance litigation and dispute resolution. He has experience in insurance (including D&O liability and professional indemnity), misrepresentation claims, debt recovery, shareholder disputes, and construction / building management matters. Tony has also advised on matters relating to data privacy, and acted for a telecommunications / media company in relation to the production of journalistic materials.

Since 2014, Tony has been a Panel Solicitor for the Hong Kong Solicitors Professional Indemnity Scheme, advising upon both coverage and defence of a broad range of professional indemnity claims. Tony is fluent in English, Cantonese and Mandarin.



 **Howse Williams**  
何韋律師行

27/F Alexandra House  
18 Chater Road  
Central, Hong Kong SAR

T +852 2803 3688  
F +852 2803 3608 / Litigation / Regulatory  
F +852 2803 3618 / Corporate / Banking / Property  
F +852 2803 3680 / Matrimonial

[www.howsewilliams.com](http://www.howsewilliams.com)  
[enquiries@howsewilliams.com](mailto:enquiries@howsewilliams.com)