

# WILLIAM KW LEUNG & CO

梁 景 威 律 師 事 務 所

## LEUNG King Wai William (梁景威) Solicitor Advocate

LL.M (Lond), MBA (HKU), LL.M (Peking U)

FHKSI; FCI Arb.; FHKIoD; FHKSI

Principal of **William KW Leung & Co., Solicitors of Hong Kong SAR, China** whose experience includes being the followings:-

- (i) an arbitrator dealing with arbitration Rules of various arbitral institutions including HKIAC, LMAA, ICC, SIAC, CIETAC, CMAC, KCAB, KLRCA, WIPO and UNCITRAL; and
- (ii) a solicitor advocate dealing with the aforesaid arbitration Rules.

### **Area of Expertise**

English common laws and Hong Kong laws, in particular the following areas of laws:

#### **Contentious :**

- (1) international commercial litigation (including maritime and admiralty (including ship sale/purchase, collision, charter party, pollution, casualty, arrest and transport);
- (2) corporate (-related) disputes (including shareholders' and directorship disputes);
- (3) international commercial arbitration and investors-state arbitration;
- (4) corporate insolvency & restructuring;
- (5) international trade and investment litigation;

#### **Non-Contentious :**

- (1) mergers and acquisition and due diligence;
- (2) capital market;
- (3) constructions and infrastructure project development;
- (4) intellectual property.

### **Practising/ Legal Qualification**

	<b><u>Year</u></b>
(1) Practising Solicitor of <u>England &amp; Wales, United Kingdom</u>	1988
(2) Practising Solicitor of <u>Hong Kong SAR, China</u>	1988
(3) Solicitor of <u>Australian Capital Territory, Australia</u>	1990
(4) Barrister of High Court of <u>Australia</u>	1990
(5) Solicitor of <u>New South Wales, Australia</u>	1996
(6) Solicitor of <u>British Virgin Islands</u> , Caribbean Central America	2014
(7) <b>Practising Solicitor Advocate</b> of <u>Hong Kong SAR, China</u>	2016

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### Education Qualifications

<u>Qualification</u>	<u>Institution</u>	<u>Year</u>
(1) Bachelor in English Law	Cardiff University, United Kingdom	1985
(2) Solicitors Final Examination	College of Law, Guildford, England, United Kingdom	1986
(3) Master in Law	University of London, United Kingdom	1988
(4) MBA	University of Hong Kong, Hong Kong	1992
(5) Diploma in Advanced Security Market Analysis	Hong Kong Stock Exchange and Chinese University of Hong Kong	1996
(6) Bachelor in Chinese Law	China University of Politics and Law, People's Republic of China	1997
(7) Master in Chinese Economic Law	Peking University, People's Republic of China	2001

### Past Employment

	<u>Year</u>
(1) articleship with <b>Isadore Goldman</b> , a top City of London firm specializing in insolvency (corporate); recovery; commercial and international litigation.	1986 – 1988
(2) assistant solicitor with <b>Wilkinson &amp; Grist</b> , a reputable local solicitor firm	1990
(3) corporate finance associate with <b>CEF Capital Limited</b> , a local finance house	1991
(4) setting up of William KW Leung & Co., Solicitors of Hong Kong SAR, China	1992 – now

### Appointments

	<u>Year</u>
Appointed by the Hong Kong's High Court and Official Receiver as "Provisional Liquidators" and " <b>Liquidators</b> " (or " <b>Insolvency Practitioner</b> ") of more than 100 companies in Hong Kong	2003 – now

### Professional Qualification

<u>Course</u>	<u>Award</u>	<u>Date</u>
	<u>Obtained</u>	<u>Obtained</u>
(1) "Maritime Arbitration in New York" by Society of Maritime Arbitrators Inc., New York, USA	Certificate	February, 2006
(2) Fellowship examination by Hong Kong Institute of Arbitrators, Hong Kong (" <b>HKI Arb</b> ")	FHKI Arb.	December, 2006
(3) Fellowship examination by Singapore Institute of Arbitrators, Singapore (" <b>SIA</b> ")	FSI Arb.	August, 2007

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<u>Course</u>	<u>Award</u>	<u>Date</u>
	<u>Obtained</u>	<u>Obtained</u>
(4) Fellowship examination by Chartered Institute of Arbitrators, U.K. (“ <b>CIArb</b> ”)	FCIArb.	July, 2009
(5) Fellowship application to Arbitrators and Mediators’ Institute of New Zealand Inc. (“ <b>AMINZ</b> ”)	FAMINZ	April, 2018

### **Panel of Arbitrators and Membership of Arbitral Institution(s)**

<u>Organization</u>	<u>Panel/ List</u>	<u>Date</u>
(1) Hong Kong International Arbitration Centre (“ <b>HKIAC</b> ”)	Panel of Arbitrators	2015 to now
(2) China Maritime Arbitration Commission (“ <b>CMAC</b> ”)	Panel Arbitrator	2008 to now
(3) China Academy of Arbitration Law	Standing Committee	2009 to now
(4) London Maritime Arbitrators Association (“ <b>LMAA</b> ”)	Supporting Member	2010 to now
(5) Hong Kong Shipowners Association	Hong Kong Maritime Arbitration Group Member	2010 to now
(6) International Chamber of Commerce, Paris, France (“ <b>ICC</b> ”)	member of ICC Task Force on Arbitration; members of Institute of World Business Law	2011 to now 2013
(7) China International Economic and Trade Arbitration Commission (“ <b>CIETAC</b> ”)	Panel Arbitrator	2011 to now
(8) Kuala Lumpur Regional Centre for Arbitration (“ <b>KLRCA</b> ”)	Panel of Maritime Arbitrator	2011 to now
(9) Asian Domain Name Dispute Resolution Centre (“ <b>ADNDRC</b> ”)	Panel Arbitrator	2012 to now
(10) Singapore International Arbitration Centre (“ <b>SIAC</b> ”)	Panel Arbitrator	2013 to now
(11) Korean Commercial Arbitration Board (“ <b>KCAB</b> ”)	Panel Arbitrator	2013 to now
(12) Qingdao Arbitration Commission (“ <b>QAC</b> ”)	Panel Arbitrator	2014 to now
(13) Wuhan Arbitration Commission (“ <b>WAC</b> ”)	Panel Arbitrator	2014 to now

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<u>Organization</u>	<u>Panel/ List</u>	<u>Date</u>
(14) Shenzhen Court of International Arbitration; South China International Economic and Trade Arbitration Commission	Panel Arbitrator	2014 to now
(15) World Intellectual Property Organization ("WIPO")	Panel Arbitrator	2015 to now
(16) Langfang Arbitration Commission, China (廊坊仲裁委員會)	Panel Arbitrator	2015 to now
(17) Singapore Chamber of Maritime Arbitration ("SCMA")	Panel Arbitrator	2018 to now

### **Panel of Mediators**

<u>Organization</u>	<u>Panel/ List</u>	<u>Date</u>
(18) The High People's Court of Guangdong Province	Mediator for cross-border commercial disputes in the Guangdong-Hong Kong-Macao Greater Bay Area	2020 to now

### **Membership of other Professional Institution(s)**

<u>Organization</u>	<u>Membership</u>	<u>Date</u>
(1) International Chamber of Commerce, Paris, France	Member of Task Force on "Emergency Arbitrator"	2015 to now
(2) Hong Kong Securities and Investment Institute ("HKSI")	Fellow	December, 2014
(3) Hong Kong Institute of Directors ("HKIoD")	Fellow	April, 2015

### **Reported Decisions**

#### Shipping Transport and International Trade

- (1) *Center Optical (Hong Kong) Limited v Jardine Transport Services (China) Limited and Pronto Cargo Corporation (Third Party)* Lloyd's Law Report [2001] Volume 2 678-690, 750-752
- (2) *Vastfame Camera Limited v Birkart Globistics Limited; and Birkart East-West Freight Limited* HKLRD [2005] 4 117
- (3) *Vastfame Camera Limited v Birkart Globistics Limited; and Birkart East-West Freight Limited* 2005 AMC No.10 2705-3000

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(4) *NEC v Industrial and Commercial Bank of China* [2006] 2 HKLRD 645-673

## Employment

(5) *Tadjudin v Bank of America National Association* [2010] 3 HKLRD page 417-430

## Substantial Commercial Disputes/ Arbitration

(6) *Dickson Valora Group (Holdings) Co Ltd and Another v. Fan Ji Qian* [2019] 2 HKLRD 17

(7) *Dickson Holdings Enterprise Co Ltd v. Moravia CV and Others* [2019] 3 HKLRD 210

## Professional Achievements

The Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region (hereinafter, the Mutual Assistance Arrangement (MAA))

### Asset preservation endeavour before Lianyungang Intermediate People's Court

On 27 November 2019, pursuant to the MAA, the Lianyungang Intermediate People's Court in Jiangsu Province, China (ie, a mainland court) assisted the HKIAC in an arbitration which had been referred to it by the HKIAC. The arbitration successfully completed a cross-border asset preservation valued at more than \$20 million in Lianyungang city. This is the first case in China where the HKIAC – having delivered papers directly to a mainland court under the auspices of the MAA – has successfully completed an asset preservation within 60 days of the MAA coming into effect, thus effectively safeguarding the parties' legitimate rights and interests.

### Link to a webpage:

<https://www.internationallawoffice.com/Newsletters/Arbitration-ADR/Hong-Kong/William-KW-Leung-Co/Successful-completion-of-cross-border-asset-preservation-worth-more-than-20-million>

## Language

Fluent in Cantonese, Mandarin and English

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## Publications

	<u>Name of the Journal / Books</u>	<u>Publishing Date</u>	<u>Title of Articles</u>
(1)	(U.S.A.) <i>The Arbitrator – Society Of Maritime Arbitrations, Inc.</i> Volume 34 Number 1 Page 6 to Page 9	October 2002	“ <i>Misdelivery In The Absence Of Original Bills And Exemption Clauses</i> ”
(2)	(U.K.) <i>P&amp;I International</i> Volume 16 Issue 12 Page 5 (ISBN 0950 4044)	December 2002	“ <i>Investigating Misdelivery</i> ”

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	<u>Name of the Journal / Books</u>	<u>Publishing Date</u>	<u>Title of Articles</u>
(3)	<i>China Maritime Law Association Newsletter</i> (中國海商法協會通訊) (2003/1) Page 18 to Page 24	March 2003	「論偽造提單交貨，無單交貨及其免責」 (“ <i>Misdelivery In The Absence Of Original Bills And Exemption Clauses</i> ”)
(4)	(Italian) <i>II Diritto Marittimo</i> Page 918 to Page 920 (ISBN 0012-348x)	2006	“ <i>Dual Role Of Freight Forwarder In Misdelivery Of Cargo: Contracting In The Capacity As Both Agent And Principal?</i> ”
(5)	(U.S.A.) <i>Journal of Maritime Law and Commerce</i> Volume 38 No. 1 Page 97 to Page 109 (ISBN 0022-2410)	January 2007	“ <i>The Dual Role Of The Freight Forwarder: Vastfame Camera Ltd. v. Birkart Globistics Ltd., 2005 High Court of Hong Kong 117, Stone J, 5 October 2005; 2005AMC 2864 (High Court of Hong Kong, 2005)</i> ”
(6)	(British) <i>Maritime Risk International</i> Volume 21 Issue 2 Page 18 to Page 20 (ISBN 1742-9404)	March 2007	“ <i>Labour Threat In China</i> ”
(7)	(U.S.A.) <i>Journal of Maritime Law and Commerce</i> Volume 39 No. 2 Page 205 to Page 227 (ISBN 0022-2410)	April 2008	“ <i>Misdelivery of Cargo without Production of Original Bill of Lading: Applicability of the Mandatory Legal Regime of Hague-Visby and the One Year Time Bar</i> ” (「無單放貨：海牙威爾斯比規則和海牙規則的適用及有關的一年效期」)

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	<u>Name of the Journal / Books</u>	<u>Publishing Date</u>	<u>Title of Articles</u>
(8)	(China) 「海商法論叢2008」第 二屆兩岸三地海商法研討交流會(中 國政法大學海商法研究中心) Page 277 to Page 287 (ISBN 978-7-5103-0022-6)	December 2008	「貨運代理的雙重角色」
(9)	(China) <i>Annual of China Maritime Law</i> (中國海商法年刊) Page 145 to Page 160 (ISSN 1003-7659)	January 2009	「海牙 - 維斯比規則的一年訴 訟時效是否適用無單放貨」 “One-year time bar in Hague / Hague-Visby Rules: whether applicable to misdelivery of goods without production of original bill of lading?”
(10)	(U.K.) CIArb <i>The International Journal of Arbitration, Mediation and Dispute Management</i> Volume 79 No.2 Page 171 to Page 184 (ISSN 00037877)	April 2013	“China’s Arbitration System: Changes in Light of the CIETAC Arbitration Rules 2012 and the Civil Procedure Law 2012”
(11)	<i>Dispute Resolution International</i> (International Bar Association’s official publication) Volume 7 No. 1	May 2013	“Enforcement of Arbitral Award Made by China’s Newly Proclaimed Foreign-Related Arbitration Commissions – a Tale of Two Cities”
(12)	<i>The Oxford Handbook of ASIAN BUSINESS SYSTEMS</i> Oxford University Press	May 2014	“Hong Kong: Hybrid Capitalism as Catalyst” by Gordon Redding, Gilbert Wong and William Leung
(13)	<i>China Legal Science</i> Vol 7, No. 1 (ISSN 20954867)	January 2019	“Exercise Of Residual Discretion Under Article V Of The New York Convention By Enforcement Court When Award Is Alive, Dead, And Undead In Seat”

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## Honorary Services

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|------|---|------------------------|-----------------|
| (1)  | Foshan Overseas Friendship Association (佛山海外聯誼會)                      | Standing Committee     | 2000 to present |
| (2)  | Hong Kong Overseas Chinese General Association (香港華僑華人總會)             | Honorary Legal Adviser | 2001 to present |
| (3)  | Hong Kong Exporters Association (香港出口商會)                              | Honorary Legal Adviser | 2002 to present |
| (4)  | San Wui Commercial Association of Hong Kong (僑港新會商會)                  | Honorary Legal Adviser | 2006 to present |
| (5)  | Hong Kong Sze Yup Club (香港四邑會所)                                       | Director and Member    | 2007 to present |
| (6)  | Shi Chin Natives' Association (新會司前同鄉會)                               | Honorary Legal Adviser | 2007 to present |
| (7)  | San Wui Commercial Society Secondary School                           | Independent Manager    | 2008 to present |
| (8)  | 香港江門(五邑)僑聯聯誼會   | Honorary Legal Adviser | 2009 to present |
| (9)  | Ng Yeup Countryman Federation Society (僑港五邑同鄉聯誼會)                     | Honorary Legal Adviser | 2009 to present |
| (10) | Federation of Hong Kong Guangdong Community Organisations (香港廣東社團總會)  | Director (會董)          | 2011 to present |
| (11) | The Hong Kong Chinese Importers' & Exporters' Association (香港中華出入口商會) | Director               | 2013 to present |
| (12) | Hong Kong Federation of Overseas Chinese Associations (香港僑界社團聯會)      | Director               | 2013 to present |
| (13) | Hong Kong Foshan Trader Association Ltd. (香港佛山工商聯會)                   | Director               | 2016 to 2018    |

## Contact Details

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77 Connaught Road Central, Hong Kong  
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Date: 1<sup>st</sup> November, 2021

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