



Edward LIU 刘洋

Tel : (+852) 3952 2233

E-mail : edwardliu@haiwen-law.com

City : Hong Kong

Practices : Dispute Resolution, International Arbitration,
Commercial Litigation, Shipping and Commodities, Insolvency
and Restructure

Basic Information

Qualified as a solicitor of Hong Kong, England & Wales as well as a lawyer of P.R. China, Edward Liu is a leading lawyer for commercial dispute resolution who has substantial experience in international arbitration and commercial litigation. In July 2022, Edward was awarded Medal of Honour by Hong Kong SAR Government in recognition of his contributions to the development and promotion of legal, arbitration and dispute resolution, and transport related legal services in Hong Kong. Since 2020, Edward was continuously recommended by Chambers & Partners, The Legal 550, China Business Law Journal and Lloyd's List as leading lawyer in both dispute resolution and shipping practices.

Edward is extensively experienced in advising and handling international commercial disputes covering areas such as sale of goods/trade and commodities, energy and offshore projects, shipping and shipbuilding, shareholder and equity related disputes, international investment (particularly connected with Belt & Road projects), construction and infrastructure, commercial fraud, insolvency and restructure, regulatory investigations, international sanctions, worldwide enforcement of judgments and arbitration awards etc. He frequently represents financial institutions, insurance companies, multinational corporations, non-government organisations, Chinese state-owned enterprises as well as major shipping and commodities companies in complex commercial cross border disputes in courts in Hong Kong, London and international tribunals. He also advises banks, insurers and trading companies on non-contentious matters concerning asset finance, trade finance and shipping finance.

Edward has considerable experience in almost aspects of dry shipping, including claims under charterparties, bills of lading, long-term contracts of affreightment, sale of second-hand vessels, and marine insurance etc., claims arising from collision, grounding, salvage and general average, arrest of ships and jurisdiction challenge. He has also dealt with many shipbuilding cases involving Chinese shipyards. He is also the principal representative of International Chamber of Shipping (China) Liaison

Office, has extensive experience in discussion and formulation of the United Nations International Maritime Organisation conventions and regulations, and is responsible for communication and coordination with the Chinese government and shipping organisations in the fields of policies and measures.

Edward is a Fellow of Chartered Institute of Arbitrator (CI Arb) and a member of International Court of Commercial Arbitration (ICCA). He is on the panel or list of arbitrators of various institutions, including Hong Kong International Arbitration Centre (HKIAC), Shenzhen Court of International Arbitration (SCIA), Dalian International Arbitration Court (DIAC), Tianjin Arbitration Commission (TJAC), Nanjing Arbitration Commission (NJAC), London Maritime Arbitrators' Association (LMAA), Hong Kong Maritime Arbitration Group (HKMAG), China Maritime Arbitration Commission (CMAC), Singapore Chamber of Maritime Arbitration, and eBRAM International Online Dispute Resolution Centre (eBRAM). Since 2018, Edward has started to accept appointments as arbitrator and was appointed as sole arbitrators by HKIAC on many occasions, and he has dealt with arbitration cases as arbitrator under HKIAC, LMAA, HKMAG and UNCITRAL rules as well as ad hoc arbitrations. In addition, Edward is an accredited mediator of Hong Kong Mediation Accreditation Association (HKMAAL), a mediator of eBRAM, and an APEC neutral.

Edward has been appointed as members of a number of statutory and advisory bodies to the Hong Kong SAR Government, including International Legal and Dispute Resolution Services Expert Group, Advisory Committee on Promotion of Arbitration, Steering Committee on Mediation, Advisory Body on Third Party Funding of Arbitration and Mediation, Aviation Development and Three-Runway Advisory Committee, Hong Kong Maritime and Port Board, Task Force on Maritime and Port Development Strategy, and Mandatory Provident Fund Schemes Appeal Board. He is also the principal representative of International Chamber of Shipping (China) Liaison Office, a member of Professional Services Advisory Committee of Hong Kong Trade Development Council, members of Arbitration Committee and OLQE Committee of the Law Society of Hong Kong, executive member of Hong Kong Maritime Law Association, member, China Sub-Committee of Hong Kong Shipowners' Association, and vice-president of Hong Kong and Mainland Legal Profession Association. In addition, he is serving as members of CPPCC Henan Committee, Tianjin Youth Federation and legal expert group of Henan Pilot Free Trade Zone.

Edward is an editorial member of the leading English shipping law newsletter *Lloyd's Shipping & Trade Law*. He is also a special contributor to the leading English arbitration law newsletter *Arbitration Law Monthly*. He is a visiting professor at Tianjin Foreign Studies University and Shanghai Maritime University School of Economics & Management, and an adjunct lecturer at Hong Kong University School of Professional and Continuing Education (HKU SPACE).

Professional history

Edward Liu joined Haiwen in August 2022 as partner. Before joining Haiwen, he was a partner of Hill Dickinson Hong Kong, and also worked as senior associate and associate at Reed Smith Richards Butler and DLA Piper.

Experience highlights

International Commercial Arbitration

- HKIAC Arbitration (2022): advising and filing a claim on behalf of the client in relation to a loss of over \$5 million, resulting from Binance's delay in depositing the client's Luna coins into his account, and working with cryptocurrency experts to assess the amount of lost profits suffered by the client in different trading scenarios;
- Hong Kong Arbitration (2021): Acting for a Hong Kong main contractor to deal with unpaid construction costs resulting from the employer's early termination of the construction contract on alleged delay and various defective issues for construction of luxury villa in Hong Kong, the total amount of claim was more than HKD70 million;
- HKIAC Arbitration (2021): Advising the Chinese company on its challenge to the validity of an arbitration agreement under Hong Kong law and the jurisdiction of the tribunal to hear the arbitration commenced by a Germany company under a contract of supply of equipment for a sum of more than EUR1.1 million;
- HKIAC Arbitration (2019): successfully acted for owners in respect of disputes arising out of a charterparty and the subsequent settlement agreement with charterers. More importantly, we were the first one in Hong Kong to successfully obtain an order from the Shanghai Maritime Court for interim measures in aid of an arbitration administered by the HKIAC, immediately seizing on a new mainland-Hong Kong arrangement concerning mutual assistance in interim measures for arbitration proceedings that came into effect on 1 October 2019;
- LCIA Arbitration (2016): acted for a large state-owned oil and gas company defending a claim of a multi-million dollar sum brought by an UAE based company and the disputes involved the supply of high value, complex, machinery.

Commercial Litigation

- Hong Kong High Court – HCCW 365/2022: representing Chinese bank creditors in enforcing creditors' rights in a liquidation case involving more than HK\$340 million, and representing creditors in commencing legal actions against collateral and personal guarantees provided by debtors;
- Hong Kong High Court – HCA 1100/2022; HCSD 36/2022: acting for a state-owned bank as creditor/lender in Hong Kong to successfully oppose the default borrower's application for an interim injunction application to prevent the bank to issue a winding up petition against the borrower with costs be to the client; to oppose the default guarantor's application to set aside THE statutory demand against him; and the loan amount was more HK\$200 million;
- Hong Kong High Court – HCA 681 / 2020: acting for a lead creditor bank in Hong Kong in applying for summary judgment against borrower and guarantor for a loan over US\$45 million;
- Hong Kong High Court – HCA 1171/2022: acting for a seller to claim at least HK\$6 million against Christie's Hong Kong Limited for mishandling the sale of her painting;
- Hong Kong High Court (2022): acting for multiple creditors to enforce arbitral awards and other interim reliefs against a mastermind of fraud and its alter egos for a claim over RMB170 million;
- Hong Kong High Court (2022): acting for a Hong Kong company as the mortgagee having the right to foreclose or redeem the

mortgages and to claim for relief for the purpose of securing repayment of the underlying debt in a sum of more than RMB100 million;

- Hong Kong High Court - HCCW 379/2021: acting for a Hong Kong aviation spare company and its former shareholders as opposing creditors to resist the conversion of a voluntary creditor's liquidation to a compulsory winding up of the company applied by a major European airway company for disputes in a sum of more than EUR10 million;

- Hong Kong High Court – HCA 1711/2021: assisting the PRC clients in enforcing an arbitral award issued by the Shanghai Arbitration Commission arbitral tribunal as a Hong Kong judgment for a totalling sum of more than RMB185 million. As part of the enforcement proceedings, bringing a HCAJ Kong court action under s.60 of the Hong Kong Conveyancing and Property Ordinance to set aside an assignment of a Hong Kong property for a stated consideration of HKD33 million from the award debtor to his son;

- London High Court – QB-2021-004480: successfully secured an urgent Mareva injunction from English High Court to freeze the bank account and disclosure order against the recipient bank, while acting for a Hong Kong company as a victim who had been deceived to transfer about 3 million US dollars from Hong Kong to a virtual bank account in the UK in the context of email fraud, and ultimately obtained the refund of the money through summary judgment;

- Hong Kong High Court – HCA 1160/2021: acting for an investor in seeking damages against a SFC-licensed investment advisory firm for various false representations and breach of tortious duties in inducing to invest in a HK-listed company; also acting for the investor in his capacity as a creditor in the liquidation of that HK-listed company;

- Hong Kong High Court – HCAJ 57/2020: acting for the largest shipyard in Hong Kong and defending them in an action brought by Airport Authority for an alleged allision between a barge and the jetty during the passage of Super Typhoon Mangkhut for a claimed amount of more than HK\$74 million;

- Hong Kong High Court – HCA 1887/2020: acted for a security company to recover debt from mainland Chinese individual and apply for service of court documents out of the jurisdiction of Hong Kong;

- *Changfeng Shipping Holdings Limited –v- Sinoriches Enterprises Co., Limited* [2020] HKCFI 2703: acted for London arbitral award creditor and successfully obtained leave from the court to serve oral examination orders made under O.48, Rule of High Court (Cap 4A) on officers of award debtor out of the Hong Kong jurisdiction; established Hong Kong law on the oral examination of foreign officers of local judgment debtors;

- Hong Kong High Court – HCA 1964/2020; HCA2021/2020: acted for a Mainland Chinese steel manufacturing giant in several matters involving their payment default and that of their Hong Kong-listed subsidiary in respect of bonds valued at an excess of HK\$710m in aggregate; advised the debtor about the enforcement action taken out by the creditors against the corporate and personal guarantees given by related persons;

- Hong Kong High Court – HCA 145/2020; HCA 162/2020: acted for a PRC state-owned enterprise in defending claims for recovery of mistakenly transferred funds and successfully setting aside a Mareva injunction order against the client;

- *P v Q and others* [2018] EWHC 1399 (Comm); [2018] 2 Lloyd's Rep. 452: acted for one of the parties in a chain of charterparties and in this case, the English Commercial Court was asked to consider the principles governing contractual time-bars and an application under s. 12 of the English Arbitration Act 1996 to extend a contractually agreed limitation period to allow the claimant to bring claims in an arbitration.

Shipping & Commodities Arbitration

- HKMAG Arbitration (2023): acting for the shipowner in claiming an outstanding sum of over US\$1 million, which involves freight, demurrage, detention, and other charges. The case also involved a dispute over the scope of expert evidence;
- HKMAG Arbitration (2023): acting for the shipowner in liaising the LOU, releasing a vessel arrested by the consignee, whilst also defending the charterers' claim under the charterparty to recover the hire and bunkers;
- HKMAG Arbitration (2023): acting for the shipowner in defending the charterer's claim of unclean hold, and counterclaiming for premature cancellation of the charterparty. Issues including the meaning of 'clean hold' and whether clean hold is a condition or warranty are explored. This case was further complicated by shipowner's unwitting partial refund of hire without reservation of rights, thus implying admission of liability;
- LMAA Arbitration (2023): Assisting a charterer in a case involving misrepresentation by owners who wrongly suggested that the vessel could possibly pass through New Panamax Canal, and the charterer conveyed such a message to the sub-charterer. Eventually, the vessel did not fulfil the canal requirements and was re-routed to Suez Canal, thus the sub-charterer has deducted hire. The issues in this case involved breach of contractual warranty, misrepresentation and contractual interpretations on the canal requirements;
- SIAC Arbitration (2022): Acting for a Singaporean trading company to deal with disputes arising from two sale and purchase contracts of Indonesian coal concerning a rapidly-evolving context following the coal ban policy of the Indonesian government and the total amount of dispute is more than US\$4 million;
- LMAA Arbitration (2022): Acting for charterers in dealing with hire disputes in an amount of about US\$750,000 concerning whether a certain type of coal cargo was permitted to be carried under the charterparties. The case involved legal issues of interpreting the lawful trades clause and technical issues concerning the characterises of certain type of coal;
- Hong Kong Arbitration (2021): successfully acted for owners to claim against charterers for off-hire, underperformance, and propeller damage caused by ice floes at the loading port;
- LMAA Arbitration (2020): advised owners and buyers in relation to the oral ban imposed in Mainland China on the import of Australian coal;
- HKMAG Arbitration (2020): acted for charterers successfully defending owners' claim for reliance loss resulting from failure to load cargo under a voyage charterparty brought by owners;
- Singapore International Arbitration (2020): successfully acted for owners to claim damages against charterers for wrongful

termination of a voyage charterparty;

- LMAA Arbitration (2020): acted for charterers successfully defending an over-performance claim under a voyage charterparty brought by owners;
- HKIAC Arbitration (2019): acted for a Singaporean trading company in respect of disputes arising out of a chain of sale contracts for light cycle oil involving more than US\$2 million claims, and successfully helped the clients in recovering substantial claim;
- LMAA Arbitration (2017): acted for a major Chinese tanker fleet owner in relation to a claim brought by the charterers following the cancellation of a charterparty as a result of the failure of the vessel's crane and complex factual and legal issues involved e.g. construction of cancellation clause, hedging loss and its remoteness etc;
- LMAA & Hong Kong Maritime Arbitrations (2016): acted for a Hong Kong registered shipping company as charterers under a time charter in London maritime arbitration, and as owners under a voyage charter in Hong Kong *ad hoc* arbitration, in relation to charter chain disputes arising out of a fire incident happened on the vessel during loading at Tianjin port involving a multi-party multi-million dollar claims with complex issues of causation, seaworthiness and general average etc;
- LMAA Arbitration (2015): acted for charterers of MV "Bulk Jupiter" in tens of millions US dollars dispute concerning the alleged risks of liquefaction as regards the carriage of bauxite cargoes;
- Hong Kong Maritime Arbitration (2015): successfully acted for owners in defending cargo claims arising from loss of deck cargo and other marine casualties, associated indemnity claims, and general average issues;
- LMAA Arbitration (2014): acted for buyers in the trial of a dispute concerning a trilateral MOU to purchase a fleet of 10 vessels said to be worth US\$75 million. Issues as to whether the MOU was unenforceable for uncertainty and/or as an agreement to agree, ostensible authority and ratification, and whether the prima facie measure of damages under section 50(3) of the Sale of Goods Act 1979 applies;
- LMAA Arbitration (2014): acted for charterers against owners in respect of loss or damage to the vessel allegedly caused by the negligence of the crewmembers on board and/or unseaworthiness for which the owners were contractually responsible under the charterparty;
- LMAA Arbitration (2014): acted for a Chinese shipyard in shipbuilding disputes under two shipbuilding contracts totaling more than \$30 million was claimed by the buyers;
- Hong Kong Maritime Arbitration (2014): acted for charterers in demurrage disputes under more than 10 voyage charterparties in which more than \$1 million was claimed by the ship-owners;
- LMAA arbitration (2013): acted for a Chinese shipyard in a shipbuilding dispute in which more than \$20 million was claimed by the buyers.

Acted as Arbitrator

- HKMAG Arbitration (2023): Appointed as a sole arbitrator in respect of disputes arising out of a cargo claim worth of approximately USD 5.4 million, adjudicated on clauses in respect cargo discharge against a LOI and the surrender of original bill of lading thereafter and examined principles of double recovery; arbitral award was published in April 2023;
- HKMAG Arbitration (2023): appointed as a sole arbitrator in respect of disputes arising out of a charterparty, adjudicated on deadfreight clause interpretation thereunder and revisited principles of liquidated damages in conjunction with the contractual interpretation; arbitral award was published in March 2023;
- HKIAC Arbitration (2022): appointed by HKIAC as sole arbitrator to deal with disputes arising out of a voyage charterparty in relation to hull damages in the sum of about USD600,000; arbitral award was published in March 2022;
- Hong Kong Arbitration (2022): appointed by HKIAC as sole arbitrator to deal with disputes arising out of three voyage charterparties in relation to unpaid freight and demurrage; arbitral award was published in January 2022;
- Hong Kong Arbitration (2021): appointed by HKIAC as sole arbitrator to deal with hire dispute under a time charterparty; arbitral award was published in August 2021;
- LMAA Arbitration (2020): acted as co-arbitrator in relation to disputes arising out of a time charterparty between the parties with owners claiming demurrage, and charterers counterclaiming for damages; arbitral award was published in May 2020.

Accolades

In July 2022, Edward was awarded Medal of Honour in recognition of his contributions to the development and promotion of legal, arbitration and dispute resolution, and transport-related legal services in Hong Kong.

Since 2020, Edward has consistently been listed as a leading lawyer in dispute resolution and shipping practices by The Legal 500 and Chambers & Partners. Commending him as *“always first choice to work with”* and *“at the top of list”*, Edward is described as a *“very approachable”* lawyer (Chambers & Partners Greater China Region 2022), noted as a *“fast, efficient, and a quick thinker”* (Chambers & Partners Greater China Region 2023), and was lauded for being *“very responsive and able to provide high-quality advice in a short time period”* (Chambers & Partners Global 2021). Edward is also praised as *“exceptional”* for his *“effective depth of knowledge and strategic thinking”*, particularly in the context of assisting entities in Greater China with resolving disputes through international arbitration and litigation (Legal 500 Asia Pacific 2022).

In January 2023, Edward was named as one of the elite lawyers in China’s legal market by China Business Law Journal, and he was recognised *“as one of the best lawyers in international arbitration and maritime trade in the entire Greater China region”*, and noted by the clients as *“one of the precious few dispute resolution-focused lawyers with a background in mainland China, gifted with a global vision, and qualified to practice in mainland China, Hong Kong and the UK”*.

In addition, he has been a frequent winner with many awards:

- 2022 – A-List China’s elite lawyers, China Business Law Journal;

- 2022 – Rising Star, China Business Law Journal;
- 2018, 2019, 2020, 2021, 2022 – Top 100 Most Influential People in Chinese Shipping Industry;
- 2019, 2020, 2021 – Lloyd's List Global Top 10 Maritime Lawyers;
- 2018 – Ten Outstanding Young Persons in Chinese Shipping Industry;
- 2017 – Lloyd's List Global Top 5 in the Next Generation in Shipping;
- 2016, 2017 – Shortlisted as one of Lloyd's List The Next Generation Award for Asia & Pacific;
- 2015 – The Ten Outstanding New Hong Kong Young Persons.

Education

Edward received his Bachelor of Laws (LL.B.) degree from Shanghai Maritime University in 2008, his Master of Laws (LL.M.) degree from the University of Southampton, UK in 2009, and his Graduate Diploma of Laws (GDL) degree from BPP Law School in 2013.

In 2018, he completed the Investment Law and Investor-State Mediator Training Courses, co-organised by the Hong Kong Department of Justice, International Centre for Settlement of Investment Disputes (ICSID), and Asian Academy of International Law (AAIL). In 2022, he completed HKIAC Advanced Arbitration Training Programme.

Language

Edward's native language is Chinese and Putonghua, and can speak very fluent English and Cantonese.