



### Ernest Yang

#### Partner

HEAD OF LITIGATION & REGULATORY, HONG KONG;  
CO-HEAD OF INTERNATIONAL ARBITRATION, ASIA PACIFIC

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Ernest Yang is a partner based in Hong Kong. He practised in the London office of an international law firm from 1999 to 2005 (and in the Hong Kong office of the same firm from 2005 to 2007) before joining DLA Piper. Ernest heads the Litigation & Regulatory Group in Hong Kong and is also responsible for the International Arbitration practice in Asia. Ernest is also a qualified Solicitor Advocate in England and Wales.

Ernest's main area of practice is in commercial litigation and arbitration. He is experienced in handling international disputes covering areas such as sale of goods/trade and commodities, joint ventures, energy and offshore projects, international investment and technology. Ernest is experienced in handling arbitration disputes in a variety of venues including Beijing, Hong Kong, Singapore, London, and Stockholm before arbitral institutions such as the BIAC, CIETAC, HKIAC, ICC, LCIA, LMAA, SCC, SCMA, SHIAC and SIAC (in alphabetical order).

Ernest writes and speaks regularly in Hong Kong and the PRC. He is the author of *Injunctions* published by China University of Political Science and Law; *Sale of Goods* published by the Law Press, China; and has co-authored texts on *International Arbitration*, *Evidence* and *Performance of Contract, Waiver and Estoppel* published by the Law Press in China.

Ernest has contributed to leading English texts including *Arbitration in Hong Kong: A Practical Guide*. Ernest has written for publications such as the *Journal of Business Law* and *Hong Kong Lawyer*.

Ernest was appointed a member of the Chinese People's Political Consultative Conference (CPPCC) in Shanghai in 2013, with a mandate to help Shanghai develop into an international arbitration centre. In 2015, Ernest was part of a team which submitted the proposal "Building Shanghai into a Ship and Aircraft Finance and Leasing Centre" to the China (Shanghai) Pilot Free Trade Zone. This proposal has been recognised as one of the "Outstanding Proposals of the Year" in 2016. Ernest was promoted to the Standing Committee of the CPPCC in Shanghai in January 2019.

Ernest was named by Chambers Asia Pacific 2011-2019 as a leading individual in the area of Dispute Resolution: Arbitration in

#### RELATED SERVICES

- Litigation, Arbitration and Investigations
- International Trade, Regulatory and Government Affairs

#### RELATED SECTORS

- Technology
- Energy and Natural Resources

#### LANGUAGES SPOKEN

Chinese (Cantonese)  
Chinese (Mandarin)  
English

China. Clients characterise him as "*highly experienced*", and also praise his "*good legal insight*". Legal 500 Asia Pacific 2018 noted: "Ernest Yang has 'a good common law background and experience in dispute resolution - his strength is to tease the frame of the case and decide on a winning strategy.'" He has also been recognised in China Business Law Journal 2016-2018 as The A-List Top 100 Lawyers for China practice.

Since 2011, Ernest has started to accept appointments as arbitrator and was appointed as arbitrators in various jurisdictions (including as a sole arbitrator) on many occasions.

## LANGUAGES SPOKEN

- Chinese (Cantonese)
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## EXPERIENCE

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### AREAS OF EXPERIENCE

- International Arbitration
- Litigation
- Shipping
- International Trade and Commodities
- Energy and Offshore
- Joint Ventures
- International Investments
- Technology

### REPORTED CASES

- GD Midea Air Conditioning Equipment Co Ltd v. Tornado Consumer Goods Ltd [2017] SGHC 193 (successfully assisted Midea in setting aside the award in an arbitration conducted in Singapore under SIAC rules).
- Primera Maritime (Hellas) Limited and others v. Jiangsu Eastern Heavy Industry Co Ltd and others [2013] EWHC 3066 (Comm) (successfully assisted Jiangsu Eastern in resisting the setting aside of the award in an arbitration conducted in London under the LMAA rules).
- Intraline Resources Sdn Bhd v. Owners of the "HUA TIAN LONG" [2010] HKCFI 361 (successfully helped the Owners of the "HUA TIAN LONG" (Guangzhou Salvage Bureau) extend the doctrine of crown immunity in Hong Kong to cover the PRC government).

### OTHER RECENT CASES

- Advising a Hong Kong-listed PRC telecommunication equipment company in relation to a dispute over a contract for the supply and commissioning of a telecommunications system which is subject to SCC arbitration in Stockholm under the Swedish law.
- Advising a leading PRC consumer appliances and HVAC (heating, ventilation and air-conditioning) systems manufacturer in relation to a dispute over the alleged wrongful termination of the supply agreement which is subject to SIAC arbitration in Singapore.
- Advising a PRC company concerning its investments in a South East Asian country and its rights under the relevant BIT (Bilateral Investment Treaty).
- Advising an application to the English Court for the sale of goods which are the subject of English arbitration proceedings.
- Advising a contested worldwide freezing injunction in the English Court.
- Advising in Hong Kong arbitration proceedings on a joint venture dispute concerning a shopping complex in China between a Chinese and a foreign party.

- Advising a Chinese contractor in relation to the dispute over a thermal power station EPC contract in Vietnam in a dispute subject to Hong Kong arbitration proceedings.
- Advising a Chinese energy company in an arbitration held in London in relation to the sale and purchase of ten ships.
- Advising a Chinese technology company in relation to its dispute with an African country's government involving the development of the telecommunication system for the government in disputes subject to arbitration in London.
- Advising a Taiwan company in relation to an injunction involving whether a logistic operator can place a lien on the goods stored in its business site.
- Advising a Chinese company in an arbitration held in Hong Kong in relation to the construction and management agreement for several hotels.

## CREDENTIALS

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### Professional Qualifications

- Solicitor of the Senior Courts of England and Wales
- Solicitor of the High Court of Hong Kong

### Prior Experience

Prior to joining DLA Piper, between 1999 and 2007, Ernest practised in the London and Hong Kong offices of an international shipping law firm.

### Recognitions

- Named by *Chambers Asia Pacific 2018* as a leading individual in the area of Shipping: Litigation (International Firms) - China and Dispute Resolution: Arbitration (International Firms) - China.
- Described by *Chambers Asia Pacific 2018* as "a persistent and tenacious disputes lawyer who leaves no stone unturned for his clients."
- Named by *Legal 500 Asia Pacific 2018* as a leading individual in the area of Dispute Resolution: International Arbitration - Hong Kong
- Described by *Legal 500 Asia Pacific 2018* as who has "a good common law background and experience in dispute resolution - his strength is to tease the frame of the case and decide on a winning strategy".

### Education

- University College London, LL.B.

### Memberships

- Shanghai Delegate Member of the Chinese People's Political Consultative Conference.
- Executive Board Member and Honorary Legal Advisor of the Hong Kong Shanghai Economic Development Association.
- Panel Arbitrator in the Singapore Chamber of Maritime Arbitration.
- Member of the Users Council of the Singapore International Arbitration Centre.
- Supporting Member of the London Maritime Arbitrators Association.

## INSIGHTS

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Ernest writes and speaks regularly in Hong Kong and the PRC.

### Publications

## Novel coronavirus (2019-nCoV) – potential effects on international arbitration, sale of goods, shipping and shipbuilding

10 February 2020

The current outbreak of novel coronavirus (2019-nCoV) is causing widespread concern. This article will discuss the potential impact on international arbitration, sales of goods, shipping and shipbuilding contracts.

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## Updates on Interim Measures from the PRC Courts in Support of Hong Kong Arbitration

27 December 2019

On 16 December 2019, the HKIAC published information on its practice of processing applications under 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 (the Arrangement).

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## Interim Measures now available for Hong Kong arbitrations from the PRC courts

21 October 2019

On 1 October 2019, 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 (the Arrangement) came into force. This is a significant development because interim measures are now available in the PRC for arbitrations seated in Hong Kong.

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## BOOKS IN ENGLISH

- Arbitration in Hong Kong: A Practical Guide, Second, Third and Fourth Editions (2011, 2014 and 2017), Sweet & Maxwell

## BOOKS IN CHINESE

- Performance of Contract, Waiver and Estoppel (2018), Law Press, China
- Sale of Goods (2011), Law Press, China
- International Arbitration (2006), Law Press, China
- Evidence (2002), Law Press, China
- Injunctions (2000), China University of Political Science and Law

## ARTICLES

- "Asia's Leading Dispute Resolution Practitioners Say a Universally Accepted Arbitration Framework is Crucial to the Success of the Belt and Road"; China Business Law Journal (September 2017)
- "Solicitor Advocacy: A Solicitor Advocate's View", Hong Kong Lawyer (September 2006)
- "Assessment of Damages for Breach of an Option" [2004] JBL 437

## Events

- International Chamber of Commerce (ICC) Inaugural Arbitration Day in the Philippines (2018)
- Belt and Road Seminar - Handling Disputes in China (2018)
- Singapore Chamber of Maritime Arbitration (SCMA) Seminar in Jakarta (2017)
- Presentation on Standby L/C and Guarantee Forum hosted by the Institute of International Banking Law & Practice in Hong Kong (2017)

- International Chamber of Commerce (ICC) Opening Seminar for China Arbitration Week in Beijing (2016)
- Weekend seminar for Arbitration Accreditation for the China International Economic and Trade Arbitration Commission (CIETAC) held in Renmin University, Beijing (2016)
- Global Legal ConfEx Conference in New Delhi (2016)
- Tutorials on International Arbitration at the Dalian Maritime University, Dalian (2016)
- Chartered Institute of Logistics and Transport Annual Seminar, Hong Kong (2016)

## NEWS

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### **DLA Piper lawyers receive five awards at the Law Society of Hong Kong's 2019 Pro Bono and Community Service Awards**

10 January 2020

Five DLA Piper lawyers have been recognized at the 2019 Law Society of Hong Kong's Pro Bono and Community Service Awards.

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