



 **Howse Williams Bowers**

# Shipping Practice

January 2019

# Contents

Contents.....	1
About Us .....	2
Our Shipping Practice .....	3
Chris Howse.....	4
David Coogans.....	6
Bernard Murphy .....	7
Emma Day .....	9
William Leung.....	10
Eviana Leung .....	12
Our Team .....	14

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**Howse Williams Bowers 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 HWB 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 Shipping Practice

HWB shipping practice specialises in maritime dispute resolution; mergers and acquisitions; competition and regulation and infrastructure.

Our shipping team handles a wide range of disputes both in Hong Kong and throughout Asia. The team (which includes solicitors with seagoing experience) has considerable experience in all types of wet and dry shipping litigation. We handle shipbuilding, sale and purchase, collision, salvage, wreck removal and pollution cases, as well as charterparty, bill of lading and other contract of affreightment disputes. We advise ship-owners, P&I Clubs, Hull and Machinery insurers, salvors, charterers and freight forwarders. The team has particular expertise in handling problems arising from the shipment of steel, coal, iron ore, nickel ore and fluorspar.

Our clients include charterers, shipowners and their insurers (P&I Clubs), cargo owners, freight forwarders, recovery agents, logistic companies, godowns, terminals, port authorities, commodity traders and their insurers and other organisations in the marine transport and insurance industries.

Our practice includes:

- P&I and Defence Club work.
- Policy terms and disputes (e.g. war risk, breach of warranty, insurable interest, material non-disclosure etc.).
- Charterparty and bill of lading disputes.
- Collision, salvage and wreck removal.
- Commodity and sale of goods disputes.
- Marine insurance disputes (cargo and hull policies).
- Arbitration in London, Hong Kong, Singapore, Korea and the PRC.
- MOA disputes.
- Personal injury, employee's compensation and crew claims.
- Sale and purchase of vessels, including commercial vessels such as bulk carriers and tug boats, as well as yachts and oil rigs.
- Shipbuilding contracts for standard and specialist vessels, including offshore structures and complex engineering projects.
- Competition/regulatory work
- Mergers & acquisitions, IPOs, debt and equity capital markets, privatisations, international joint ventures, restricting and financial services.
- Development, investment and financing of port projects working with a diverse range of organisations including governments, port authorities, developers and lenders.
- Regulatory issues on Customs & Excise, Labour Department (safety) and environmental matters including defending the relevant summons/charges.
- Container terminals defence work.
- Yacht policy disputes.





## Chris Howse

*Partner*

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Chris specialises in maritime and commercial dispute resolution, handling a wide range of disputes in the Hong Kong courts and international arbitrations throughout Asia. He has considerable experience in all types of dry shipping litigation on behalf of owners, charterers and their P&I Clubs. He also has particular expertise handling problems arising from the shipment of coal, iron ore, nickel ore and fluorspar.

Chris has more than 35 years of legal experience. He built the Hong Kong office of Richards Butler and he was Senior Partner and Managing Partner of that office from 1983 to 2011. He has considerable experience in arbitration and he is qualified as an arbitrator in Hong Kong, China (CMAC), Korea, Malaysia and other Southeast Asian jurisdictions. He has represented parties in arbitrations in China (both CIETAC and CMAC), Hong Kong, London, Singapore and Malaysia. In addition, Chris is an accredited mediator.

Chris also provides professional indemnity advice and assistance to a full spectrum of professionals in Hong Kong, including solicitors, accountants, brokers, architects, doctors, dentists and other healthcare professionals.

Chris leads the medico-legal team with fellow partner David Kan. They advise doctors, dentists and their indemnity provider – the Medical Protection Society and Dental Protection Ltd – as well as private hospitals and other healthcare professionals. Chris also advises private hospitals, corporate healthcare providers and pharmaceutical companies on issues relating to the import and distribution of drugs and pharmaceutical products, drug liability claims and other regulatory matters.

### ▼ *Experience*

2012 Howse Williams Bowers  
2011 Reed Smith Richards Butler  
2008 Richards Butler in Association with Reed Smith LLP  
1983 Richards Butler, Hong Kong  
1975 Richards Butler, London

### ▼ *Education*

1975 College of Law  
1973 University of Bristol, BA (Hons)  
1970 University of Geneva

▼ *Professional Qualifications*

1978 England and Wales

1981 Hong Kong

1988 Australia

▼ *Professional Affiliations*

Arbitration:

Fellow, Chartered Institute of Arbitrators (Hong Kong)

Fellow, Hong Kong Institute of Arbitrators Ltd

Supporting Member, London Maritime Arbitrators Association

Arbitrator, Hong Kong International Arbitration Centre

Arbitrator, China Maritime Arbitration Commission

Arbitrator, Hong Kong Maritime Arbitration Group

Arbitrator, Korean Commercial Arbitration Board

Member, Hong Kong Arbitrations Law Review Committee (1996-2000)

Professional Indemnity Insurance:

Chairman, Hong Kong Law Society Professional Indemnity Claims Committee (2004-2007)

Deputy Chairman, Hong Kong Law Society Professional Indemnity Claims Committee (1999-2004)

Member, Hong Kong Law Society Professional Indemnity Insurance Claims Committee (1989-1999)

Member, Hong Kong Law Society Professional Indemnity Advisory Committee (1999-2006)

Member, Hong Kong Law Society Working Party on Professional Indemnity Insurance Scheme (1996-2004)

Chairman, Hong Kong Professional Indemnity Review Committee (2002)



## David Coogans

*Partner*

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David is a commercial disputes lawyer specialising in international trade disputes. David has over 25 years of experience in commercial dispute resolution. He advises ship-owners, charterers and various property and liability insurers. David also has extensive experience outside of international trade matters, including dealing with shareholder disputes and the recovery of monies lost due to internet/identity fraud.

Before qualifying as a lawyer, David served as a deck officer in the British Merchant Navy with the Cunard Steamship Company. He has dealt with several high profile casualty matters.

David has handled arbitrations concerning a wide range of disputes with proceedings in Hong Kong, England & Wales, Australia, Singapore and the United States. David is familiar with UNCITRAL rules, LMAA terms, ICDR, ACICA and SIAC Rules. David has also acted as mediator in several high value disputes.

### ▼ *Experience*

2012 Howse Williams Bowers  
2005 General Counsel P&O Cruises Sydney Australia  
1989 Richards Butler, Hong Kong  
1976 Cunard Steamship Company

### ▼ *Education*

1985 College of Law, Chancery Lane, London, Solicitors Final Examinations  
1984 Anglia University, England, BA (Hons)  
1980 Riversdale College, Liverpool, England, British 2<sup>nd</sup> Deck Officer's Certificate of Competency

### ▼ *Professional Qualifications*

1987 England and Wales  
1989 Hong Kong  
1991 Australia (NSW & Victoria and the ACT)

### ▼ *Professional Affiliations*

LEADR and nationally accredited mediation practitioner  
Member, Law Society of Hong Kong  
Member of the Hong Kong Maritime Law Association Executive Committee  
Board member of the Maritime Services Training Board



## Bernard Murphy

*Partner*

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Both a medical doctor and a solicitor, Bernard specialises in medico-legal issues, acting for a wide range of healthcare professionals including doctors, dentists, nurses and physiotherapists in proceedings before the Medical Council, clinical negligence claims, Coroner's Court, and Department of Health investigations. Bernard also acts for hospitals and other institutional and corporate healthcare providers in a comprehensive array of healthcare legal matters. Bernard's healthcare practice also extends to advising veterinary surgeons on proceedings before the Veterinary Surgeons Board (VSB) and advising veterinary practices in relation to complaints, claims and regulatory/legislative issues. Bernard was admitted as a solicitor in Hong Kong in 2004 and in England and Wales in 2005.. His legal career began with Richards Butler Hong Kong.

Before qualifying as a lawyer, Bernard practised medicine for more than ten years, the majority of that time in Hong Kong and China. During and following his medical training, Bernard worked as a doctor in NHS hospitals in the UK as a house physician and house surgeon. He was commissioned into the British Army in 1989 and worked as an army doctor until 1994. After leaving the army, Bernard worked in the field of emergency medical evacuation in China and Hong Kong between 1995 and 1999. He has also worked in private medical practice in Hong Kong.

An Adjunct Assistant Professor, Department of Accident and Emergency Medicine, the Chinese University of Hong Kong, Bernard lectures on healthcare legal issues for the Chinese University Department of Accident and Emergency Medicine. He has also presented lectures/workshops for doctors' medical practices, public and private hospitals the Chinese University School of Public Health, and the Hong Kong Polytechnic University Department of Physiotherapy.

### ▼ *Experience*

2012 Howse Williams Bowers  
2011 Reed Smith Richards Butler  
2008 Richards Butler in Association with Reed Smith LLP  
2002 Richards Butler, Hong Kong

### ▼ *Education*

2002 University of Hong Kong, Postgraduate Certificate in Law  
2001 Manchester Metropolitan University, Postgraduate Diploma in Law  
1988 University of Aberdeen, Bachelor of Medicine and Bachelor of Surgery



▼ *Professional Qualifications*

2005 England and Wales

2004 Hong Kong

▼ *Professional Affiliations*

Adjunct Assistant Professor, Department of Accident and Emergency Medicine, The Chinese University of Hong Kong

Foundation Member, Faculty of Forensic and Legal Medicine, Royal College of Physicians

Member, British Medical Association of Hong Kong

Member, Law Society of England and Wales

Member, Law Society of Hong Kong



## Emma Day

*Partner*

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Emma specialises in shipping, international trade and commercial disputes. She has experience in both wet and dry shipping matters. Emma has extensive experience in charterparty / bill of lading and other contract of affreightment disputes, instructed by shipowners and P&I clubs, charterers and freight forwarders and other logistics providers and their insurers.

Emma's charterparty experience includes advice on withdrawal / early redelivery, off-hire, laytime and demurrage, safe ports.

She has also handled disputes arising in China including providing urgent advice to owners and charterers regarding exercise of liens, discharge of cargo and alternative discharge port options. Recently she has advised various parties following the collapse of OWB and Copenship Bulkers.

Emma handles disputes resolved by arbitration in London, Hong Kong and Singapore and Court proceedings both in Hong Kong and London.

Emma also specialises in commercial litigation with experience in shareholder's disputes and director's breach of fiduciary duties. She also has extensive experience assisting clients securing the proceeds of fraud, obtaining injunctions and disclosure orders and tracing assets. This includes serving statutory demands and winding-up proceedings where appropriate.

She is able to advise on disputes involving debt recovery, sale of goods and joint venture with experience both in Hong Kong disputes and multi-jurisdictional disputes.

Emma is qualified in UK, Australia and Hong Kong with a total of 11 years in private practice. Her experience includes working as a claim executive for a major international transport and logistics company handling a variety of claims including claims for misdelivery, cargo damage and late delivery.

### ▼ *Experience*

2013 Howse Williams Bowers  
2012 Thomas Miller Australasia Pty Ltd.  
2011 Holman Fenwick & Willan, Sydney Australia  
(including a secondment to Thomas Miller Australasia Pty Ltd.)  
1991 Richards Butler, Hong Kong  
1988 Richards Butler, London

### ▼ *Professional Qualifications*

2007 New South Wales, Australia  
1992 Hong Kong  
1988 England & Wales



## William Leung

*Partner*

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As a prominent commercial litigator in Hong Kong, William has extensive experience in Shareholder's disputes and company's risk management issues. He has almost two decades of experience in advising companies (including listed companies) on shareholder's disputes and other regulatory issues. He also acts for both trustees and beneficiaries on contentious trust and probate matters. His clients span a wide range of industries including investment, real estate, maritime and logistics, retail, financial institutions and insurance. William also regularly acts for high net worth individuals on personal wealth matters.

William has been consistently named as one of the leading lawyers in Hong Kong. (AsiaLaw, 2013; Chambers Asia 2014 – 2017; Asia Pacific Legal 500 2014 – 2018)

William also specialises in contentious disputes covering logistics / transport, maritime arbitration and marine insurance matters. He has unrivalled experience in handling a wide range of contentious matters with a particular emphasis on bills of lading/air waybills, cargo claims, demurrage, forwarding and logistics disputes. He has advised on various marine insurance matters and various regulatory matters such as enforcement actions by Customs & Excise, Labour Department and Environmental Protection Department. He also leads a team of dedicated lawyers specialising in marine/terminal related EC/PI cases.

William leads a market leading practice and he is appointed as panel lawyer for major blue-chip insurance companies, international logistic companies, 4 out of 5 containers terminals in Hong Kong and major 3PL and 4PL providers in Hong Kong. He has also acted for prominent maritime liquidators and major shipowners and their liability insurers on substantial disputes in London and Hong Kong.

He has also advised on yacht matters including sale and purchase, collision, casualty, fire and their related insurance matters.

William regularly gives talks and seminars on shipping matters and is well known within the shipping circle. He is admitted to practice in both Hong Kong and England & Wales.

### ▼ *Experience*

2015 Howse Williams Bowers  
2009 Eversheds  
2001 DLA Piper  
2000 Stevenson Wong & Co  
1998 Hampton, Winter & Glynn

▼ *Education*

1997 PCLL, University of Hong Kong

1993 LLB, University of Wales / Portobello College, Dublin, Ireland

▼ *Professional Qualifications*

2001 England and Wales

1999 Hong Kong

▼ *Public Posts*

Since 2018 to present	Transportation and Logistics Committee (Member) appointed by The Law Society of HKSAR (Co-option)
Since 2017 to present	The Transport Tribunals' Panel (Member) appointed by Secretary for Transport and Housing
Since 2015 to present	The Board of Review, Inland Revenue Department (Panel member)
Since 2015 to present	The Obscene Articles Tribunal (Member Adjudicator appointed by Chief Justice of HKSAR )
Since 2013 to present	Admiralty Court Users Committee appointed by Chief Justice of HKSAR (Member)



## Eviana Leung

*Partner*

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Eviana is one of our partners specialising in commercial litigation and marine disputes. She has been admitted to practice in Hong Kong since 2008.

With her strong Chinese language skills (Eviana is fluent in both written Chinese and oral Mandarin) and broad exposure to the Chinese market, Eviana focuses on cross border practice and often acts for Mainland, foreign and local corporations and private clients, ranging from state-owned enterprise, senior management, start-up companies, Chinese insurers to high net worth individuals. She focuses on the firm's China practice and mainly advises on shareholders disputes, trade conflicts, recovery of high value debts, arbitration, injunction and other procedural matters.

Eviana started off as a litigator handling commercial disputes and private clients matters. She then focused on the marine and international trade practice. Prior to joining Howse Williams Bowers, Eviana was promoted as senior associate of an international law firm regularly acting for prominent insurers and local and foreign corporations in a variety of commercial, trade disputes and regulatory matters.

Eviana offers practical solutions and strategic planning to accommodate clients' business and personal needs. As an experienced litigator, she has both contentious and non-contentious practices which cover a wide spectrum over cross border and international trade disputes, liquidation and bankruptcy, shareholders disputes, insurance, regulatory and enforcement, and marine.

Eviana speaks fluent in English, Mandarin and Cantonese.

### ▼ *Experience*

2018 Howse Williams Bowers (Partner), Maritime & Commercial Litigation  
2015 Howse Williams Bowers (Senior Associate), Maritime & Commercial Litigation  
2014 Eversheds (Senior Associate), Dispute Resolution  
2012 Reynold Porter Chamberlain (formerly known as Smyth & Co.)  
2011 Clyde & Co.  
2010 Barlow Lyde & Gilbert (merged with Clyde & Co. since 1 November 2011)  
2008 Wilkinson & Grist

### ▼ *Education*

2006 PCLL, City University of Hong Kong  
2005 LLB, King's College London



▼ *Professional Qualifications*

2013 Accredited Mediator on the HKMAAL general panel

2011 Accredited Mediator on the HKIAC general panel

2008 Solicitors of HKSAR

▼ *Professional Affiliations*

2018 Fellow Member of the Hong Kong Sea Transport and Logistics Association

2018 Chartered Member of the Chartered Institute of Logistics and Transport  
(CMILT)

## Our Team

### **Heidi Sheung**

*Consultant*

Heidi has a great depth of experience in personal injury and contentious insurance matters having been engaged in them since the outset of her traineeship in 2000. She advises on all aspects on liability ranging from statutory, employees' compensation, product liability, medical negligence, occupational disease claims, motor vehicle accidents and construction sites, with a particular emphasis on accidents on board ships and at container terminals and maritime industrial undertakings. She has handled and given advices on a very wide range of cases from the most serious tetraplegic to the more run of the mill minor accidents acting for numerous major liability insurers. She is frequently called on by clients to construe terms of policies of insurance and review on policy coverage disputes. She is acutely aware of the commercial needs of the insurers in economic and practical claims handling and seeks to work closely with the instructing claims officers making her one of the most user friendly defence lawyers in town.

In addition to her insurance practice Heidi has throughout her career been engaged in major commercial litigations.

She is also an accredited mediator on the HKIAC General Panel and Law Society of Hong Kong since 2009 and acts regularly as a mediator in numerous disputes of various natures.

### **Germaine Ko**

*Senior Associate*

Germaine is an associate who specialises in insurance litigation. She is very experienced in advising all aspects of insurance and personal injury litigation including advising renowned insurers on policy issues and defending claims involving Employees' Compensation for various business sectors, Contractor's All Risks, Public Liability, Motor Vehicle Liability, and Professional Indemnity Liability.

Having been trained and practised in renowned law firms specialising in insurance matters and attended secondment with major insurer, she has gained vast experience in advising insurance companies in substantial claims on liability and quantum, pragmatic settlement strategy, including mediation option in order to minimise costs exposure for her clients. She has represented companies in various sectors, including major construction companies, cleaning companies, property management companies, and container terminals etc.

She is an accredited mediator on general panel of Hong Kong International Arbitration Centre since 2012. She is fluent in English, Cantonese and Mandarin.

## **Iain Clayton**

*Senior Associate*

Iain specialises in shipping and international trade dispute resolution. He acts on behalf of shipowners, charterers, P&I Clubs, underwriters and commodity traders. He has particular experience of charterparty disputes concerning off-hire, speed and performance, unsafe port claims, demurrage and ICA indemnity claims. His work also covers contracts of affreightment, cargo claims, international sale of goods, shipbuilding and ship management disputes. He has represented parties in LMAA, GAFTA and English High Court proceedings.

Iain previously worked in London and on secondment in Piraeus before joining HWB in Hong Kong in 2013. He was admitted as a solicitor of England and Wales in 2012. Iain is fluent in English and speaks conversational Mandarin.

## **Bronson Chan**

*Associate*

Bronson specialises in shipping and commercial litigation. He has experience in charterparty, bill of lading and other contract of affreightment disputes, collision claims and defending shipping related criminal offences. He also has experience in shareholders and partnership disputes, contractual disputes, injunctions, debt recovery, insolvency, employment and company-related matters. Prior to joining Howse Williams Bowers, Bronson worked as an Associate in the Marine Department of another international law firm [and as a Transport Planner at Transport for London].

Bronson qualified as a solicitor in Hong Kong in 2013. He holds a Bachelor's degree in Law from BPP University and a Postgraduate Certificate in Laws from the University of Hong Kong. Bronson also has a Bachelor's degree from University College London and a Master's degree from the University of Cambridge.

Bronson is fluent in English and Cantonese and is proficient in Mandarin.



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