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EDWARD ALDER

Admissions

2006	Barrister, Hong Kong
1994	Solicitor, Hong Kong, England & Wales
1992	Solicitor, New South Wales (Australia)

Academic

1988	Master of Arts (Law), University of Cambridge
1986	Bachelor of Science (Mathematics), University of Auckland Final Year Senior University Prize

Practice profile

Edward Alder is regularly instructed in international arbitrations as counsel and arbitrator. His related High Court practice involves commercial trials, injunctions, asset freezing and arbitration-related applications, jurisdictional disputes and ship arrests.

Edward is frequently instructed in international insolvency, financial services, and shareholder and directorship disputes.

In the IT / IP space Edward acts in confidential information and departing employee / partner cases and copyright matters, particularly software matters, and jurisdictional disputes. He regularly advises telecom licensees. He appeared in many competition cases before the Telecommunications (Competition Provisions) Appeal Board and the Court of Appeal, both as sole advocate and led by London competition silk.

Prior to joining the Bar, from 2000 to 2006 he was a partner of Bird & Bird Hong Kong and from 1997 to 2000 a partner of Holman Fenwick Willan Hong Kong. The first five years of his career were at Allens Linklaters in Sydney, Australia.

- Author, 100,000-word commentary to O.11 (service out of the jurisdiction), *Hong Kong Civil Procedure 2020*
- Author, 200-page chapter on IT and software law, *Chitty on Contracts, Hong Kong Specific Contracts*
- Contributing Author, *Maritime Law and Practice in Hong Kong*, 2nd Ed
- Fellow, HKI Arb
- LMAA Supporting Member, SCMA Panel Arbitrator, HKIAC Panel Arbitrator
- Founding Full Member, Hong Kong Maritime Arbitrators Group (HKMAG)
- Committee Member, Hong Kong Maritime Law Association
- Lecturer, HK Bar Association Arbitration Course, Peking University

Selected cases - Arbitration

- Many commercial arbitrations involving: international sale of goods (steel, scrap metals, iron ore, concrete pipes, oil, coal, coke, chemicals, timber, nickel ore), China M&A, charterparties, ship management, mining (technical), mining (finance), shipbuilding (technical, delay and finance disputes), mining and shipboard cranes, heavy equipment transport, employee fraud, CO₂ emissions trading, telecommunications, racing, warranty claims and insurance

- “ALAS” [2014] 4 HKLRD 160, [2015] 1 Lloyd's Rep 211 and [2015] 6 HKC 557 (CA) (establishes HK law on Admiralty jurisdiction following arbitral award)
- *Chimbusco Int'l Petroleum (Singapore) Pte Ltd v Fully Best Trading Ltd* [2016] 1 HKLRD 582 (establishes HK law on indemnity costs on stay to arbitration)
- *Dana Shipping & Trading SA v Sino Channel Asia Ltd* [2017] 1 HKC 281 (enforcement of LMAA award, condition as to security) and [2016] 4 HKLRD 345 (effect of setting aside in court of seat)
- *Dana Shipping & Trading SA v Sino Channel Asia Ltd* [2017] 1 HKC 329 (CA) (no security for costs in enforcement appeals)
- *Noor Maritime Ltd v Calandra Shipping Co Ltd* [2018] 2 HKLRD 328 (AO s.20(6) power confined to stays of *in rem* Admiralty proceedings)
- *Parakou Shipping Pte Ltd v Jinhui Shipping & Transportation Ltd* [2010] HKCA 330 (res judicata from arbitral award in Court, adjustment of security)

Selected cases - International trade and transport

- *AO Smith Electrical Products (Changzhou) Co Ltd v Blue Anchor Line* [2012] 1 HKLRD 301 (application of PRC Maritime Code and US COGSA)
- ‘APELLIS’ [2017] HKCFI 1785, [2018] 1 Lloyd's Rep Plus 11 (overturns previous law requiring service of Motion for judgment in default in *in rem* cases)
- *Arko Ship Leasing Ltd v Sinokor Merchant Marine Co., Ltd* [2015] HKCFI 1897, Lloyd's Law Reporter, 02.11.2015 and [2016] HKCA 706 (sinking / total loss, statements in Bs/L)
- *Ask Re Ltd v Grain Mineral Resources Pte Ltd* [2015] HKCFI 1232 (L/C trial)
- *Astec Industries Inc v Blue Anchor Line* [2011] 3 HKLRD 529 (US COGSA)
- “BLUE BRIDGE” [2010] 2 HKLRD 285 (fire in cargo)
- “BO SHI JI 393” [2015] 3 HKLRD 424 (Admiralty jurisdiction, trusts behind PRC ship register)
- *Calm Ocean Shipping SA v Win Goal Trading Ltd* [2016] 1 HKLRD 149 (passing of rights under *Bills of Lading [etc] Ordinance*, mandatory injunctions)
- *Charmax Trading Ltd v WT Sea Air Asia Ltd* (2010) 787 Lloyd's MLN 1 (misdelivery, Bs/L not endorsed to consignee)
- “CF CRYSTAL c/w SANCHI” (*Bright Shipping Ltd v Changhong Group (HK) Ltd*), [2019] 1 Lloyd's Rep 437, [2019] HKCA 1062 (collision, limitation fund, *forum non conveniens*)
- “ELENI” c/w “HEUNG-A DRAGON” [2017] 3 HKLRD 176, [2017] 2 Lloyd's Rep 263 (2-year time bar for collision damage in claims against limitation funds)
- “FLOATA 97” [2016] 2 HKLRD 1091, (2017) 980 Lloyd's MLN 3 (breaking limitation under 1976 Convention)
- “KAPPA SEA” [2017] HKCFI 1572, [2017] 1 Lloyd's Rep Plus 102 and [2018] HKCA 77 (*in rem* action, *forum conveniens*, stay to Myanmar obtained)
- “KING COAL” [2013] 2 HKLRD 620, [2013] Lloyd's Rep Plus 55 (Admiralty jurisdiction, non-disclosure)
- *Gourlay v Clipper Motor Yachts Ltd* [2010] HKCFI 1044 (pleasure craft construction)
- *Italia Marittima SpA v Translink Shipping (HK) Ltd* [2010] 1 HKLRD 98 (dangerous cargo, forwarder as carrier)

- “JIMRISE” [2012] HKCFI 41 (Admiralty jurisdiction, demise charter)
- “JIN LONG 381” [2011] HKCFI 640 (collision with mooring dolphin)
- “JIN HUI 588” [2016] HKCFI 480 (twin Bs/L, stay upon PRC jurisdiction clause)
- “MAGGIE” [2016] HKCFI 849, [2018] HKCA 228 and 636 (pleasure craft construction trial and appeal, contract interpretation) and [2013] HKCFI 1401 (videolink evidence)
- *Maintek Computer (Suzhou) Co Ltd v Blue Anchor Line* [2010] HKCFI 184 & 168 (service out, bailment on terms, exclusion clauses, stay to arbitration)
- “MOL COMFORT” [2017] 3 HKLRD 112 (case management stay pending Tokyo action), [2019] HKCFI 826, Lloyd's Law Reporter 8.4.2019 (jurisdiction clause stay to Tokyo limitation action)
- *Morpol SA v Blue Anchor Line* [2017] HKLRD 501, [2017] 2 Lloyd's Rep 593 (jurisdiction of the District Court in Hague Visby Rules cases)
- *Mozard (HK) Co Ltd v Dachser HK Ltd* [2018] 2 Lloyd's Rep 590 (carriage by air, Montreal Convention, limitation clauses)
- *Noor Maritime Ltd v Calandra Shipping Co Ltd* [2018] 2 HKLRD 1408, [2019] Lloyd's Rep Plus 10 (collision, separate legal representation for H&M and P&I insurers permitted)
- “ORIENTAL DRAGON” [2014] 1 HKLRD 649, (2014) 894 Lloyd's MLN 2 (Admiralty jurisdiction established for management fees)
- “PRINCESS ROWENA”, *Sealegend Hldgs Ltd v China Taiping Ins. (HK) Co Ltd* [2013] 4 HKLRD 508, (2013) 887 Lloyd's MLN 3 (extension of Admiralty writ)
- *Nanjing Iron & Steel Group Intl Trade Co Ltd v STX Pan Ocean Co Ltd* [2009] HKCFI 826 (want of prosecution in Admiralty cases under CJR)

Selected cases - Commercial / company / insolvency / procedure

- *Champion Concord Ltd v Lau Koon Foo* (2011) 14 HKCFAR 837 (jurisdiction of two-judge Court of Appeal)
- *Champion Concord Ltd v Lau Koon Foo* (2011) 14 HKCFAR 534 (admissibility of evidence of events at mediation for rectification)
- “CF CRYSTAL c/w SANCHI” (*Bright Shipping Ltd v Changhong Group (HK) Ltd*) [2019] 2 HKLRD 220 (CA) (leave to appeal requirement for *forum* determination)
- *Choi Chung Bun Vincent v Australia China Holdings Ltd* [2011] 3 HKLRD 622 (service out of the jurisdiction, directors' contracts)
- *Chu Kong v Up Profit Ltd* [2016] HKCFI 2184 (leave for derivative action)
- *Canavan v Battenfeld* [2010] 4 HKLRD 513 (*forum conveniens*, stay to Thailand)
- *Greater China Capital Inc v Gbtimes Ltd* [2018] 1 HKLRD 210 (CA) (O.14 principles)
- *Hotung v Ho Yuen Ki* [2010] 2 HKLRD 304 (reflective loss)
- *Haitong Int'l Securities Co Ltd v ADS Securities LLC* [2018] 3 HKLRD 13 (service out of the jurisdiction)
- *JSC BTA Bank v Ablyazov* [2014] 5 HKC 209 (receivership in support of *Mareva* injunction, appeared for UK/HK liquidators)
- *China Medical Technologies, Inc v Samson Tsang* [2018] 2 HKLRD 1202 (CA) (private examination by liquidators, statutory interpretation) and [2019] HKCFI 1266 (discharge of *Mareva* injunction)

- *MF Global Hong Kong Ltd* [2015] HKCFI 972 (*Berkeley Applegate* principles)
- *New China Hong Kong Group Ltd v Ng Kwai Kai Kenneth* [2010] HKCFI 2179 and [2011] HKCFI 78 (transactions defrauding creditors)
- *New China Hong Kong Group Ltd v Ng Kwai Kai Kenneth* [2010] HKCFI 995 (private examination by liquidators)
- *Pacific Electric Wire & Cable Co Ltd v Texan Management Ltd* [2009] 3 HKLRD 94 (CA) (O.14 fraud exception)
- *Skillsoft Asia Pacific Ltd v Ambow Education Holding Ltd* [2014] 1 HKLRD 520 (cross border insolvency, stay of enforcement)
- *Wong SM Samuel v Wong KP Wilson* [2017] 4 HKLRD 542 (directorships, s.740 document access)
- *Xiao v Asia Equity Value Ltd* [2017] HKCFI 1309 (money lending, fixed/floating charge over shares)

Selected cases - IP / telecom / competition

- *Chinaplus Wines Ltd v Berry Bros & Rudd Ltd* [2012] HKCFI 1980 (injunction, use of business database)
- *Hong Kong Broadband Ltd v TA* (Appeal 23, TCPAB) (misleading advertising, bundling)
- “*HOST HOTELS & RESORTS*” [2010] 1 HKLRD 541 (descriptive mark)
- *GFI (HK) Securities LLC v ICAP Equities Asia Ltd* [2015] HKCFI 1058 (restrictive covenants)
- *Hutchison Telephone Co Ltd v TA* (Appeals 27 & 28, TCPAB) (interim stay of provisional competition clearance)
- *I-Cable v TA* (Appeal 26, TCPAB) (oral misrepresentations regarding telecommunications services, jurisdiction)
- *I-Cable Webserve Ltd v TA* [2009] 6 HKC 275 (CA) (financial penalties, standard of proof and rules of attribution in competition cases)
- *Paul's Model Art GmbH v UT Ltd* [2013] HKCFI 1425 (distributorship trial, contractual interpretation, restraint of trade)
- *PCCW-HKT Telephone Ltd v TA* [2012] 2 HKLRD 396 (CA) (intervention in competition appeals)
- *PCCW-HKT Telephone Ltd v TA* [2007] HKCFI 551 (judicial review, interconnection)
- *PCCW-HKT Telephone Ltd v TA* (Appeal 25, TCPAB), [2009] HKCA 138 (any-to-any interconnection, jurisdiction)
- *PCCW-HKT Telephone Ltd v TA* (Appeal 24, TCPAB) (interconnection, jurisdiction)
- “*NAKED*” [2009] 2 HKLRD 96 (descriptive mark)
- *Nintendo Co Ltd v Supreme Factory Ltd* [2008] 2 HKC 129 (CA) (*Anton Pillar* order, discovery principles in IP cases)
- *Skillsoft Asia Pacific Ltd v Ambow Education Holding Ltd* [2016] 1 HKLRD 1052 (enforcement of audit rights in software distribution)
- *SmarTone Mobile Communications Ltd v TA* (Appeal 29, TCPAB) (discovery, intervention in competition cases)