

# YOUR TEAM

## Ing Loong Yang

Ing Loong Yang is a partner in the Hong Kong office of Latham & Watkins and a member of the Litigation & Trial Department. His practice focuses on international arbitration and complex commercial litigation in Asia, particularly on cross-border disputes involving Greater China.

### Profile

Mr. Yang has extensive experience acting for corporate clients, which includes:

- International arbitration
- Complex commercial litigation
- Shareholders' and Joint venture disputes
- Technology and other licensing disputes
- FCPA investigation and compliance
- Regulatory issues

He has represented clients in numerous international arbitrations under the rules of CIETAC, SIAC, ICC, HKIAC, and UNCITRAL, as well as in the Hong Kong Courts. Mr. Yang is a Solicitor-Advocate of the Hong Kong Courts, with full rights of audience in the Hong Kong Courts. Mr. Yang is also qualified in England and Wales, Singapore, and New York.

Mr. Yang also has significant experience sitting as Arbitrator. He is a qualified Chartered Arbitrator, with appointments to many panels of international arbitral institutions, namely: HKIAC (including its Financial Services Disputes panel), SIAC, CIETAC, BAC, SHIAC, SCIA, KCAB, AIAC (formerly known as KLRCA), HIAC, and JCAA. He has sat as arbitrator (either as Sole Arbitrator, Chair of Tribunal, or party-appointed arbitrator) in numerous arbitrations seated in Hong Kong,

Singapore, Kuala Lumpur, Beijing, Shanghai, and Seoul.

In terms of public service, Mr. Yang:

- Currently serves as a Council Member and the Chairperson of the Appointments Committee of the HKIAC
- Currently serves as an Ambassador to the Commission of the ICC International Court of Arbitration on the Belt and Road Initiative
- Currently serves as an Advisor to China Academy of Arbitration Law
- Currently serves as a Director of Maxwell Chambers, Singapore
- Served as a Deputy Public Prosecutor with the Singapore Attorney-General's Chambers
- Served as a Member of the Disciplinary Committee of the Singapore Exchange (SGX)

Mr. Yang's wide-ranging industry expertise includes banking and finance, online game software, pharmaceuticals, automotive, clean technology, road-recycling, agriculture, energy, OEM manufacturing, and private equity.

Besides English, Mr. Yang is also fluent in Mandarin, Cantonese, Chiuchow, Fujianese, Malay, and Bahasa Indonesia.

### Experience

Mr. Yang's representative experience includes advising:



Partner, Hong Kong

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### Education

MA (Law), University of Cambridge, 1990

Bachelor of Laws (LLB), University of Cambridge, 1984

### Bar Qualifications

Hong Kong (Solicitor)

### Languages

Bahasa (Indonesian), Chinese (Cantonese), Chinese (Mandarin), English

### Recognition Highlights

Yang Ing Loong remains a standout for his work as an adviser and advocate on a range of major commercial disputes. A client was impressed that he "was ready to take on complicated matters with a few minutes of briefing," noting that he was "very clear in his advice and very articulate" and appreciating that he "saw through the complications and grabbed the heart of the matter very tightly and fought well, proposing a lot of creative strategies." *Chambers Asia-Pacific* 2021

Band 1 lawyer in China Dispute Resolution: Arbitration by *Chambers Asia-Pacific* 2021

Tier 1 Leading Individual in Hong Kong Dispute Resolution: International Arbitration by *The Legal 500* 2020

Yang Ing Loong maintains his tremendous reputation as an authority in the Hong Kong arbitration market and acts on a variety of commercial disputes across the region. Interviewees consider him to be "the most senior bilingual arbitration practitioner in Hong Kong" and praise his "depth of arbitration knowledge and expertise, combined with responsiveness." *Chambers Asia-Pacific* 2020

Outstanding Practitioner of the Year *Asialaw Asia-Pacific Dispute Resolution Awards* 2018

The A-List 2017: China's top 100 lawyers *China Business Law Journal* 2017

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### Arbitration

#### Financial Services Disputes

- A Japanese investment funds company in relation to an investment dispute in Fujian, China administered by HKIAC, including successfully arguing for a stay of the Hong Kong Court proceeding initiated by the counterparty in favor of arbitration
- A special purpose vehicle of a world leading private equity firm in a CIETAC arbitration in PRC relating to an investment dispute concerning potential acquisition of three buildings in Shenzhen, China
- A Chinese state-owned asset management company in a HKIAC arbitration in accordance with UNICITRAL rules in connection with a share sellback agreement between the company and a listed company in Hong Kong and its original controlling shareholder
- The chairperson of a Chinese-listed company in a multi-million dollar HKIAC arbitration against US and Hong Kong investors in respect of disputes concerning the enforceability of “compensation for share price guarantees” after listing, involving a complex formula for the computation of alleged financial loss; the language of arbitration is Chinese
- A PRC national in an investment dispute administered by HKIAC against, two US companies

#### Other Disputes

- An international hotel, casino, entertainment, and gaming group in relation to a dispute regarding a casino development in Laos
- A Chinese state-owned company in respect of a potential dispute arising out of a Sale and Purchase

Agreement of a real estate project in Nanjing, China

- A Chinese manufacturer as claimant in a UNCITRAL arbitration seated in Hong Kong regarding an OEM agreement between the Chinese manufacturer and a Japanese company. The Chinese manufacturer was alleged of improper use of intellectual property and reverse engineering of products supplied by the Japanese company
- A Taiwanese company in a dispute against two European companies arising under a memorandum of understanding relating to the design and manufacture of a commercial product by the two companies
- A Southeast Asian property investment company as respondent in a HKIAC arbitration under Myanmar law seated in Hong Kong regarding a dispute related to the construction and management of a high-end hotel in Yangon. Claimant (a leading global hotel management group) alleged wrongful termination of a hotel management agreement. The arbitration was settled in favor of our client with the claimant agreed to settle and terminate the process without any claims
- A Chinese trading company in a HKIAC arbitration concerning a dispute with its Singapore supplier in relation to an iron ore sale and purchase transaction
- A Chinese State-owned energy company in a joint venture dispute with its Indonesian partner in respect of a project in Indonesia. The dispute arises from a shareholders' contract and a land lease agreement, which includes an arbitration clause stipulating that

arbitration shall be conducted in ICC in Singapore

- An Indian company in an SIAC arbitration in relation to its purchase of an aircraft from a Middle East company
- An Egyptian company in relation to the disputes with a PRC company under a development and supply contract in an arbitration administered by SIAC in accordance with SIAC Rules
- A BVI company acting as exclusive prime contractor in relation to its dispute with a Kuwaiti company arising from an EPCM agreement for a mammoth construction project in the Philippines, in an ad hoc arbitration under the UNCITRAL Arbitration Rules
- A US company in an arbitration seated in Ecuador against a former executive of the company for breaches of an employment agreement governed by Singapore law
- A leading Shanghai-based online game company in an ICC international arbitration held in Singapore regarding a large, “bet the company” dispute with Korean online game licensors in relation to a Licensing Agreement\*
- A listed PRC company in a “bet the company” international arbitration involving hundreds of millions of dollars administered by SIAC in accordance with ICC Rules with a European multinational company in relation to a License Agreement for the licensing of clean technology, and successfully defended the client against a substantial part of the multi-million dollar claim in US dollars; this was also a landmark case concerning “mix-and-match arbitration clauses”, the validity of which was challenged in the Singapore courts\*

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- A Canadian multinational company in an SIAC arbitration held in Singapore against a Chinese state-owned Enterprise in relation to the establishment and management of a joint venture plant in Anhui, China
  - The national Malaysian automobile manufacturer in relation to its joint venture with a PRC company in Guangdong and enforcement of several SIAC arbitral awards in China\*
  - A US medical equipment company in an arbitration against a Chinese company in respect of distributorship agreement and potential arbitration\*
  - A Hong Kong-listed company against a director and a company under the director's control in respect of a breach of contract and breach of fiduciary duties\*
  - A Canadian company on a dispute against a state-owned Chinese company based in Tianjin brought by a Chinese-foreign joint-venture\*
- Mr. Yang has also served as arbitrator in the following matters:**  
Financial Services Disputes
- Sole Arbitrator in an HKIAC arbitration held in Hong Kong between a Korean bank and a PRC real estate company regarding an indemnification claim involving hundreds of millions of dollars concerning the interpretation of the articles of association of a PRC company
  - Sole Arbitrator in an HKIAC arbitration in relation to a bank loan dispute valued at US\$400 million
- Other Disputes
- Presiding Arbitrator in an HKIAC arbitration under Hong Kong law concerning a dispute in connection with a repayment agreement
  - Presiding Arbitrator in an HKIAC arbitration under Hong Kong law concerning a dispute in connection with a guarantee agreement
  - Co-arbitrator in an HKIAC arbitration between a US intellectual property solutions company and a Chinese manufacturer of electronics products regarding a patent license agreement
  - Co-arbitrator in an HKIAC arbitration between BVI companies regarding a project management agreement
  - Co-arbitrator in an HKIAC arbitration between a project management company and the owner, arising out of a project management agreement to develop a property in Macau
  - Co-arbitrator in an HKIAC arbitration between Chinese entities relating to a distribution agreement
  - Co-arbitrator in a dispute under the UNCITRAL Rules relating to a Promissory Note between a large fund and a PRC businessman concerning breaches of its terms
  - Presiding arbitrator in an HKIAC arbitration under Hong Kong law concerning disputes in connection with a Settlement Agreement
  - Presiding arbitrator in an ICC arbitration between a Swiss multinational and a Chinese company concerning a contract dispute
  - Presiding arbitrator in a SHIAC arbitration concerning a contractual dispute over the alleged theft of intellectual property relating to a component of a PTT polymer production facility
  - Co-arbitrator in three ICC arbitrations between Singaporean, Malaysian and Bruneian distributors against their Japanese principal relating to the termination of distributorship agreements
  - Sole Arbitrator in a CIETAC Hong Kong arbitration in relation to a dispute involving a large steel company, which owns scrap metal yards throughout the Caribbean, United States and South America
  - Co-arbitrator in an KCAB arbitration on a dispute between a famous Korean cosmetic brand and its Chinese distributor
  - The Presiding Arbitrator in a CIETAC arbitration between a PRC manufacturer and distributor of food seasonings and a Japanese manufacturer of food products machinery in relation to a dispute arising from the sale of equipment
  - Co-arbitrator in an SIAC arbitration between a PRC state-owned energy company and a European developer of cutting-edge wind powered technology relating to a dispute arising from a cooperation agreement in developing and marketing wind turbine technologies
  - Co-arbitrator in an CIETAC arbitration on a dispute involving a premium sports brand in China
  - Sole Arbitrator in a CIETAC arbitration between a Spanish businessman and a Chinese company in relation to a dispute involving an engineering contract
  - One of the three-member Tribunal in an SIAC arbitration between a BVI company and a PRC company relating to disputes arising from a cooperation agreement; the governing law is PRC law and the language of arbitration is Chinese
  - Presiding Arbitrator in two related SIAC arbitrations between a US company and a PRC company to

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determine disputes under two joint venture agreements

- The arbitrator in an SIAC arbitration between a Canadian company and a PRC company relating to disputes under a multi-million dollar film distribution agreement
  - Sole Arbitrator in an SIAC arbitration between a Singapore company and a PRC company relating to sale of commodities
  - Sole Arbitrator in an SIAC arbitration between a US company and a PRC company relating to an equipment sale contract
  - Sole Arbitrator in three related HKIAC arbitrations between a Hong Kong company and a PRC company regarding alleged breach of container leasing contracts
  - The Presiding Arbitrator in an HKIAC arbitration between two PRC citizens and a BVI company and others relating to disputes under a sale and purchase of shares agreement
  - The Presiding Arbitrator in an arbitration held at the CIETAC in Shanghai to determine disputes between a Chinese main contractor and the European owner of a construction project involving some CNY100 million; the governing law is PRC law and the language of arbitration is Chinese
  - The Sole Arbitrator in an arbitration held at the HKIAC in Hong Kong to determine disputes between a Chinese company and an Australian company in relation to the sale and purchase of coal; the governing law is the law of Western Australia and the language of arbitration is English
  - Chairman of CIETAC tribunal to hear an arbitration between a Samoan company and a Beijing company in relation to a sale of equipment dispute
  - Sole Arbitrator in an ICC arbitration between a Hong Kong company and two Chinese companies relating to a dispute on the distribution of certain television productions
  - Sole Arbitrator in a KLRCA arbitration between a Malaysian company and a US company relating to a network communication service agreement
  - One of the three arbitrators in a CIETAC arbitration between Singaporean parties and a PRC company relating to a joint venture dispute
- \*Matter handled prior to joining the firm*

### Litigation

- A Hong Kong company which has been sued in the Hong Kong High Court by another Hong Kong company (“I Consulting Group Limited” or “ICG”) for procurement of breach of contract, unlawful interference with contract, conspiracy to injure and breach of confidence.
- A senior civil servant in his personal capacity in a prosecution for an offence under the Prevention of Corruption Ordinance for making a false declaration which resulted the Government of Hong Kong approving a housing benefit
- A large multinational pharmaceutical company regarding prosecutions for breaches of the Import and Export Ordinance

### Thought Leadership

- Taking Stock of Hong Kong as an Arbitral Seat (Dec 2020)
- Chinese Court Decision Reinforces Need for Clear and Precise Drafting

of China-Related Arbitration Agreements (Oct 2020)

- International Arbitration: Focus on Chinese Counter-Parties (Oct 2019)
- Hong Kong Enters Mutual Interim Relief Arrangement With Mainland China (May 2019)
- Can't Pay, Won't Pay – Hong Kong Introduces Third-Party Funding of Arbitration (Jan 2019)
- HKIAC Updates Rules to Strengthen Market Profile and Improve User Experience (Oct 2018)
- 6 Key Considerations in China-related Arbitrations
- Seat of Arbitration and Enforcement of Awards
- International Arbitration Newsletter (Jan 2017)
- Innovation reinforces HK's status as a leading international arbitration hub
- International Arbitration: Resolving a World of Disputes
- International Arbitration Newsletter (Jan 2016)
- The Ever-Growing Importance of Hong Kong's Role in China-related Arbitration
- Hong Kong: Law Reform Commission Recommends Allowing Third-Party Funding for Arbitration
- International Arbitration Newsletter (July 2015)
- International Arbitration Newsletter (February 2015)
- Five Key Considerations in China-related Arbitrations
- Global Legal Insights: Bribery & Corruption - Singapore
- Arbitration in the Asia-Pacific Region

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## Ing Loong Yang

- The International Comparative Legal Guide to: Business Crime 2014 - Singapore
- Chinese Arbitration Award Caught in Arbitration Institute Dispute

### Selected Speaking Engagements

- “The 9th Asia-Pacific ADR Virtual Conference - Innovative suggestions for virtual and remote hearing”, November 2020
- “GAR Interactive HK 2020 - Debate - this house believes that there is no such thing as a bad challenge”, October 2020
- “China Arbitration Week - Hot topics in international arbitration”, September 2020
- “HKIAC Roundtable Discussion - Making Virtual Hearings Work (Mainland China)”, August 2020
- “SIAC China Webinar - Saving Time and Costs in your International Arbitration Case: A “How to” Guide for Users”, July 2020
- “HKIAC Webinar: Hong Kong- Mainland China Interim Measures Arrangement: A game changer”, April 2020

### Selected Publications

- “Foreign institutional arbitration in China”, Practical Law China, September 2020
- “Innovation reinforces HK’s status as a leading international arbitration hub”, *China Daily Asia*, December 2016
- “The International Comparative Legal Guide to: Business Crime 2015 - Singapore”, *The International Comparative Legal Guide*, October 2014
- “Hong Kong is a preferred seat of arbitration”, *China Daily Hong Kong Edition*, October 2014
- “Should you mediate, arbitrate or litigate?”, *Asian-Mena Counsel* -

*Dispute Resolution Special Report*, June 2014

- “International Commercial Dispute Resolution - How to Execute International Commercial Arbitration in Hong Kong and Singapore,” *China Business Press*, August 8, 2011
- “Singapore court rules on insolvency,” *Global Arbitration Review*, 16 June 2011
- “Enforcement of Arbitral Awards: the Taiwanese Perspective,” *Asian Dispute Review*, April 2011
- “Are Lawyers Ready for the International Commercial Arbitration Era?,” *The Legal Daily*, June 10, 2010
- “Developments in International Arbitration in Singapore in 2009,” *Asian Dispute Review*, April 2010
- “Emerging Antitrust Regimes in Asia,” *Law 360*, December 1, 2008
- Commentary on “Provisional Measures,” *50 Years of the New York Convention*, Dublin 2008 (published by Wolters Kluwer, 2008, as part of the ICCA Congress Series, No. 14)
- “An Intellectual Property Project,” *Financial Times*, June 2006
- “Approach to the Anti-Monopoly Law of the PRC,” *CCH China Law Express*, March 2006