BCLP. Client Intelligent

靳海文

Partner
Hong Kong SAR

合伙人，争议解决与监管

E: glenn.haley@bclplaw.com
T: +852 3143 8450

BIOGRAPHY

- 在基础设施、建设和工程领域拥有逾30年的大型项目经验，既包括诉讼也包括非诉项目。
- 在很多大型基础设施开发中代表政府和准政府机构，包括机场、铁路项目、桥梁、道路、隧道、发电项目和商业结构。
- 在香港特别行政区生活和工作25年，处理整个亚太地区的项目。

INDIVIDUAL LEGAL DIRECTORY RANKINGS

Band 1: Construction: International Firms in China, Chambers and Partners Greater China Region, 2024

Hall of Fame: Construction in Hong Kong, Legal 500 Asia Pacific, 2024

Preeminent ranking: Hong Kong Construction & Infrastructure Litigation Lawyers, Doyle's Guide, 2024

WHAT THEY ARE SAYING

"A real name in the Hong Kong market as a construction lawyer." Chambers and Partners Greater China Region, 2024

"He is a commercially sensitive lawyer and a go-to in Hong Kong. He is exceptionally well connected." Chambers and Partners Greater China Region, 2023

"Insightful and practical advice on construction-related disputes" Legal 500 Asia Pacific, 2022

"Glenn Haley is just incredibly experienced. He is one of the most famous, 'hall of fame'-type lawyers," Chambers and Partners Greater China Region, 2023

PRACTICE GROUP LEGAL DIRECTORY RANKINGS

Band 1: Construction: International Firms in China, Chambers and Partners Greater China Region, 2024

Band 1: Construction in Hong Kong, Legal 500 Asia Pacific, 2024

SPOKEN LANGUAGES

- English

ADMISSIONS

- ACT
- New South Wales
- Northern Territory

- Queensland
- Victoria
- England and Wales (non-practicing)

RELATED PRACTICE AREAS

- Construction Disputes
- Infrastructure
- Sports & Entertainment
- Data Privacy & Security
- Energy Transition
- Real Estate Disputes
- Corporate
- Investigations
- Litigation & Dispute Resolution
- Regulation, Compliance & Advisory
- International Arbitration
- Sports & Entertainment Contract, Endorsement & Celebrity Representation Practice
- Anti-Doping Practice
- Sports & Event Venue Real Estate Infrastructure and Operation
- Naming Rights & Sponsorship Practice
- Sports & Entertainment M&A Practice
- Sports & Entertainment Litigation Practice
- Sports & Entertainment Specialty Counseling Practice
- Entertainment Industry Practice
- Sports & Event Financing
- Collegiate Sports Practice
- Olympic & National Governing Body Practice
- Professional Sports Team Practice
- Data Center & Digital Infrastructure Team
- Business & Commercial Disputes
- Real Estate
- Securities Litigation and Enforcement

RELATED INSIGHTS

Insights
Oct 07, 2024
HK Security of Payment Bill: Government responds to submissions from the public

The Hong Kong Government received 37 submissions from the public in July 2024 regarding the Construction Industry Security of Payment Bill ("Bill") and held discussions with deputations from different stakeholders at a LegCo meeting on 16 July 2024. On 2 October 2024, in a letter to the LegCo, the Government summarised some of the key points that had been made in the submissions from the public and gave its response to the submissions. While there is no indication from this letter that the Government would make any amendments to the wording of the Bill in relation to the submissions from the public, the letter raises some important points regarding the Bill and some follow-up actions that the Government said that it will undertake to deal with concerns raised by various stakeholders.

Insights
Sep 27, 2024

Smart contracts and the use of arbitration to resolve related disputes

In recent years, technology advancement has introduced new methods for contract formation. In particular, the rise of blockchain technology has led to the emergence of "smart contracts", which are digital contracts which automatically execute transactions when pre-determined conditions are met. This article provides a brief explanation as to what smart contracts are, and examines some of the potential issues that could arise under Hong Kong law when arbitration is used to resolve smart contract disputes.

Insights
Sep 25, 2024

HK Security of Payment Bill: an insolvency exception to ban against "pay when paid" clauses?

On 16 July 2024, the Hong Kong LegCo Bills Committee which is considering the Construction Industry Security of Payment Bill ("Bill") held a meeting to receive representations and submissions on the Bill from deputations sent by stakeholders in the construction industry. Some deputations suggested that the Government should consider specifying cases of non-payment caused by bankruptcy of contractual parties at upper tiers in the supply chain as an exception to the ban against "pay when paid" clauses. The deputations argued that this exception would "prevent series of bankruptcy of various contractual parties at lower tiers".[1] (Of course, there always will be one or more parties at the lowest levels that will bear the brunt of the bankruptcy further up the contractual chain.)

Insights
Sep 24, 2024

HK Court rejects "Arbitral Confidentiality" Argument in Parallel Court and Arbitration Proceedings

In Beijing Songxianghu Architectural Decoration Engineering Co., Ltd v Kitty Kam [2024] HKCFI 1657 (date of reasons for decision: 19 June 2024), the Hong Kong Court of First Instance ("the Court") dismissed an application for a confidentiality order – made on the basis of confidentiality protected in the arbitration under the Arbitration Ordinance (Cap 609) – to effectively render the Court proceedings and all information relating to a set of related arbitration proceedings confidential ("Confidentiality Application"). The Court rejected the Defendant's argument that arbitral confidentiality was being undermined by the Plaintiff's decision to commence both an arbitration and allegedly "parallel proceedings" in Court, which "effectively left open a loophole that allow the Plaintiff to breach its confidentiality obligations through the backdoor at its wishes". This case highlights that arbitral confidentiality is not absolute, and m…

Insights
Sep 02, 2024

HK Court Overrules Arbitrator's Decision regarding Compatibility of Arbitration Agreements

In SYL v GIF [2024] HKCFI 1324 (date of judgment: 20 May 2024), the Hong Kong Court of First Instance ("the Court") set aside an Interim Award made by the arbitral tribunal ("Tribunal") in an HKIAC-administered arbitration. The award related to an unsuccessful jurisdictional challenge made before the Tribunal. A single arbitration was commenced in relation to three separate but related contracts. The Court was required to analyse the meaning and effect of "mutatis mutandis" in a Loan Agreement context / relationship, where two related Security Deeds provided that the dispute resolution provision in the Loan Agreement applied "mutatis mutandis". The Court agreed with the plaintiff on both of what had been labelled by the parties as (i) the "Compatibility Ground" (that the arbitration agreements in the three contracts are incompatible with one another), and (ii) the "Agreement Ground" (that the composition …

Insights
Aug 22, 2024

HK Court of Appeal set aside arbitral award for the absence of underlying disputes

In CMBICDHAW Investments Limited v CDH Fund V Limited Partnership & others [2024] HKCA 516 (judgment date: 10 July 2024), the Hong Kong Court of Appeal (CA) addressed an appeal regarding the Court of First Instance's (CFI) decision to set aside parts of an arbitral award due to the absence of a relevant dispute. The disputed portions included a declaration of non-liability and additional comments made by the arbitrator. The CA determined that no relevant dispute existed to establish the arbitrator's jurisdiction and that there was an abuse of process.

Insights
Aug 05, 2024

HK Government responds to 19 June letter from LegCo in-house lawyer regarding the Security of Payment Bill

Our earlier Insight "LegCo in-house lawyers request clarifications regarding the Security of Payment Bill" reported that the Legal Service Division of the LegCo wrote a letter on 19 June 2024 to the HK Government seeking to clarify certain matters in the Construction Industry Security of Payment Bill ("Bill"). On 18 July 2024, the HK Government responded by a letter.

Insights
Jul 25, 2024

Hong Kong unveils proposals for first cybersecurity law

The Hong Kong Government recently submitted its proposed legislative framework to enhance protection of computer systems of critical infrastructure ("Proposal") to the Legislative Council ("LegCo") Panel on Security for discussion on 2 July 2024. The Proposal notes that currently, Hong Kong does not have any statutory requirements on the protection of the computer systems of critical infrastructures ("CIs"). Given that there is an increasing risk of CIs being cyberattacked, the HK Government recognises the need to introduce new law to enhance cybersecurity of CIs. The proposed legislation tentatively is titled the "Protection of Critical Infrastructure (Computer System) Bill".

Insights
Jul 24, 2024

Inadequately Reasoned Arbitral Award Not Enforced by Hong Kong Court

In the case of A v B & ors [2024] HKCFI 751 (date of reasons for decision: 13 March 2024) the Hong Kong court set aside an order granted to enforce an arbitral award dated 25 August 2022 made by the sole arbitrator in an arbitration at the International Center for Dispute Resolution, under the Rules for International Commercial Arbitration of the American Arbitration Association ("Arbitration"), on the grounds that the Arbitrator had failed to give reasons for her decisions on key issues.

© 2024 Bryan Cave Leighton Paisner LLP.