EASTERN CARIBBEAN SUPREME COURT
BRITISH VIRGIN ISLANDS

IN THE HIGH COURT OF JUSTICE
(COMMERCIAL DIVISION)

CLAIM NO. BVIHC (COM) 2021/0103

BETWEEN

GE WU

Claimant

-and-

XUN LIU

Defendant

Determined *ex parte* on paper:
Ms. Xia Li of Carey Olsen submitted a skeleton

2022 March 3

JUDGMENT

[1] **JACK, J [Ag.]**: The claimant applies for an interim charging order over some shares in a BVI company in order to enforce a judgment of the People's Court of Xicheng District in Beijing. This judgment is put in writing, because there seems to be a widespread belief that it is difficult to enforce judgments issued in the People's Republic of China in this jurisdiction. It appears that the only published judgment of this Court dealing with the matter is the judgment in **Industrial Bank Financial Leasing Co Ltd v Xing Libin**.[1]

[2] It is not the case that foreign judgments are difficult to enforce in this Territory. It is true that there are no treaties between the United Kingdom and the People's

[1] [2020] ECSCJ No 420 (Jack J), BVIHC (COM) 0032 of 2018 (28th January 2020).

Republic of China ("PRC") governing enforcement of judgments. However, bringing an action on a PRC judgment at common law is not difficult. In the current case, Xun Liu was resident in China when the proceedings were brought against him. He appointed lawyers and defended himself in the PRC action. On 27th September 2020, the People's Court of Xicheng District gave judgment against Xun Liu in (2019) Beijing 0102 Civil Case – First No 16361. The courts of the PRC clearly had jurisdiction and due process was observed. Enforcement in China was unsuccessful and Xun Liu is no longer to be found in China.

[3] On 10th June 2021 Ge Wu commenced proceedings to enforce the judgment in this Territory. Service of these proceedings was affected on Xun Liu in Canada. Judgment by default was given on 20th January 2022 for RMB22,855,777.78 with interest thereon to run at 5 per cent per annum. It is this judgment in respect of which the charging order is sought. None of this sum has been satisfied.

[4] Xun Liu holds 2,100 shares in N Century Holding Co Ltd, a BVI company. The conditions of the Charging Orders Act 2020 are satisfied and I granted the provisional charging order on 2nd March 2022. These are the reasons for that determination.

Adrian Jack
Commercial Court Judge [Ag.]

By the Court

Registrar