



## **Branch Chair Report 2017/2018**

### **Highlights of 2017/2018**

The East Asia Branch is run by a Committee comprising of 16 elected members and 1 ex-officio who hold the following positions:

Committee Chair	Mary Thomson
Immediate Past Chair	Richard Leung (ex-officio)
Vice Chairs	David Fong and Nicholas Turner
Branch Secretary	Donovan Ferguson
Branch Treasurer	Paul Barrett
Other members	Helen Au, Louise Barrington, Calvin Cheuk, Edward Chow, John Cock, Mingchao Fan, Glenn Haley, Lawrence Lee, Christopher To and Cordia Yu

Other than the above, we have a number of co-opted members on various sub-committees helping us in carrying out various activities. They include Joseph Leung, David Luk, Gina Leung, Saniza Othman and Giovanna Kwong.

### **Membership**

As at end of 31 March 2018 the total Branch membership stood at 2,001. Out of these, 471 (24 %) were associates, 1,035 (52%) were members and 448 (22%) were fellows, the rest 47 (2%) were retired. A table showing the distribution of branch membership around the region is set out below.

<u>Region</u>	<u>No as of March 2017</u>	<u>No as of March 2018</u>
Australia	1	0
Austria	1	0
Cambodia	2	2
Canada	2	2
China	120	112
Hong Kong	1487	1561
Indonesia	59	53
Japan	54	62



<u>Region</u>	<u>No as of March 2017</u>	<u>No as of March 2018</u>
Korea	37	47
Macau	35	38
Malaysia	0	1
New Zealand	1	1
Philippines	47	64
Singapore	2	3
Sri Lanka	1	0
Taiwan	27	31
UK	6	8
Vietnam	16	16
<b>Total</b>	<b>1,898</b>	<b>2,001</b>

The Branch had 1,898 members at 31 March 2017. In October 2017, the branch membership reached 2,000 for the first time. However, this number dropped by about 70 by the end of 2017 due to the revocation of membership of those who had failed to pay their membership subscriptions. Our branch took steps to persuade the revoked members to pay their outstanding subscriptions and rejoin.

I am pleased to report that the branch membership has again risen over 2,000. By the end of March 2018. There was a growth of 103 members (5.4%) compared to the same date last year.

My thanks go to Cordia for taking care of our membership affairs.

### **Financial Position**

According to the Branch Treasurer, for the 12 calendar months in year 2017, the Branch made a surplus of HK\$521,142. Though income from courses each year is unpredictable, this is a healthy surplus. I refer members to the Treasurer's report for further details of the Branch's financial position.

Thank you to Paul Barrett who takes care of the finances of the Branch.



## **Professional Development & Training**

For arbitration courses, the Branch has been holding courses leading to various grades of membership. During the past year, the Branch completed several training courses and assessments in Hong Kong, Indonesia, Taiwan and Japan:

30 August 2017: Peer interviews, Hong Kong

30 September to 1 October 2017: ARM in Kaohsiung with CAA and Kaohsiung Bar

6-7 October 2017: ARF Indonesia

19 October 2017: Peer interviews, Hong Kong

21-29 October 2017: Asia Pacific Diploma Course in Hong Kong

10-11 November 2017: ARM Tokyo

28 November 2017: Peer interviews, Hong Kong

13 January 2018: Introduction Course to maritime sector, Hong Kong

10 – 12 March 2018: ARM with CAA, Hsinchu Bar and Tsing Hua University

Thank you to Glenn and the course directors, lecturers, tutors, assessors, shadows and Chapter Convenors who have helped with planning, organizing, participating in the courses and assessments in Hong Kong and in the chapters in the region. Also, our gratitude to the organizations that have collaborated with us and provided us with their invaluable assistance making the courses and assessments possible.

A big thank you, too, to Richard Leung who was Course Director of the CI Arb Asia Pacific Diploma Course held jointly with the Australian and Singapore Branches in Hong Kong. It was the best attended APAC Diploma Course so far.

## **Mediation**

Since 2010, the Branch has collaborated with other professional bodies and joined the JMHO for promoting mediation awareness. The JMHO held its 85<sup>th</sup> directors meeting in March 2018 with Lawrence attending on behalf of the Branch.

Thank you to Lawrence who sits on the committees of mediation bodies which the Branch collaborates.

## Programme

Since April 2017, we have held eight evening seminars/talks (not counting the seminars held by the YMG). Of these, five talks formed part of a series of seminars considering the guidelines and rules for administering arbitrations and other dispute resolution processes. These talks were recorded with the assistance of Epiq, for which we are grateful, and will be uploaded onto the EAB website.

Date	Topic	Speaker
April 2017	AGM followed by talk on Due Process Paranoia	Professor Anselmo Reyes
June 2017	Challenging arbitrators for bias and conflict	David Thomas QC and Jane Lemon QC
August 2017	12 <sup>th</sup> Annual Winnie Whittaker Memorial Lecture	Paul Barrett
September 2017	A review of the HKIAC Administered Rules, covering important issues to watch out for and changes in the pipeline	Chiann Bao and Joe Liu
October 2017	Some thoughts on Arbitration Rules	Professor Anselmo Reyes
November 2017	The CI Arb's international arbitration practice guidelines from a practitioner's view point - Appointing and challenging the jurisdiction of an arbitrator	Peter Caldwell
January 2018	The CI Arb's international arbitration practice guidelines from a practitioner's view point - Applications for interim measures and security for costs	Tony Houghton SC
March 2018	Applying 'General Principles of Law' to International Disputes	Charles T. Kotuby Jr. and Julian Cohen



In addition, the fellow's cocktail event was held on 30 August 2017 and there was a meet the CI Arb president, Professor Dr Nayla Comair-Obeid, lunch on 18 October 2017.

The Annual Dinner recently held on 14 March 2018 was very well attended with over 188 people. The Branch was honoured to have Paul Starr to be the guest speaker as well as the presence of the Regional Director, Board of Trustee and various branch chairs in this event.

Thanks are due to Nicholas for management of the programme of events, in particular seeking guest speakers and arrangement of all these events.

### **Regional & Chapter Development**

The Branch continues to extend its programme of activities throughout the East Asia Region: Indonesia, Japan, Philippines, Taiwan, South Korea, Macau and Mainland China. Local chapters/committees/Convenors manage affairs in each territory and communicates and reports to the Branch from time to time.

In Mainland China, the new Foreign NGOs Management Law came into effect 1 January 2017. In short, when conducting activities on the Mainland, it is necessary to register a representative office there or to find a local partner applying a temporary permit from the Public Security Bureau at the provincial level. This has made holding CI Arb courses on the Mainland a problem.

The Branch incorporation sub-committee was set up by the previous Branch Committee to handle the incorporation of the Branch with the intention that the incorporated Branch could then establish a representative office on the Mainland to engage in training activities in Mainland China.

However, as CI Arb in London is incorporated under Royal Charter, it can register itself in the PRC under the new law, and the Branch can then legally engage in training activities on the Mainland. The Branch is working with head office and the Regional Director, Camilla Godman, to formulate plans to deal with the issue.



Thanks to Mingchao and David Fong for their leadership of the China Regional Sub-committees. Also, to our Chapter Convenors for their proactive roles in the Chapters in the region, keep up the good work.

Also, special thanks to Edward for taking the lead on the incorporation subcommittee.

### **Young Members**

The Branch's YMG has been very busy organizing talks and social events. In the last 12 months, YMG organized technical talks for members to enhance their knowledge on alternative dispute resolution such as arbitration and to meet with local practitioners. They include:

- Ian Pennicott QC SC on "Why are there so many sets of arbitration rules?"
- Winnie Ma and Helena Chen on "CAAI Rules 2017: The New Arbitration Rules of the Chinese Arbitration Association, International"
- Bill Amos, Mary Thomson, Lianjun Li and Edward Alder on "Maritime Arbitration in Hong Kong: Current Procedural Issues".

During the same period, YMG participated in community / networking services: Home Visit and Mooncake Delivery to the Elderly for Mid-Autumn Festival, Mooncake Making Class; UNICEF Charity Run; and BBQ.

A site visit to Central - Wan Chai Bypass - Tunnel (North Point Section) and Island Eastern Corridor Link was organized to enhance members' knowledge of a construction site.

To attract more members to join CI Arb, two promotional talks were organized to Chun Wo and Gammon.

Finally, an Annual Party was arranged to provide opportunities for members to meet with different professionals. Almost 100 people attended with positive feedback received.

Thanks to David Luk and his YMG committee for their enthusiasm and dedication and to Helen for her promotion endeavours to the universities.



### **Vis East Moot**

The Willem C. Vis (East) International Commercial Arbitration Moot celebrated its 15<sup>th</sup> year. A total of 127 teams took part in March 2018 Moot. The moot is now a regular fixture on the Hong Kong arbitration calendar attracting arbitrators, practitioners, academics and universities from around the world.

Thanks to Louise for taking care of the Vis East moots. We need to build on that success and ensure the moots prosper in Hong Kong.

### **Diversity**

This is a new subcommittee that has been set up after the new Branch Committee was formed. It is chaired by Louise with Giovanna recently co-opted to assist. Events are planned for this summer by the new subcommittee.

### **Working with other institutions**

In the past year, the Branch supported seminars organized by the following:

Shanghai International Arbitration Centre  
Hang Seng Management College  
Asian Academy of International Law  
Society of Construction Law of Hong Kong  
The Lighthouse Club

The Branch received the delegation of the Lang Feng Arbitration Commission led by their SG, Ms. Cheng Wen in August 2017. In October 2017, the Branch co-operated with the Beijing Arbitration Commission in their 2017 Hong Kong Summit on Commercial Dispute Resolution in China.

The Branch sent a delegation to join the “In Style • Hong Kong” Symposium in Kuala Lumpur, Malaysia, in November 2017 organized by the DOJ. As Branch Chair, I attended as a speaker in the thematic seminar.

The Branch also supported Hong Kong’s successful bid to host ICCA Congress 2022. Thanks to David Fong who handles our public relations.

## **Publication and Website**

The Branch continues to be represented on the Editorial Board of “Asian Dispute Review” journal.

The Newsletter Subcommittee issued 4 newsletters in the last 12 months, namely the July 2017 Edition, October 2017 Edition, January 2018 Edition and the April 2018 Edition. These newsletters cover wide-ranging events held by CI Arb (EAB) and the Young Members Group, which include, for example, a presentation given by Professor Nayla Comair-Obeid, the CI Arb President, and a series of talks on the HKIAC Administered Arbitration Rules.

Thanks go to Calvin Cheuk and all those who assisted him in preparing and editing the materials and photos, in particular Cherie Tam, Gina and Helen.

The Branch continues to maintain its website ([www.ciarbasia.org](http://www.ciarbasia.org)) and has been regularly updated, particularly the program of events page, which is typically updated each month or otherwise as needed. In addition to the regular monthly updates, which are done directly by the Branch Committee, the service agreement for the website includes provision for more substantial revisions to be made on a quarterly basis. During the 2017-18 year, the quarterly updates were used to make a number of revisions including:

- A general overhaul in line with the Institute’s new corporate identity, including the new Branch logo, updated Branch Committee, Education & Training and Centenary Celebrations pages and updated links for Asian DR journal.
- The YMG Committee page was updated with new Chairperson’s message, committee members’ details and group photo, and the former committee details were archived.
- The former “Nuts & Bolts” section was restructured to make it the “CPD Events Records” section. As part of this revision, the N&B Lectures were moved to a separate page and a new page was created for “CPD Seminar Series 2017-18”. On that page were uploaded video and audio files with powerpoints of the talks by Chiann Bao and Joe Liu (14 Sept), Anselmo Reyes (30 Oct), Peter Caldwell (23 Nov) and Tony Houghton (31 Jan). These are now available for members to access



at their convenience, either for ad-hoc reference or as part of a program of self-directed study.

- Documents for the 2018 AGM were uploaded for members' reference and information.

The web sub-committee plans to continue to maintain and upgrade the site in the coming year. Suggestions from members for improvements to the website are always welcome.

Thanks go to John Cock for managing the website keeping us up to date.

### **Institute Representation**

The Branch continues to hold important positions within the Institute. Mr. Anthony Houghton SC represents the East Asia region on the Board of Trustees.

### **Vote of Thanks**

We would like to take this opportunity to thank all committee members, subcommittee members, Chapter Convenors, co-opted members, guest speakers on various talks and all Branch members for their support and active participation in the past year.

### **Development Business Plan 2018**

The Branch will continue to provide education, training and other CPD programmes including talks, events, workshops and building relations with universities and other professional bodies.

The Branch will continue to support and collaborate with other arbitral bodies (locally and internationally) and organizations including government departments in the arbitration and ADR sphere.

The Branch will also explore collaboration and develop partnerships with the academic, business, financial and maritime communities with a view to broadening its membership. We will organize events, gatherings and YMG activities with a view to foster better relationships and to promote international arbitration and ADR.



In respect of the application for space in the West Wing government building, the Branch will be allocated a space in the second stage of allocation as announced by the Government of the HKSAR. The Branch hopes to have a small office to be set up so that we may provide better services to members within the Branch. There will be a certain amount of capital expenditure to be incurred in that regard though the Government of the HKSAR has yet to confirm to us the likely rent. The Branch has built up a surplus to meet the anticipated expenditure.

Mary Thomson  
Branch Chair  
April 2018