



The first quarter of 2010 was quite busy for the East Asia Branch and not least for its Young Members Group which organised several events with large turnouts. It also saw the birth of the new Singapore Branch and the participation of 75 teams in the 7th Annual Willem Vis East International Commercial Arbitration Moot.

As always, news items for the Newsletter and letters from the readership are most welcome. Readers are also encouraged to submit articles, book reviews or letters relating to dispute resolution to Asian Dispute Review. For submission guidelines please visit www.asiandr.com.

The forthcoming Branch events programme is found on the back page of the Newsletter, and an up to date programme can be found on www.ciarbasia.org.

Paulo Fohlin

EAB Singapore Chapter Upgraded to Branch

Singapore, January 2010

At an evening event in Singapore on 23 January, Michael Forbes Smith, Director General of CI Arb enthusiastically launched a new Branch of the Institute, incorporated as “Chartered Institute of Arbitrators (Singapore) Limited” and officially registered as on 14 January 2010. Mr Forbes Smith met with the members of the Institute from Singapore, including the Chairman of the new branch, Christopher Lau, SC and the nominated members of the Branch Committee. During the networking and cocktails session, Michael expressed his excitement and congratulated the members for the stellar performance on the preceding Theme Conference organised by the new Branch. He encouraged the members to keep up the good work with which the Branch had started and take this achievement to the next highest level. Michael also thanked the East Asia Branch Committee for their full support and dedication to the Singapore Chapter, which had resulted in the formation of the Branch within a shortest span of a year. In addition, Michael briefed members on the latest CI Arb pathways for upgrading professional qualifications, and encouraged them to take active steps in enhancing their profile, as well as that of the Institute in the region.



From left, Michael Forbes Smith, Director General of CI Arb launching the new Singapore Branch, and Christopher Lau SC, Branch Chair.

Christopher Lau introduced new members and Fellows who joined the Institute recently. The evening concluded with possible answers to the burning question of “How do I get my first appointment as an arbitrator?” Those who are curious enough to find the answer are advised to participate actively in as many CI Arb and ADR forums as possible.

Jayems Dhingra

Evening Talk by Colin Wall on “Challenges to Arbitrators, Part II”

Hong Kong, 25 January 2010

In June 2009 Mr Colin Wall gave a speech to CIArb members on challenges to arbitrators, covering inter alia bias and procedural irregularities. This second part of Mr Wall’s presentation dealt with jurisdictional objections. The talk was delivered in January at the Hong Kong Club.

Mr Wall started off his speech by explaining how objections and challenges to a tribunal’s jurisdiction may be dealt with either separately or together with the merits under the UNCITRAL model law, and by describing usual sorts of challenges. Among other things, he explained with references to authorities issues to be considered when dealing with such challenges and procedures to be followed by the tribunal in domestic and international cases. He also discussed the remedies available in domestic and international cases respectively when jurisdiction was exceeded or when substantive matters that should have been dealt with by the tribunal were not. He concluded that jurisdiction was a matter for the tribunal constantly to bear in mind throughout the arbitration as it was now perhaps the greatest source of challenges.

The talk was very informative and attracted quite a number of questions from the floor as well as a discussion on whether the new Hong Kong Arbitration Ordinance, in addition to the existing court review of a tribunal’s affirmative ruling on jurisdiction, ought to provide for court review of a tribunal’s ruling denying jurisdiction. The speech was well prepared and presented.

Yeung Man Sing

YMG Technical Visit to the Lai Chi Kok Drainage Tunnel

Hong Kong, 30 January 2010

On the last Saturday of January, the Young Members Group of the East Asia Branch jointly organised, with the Young Members Committee of the Hong Kong Institution of Engineers, a visit to the Lai Chi Kok Drainage Tunnel, Hong Kong.

The Lai Chi Kok Drainage Tunnel is a major urban drainage improvement project designed to capture rainwater in order to relieve the flooding problems in Sham Shui Po, Cheung Sha Wan and Lai Chi Kok districts. During the site visit, the site staff gave us a comprehensive and insightful presentation on the overview of the project and the challenges faced during the project. In particular, we were introduced to the state of the art Tunnel Boring-Machine, a mixshield tunnel boring-machine adapted for hard rock and mixed ground tunnel. Its features include the ability to remove excavated material and install precast tunnel lining. Following the presentation, we had an opportunity to take a close-up view of the boring-machine, the slurry treatment plant and the intake shafts being built.

The visit was very informative and inspired many questions from the attendees which were helpfully addressed by the site staff.

Jessica Chan



The visit to the Lai Chi Kok drainage tunnel.

Theme Conference on Arbitration and Mediation

Singapore, 19-20 January 2010

The new Singapore Branch organised a two-day Theme Conference in Singapore as part of its opening ceremony and first event. The conference included a mock arbitration as well as a mock mediation.



Never too late to learn new steps! After a long day of mock hearings Colin Wall, CIArb EAB Trustee and Past CIArb President, is watching in amusement what step Khong Cheng Yee, Director and Counsel of the Asia Office of the ICC International Court of Arbitration Secretariat, based in Hong, is going to take following some well raised steps taken by Louise Barrington, Director Vis East Moot, Chan Leng Sun, SIArb Singapore, and Peter Leaver QC, Chairman LCIA Board of Directors.

After the conference, Singapore Branch sponsors ATMD Bird & Bird hosted a musical evening of cocktails followed by dinner. The guests and the delegates were taken by surprise when the lead actors of the Theme Conference's mock cases again took the centre stage and demonstrated some latent talents, unknown not only to the guests but also to themselves. It was indeed an evening full of thrills and surprises, and some actors of the mock cases, when turned singers and dancers in the evening, wondered whether they had ruined their chances of ever being appointed as counsel or arbitrator again. But the guests were all prepared to sponsor the foundation of a new entity called "CIArb Productions" at 12 Bloomsbury Square in contrast with Hollywood Productions. Obviously enough, being in the dispute resolution business is not so dry after all!

Jayems Dhingra

Talk by Jessica Fei on "Arbitration Practice in China"

Hong Kong, 1 February 2010

At the beginning of February, Ms Jessica Fei delivered an evening talk to CIArb members at the Hong Kong Club on the topic of arbitration practice in mainland China. Ms Fei has been involved in China-related international arbitration since 1994. Before joining private practice, she worked for many years at CIETAC Beijing and ICDR New York. She is now with Fulbright & Jaworski.

A wide range of topics were covered in Ms Fei's talk. To begin with, she compared the Chinese and western styles of arbitration in terms of the involvement of the arbitral institution, the tribunal's power to decide jurisdictional issues, the selection/ appointment of arbitrators, the procedures for hearings and evidence examination, the combination of conciliation and arbitration, and the fees and costs. After that, she dealt with the enforcement of foreign arbitral awards and mainland foreign-related awards in mainland China. Since this is a major concern for many parties from outside China, she touched upon the enforcement statistics during the period from 2000 to 2007. She indicated that the non-enforcement rate was in fact not very significant. She further analysed a few cases of non-enforcement, including the Hemofarm case and the Heavy Metal case. She concluded with topics relating to ICC mainland China seated arbitration and enforcement of Hong Kong awards in mainland China.



Jessica Fei and Branch Committee member Richard Leung at the Hong Kong Club.

The talk was very well attended. Discussions ensued among the speaker and the audience after the question and answer session.

Cheryl Je

YMG Seminar on Contract Management 2010

Hong Kong, 6 February 2010



CI Arb-YMG representatives: Samuel Ho, Johnson Lee, Jessica Chan, Carman Liu and Nicky Cheng

The Branch Young Members Group, in collaboration with five other young professionals groups, including engineers, surveyors and lawyers, jointly organised a one-day seminar on contract management in February 2010. We were privileged to have invited a panel of distinguished speakers. The seminar enabled relevant professionals to share experiences and to explore new practices. About 250 members of the organising institutes attended the seminar and many of them actively expressed their views on various issues. The seven speakers gave talks on different topics, including Managing Your Way through the Contractual Jungle, Latest Legal Developments Affecting the Construction Industry, Alternative Contract Procurement Approach and A New Approach to Cost Management for Construction Works and the Policy and Law of a Low Carbon Economy. The souvenir presented to the speakers this year was a certificate of donation to the Community Chest under their names.

The Branch YMG appreciated the opportunity to work with the other young professionals groups to co-organise this seminar and would like to express sincere gratitude to them as well as to the speakers for their valuable efforts and insights.



A large turnout at the seminar on contract management.



YMG committee members and others at the seminar.

Nicky Cheng

Branch YMG Joint Societies Christmas Party

Hong Kong, 12 December 2009



The YMG Joint Societies Christmas Party

The Young Members Group (YMG) of the CI Arb East Asia Branch, in association with 12 other young professionals bodies, organised the Joint Societies Christmas Party 2009 in Tsimshatsui, Hong Kong with the theme "magic mask". With ice-breaking games followed by magic performances, our 20 young members mingled with the other 200 young professionals in a casual and playful environment. The night was brought to climax by the group dancing session with young members from all societies sharing an unforgettable Christmas memory.

The YMG believes that providing a platform for our members to connect with other young professionals bodies and organising technical meetings to update members with latest development in arbitration practice are equally important. Undoubtedly the Christmas Party was a successful event to widen the social network and to enhance the exposure of our young members.

Johnson Lee and Nicky Ho

Celebratory Dinner for the Singapore Branch

Hong Kong, 13 March 2010

It had taken quite a while for the Singapore Branch to be formed and a celebratory dinner was arranged in Hong Kong on Saturday 13 March 2010, in connection with which Christopher Lau SC, the Branch Chairman of the newly formed Singapore Branch was presented with his chain of office by Colin J Wall, Past President and Trustee for East Asia. The Singapore Branch was actually formed in less than a year from the Trustees' decision to upgrade it from a chapter.

Joe Gilfeather



Celebrating the Singapore Branch, from left, Yeung Man Sing, Jayems Dhingra, Anthony Houghton, Christopher Lau, Colin Wall, Peter Caldwell and Joe Gilfeather (in front).

Willem Vis East International Commercial Arbitration Moot

Hong Kong, 15-21 March 2010

Student stars from Albert-Ludwigs-Universität of Freiburg Germany carried off the David Hunter Award at the 7th Annual Willem Vis East International Commercial Arbitration Moot on 21 March. The Freiburg team was one of 16 teams out of the original 75 to advance to the Elimination Rounds after a grueling week at City University in Hong Kong. Freiburg law students found themselves pitted against the team from Deakin University (Australia) as arbitrators Peter Wolrich, Andreas Reiner and Lord Hoffmann of Chedwick judged a truly outstanding argument at the Hong Kong International Arbitration Centre. East Asia Branch Chair Tim Hill presented the Eric Bergsten Award for Best Claimant Memorandum to Osgoode Hall Law School. Former CI Arb president Hew Dundas handed Stetson University College of Law the Fali Nariman Award for Best Respondent Memorandum, while his predecessor Colin Wall gave Rajiv Gandhi National University of Law the "Spirit of the Moot" Award. The Neil Kaplan Award for Outstanding Oralists went to Susan Mathenge of Georgetown University.

Moot Director Louise Barrington announced the formation of the Vis East Foundation, registered as a charity in Hong Kong. The Foundation will in future be the vehicle for administering the Vis East, as well as for capacity-building projects in jurisdictions where they are most needed. For more reading on the Vis East Moot please see the April issue of Asian Dispute Review.

Louise Barrington

2009-2010 East Asia Branch Events Programme

Unless stated otherwise, events are free to members, are held at the HKIAC and start at 6.00 pm, with drinks and snacks being served prior to the commencement of the presentation at 6.30 pm.

Friday 9 April 2010

Half Day Conference Jointly Organised by CI Arb (EAB) and CIETAC South China Sub-Commission. JW Marriott Hotel, Hong Kong. Details circulated.

Saturday 10 April 2010

CI Arb YMG Technical Visit to "Central Reclamation Phase III" Project. Details circulated.

Wednesday 14 April 2010

Evening Talk by Mary Thomson and Khong Cheng Yee on "ICC Arbitration in Asia - an Update". Hong Kong Club.

Thursday 15 April 2010

Entry Course welcoming reception and cocktail.

Sunday 18 April 2010

YMG Joint Institutes Bowling Competition, jointly organised with RICS, HKIS, APM and CIOB. Details to be advised.

Tuesday 20 April 2010

CI Arb East Asia Branch Annual Dinner. Hong Kong Club. Details circulated.

Tuesday 27 April 2010

CI Arb East Asia Branch Annual General Meeting. Hong Kong Club. Details circulated.

Tuesday 27 April 2010

Evening Talk by Richard Hill on "Electronic evidence and international arbitration". Hong Kong Club, following the Annual General Meeting. Details circulated.

May 2010

Entry Course to be held at the HKIAC on Saturday 8 and Saturday 15 May followed by an examination on Saturday 22 May.

Thursday 1 – Sunday 4 July 2010

YMG Visit to Shanghai. Details in flyer.

CI Arb East Asia Branch

The East Asia Branch provides a regional organisation for members of the Chartered Institute of Arbitrators who are resident in the geographical area of Hong Kong, mainland China, Indonesia, Japan, Korea, Macau, Mongolia, the Philippines, Taiwan and Vietnam. Thailand and Singapore, formerly part of the Branch, were constituted as separate branches in 2003 and February 2010 respectively. The objectives of the Branch are to promote, encourage and facilitate the practice of settlement of disputes by arbitration, mediation and other means of dispute resolution, and generally to support and promote the status and interests of the Institute.

CI Arb East Asia Branch Committee

Raymond Au Koon Shan – Public Relations Officer, **Paul Barrett** – Professional Development, **Peter Caldwell**, **Sacha Man Cheong**, **John Cock** – Immediate Past Chairman, **Paulo Fohlin**, **Joe Gilfeather** – Hon. Treasurer/Vice Chairman, **Timothy Hill** – Chairman, **Anthony Houghton**, **Cheryl Je**, **Johnson Lee** – co-opted, **Richard Leung**, **Nicholas Longley** – Hon. Secretary, **David Sandborg**, **Yeung Man Sing** – Vice Chairman

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