



Happy New Year!

We have had a very good start to 2019. Our main committee and YMG committee members have a number of events planned for various Chapters in the Asia region, and also a busy programme of talks and seminars to be held in Hong Kong.

The EAB currently has a combined strength of approximately 3,000 members, made up of Fellows, Members, Associates across several countries (see the back page for detail).

As a leading professional body for arbitration, the EAB strives for excellence in the work we do and for the best interests of the arbitrating parties – this would continue into 2019 and beyond.

This edition provides a brief overview of the last quarter, and as always if anyone has any ideas or thoughts on future editions please do not hesitate to contact us.

Wishing you a prosperous Chinese New Year!

Calvin Cheuk and Gina Leung

Congratulations to Paul Barrett

Our long serving EAB committee member Paul Barrett has recently been elected as a Trustee at the CI Arb. Paul will be representing the 3,000 CI Arb members of East Asia in setting policy for the CI Arb but will unfortunately be having to stand down as a committee member of the EAB.

Promotion and Alternative Dispute Resolution Talk by Mr Albert Yeu, Mr Mac Chan and Mr Gordon Kwok

15 September 2018, Hong Kong



YMG committee members and participants from Hip Hing Construction

On 15 September 2018, the Chartered Institute of Arbitrators (East Asia Branch) (CI Arb(EAB)) Young Members Group (YMG) delivered a talk on alternative dispute resolution at Hip Hing Construction Company Limited. The talk attracted an audience of 40 engineering professionals including quantity surveyors, structural engineers, building services engineers, and safety officers.

Mr Albert Yeu, the Chairperson of YMG, gave an informative introduction to the CI Arb and YMG on its objectives, values and different types of membership grades. He further introduced the background and procedures of adjudication in the construction context. Using a recent court of appeal case in Malaysia, he explained to the audience the enforceability of “pay-when-paid” provisions in construction contracts under the

Security of Payment Legislation, and its potential applicability in Hong Kong. This was followed by Mr Mac Chan, the Treasurer of YMG, who succinctly delivered an introduction to the principles of facilitative mediation, and the general mediation process. Mr Chan ended the talk with a lively story illustrating the concept of interest-based negotiation skills. The talk was concluded by Mr Gordon Kwok, a Committee Member of YMG, who shared with the audience the legal principles of arbitration, some common pitfalls when drafting a dispute resolution clause and arbitration agreement, and the essential differences between arbitration and court litigation.

In the Q&A session, the audience was particularly interested in the mediation skills to handle parties who were highly emotional or hostile, and the scope of the proposed Security or Payment Legislation in Hong Kong. The audience was eager to know about the available courses at the CI Arb in Hong Kong to access various grades of membership and a practicing surveyor decided to continue his quest to CI Arb fellowship in the near future.

The YMG expressed its gratitude to Hip Hing Construction Company Limited for hosting this talk, which was very well received.

Fellows’ Cocktail Party

30 August 2018, Hong Kong

The Fellows’ Cocktail Party was held at The Hong Kong Club on 30 August 2018. Approximately 40 Fellows’ enjoyed a convivial evening as they met the new Branch Committee of this session.

Nicholas Turner

Gordon Kwok

Launch of Taiwan YMG

7 September 2018, Taiwan



The Taiwan Chapter had the pleasure of launching its YMG on 7 September 2018, with distinguished guest speakers including Mr Nigel N.T. Li (Chartered Arbitrator and CAA Honorary Chairman), Mr Albert Yeu (EAB YMG Chairperson), and Ms Alison Chang (Taiwan YMG Chairperson).

Mr Li enlightened the participants with his insights and experiences of acting as arbitration counsel or arbitrator and serving justice. Mr Yuen encouraged everyone with his seven rules of getting the first arbitrator appointment. Ms Chang entertained with more suggestions for the YMG events and CI Arb courses.



The Taiwan YMG launch was part of the CI Arb-CAA joint event at CAA Taipei Office, during which Ms Winnie Jo-Mei Ma (Taiwan Chapter Convenor and CAA Deputy Secretary-General) also presented an information session for Taipei ARF candidates, followed by a beginner/refresher course on international commercial arbitration.

Anyone who is interested in joining the Taiwan Chapter (including Taiwan YMG) can register online: <https://docs.google.com/forms/d/e/1FAIpQLSdZJdmrzAJVc6Pj4XgG2ujPcfbNU7q-e8tAVVfUqhjfrFkMQ/viewform>

Winnie Ma

First ARF course in Taiwan

23-24 September 2018, Taiwan



Following a successful Accelerated Route ('ARM') course at Hsinchu in March, the Taiwan Chapter held its inaugural ARF course at CAA Taipei Office on 23-24 September 2018. A total of twenty-three candidates from Taiwan, Hong Kong, Beijing, Singapore, Macau, Japan, London, Germany and the Philippines etc. shared their Chinese moon festival with four assessors (Mr Glenn Haley/course director, Ms Mary Thomson, Mr Edward Chow and Ms Helena Chen) and two shadow assessors (Ms Winnie Jo-Mei Ma and Ms Alison Chang).

Special thanks and congratulations to the Taiwan

Chapter and CAA for another collaborative administration of the Taipei ARF course. Ms Ma (Taiwan Chapter Convenor and CAA Deputy Secretary-General) and her assistant Pei-Jung Li were humbled by the candidates' feedback, these include "sincere thanks for your hard work and for taking care of us throughout. I learned a lot from the course and enjoyed myself in Taipei"; "flawless organization of the ARF course... with great participants mix"; "it was truly an exhilarating and exhausting course!"

The Taiwan Chapter looks forward to hosting its inaugural award-writing course in 2019.

Site Visit to Tuen Mun – Chek Lap Kok Link – Southern Connection Viaduct Section, Hong Kong

22 September 2018, Hong Kong



On 22 September 2018, CI Arb(EAB) YMG and ICES co-hosted a Highway Department (HyD) Site Visit to Tuen Mun – Chek Lap Kok Link – Southern Connection Viaduct Section comprising a dual 2-lane elevated carriageway between the Hong Kong Port and North Lantau Highway (NLH). The mainline of the Southern Connection, i.e. the section between the Hong Kong Port and NLH (urban bound) was opened to the public on 24 October 2018, while the Tung Chung bound section connecting NLH is expected to commission by the end of 2018. The event began with a presentation delivered by the Resident Engineer of AECOM – Mr Anthony Lam, for the project background, the environmental protection, the construction constraints, the challenges in the design and operation phases. After the presentation, the participants were escorted to several locations of the site starting from the Olympic trail near Pak Mong Village and finally, the viaduct connecting the Hong Kong Port and Siu Ho Wan. AECOM shared two main construction challenges described below:-

Ecological monitoring was conducted by a qualified dolphin specialist team to evaluate the impact to dolphins by the construction activities.

The Construction over Airport Express Railway involved the erection of bridge segments over MTR Railways and North Lantau Highway during night time. This has required two highly sophisticated launching gantries of 200m in length with a weight of 1000 tonnes.

The YMG appreciated HyD and AECOM for offering this remarkable experience on the construction of key cross-border infrastructure in Hong Kong. The event was fully enrolled and received a positive feedback from the participants.

Jessica Chan

Introduction to Arbitration Course

8 September 2018, Hong Kong

On 8 September 2018, Ms. Mary Thomson and Ms. Saniza Othman taught the Chartered Institute of Arbitrators' "Introduction to Arbitration Course" to the Kellogg-HKUST Executive MBA alumni. The event was held at the HKUST Business School Central in the Hong Kong Club Building. The one-day course was well received by a classroom full of alumni who came from a range of diverse backgrounds such as C-suite executives, business owners, food and beverage,

banking, medical, logistics, and accounting industries.

The participants were enthusiastic and enjoyed learning about international arbitration. There was a number of constructive and insightful Q&A throughout the day. At the end of the course, the majority of the attendees took the online CI Arb Assessment.

Saniza Othman



YMG (EAB) – Delivering mooncakes to senior citizens at home visit for the Mid-Autumn Festival

15 September 2018, Hong Kong

On 15th September 2018, as part of our community service concerted effort, six YMG members together with their family members took part in the festive event in collaboration with a local charity group, the Yang Memorial Methodist Social Service Choi Hung Community Centre. Particular thanks are to be given not only to those participating in the afternoon when typhoon Mangkhut was on its close approach to Hong Kong, but also to the 2 other members who were not present at the scene but generously sponsored the gift packs delivered.

The YMG members visited dozen homes of senior citizens with joy and care while presenting them with Mid-Autumn Festival gift packs. Through interactions during the visits they enhanced understanding, care and bonding between the senior citizens, our members and the community in general.

This exercise is a consistent practice for the YMG and has received warm feedbacks since last year. We look forward to embrace this fruitful event in the years to come.

Fred Ho



YMG delegates participating in the captioned function

Young Members Group – UNICEF Charity Run 2018

25 November 2018, Hong Kong

The UNICEF Charity Run celebrate its 13th anniversary this year. On 25 November 2018, the CI Arb East Asia Branch YMG has supported this annual charity event by having its members and friends participating in the races for children in need.

Among other things, UNICEF works to eliminate mother-to-child transmission of HIV and to facilitate testing and treatment of HIV. Donation raised in this annual flagship event of the UNICEF has been intended to be used to provide HIV tests and treatment for

Sixty years of the New York Convention by Ms Caroline Kenny QC

30 October 2018, Hong Kong

The speaker, Ms Kenny, has more than 30 years' experience in commercial disputes including as a Queens' Counsel for 10 years, as a nationally accredited mediator and as an arbitrator. She has practised in Australia, New York and London and is admitted in all three jurisdictions.

On 10 June 1958, a diplomatic conference convened by the United Nations in New York concluded the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The so called New York Convention is one of the most successful treaties in the area of commercial law, currently adhered to by 159 States. This year the Convention marks its 60th anniversary. To mark this milestone Ms Caroline Kenny QC considered the impact of the Convention in her presentation to members. Caroline considered the grounds for resisting enforcement and how they had been applied by the Courts in Australia. These included the public policy ground (which is the most popular ground); fraud; the lack of opportunity to put forward a parties' case (including what amounts to a breach of natural justice); and issues arising out of enforcement (and whether it is advisable to set aside at the seat or the place of enforcement). Caroline also considered the Australian Court's approach to indemnity costs when enforcing awards. She noted that the approach generally differs, in that indemnity costs are usually not awarded.

The lecture was well attended by approximately 40 members.

Nicholas Turner

From left to right: Linda Wong, Ada Tang, Amy Lam, Albert Yeu, Angie Chai, Fred Ho



2019 East Asia Branch Events Programme

24 January 2019

Accelerated Fellowship Learning Course (AFL)
Hong Kong
By Mr Paul Barrett and Ms Camilla Goodman

12 & 13 February 2019

Myanmar Chapter – Introduction to
International Arbitration
By Mr Francis Xavier SC, Camilla Godman,
Robert S Pé & Mary Thomson, UMFCCL

21 February 2019

Arbitration of IP disputes' and idiosyncrasies of
how arbitration can resolve disputes in that sector
By Ms Charmaine Koo

25 February 2019

YMG – 2018 HKIAC Administered Arbitration
Rules

9 March 2019

Taiwan Chapter – Introduction to Arbitration

28-29 March 2019

Indonesian Chapter – Fellowship Course

3 April 2019

Annual Dinner

8 April 2019

EAB YMG Inaugural Conference and Evening
Drink

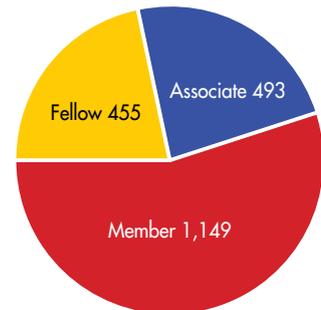
25 April 2019

Annual General Meeting

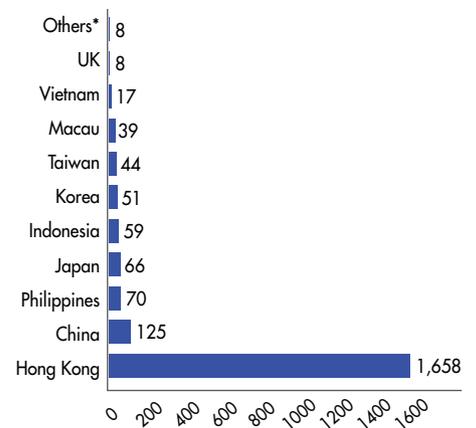
Current Branch Membership

Distribution by Membership Grade

(exclude Retired Members)



Distribution by Region



*Includes Cambodia, Canada, Malaysia, New Zealand, Singapore and Thailand.
The above statistics are current as of November 2018

YMG – Joint Professional Networking Event – Beyond the Stage of Cantonese Opera

13 October 2018, Hong Kong

The YME (EAB) has co-organized a Joint Professional Networking Event with the Law Society of Hong Kong with the theme "Beyond the Stage of Cantonese Opera". The event was well attended with around 50 participants from various professional institutes. During the event, an opera artist revealed her fascinating adventures into the world of Cantonese Opera. Participants were all thrilled by the amazing sharing.



Gordon Kwok

CIArb 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.

CIArb East Asia Branch Committee 2019

Mary Thomson – Chairperson; Regional – non-PRC and Institute Communications, **David Fong** – Vice Chairpersons; Public Relations Officer, **Nicholas Turner** – Vice Chairpersons; Programme, **Donovan Ferguson** – Honorary Secretary, **Paul Barrett** – Honorary Treasurer, **Richard Leung** – Immediate Past Chair, **Helen Au** – University Promotion, **Louise Barrington** – Vis Moot, **Calvin Cheuk** – Newsletter, **John Cock** – Website, **Mingchao Fan** – Regional – PRC, **Glenn Haley** – Professional Development and Training, **Giovanna Kwong** – Diversity, **Lawrence Lee** – Mediation, **Gina Leung** – observer, **Vincent Li**, **David Luk** – observer; YMG, **Joseph Leung** (co-op) – Adjudication, **Saniza Othman** (co-op), **Christopher To** – Asian DR Editorial and Faculty List, **Cordia Yu** – Membership; **Edward Chow** – Incorporation / New Branch Rules

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