



Welcome to the first CI Arb Newsletter for this term! It is my pleasure to be your editor for this quarterly publication.

The East Asia Branch ('EAB') has started the new term with a new main Committee. The new main Committee members are listed on the last page of this Newsletter.

We are honoured to receive an evening talk by Mr Thomas Halket, the President of CI Arb, during his visit in Hong Kong.

This newsletter provides an overview of the activities with the Branch in the last quarter.

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

I hope you would enjoy this edition.

Gina Leung

'Meeting Today's Challenges to Prepare for the Future' Evening talk by Mr Thomas D. Halket, President of the CI Arb

2 May 2019, Hong Kong



[from left to right] Ms Mary Thomson (Past Chairperson), Mr Tom Halket (President of the CI Arb) and Mr Nicholas Turner (EAB Chairperson)



[from left to right] Mr Paul Barrett and Mr Donovan Ferguson (Honary Secretary)



Mr Tom Halket



Participants at Mr Tom Halket evening talk

The Branch had the honour of hearing from Tom on his theme for his year in office – "Meeting Today's Challenges to Prepare for the Future", at The Hong Kong Club.

To demonstrate the mixed reputation and other challenges that arbitration has today, Tom started with an apocryphal tale, the moral of which being that parties often get a decision that neither like. He highlighted concerns that have been raised by complaints in the United States about consumer arbitration, recent cases where investor state arbitrations have been found to be incompatible with EU law and where arbitrator immunity has been in jeopardy. In his view, the task is to ensure customer – that is party – confidence, good practices and a diverse offering to prepare the profession for the future.

Tom then focused on several areas of concern, namely diversity, transparency, professional education and the use of technology, and how the Institute was working to meet them. For example, he observed that generally speaking a diverse profession is a stronger profession and that, in any event, to serve worldwide parties the profession must be equally diverse. But there are challenges to diversity too, including jurisdictional barriers and party control over the selection of the tribunal. He was, however, happy to observe that the Institute, already with a diverse group of members spanning the globe, had plans to increase its geographic reach with the branches in Brazil, Sri Lanka and Oman. Likewise, he reported on how the CI Arb was meeting the issues of transparency and education through its credentialing for the

former and, for the latter, its pathways and extended courses on international arbitration in New York, Oxford and the Asia Pacific region.

The last challenge he discussed was the impact of various new technology on ADR, including artificial intelligence (and the burning question whether this will replace arbitrators), social media, cyber security, block chain agreements and big data. Again, he described the many ways the Institute is working to deal with the affect technology is having on the profession, including

conferences it has held, its protocols and several projects currently underway or planned.

Overall and in conclusion, Tom recognised the many and varied challenges which we in the ADR profession must today confront and was able to report that the Institute was working to ensure its members were prepared to meet them for the future. His speech was well-received and attended by approximately 40 members.

Nicholas Turner



'One Day Seminar on Contract Management 2019 – New Era of Construction Industry'

6 April 2019, Hong Kong



Speakers at the One Day Seminar

On 6 April 2019, CI Arb (EAB) YMG jointly organised with the Young Member Groups of CIBSE, ICE, HKIE, and HKIS a One Day Seminar on Contract Management 2019. The theme of the seminar was "New Era of Construction Industry". During the seminar, a number of renowned speakers were invited to share with the audience a number of interesting topics. These include dispute resolution in New Engineering Contract (NEC), Building Information Modeling (BIM) dispute resolution, proposed BIM Contract conditions, Security of Payment Legislation, third-party funding of arbitration, contract management for commissioning and energy projects, and practical approach to managing NEC3 ECC (Engineering and Construction Contract) priced contracts in Hong Kong.

The seminar attracted 200 participants from different professional background. The audience was deeply engaged during the seminar and had some interesting discussion with the speakers.

Gordon Kwok, the CI Arb (EAB) YMG representative and person-in-charge of the one day seminar says "This is one of the annual flagship joint-institute events where participants may openly discuss popular topics relating to contract management and administration. The audience was very attentive during the seminar and the feedback was overwhelmingly positive."

Gordon Kwok



Christopher To

Promotional Talk to The Hong Kong Polytechnic University

27 March 2019, Hong Kong

On 27 March 2019, CI Arb (EAB) YMG delivered a promotional talk to a group of Master of Laws students at The Hong Kong Polytechnic University. During the talk, the speakers introduced the basic background of Chartered Institute of Arbitrators, the growing membership number worldwide, the different membership classes, the various routes to membership, and the various events the YMG has organized throughout the years.

The talk was well attended by students from

different professions including lawyers, engineers, architects, surveyors and property developers. During the talk, a few students raised interesting questions including 'How young is considered young in the Young Members Group?'. The audience was also very interested in the coming Young Members Group conference held in April 2019.

"I feel very honored to deliver this promotional talk for Chartered Institute of Arbitrators in front of a group of passionate students in Hong

Kong. I am also glad that many students are so interested in the YMG events that we are organising." said Mr Gordon Kwok, the speaker of the promotional talk.

CI Arb YMG will continue its relentless effort to promote CI Arb's vision and mission, and attract people from various professional fields to join this interesting yet challenging field of arbitration.

Gordon Kwok

'CIArb Asia Pacific Diploma in International Commercial Arbitration 2019'

25 May – 2 June 2019, Singapore



Participants at the CIArb Asia Pacific Diploma in International Commercial Arbitration

This pre-eminent flagship course of CIArb was first launched in 1995 by the CIArb in London and has been held annually in the UK since. From time to time, it has also been held outside of the UK, by the various overseas branches. In 2016, three branches – Australia, East Asia and Singapore, collaborated and conducted the first Diploma course with an Asia Pacific focus.

It started in Singapore in 2016, was held in Hong Kong in 2017, in Perth, Australia in 2018 and recently again in Singapore. This time, it attracted over 40 candidates coming from many jurisdictions including Australia, China, Hong Kong, India, Indonesia, Malaysia, Philippines, Singapore, Thailand, UK, Vietnam and others.

The course directors were Mr Francis Xavier SC, CIArb Deputy President 2019, and Ms Caroline Kenny QC, the president of the Australia branch. They were assisted by the regional manager Mr Chalee, Nai Kin who did all the organising works.

The course was delivered by many renowned faculty members from the three branches and from the Malaysia Branch, including (in alphabetical order) Mr Thayananthan Baskaran (Chairman, CIArb Malaysia); Mr Timothy Cooke (Director, CIArb Singapore); Ms Joachim (Jo) Delaney (Councillor, CIArb Australia); Ms Camilla Godman (CIArb Regional Director - Asia Pacific); Mr Glenn Haley (Chair of the regional sub-committee of EAB); Ms Brenda Horrigan; Ambassador (r.) David Huebner; Dr Michael Hwang S.C.; Mr Lau Kok Keng; Mr Michael Lee; Ms Amanda Lees (Director,

CIArb Singapore); Mr Edmund Kronenburg; Mr Albert Monichino Q.C.; Mr Ben Olbourne; Mr Vinayak Pradhan (CIArb President 2013); Mr Paul Sandosham (Vice Chairman, CIArb Singapore); Ms Rammit Kaur Charan Singh; Mr Richard Tan; Mr Tan Chuan Thye S.C.; Ms Mary Thomson (Chair of EAB 2017 to 2019); Dr Christopher To; Nicholas Turner (Chair of EAB); and Mr Chou Sean Yu (Chairman, CIArb Singapore)

The 9 day course was intensive and rigorous as it covered all aspects of the arbitration process, whether ad hoc or institutional, from the legal framework and drafting of the arbitration agreement, onwards then through constituting the tribunal and conducting the proceedings, to delivering the award and consequent proceedings about setting aside and enforcement.

In addition, candidates and faculty members were invited to attend a welcome reception, a mid-week dinner and a gala dinner held at Aura, National Gallery of Singapore. As the host for conducting this Diploma course, the Singapore Branch was honoured to have Justice Quentin Loh, Supreme Court of Singapore & Patron of CIArb Singapore, as the Guest of Honour at the Course Dinner.

The Diploma was a great success and the next course will be held in Kula Lumpur in early 2020. To register expression of interest for the next course, please contact Mr Chalee Nai Kin at cnaikin@ciarb.org

Nicholas Turner

'2018 HKIAC Administered Arbitration Rules' Evening Talk by Mr Wesley Pang and Mr Othmane Benlafkih

25 February 2019, Hong Kong



(from left to right) Mr Othmane Benlafkih and Mr Wesley Pang

Mr Wesley Pang, the HKIAC Managing Counsel and Mr Othmane Benlafkih, the HKIAC Counsel, gave an overview of HKIAC and its recent development in the 2018 HKIAC Administered Arbitration Rules.

The speakers discussed the key features of the 2018 HKIAC Administered Arbitration Rules, including the 'time' and 'cost' saving measures, the efficiency in complex arbitrations, and the relevance of developments in international arbitration.

Cost saving measures include the arbitrator fee choice system, the caps on emergency arbitrator fees and the hourly rates, and also the use of HKIAC tribunal secretary service.

Time saving measures include an early determination procedure, an expedited procedure in rendering an award, a time limit for issuing an award after closure of proceedings and the expedited procedure in emergency arbitration.

The speakers facilitated the talk with an illustration of the efficiency of complex arbitration, with a case scenario involving a multi-party and multi-contract arbitration, the rules relating to the third-party funding arrangements and effectively use of technology.

The talk was well attended and concluded with a Q&A session.

Albert Yeu

'Objectives and Developments of the IDAR Office' Evening Talk by Dr James Ding

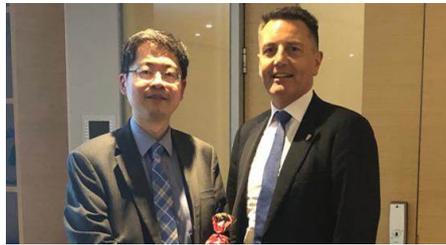
11 July 2019, Hong Kong

Dr James Ding, the Principal Government Counsel and the Commissioner of Inclusive Dispute Avoidance and Resolution Office ('IDAR'), Department of Justice, HKSAR, was invited to speak to the CIARB members on the objectives and developments of the IDAR – the latest development of dispute resolution in Hong Kong.

Dr Ding began this interesting talk with an introduction of the establishment of IDAR, followed by the ways in which the IDAR promotes Hong Kong as a leading hub for deal-making and dispute resolution, namely arbitration and mediation.

Dr Ding also discussed recent initiatives, such as the introduction of the Third Party Funding and arrangements with the Mainland regarding interim measures in support of arbitration. Other initiatives that were mentioned include the recently opened West Kowloon Mediation Centre and the pilot scheme 'Mediate First'.

An initiative which sparked interest among the attendees was the developments of online dispute



(from left to right) Dr James Ding (Principal of IDAR) and Mr Nicholas Turner (EAB Chairperson)

resolution, particularly for APEC cross border disputes of relatively low value. Although at an embryonic stage the DoJ is working with external providers to develop a platform to allow dispute resolution of low value disputes at reduced cost.

Finally, Dr Ding concluded the talk with comments on Hong Kong's position in relation to dispute resolution in the Greater Bay Area, and the soon to be opened Legal Hub or Legal Place.

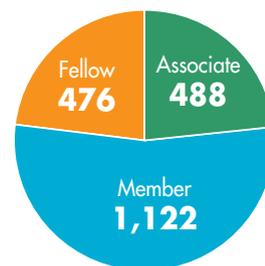
The Q&A session was very interactive as the audience raised a couple of questions about the roles and functions of IDAR. The talk was attracted a full house audience, whom has given a positive feedback.

David Luk

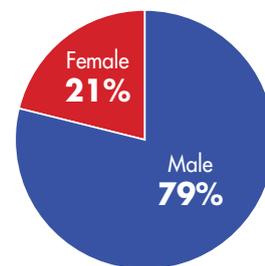
Current Branch Membership

Distribution by Membership Grade

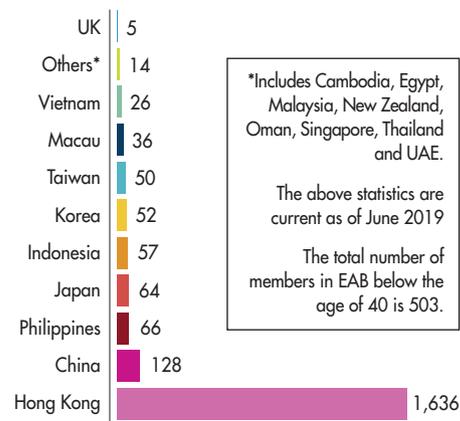
(excluding the Retired Members)



Distribution by Gender of Members



Distribution by Region



2019 East Asia Branch Events Programme

27 August 2019

Cocktail Reception

5 September 2019

The 14th Annual Winnie Whittaker Memorial Lecture,
Hong Kong Club
Mr Peter Caldwell

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 2019/2020

Nicholas Turner – Chairperson / Communications with CIARB bodies & HO, **David Fong** – Vice Chairperson / Communications with outside bodies / Public Relations Officer, **Donovan Ferguson** – Honorary Secretary, **John Cock** – Honorary Treasurer, **Mary Thomson** – Immediate Past Chairperson / Vis East Moot, **Christopher To** – Professional Development & Training, ADR Editorial / Faculty List, **Albert Yeu and David Luk** – Programme, **Lawrence Lee** – Mediation, **Joseph Leung (observer)** – Adjudication, **Cordia Yu** – Membership, **Gina Leung (observer)** – Newsletter, **Mingchao Fan** – Regional – PRC, **Glenn Haley** – Regional – Taiwan, Korea, Japan, Indonesia and others, **Micky Yip** – Website, **Vincent Li** – LinkedIn Portal, **Mac Chan** – YMG, **Helen Au** – University Promotion / Mentoring, **Giovanna Kwong (co-optee)** – Diversity

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