

BRANCH CHAIRMAN'S REPORT EAST ASIA BRANCH 2007

Chairman: Glenn Haley
Secretary: Douglas Wardale
Treasurer: Joseph Gilfeather
Public Relations Officer: John Cock

1. I am pleased to report that the Branch has had yet another successful and steady year.
2. Presenting this report is my final official act as Branch Chairman. I have enjoyed very much my three years as Branch Chairman. I thank everyone who has assisted me during my time in office.

Highlights of 2006 / 2007

3. For me, the highlights of the past year have been as follows:
 - 3.1. Vis East Moot. The Vis East Moot, of which the Branch is the chief financial supporter (underwriter), continues to be a great success. This year we had an extremely pleasing 46 teams (in just its 4th year). In my view, the Branch rightly can feel proud of the part that it has played in making this yearly event a success. It is an extremely worthwhile utilization of Branch funds. Once again, I take this opportunity to thank Louise Barrington for her efforts in relation to this event.
 - 3.2. Young Members Group. It has been extremely pleasing to see the enthusiasm and industry of our Young Members Group, during the past year. The YMG surely represents the future of the Institute generally, and the Branch in particular. EAB is very fortunate indeed to have an extremely enthusiastic and capable YMG. Thanks to Joe Gilfeather, who heads up EAB's YMG, but also to his committee of volunteers. (I attach to this report a brief summary of the activities of the YMG, during the past year or so.)
 - 3.3. Formation of Chapters. With the approval of the Board of Trustees, EAB also took steps during the past year to set up Chapters, or interest groups, in Japan, Indonesia, Singapore, Beijing and Shanghai.
 - 3.4. Charitable status and BMRs. Following the relevant vote at the Special General Meeting held on 3 August 2006, we have secured approval from the Board of Management to the adoption of the BMRs, as well as the go-ahead from both the Societies Officer and the IRD. Accordingly, I am pleased to report that after a long trip down a long road, EAB has reached the stage where we now have in place our localised version of the Branch Model Rules, under which we have secured confirmation of charitable status from the IRD. Indeed, this year's Branch Committee elections are being held (for the first time) under the BMRs. We will have an expanded Branch Committee, consisting of 16 members rather

than 12 under the old Constitution. [We did not receive enough nominations to fill all 16 positions immediately, but no doubt the incoming branch committee will review this and co-opt additional members if thought necessary or helpful.]

- 3.5. CI Arb Congress 2006. In November 2006, I travelled to England to attend the 2006 Congress of the CI Arb. Despite the rustic surroundings of the venue, the Congress was a success. Two particular highlights, for EAB, were as follows. First, our own Teresa Cheng was elected to be the President of the Institute in 2008. Secondly, I gave a presentation to the Congress about the activities of EAB. This presentation was warmly received and demonstrated to all present just how active EAB is. EAB was complimented on its activities and it was suggested that EAB is a model of how all branches should try to operate.
- 3.6. Winnie Whittaker Memorial Lecture. This year's lecture was presented on 9 May 2007 by Niels Kraunsoe. The lecture was excellent, being about whether mediation is "Silver Bullet or Snake Oil?".
- 3.7. EAB members continue to hold important management positions within the Institute. Our region continues to be well represented in the management arrangements of the Institute. Colin Wall, the immediate Past President, is now serving as one of the members of the Board of Trustees. Teresa Cheng will be the President of the Institute in 2008. Thanks to both Teresa and Colin on behalf of the Branch.
- 3.8. Continued financial stability. Under the watchful eye of our new and enthusiastic Treasurer, Joe Gilfeather, the Branch remains in a healthy financial state. Please refer to his Treasurer's Report for the full details. (We did run at a slight deficit this past year, but many of our larger expenses were one-off, and in any event were money well spent, in my view.)

Courses

4. This past year has not been as busy as past years, for courses. The reasons for this are two-fold. The main reason is that CI Arb, as a whole, has been reviewing the various pathways to membership and as part of this has completely re-vamped the various training courses. There has been a period of uncertainty as to precisely what form these courses would take and what their content would be. This disrupted the normal flow of courses. Secondly, we have seen a decrease in demand for courses over the past year or so. The incoming Committee will monitor whether this decrease is transient or is likely to be an on-going area of concern.
5. Entry and Fast Track to Fellowship courses were held in Hong Kong. The Branch also assisted in the organisation and running of an Entry course in Jakarta. The Branch also assisted the Asia Foundation to run a training course for Law Deans in the Philippines.
6. We conducted a demonstration arbitration in April 2006, and a further demonstration arbitration in April 2007. Both events were well attended and well received.

Seminars / Talks

7. Seminars and talks again proved popular this year, with all of our events being well attended. Specific talks were provided by John Molloy (twice), Glenn Haley (twice), Robin Peard, Louise Barrington, Dr Thomas Pfeiffer, Professor Wang of CIETAC, Andrzej Cierpicki, Tom Stipanowich, Michael Cohen, Philip Newman, Bill Palmer, Prof Pierre Tercier, Martin Dunn, Colin Wall, Tim Hill, Dr Heidi Patrick, Declan McDaid, Tony Houghton, Hew Dundas and Steve Certilman. Thanks to all speakers for their time and efforts. Thanks also to SCLHK, HKI Arb and the Academy of Experts for collaborating with us again this year on joint events.
8. Our evening talks this year included talks by Hew Dundas (President), Teresa Cheng (President in 2008 and former Trustee), Colin Wall (Immediate Past President and Trustee), Michael Forbes Smith (Director-General) and Steve Certilman (Trustee).
9. EAB also took part in the APRAG International Conference in December 2006.

Social Events

10. The Fellows Cocktails again proved to be an entertaining evening. The Annual Dinner was held on Friday 13 April 2007. The social events associated with this year's Vis East Moot once again provided our members with the opportunity to mix with and exchange ideas with the eager young minds who will become the arbitrators of tomorrow. Cocktail parties were also held in Tokyo, Jakarta, Singapore, Beijing and Shanghai, to celebrate the formation of the chapters or interest groups in those cities.
11. A cocktail reception was held on 6 March 2007 to allow branch members the opportunity to meet our President in 2008, Teresa Cheng, as well as our Immediate Past President, Colin Wall.

Membership

12. The past year was yet another steady as she goes year as regards membership. We did see a very small decrease in overall Branch membership numbers, down from 1,788 to 1,786. The incoming Committee will continue to review membership numbers, including renewal percentages. [As of the beginning of May 2007, membership of EAB has increased to 1,836.]

Young Members

13. As noted above, it was a very busy year for our enthusiastic and energetic YMG. As well as holding many events and some site visits, the YMG also arranged for some representatives to attend two international YMG conferences.

Regional

14. With Tony Houghton at the helm, the Regional Sub-Committee continues with its ambitious programme of spreading the good word throughout the region. Particular attention has been paid to how best to promote arbitration throughout the Mainland. Much work remains to be done, but a good start has been made. Attention also was given to Manila, Jakarta, Japan, Singapore, Macau and Taiwan. Tony continued with the Branch's philosophy of ensuring that the Regional Sub-Committee includes representatives from all parts of the region. Colin Wall, as President assisted the Branch in setting up chapters throughout the region, as noted above.

Publications and Web Site

15. The Branch continues to be represented on the Editorial Committee of the "Asian Dispute Review" journal. The web site is updated regularly, and we are getting on increasing number of hits per day. The Branch newsletter has been revived, and thanks to Andrzej Cierpicki for making this a reality.

Votes of Thanks

16. On a personal note, I wish to thank all of the members of the Branch Committee for their efforts this year. Thanks also to Primrose and other staff at HKIAC for their dedication and organisation skills.

17. It is with sadness that we bid farewell - for the time being at least - to two of our current Committee members who are not standing again in this year's committee elections. KK Chan and Andy Yiu.

18. Finally, here's looking forward to yet another bright and busy year ahead. I wish the new Branch Chairman and the new committee all the very best.

17th May 2007

Glenn Haley
Branch Chairman
East Asia Branch

ATTACHMENT 1 – YOUNG MEMBERS SUMMARY 2006 / 2007

Two main aims of the Young Members Group (YMG) in the past year was to promote the Institute and to provide to the young members an opportunity to get involved in the workings of the Institute through seminars and other functions that were of particular interest to young members. Both these aims have been carried out very successfully.

The 2006/2007 session of the YMG started off with “*A Fun Evening at Bulldogs*”. In addition to partying until late in the evening, it proved a great way to network and get the ball rolling for a revitalised local YMG for the East Asia Branch (EAB).

Other events included:-

- 1) 15th September 2006 - Attendance at the 3rd International YMG Seminar and Dinner in Edinburgh, Scotland. A total of 3 people attended from the Young Members Group.
- 2) 28th October 2006 - Central Reclamation Site visit.
- 3) 20th November 2006 – “*Arbitration from a Contractor's Viewpoint*” an evening talk by Bill Palmer.
- 4) 16th December 2006 – “*Ask the Arbitrator*”. Young members of the CI Arb were given the opportunity to ask the older members about Arbitration during a walk from Ngong Ping to Tung Chung on Lantau Island.
- 5) 21st December 2006 - Joint Christmas function between the Lighthouse Club, Young Members Committee, and the East Asia Branch-YMG.
- 6) 13th January 2007 – A joint one-day seminar on contract management, alternative dispute resolution and professional indemnity in the construction industry with other YMG groups in Hong Kong. This was the biggest YMG function of the year with 270 participants attending.
- 7) 31st January 2007 - Evening talk by Martin Dunn, General Manager, MTRCL on “*Minimalising Disputes in Construction Contracts*”.
- 8) 28th February 2007 – Alternative Dispute Resolution (ADR) in the Health Care Industry by Dr Heidi Patrick and Declan McDaid.
- 9) 3rd March 2007 – In conjunction with the Association for Continuous Professional Development and Training (ACPD) – Latest update on dispute resolution in the construction industry in Hong Kong.

10) 14th April 2007 – Introduction to arbitration combined with a mock arbitration in conjunction with the Young Members Club of the Lighthouse Club.

11) 28 April 2007 – Site visit in conjunction with the Hong Kong Tunneling Society to the KCRC Kowloon Southern Link Railway Project.

In addition the young members have also participated in the Asian Domain Name Dispute Resolution Conference that was held in Hong Kong on 26th October 2006. In the YMG committee members have assisted both on the Entry Course and Vis Moot.

ATTACHMENT 2 - 2006-2007 East Asia Branch Events Programme

2007 East Asia Branch Events Programme

- 13 January 2007 – A joint YMG one day Seminar with HKIE, ICE, CIBSE, Law Society and HKIS on contract management, dispute resolution and professional indemnity in construction.
- 31 January 2007 – A YMG event “A Lawyer’s Nightmare – How to Achieve Minimal Disputes in Construction Contracts” presented by Martin Dunn, General Manager - Procurement & Contracts, MTR.
- 6 February 2007 – “A Year in Office - Reflections of the Immediate Past President” presented by Colin Wall.
- 15 February 2007 – Part 4 of our ‘Nuts and Bolts’ series: “Expert Determination: an Introduction” presented by Tim Hill.
- 28 February 2007 – A YMG event on the subject of “ADR in the Health Care Industry” presented by Heidi Petrick and Declan McDaid.
- 6 March 2007 – Cocktail party in honour of Ms Teresa Cheng, recently elected Deputy President of the Chartered Institute of Arbitrators.
- 15 March 2007 – Part 5 of our ‘Nuts and Bolts’ series: “The Perfect Arbitration?” presented by Glenn Haley and Tony Houghton.
- Saturday 19 to Sunday 25 March 2007 – Fourth VIS East Moot.
- 20 March 2007 – Joint presentation with the Graduate Law Centre on “ADR Applications & Methodologies - International Perspectives” – presented by Steve Certliman and the CI Arb’s current president, Hew Dundas.
- 13 April 2007 – Branch Annual Dinner, guest speaker Alan Leong SC.
- 14 April 2007 – Demonstration Arbitration. A YMG event hosted jointly with the Lighthouse Club’s Young Members Club.
- 28 April 2007 – the YMG will have a site visit to KCRC's Kowloon Southern Link Project.
- Date TBA May or June 2007 – “Award Writing” presented by John Cock.
- 3 May 2007 – Part 6 of our ‘Nuts and Bolts’ series: “When Arbitrations Go Wrong”; speaker Julian Cohen.
- 9 May 2007 – The second Winnie Whittaker Memorial Lecture presented by Niels Kraunsoe.
- 17 May 2007 – Branch AGM.
- Date TBA July 2007 – Part 1 of the new ‘Nuts and Bolts’ series: “Selecting the Appropriate Form of Dispute Resolution”; speaker Louise Barrington.

2006 East Asia Branch Events Programme

- 10 January – An evening talk on *"The Use of Technology in Arbitration"* by WordWave International Asia (Hong Kong) (Hong Kong)
- 14 January – Mock mediation presented by Colin Wall with role players Andrzej Cierpicki, Louise Popplewell, Thomas Lee, John Cock, Clyde Yee and Ian Cocking (Hong Kong – in conjunction with Society of Construction Law Hong Kong)
- 21 February – Part 1 of our 'Nuts and Bolts' series: *"Keeping Control of the Interlocutory Steps"* presented by Peter Caldwell and Philip Yang (Hong Kong)
- 27 February – A cocktail party for the Chartered Institute of Arbitrator's new patron, Anson Chan (Hong Kong)
- 7 March – Part 2 of our 'Nuts and Bolts' series: *"Running and Controlling the Hearing"* presented by Teresa Cheng and Tony Houghton (Hong Kong)
- 16 March – An evening talk by Mark Cato: *"Medication the Ultimate Form of Dispute Resolution"* (Hong Kong)
- 23 to 24 March – Conference on Arbitration for the Judiciary (Philippines)
- 27 March to 2 April – 3rd Annual Willem C. Vis (East) International Commercial Arbitration Moot (Hong Kong)
- 30 March – An evening talk by Harold Crowter: *"100-day Arbitration Rules – a better alternative to adjudication in Hong Kong?"* (Hong Kong)
- 18 April – The Inaugural Winnie Whittaker Memorial Lecture *"Must Arbitration be a Bloodbath"* presented by Peter S. Caldwell (Hong Kong)
- 22 April – Demonstration Arbitration presented by Tony Houghton with role-players Thomas Lee, Gary Soo, John Cock, Andrzej Cierpicki, Peter Caldwell and Paul Barrett (Hong Kong)
- 22 to 23 April – Visit by the EAB Young Members Group to the Beijing Arbitration Commission and CIETAC (China)
- 25 April – Part 3 of our 'Nuts and Bolts' series: *"Writing the Award"* presented by John Cock and Colin Wall (Hong Kong)
- 11 May – East Asia Branch AGM (Hong Kong)
- 12 May – East Asia Branch Annual Dinner (Hong Kong)
- 18 May – Part 4 of our 'Nuts and Bolts' series: *"Calderbank Offers and Payments-in"* presented by John Molloy (Hong Kong)
- 20 May – International Young Members Conference (Hong Kong)
- 15 June – Part 5 of our 'Nuts and Bolts' series: *"Taxation of Costs in Arbitrations"* presented by Glenn Haley (Hong Kong)
- 11 July – Part 6 of our 'Nuts and Bolts' series: *"Conflicts of Interest and Other Challenges to Appointment"* presented by Robin Peard (Hong Kong)
- 15 August – Part 1 of our new 'Nuts and Bolts' series: *"Arbitration Agreements: Pitfalls and How to Avoid Them"* presented by Louise Barrington (Hong Kong)
- 18 August – A Young Members Group event, "A Fun Evening at Bulldogs" (Hong Kong)
- 15 September – A delegation of 3 committee members of the Young Members Group attend the Third YMG International Seminar in Edinburgh (Scotland)

- 28 September – Inaugural event of the Beijing Interest Group including a drinks reception (China)
- 5 October 2006 – An evening talk: *“Impartiality and Independence of Arbitrators from a European Perspective”* presented by Dr. Thomas Pfeiffer, Dean of the Law Faculty of Heidelberg University (Hong Kong)
- 21 October – Joint event with HKI Arb presented by Professor Wang of Beijing University on the *“Framework of PRC Contract Law and its Applicability”* (Hong Kong)
- 24 October – Part 2 of our ‘Nuts and Bolts’ series: *“A Hitchhiker’s Guide to Mediation”* presented by Andrzej Cierpicki (Hong Kong)
- 28 October - Central Reclamation Site visit organised by the Young Members Group (Hong Kong)
- 30 October – Inaugural event of the Japan Chapter including a drinks reception (Japan)
- 8 to 10 November – Inaugural event of the Indonesian Chapter comprising a one-day seminar followed by an Entry Course (Indonesia)
- 16 November – A lunch time talk by Professor Tom Stipanowich on the *“North American perspective on Construction Arbitration and Mediation”* presented jointly with ADR Chambers (HK) Ltd, the Law Society of Hong Kong, and the Society of Construction Law Hong Kong (Hong Kong)
- 16 November – Joint evening event with Academy of Experts on the subject of *“Experts in Mediation - uses, abuses and problem areas”*; speakers Michael Cohen and Philip Newman (Hong Kong)
- 17 November – Training course in arbitration for the Law Deans group co-sponsored with the Asia Foundation (Philippines)
- 20 November – *“Arbitration from a Contractor’s Viewpoint”* a Young Members Group event presented by Bill Palmer (Hong Kong)
- 3 December – Joint sponsor of the cocktail reception for the Asia Pacific Regional Arbitration Group Conference 2006 (Hong Kong)
- 5 December 2006 – An evening talk on the *“ICC: The Organisation and its Activities”* presented by Professor Pierre Tercier, President of ICC Court of Arbitration presented jointly with the International Chamber of Commerce – Hong Kong (Hong Kong)
- 6 December – An evening talk given by the Director General, Michael Forbes Smith, on various aspects of the Institute (Hong Kong)
- 16 December 2006 – A Young Members Group event *“Ask the Arbitrator”* (Hong Kong)
- 18 December – Part 3 of our ‘Nuts and Bolts’ series: *“When Mediation Fails”* presented by John Molloy, followed by Christmas Drinks (Hong Kong)
- 21 December - Joint Christmas Drinks function with the Lighthouse Club, Young Members Committee, and the EAB Young Members Group