



East Asia
Branch

CIArb

BRANCH CHAIRMAN REPORT 2012 / 2013

Highlights of 2012

The East Asia Branch affairs are governed by a Committee comprising 16 elected members and 3 co-opted members, who hold the following positions:-

Committee Chair	Man Sing Yeung
Immediate Past Chair	Joe Gilfeather
Vice Chair	Richard Leung
Branch Secretary	Cheryl Je
Branch Treasurer	Cordia Yu
Public Relations Officer	Johnson Lee

13 other members Paul Barrett, Jessica Chan, Kanice Chan, Martin Doris, David Fong, Menachem Hasofer, Timothy Hill, Benjamin Hughes, James Lau, William Leung, Mary Thomson, Christopher To, Justin Wong

Membership

As at December 2012, the total Branch membership stood at 1,627. Of these, 491 (30%) are Associates, 805 (50%) members & 331 (20%) fellows. 1,382 were in Hong Kong, whilst the next two largest groups were in the Mainland China (78) and Japan (51).

The Branch had about 1,500 members in the past session 2010-2011. It had a steady growth rate of 4% annually.

Thanks are due to Johnson and James in taking care of the membership affairs.

Mediation

The Branch had collaborated with the Department of Justice and other 7 professional organisations to establish the Joint Mediation Helpline Office Ltd. ("JMHO") since 2010. It is a first point of contact for parties to court of proceedings who wish to consider the use of mediation to solve their disputes. This collaboration is on going with promotion events on Mediation, and referral service to our members as mediator generally or on specialised scheme like Land (Compulsory Sale Redevelopment) Ordinance. Thanks are due to Richard and Johnson for their dedication.

The Branch was aware of the Mediation Bill to be passed in May 2012. A working group on Mediation Practice was formed to canvass member' views relating to the current Hong Kong mediation practice by way of a survey for consideration of the Department of Justice. A report was published in May 2012. Thanks are due to Johnson for his effort.

Professional Development & Training

In respect of professional development and training, the Branch had been holding regular arbitration courses leading to membership and fellowship as well as award writing examination and peer interview.

The Branch held an Entry course in Hong Kong on 18 & 25 August 2012 with an examination on 1 September 2012. This was the last course for which the Institute held an examination following which it will revert to a post-course assignment only.

An Accelerated Route to Membership assessment course was held in Hong Kong with 33 candidates taking the examination on 27 & 28 July 2012.

An Accelerated Route to Fellowship assessment course was held on 9 & 10 March 2012 at which 28 candidates attended.

The Branch conducted an Award Writing Preparatory Seminar in Hong Kong on 20 June 2012. An Award Writing Exam was held on 3 July 2012 in which 25 members from the East Asia region sat in the examination.

A Peer Interview was held on 11 April 2012 and further Interview had been made on 5 December 2012.

A Chartered Arbitrator Status Interview was conducted last year. The Branch expects more interviews to be conducted soon for candidates who have fulfilled the Institute's requirements.

Thanks are due to Paul, Christopher and Jessica for organising the courses from time to time.

For arbitration training courses toward membership or fellowship grades, a fair nos. of Hong Kong members have expressed interest. We are in the process of converting the Institute's materials to accord with the Hong Kong Arbitration Ordinance and hope to be running Module 1 (Law of Obligations & Civil Evidence), Module 2 (Laws of Arbitration), Modules 3 (Practice & Procedure) and/or Module 4 (Award Writing) in 2013 at the earliest. Thank Paul, Martin & Tim for helping in converting the Modules.

Programme

Our evening talks again proved very popular this year, with all of our events being well attended around 50 members on average. We had held 23 evening topical talks mainly in Hong Kong, some in Seoul and Taipei, other than YMG.

Apart from the usual evening talks, the Branch has been running a series of Nuts and Bolts seminars which are related to some basic and essential arbitration knowledge. To allow wider audience, the audio and power point materials had been uploading to the Branch's website regularly.

Thanks are due to Menachem and David for management of the Programming, particularly in seeking guest speakers from time to time.

Regional & Chapter Development

The Branch had continued and extended its programme of activities throughout the East Asia region. There are local chairs and committee members serving the Indonesia, Japan, the Philippines and Taiwan Chapters. The Branch had arranged convenors serving other regions for which a chapter had not been formed like Beijing, Shanghai & Shenzhen Groups. Local chapter committees manage affairs in each jurisdiction, which communicate and report to the Branch from time to time.

In 2012, we had established the Korea Chapter. We had a first introductory course in Mongolia. Chapter development would also be planning in South China countries.

Various other training courses leading to the membership or fellowship had been held around the East Asia region in Seoul (with the kind assistance by Benjamin), Taipei and Shanghai. The Branch had conducted an Award Writing Preparatory Seminar in Jakarta on 13 October 2012 following with an Award Writing Exam on 8 December 2012.

In order to provide more events in these regions, the series of Nuts & Bolts seminars are live-linked to these regions as well. In doing so, the Chapters could easily organise a gathering there and view the power point material on line, hear and ask questions on the spot to the speakers. It had been done through our Nuts and Bolts Series of Arbitration Lectures held monthly. The Taiwan, Philippines Chapters & Beijing Group had joined us from time to time in the past. Thanks are due to Menachem (also the Chair of the IT Sub-committee) and Tim for making such a creative idea.

Thanks are due to Mary, Richard and Joe for their leadership of the Regional Sub-committee.

Young Members

The YMG represents the future of the Branch. The Branch is very fortunate to have an extremely enthusiastic and capable YMG.

The Branch's young members group is also very busy organizing talks and social events for the purpose of recruiting young blood. In the past year, YMG had organised 20 events in Hong Kong, either topical talks, site visit, universities promotion or social events.

Thanks are due to Kanice (also the chairlady of YMG), Justin and the YMG committee for their enthusiasm and dedication.

Vis East Moot

The Willem C. Vis (East) International Commercial Arbitration Moot, of which the Branch is organiser and chief financial underwriter, was at the time of writing just beyond its tenth year. A total of 95 teams with (270 arbitrators) took part in the 2013 Moot from five continents – Europe, North and South America, Australia and Asia (with mainland China alone fielding six teams). This moot has made Hong Kong the "Mecca of Moot" in Asia. The winning team this year in the oral arguments was from the University of Canberra from Australia. The Branch rightly can feel proud of the part that it has played in making this year event a success in the Asia World City. Thanks are due to Tim in taking care of the Vis East affairs.

Presidential Visit

The Branch was honoured to be visited by the CI Arb President 2012, Mr. Jeffrey Elkinson during his year of office in Hong Kong, Seoul and Taiwan in June 2012. At the time of writing, the current CI Arb President, Mr. Vinayak Pradhan has paid a visit to Hong Kong to meet the Branch members in March 2013.

CIArb Congress 2012

We had attended the biennial CIArb congress in Edinburgh and gave an update on the recent development of the Branch and its business plan 2013. The Branch was delighted to see the significant advancement of the Institute in various regions around the world and expressed desires to have further collaboration with the Institute and other Branches in the near future.

Conferences

The Branch also held larger scale conferences jointly with other Hong Kong or mainland China professional / arbitral institutions for the purpose of enhancing more collaboration with practitioners from various sectors.

On 1 March 2012, a one-day conference, "Practical Approach to Resolving Disputes in the Construction Industry" was jointly organised by the Branch with HKIAC, HKIE and SCLHK in Hong Kong Convention and Exhibition Centre. It attracted more than 200 practitioners to come. Thanks are due to Joe (the then Branch Chair), Cordia and Cheryl in making this event happen.

On 3 March 2012, a one-day Shanghai Mediation Conference jointly organized by JMHO and HKIAC-HK Mediation Council was held at Shanghai.

On 22 November 2012, JMHO and HKIAC-Hong Kong Mediation Council held a 1-day conference in Huizhou, PRC. The theme of the conference was "Mediation in Hong Kong – Your Options". The aim is to promote more trade cooperation between Hong Kong and Huizhou as well as the professional mediation services of Hong Kong. The conference was well attended with over 150 people.

On 17 January 2013, the Branch jointly organised with the South CIETAC a half day conference on International Arbitration in Hong Kong. The event was attended by over 100 delegates followed by a reception. The event provided an excellent opportunity for the exchange of experience and ideas regarding the development of arbitration. Thanks are due to Richard for his effort in organising it.

The Branch had jointly organised an evening conference on Mediation and New Engineering Contract on 31 January 2013 with HKIAC-Hong Kong Mediation Council and Hong Kong Institution of Engineers. It was over 100 people attending. The feedback was positive.

Publication & Website

The Branch continues to be represented on the Editorial Board of "Asian Dispute Review" journal. The Branch website had been revamped in 2012 and updated regularly. Members could easily register the programmes on line. The Branch newsletter continues to be published quarterly. We have often made contributions on our programme to the Institute quarterly journal "Resolver". Thanks are due to Paul, William (both for the journal), Cheryl and Jessica (both for the newsletter & website) for managing them.

Financial Position

The Branch Treasurer continues to manage Branch funds to ensure that it remains financially healthy. With continued spending on Chapter development, and quite a nos. of increasing evening talks to our members, the Branch operated at a modest deficit of HK\$100,000 for the financial year. However this deficit was substantially less than that in 2011 and well within the capacity of Branch reserves to sustain. The Branch is expected to return to surplus as the Chapters gradually develop to become nearly self funding, and as we begin delivery of courses under the Modules programme this year. Thanks are due to Cordia for her dedication and effort.

Institute Representation

The Branch continues to hold important positions within the Institute. Colin Wall represents the East Asia region on the Board of Trustees, and Christopher for the Institute's IT Committee.

Government Representation

The practice of mediation in Hong Kong was advanced by the enactment of a new Mediation Ordinance with the establishment of Hong Kong Mediation Accreditation Association Ltd, We were appointed by the Department of Justice in its Accreditation Sub-Group to give comments on the accreditation policy for mediators in Hong Kong.

Votes of thanks

We would like to thank Colin Wall, our regional trustee, John Cock, Timothy Hill and Joe Gilfeather, all the past chairs for their assistance and guidance. Thanks are also due to all over 30 guest speakers for their precious time in preparing and speaking for the Branch.

We would also like to thank our retiring committee members, who will not be standing for re-election.

Timothy Hill: Tim's contribution to the Branch has been immense. We trust that his counsel will be available and that we may rely on him to continue to support the Branch in another capacity.

Justin Wong: Justin has stood down to concentrate on his new company position for which we wish him all the best.

Benjamin Hughes: Ben has been responsible for the Korea Chapter, which he has done with dedication and efficiency.

Thanks are also extended to Cheryl (the Branch Secretary), Primrose Law and her team of the HKIAC for their dedicated secretarial support without which the Branch could not operate smoothly.

We would like to take this opportunity to thank all Branch members for their support and active participation in the past year.

Development Business Plan 2013

As in 2012, the Branch would be providing education, training and other Continuous Professional Development programmes including talks, events, workshops, and building relationships with universities in academic programmes and student affiliateship.

The Branch would keep on responding to governmental public consultations on various legislative changes and issues.

The Branch would attempt to collaborate and develop partnerships with the business, law, accountancy, construction, maritime and insurance communities; organise events, gatherings and young members' group activities with primary professions; and build up relationships with local and foreign arbitral centres.

MAN SING YEUNG
BRANCH CHAIRMAN
April 2013