



## Branch Chairman Report 2016/2017

### Highlights of 2016/2017

The East Asia Branch Affairs are run by a Committee comprising of 16 elected members and 1 ex-officio who hold the following positions:-

Committee Chair	Richard Leung
Immediate Past Chair	Christopher To (ex-officio)
Vice Chairs	David Fong and Mary Thomson
Branch Secretary	Calvin Cheuk
Branch Treasurer	Lawrence Lee
Other members	Paul Barrett, Louise Barrington, Cordia Yu, Joseph Leung, Helen Au, John Cock, Glenn Haley, Linda Wong, Fan Yang

Other than the above, we have a number of sub-committee with members helping us in carrying out various activities.

### Membership

As at end of 31 Mar 2017 the total Branch membership stood at 1898. Out of these, 464 (24 %) were associates, 981 (52%) were members and 415 (22%) were fellows, rest 38 (2%) were retired. A table showing the distribution of branch membership around the region is set out below.

<u>Region</u>	<u>No as of March 2016</u>	<u>No as of March 2017</u>
Australia	0	1
Austria	0	1
Cambodia	2	2
China	98	120
Hong Kong	1452	1487
Indonesia	47	59
Japan	57	54
Korea	34	37
Macau	5	35
Philippines	43	47
Sri Lanka	1	1
Taiwan	14	27

USA/Canada	0	2
Singapore	1	2
UK	5	6
Vietnam	9	16
UAE	0	0
NZ	0	1
<b>Total</b>	<b>1768</b>	<b>1898</b>

The Branch had about 1768 in March 2016. There was a growth of 130 members (7.4%).

During the last session, the Branch had recently completed several training courses in HK, Philippines, Taiwan, Beijing and Shanghai including introductory courses, ARM courses and ARF courses. Results of some recent training course will only be released soon, it is expected that more members would join the Chartered Institute (and be members of EAB) afterwards.

Thanks are due to Cordia in taking care of the membership affairs.

#### **Financial Position**

According to the Branch Treasurer Pack prepared and submitted to CI Arb for the 12 calendar months in year 2016, the Branch made a surplus of HK\$290,287.

The funds available as at Dec 2016 stood at about HK\$3.4M. As of end Feb 2017, the Branch now has funds in the bank of about HK\$3.5M. The Branch is financially healthy.

Thanks are due to Lawrence in taking care of the finance for the Branch.

#### **Professional Development & Training**

For arbitration courses, the Branch had been holding courses leading to various grades of membership including:-

##### HK

- (i) an entry course in May 2016
- (ii) an ARF in Feb 2017
- (iii) an Award Writing Exam in Mar 2017

##### PRC

- (iv) an entry course in Sept 2016 in Beijing
- (v) An ARM course in Oct 2016 in Beijing

##### Others

- (vi) an ARM in Taiwan in Nov 2016
- (vii) an entry course in South Korea in Feb 2017
- (viii) an ARM in Philippines in Mar 2017

Besides, the Branch has provided specific courses covering entry course, Module 1 and Module 2 just for Hong Kong Institution of Engineers for attaining associate and/or membership grade. These courses took place during Sept 2016 to Feb 2017. Marking has been completed with results to be released soon.

Thanks are due to Paul, Mary, Fan, David and others for planning and organizing the courses from time to time.

**Mediation**

Since 2010, the Branch had collaborated with other professional bodies and joined the JMHO for promoting mediation awareness. And the Branch had also joined the Guangzhou HK & Macau Mediation Alliance to promote mediation in the Pearl Delta regions and Qianhai.

From time to time, there were conferences held in HK and/or PRC in which the Branch had shown its support and provided speakers thereat.

In the years to come, the Branch would explore the possibility of providing also regular training courses under the CIArb Mediation Route in HK (and of course with the accreditation from HKMAAL if possible).

Thanks for Lawrence who sat on those collaboration committees for the Branch.

**Programme**

Our evening talks on international arbitration topics were being well attended over the year. Since May 2016 to present, we have held about 8 evening seminars/talks (not counting the seminars held by the YMG) with a fellow cocktail held on 31 August 2016 in Hong Kong so far. These talks covered a wide variety of topics as follows:-

Date	Topic	Speaker
2 Jun 2016	Int'l Arbitration and Jurisprudential Clashes of the New World Titans-HK, Singapore and Australia	Dr. Dean Lewis
7 Jun 2016	11 <sup>th</sup> Winnie Whittaker Lecture- The Role of a QS in Avoiding and Resolving Disputes	John Battersby
30 Jun 2016	The Singapore International Commercial Court- A Threat to International Arbitration	Mohan Pillay and Toh Chen Han

20 Sept 2016	Managing International Construction Disputes with Foreign Laws and Parties	Julian Cohen
26 Oct 2016	Controlling Expert Evidence in Arbitration	Jonathan Lee QC
19 Jan 2017	UNCITRAL Notes on Organizing Arbitral Proceedings	Peter Caldwell
2 Mar 2017	Multi-tiered Disputes Resolution Clauses-the Enforceability of Condition Precedents to Arbitration	Steven Walker QC
16 Mar 2017	Investment Treaty Arbitration: What are the Essential Features and How They Differ from Commercial Arbitration	Paulo Fohlin

Besides, the Annual Dinner recently held on 29 March 2017 was very well attended with over 180 people. The Branch was honoured to have Russell Coleman SC to be the guest speaker as well as the presence of the Director General, Regional Director, Board of Trustee and various branch chairs in this event.

Thanks are due to Nicholas for management of the programmes particularly in seeking guest speakers from time to time and arrangement of all these events.

### **Regional & Chapter Development**

The Branch had continued and extended its programme of activities throughout the East Asia Region: Indonesia, Japan, Philippines, Taiwan, South Korea and the PRC. Local chapters/committees/convenors manage affairs in each territory which communicate and report to the Branch from time to time.

Macau Chapter has recently been formed and it is expected to hold many events there in the next session.

As of the PRC, there was the introduction of the new Foreign NGOs Management Law with effect from 1 Jan 2017. In short, when conducting activities in the PRC, it is necessary to register a representative office there or to find a local partner applying a temporary permit from the Public Security Bureau at the provincial level. The Branch is watching closely on this new development and will formulate plans to deal with it.

Thanks are due to Mary and David for their leadership of the Regional Sub-committees.

### **Young Members**

The Branch's YMG is also very busy organizing talks and social events. Since May 2016, the YMG has organized about 18 events in Hong Kong so far comprising of academic talks, site visits, university

promotions and the popular flagship event, i.e. the Annual Party.

Thanks are due to Linda, Helen and Gina for their enthusiasm and dedication.

### **Vis East Moot**

The Willem C. Vis (East) International Commercial Arbitration Moot was at its 14<sup>th</sup> year. A total of 125 teams took part in March 2017 Moot. The moot has made Hong Kong a popular attraction from renowned arbitrators/lawyers coming over to HK as judges and students from almost all over the world.

Thanks are due to Louise in taking care of the Vis East affairs.

### **Conference**

The Branch together with CAAL, the academic arm of CEITAC, held a joint 1-day conference in Beijing on 8 Sept 2017 with a theme “The Belt and Road Initiatives – How Would That Change Arbitration and ARD”. It was well attended with lawyers from the PRC and others from the Asian Countries. This event incurred some losses. Nonetheless, the Branch was still to make a surplus overall through conducting other activities.

Also together with Beijing Arbitration Commission, the Branch co-hosted a 1/2 day conference titled “Opportunities and Challenges under the Belt and Road Initiatives: 2016 HK Summit on Financial and Investment Dispute Resolution in China” on 17 Oct 2016 during the HK Arbitration Week 2016.

### **Publication and Website**

The Branch continues to be represented on the Editorial Board of “Asian Dispute Review” journal.

The Branch website had been revamped in 2016 and updated regularly.

The Branch newsletters continue to be published quarterly. We have often made contributions on our programmes to the Institute quarterly journal “Resolver”.

Thanks are due to Paul, Helen, Joseph for managing all these.

### **Institute Representation**

The Branch continues to hold important positions within the Institute. Mr. Anthony Houghton SC represents the East Asia region on the Board of Trustees.

### **Government Representation and Consultation**

The Branch continues to be appointed by the government on various consultation committees concerning arbitration and/or mediation.

During this term, the Branch had made 1 submission in relation to the third party funding consultation.

### **Vote of Thanks**

We would like to take this opportunity to thank all committee members, subcommittee members, guest speakers on various talks and all Branch members for their support and active participation in the past session.

### **Development Business Plan 2017**

In the near future, the Branch would be providing education training and other CPD programmes including talks, events, workshops and building relations with universities and other professional bodies.

The Branch would keep on responding to government consultations on various changes and issues related to arbitration and ADRs.

The Branch would also attempt to collaborate and develop partnerships with the business, law, construction and maritime communities, organize events, gatherings and YMG activities as well as various arbitral bodies (locally and internationally) with a view to foster better relationships and to promote HK as the international arbitration and dispute resolution centre.

In respect of the application for space in the West Wing government building, the Branch was not allocated a space in the first stage of allocation as announced by the Government of the HKSAR in Feb 2017. The application of the Branch will be put under consideration in the second stage.

Though the outcome of such application in the second stage is unknown, the Branch hopes to have a small office to be set up so as to provide better services to members within the Branch. There will be a certain amount of capital expenditure to be incurred in that regard, if the Branch is granted with space in the West Wing. Even if the outcome is negative, the Branch will continue to conduct its activities in the same way as it is conducting its activities now. The Branch will endeavour to serve its members well, hold seminars from time to time and to provide training courses with a view to increase membership.

Richard Leung

Branch Chair

April 2017