

Branch Chair Report 2018/2019

Highlights of 2018/2019

The East Asia Branch is run by a Committee comprising of 15 (14 since 1.1.19. after Paul Barrett resigned to take up his position as trustee) elected members who hold the following positions:

Committee Chair	Mary Thomson
Immediate Past Chair	Richard Leung (ex-officio)
Vice Chairs	David Fong and Nicholas Turner
Branch Secretary	Donovan Ferguson
Branch Treasurer	John Cock (since 1.1.19. and Paul Barrett before that)
Other members	Helen Au, Louise Barrington, Calvin Cheuk, Mingchao Fan, Glenn Haley, Lawrence Lee, Christopher To, Cordia Yu and Vincent Li

Other than the above, we have a number of co-opted members on various sub-committees helping us in carrying out various activities. They include Albert Yeu, Saniza Othman, and Giovanna Kwong. We also have a number of observers; Joseph Leung, Anny Wong and Jagmeet Makkar.

Membership

As at end of March 2019 the total Branch membership stood at 2,024. Out of these, 446 (22 %) were associates, 1,071 (53%) were members and 466 (23%) were fellows, the rest 41 (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 2019</u>	<u>No as of March 2018</u>
Cambodia	2	2
Canada	0	2
China	123	112
Egypt	1	0
Hong Kong	1578	1561
Indonesia	54	53
Japan	60	62
Korea	43	47

<u>Region</u>	<u>No as of March 2019</u>	<u>No as of March 2018</u>
Macau	34	38
Malaysia	3	1
New Zealand	1	1
Philippines	63	64
Singapore	2	3
Taiwan	41	31
Thailand	1	0
UK	3	8
Vietnam	15	16
Total	2,023	2,001

The Branch has a net gain of 22 new members in the past year and 125 new members since I became chair in 2017. I anticipate that in the course of 2019, we will see many more added as a result of the large number of training events we have presented in the recent past.

My thanks go to Cordia for taking care of our membership affairs.

Financial Position

At time of writing, I had not seen the audited accounts. Notwithstanding, I believe 2018 was an exceptional year for revenue from courses and the Branch made a healthy surplus. Income from courses each year remains unpredictable as can be seen from past years. I refer members to the Treasurer's report for further details of the Branch's financial position.

Thank you to John Cock, and Paul Barrett before him, for taking care of the finances of the Branch.

Professional Development & Training

The Branch has been holding a large number of courses leading to various grades of membership. During the past year, the Branch completed a great number of training courses and assessments in Hong Kong, Indonesia, Taiwan, Philippines, Myanmar and Japan, some of them in sectors the Branch had not traditionally ventured. First, the courses in Hong Kong:

Introduction / Entry Course

- 2 June 2018. Maritime arbitration course, run with SkillsPlus.
- 8 September 2018. Course for HKUST-Kellogg Business School.
- 1 March 2019, for the HK Federation of Insurers and ARIAS Asia.
- 8 March 2019. Maritime arbitration course, run with SkillsPlus.

Accelerated Route to Membership

- 7 and 8 July 2018

Accelerated Route to Fellowship

- 2 and 4 November

HKIE Mods 3 and 4 (Award Writing)

- Mod 3, exam held 4 August 2018.
- Mod 4, exam held 13 October 2018.

Award Writing

- 30 June 2018
- 13 April 2019

Regional Courses

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| 26 May 2018 | Introduction to Mediation in Manila run with PI Arb |
| 24 July 2018 | Taster to the Introduction to Arbitration in Yangon run with UMFCCI and ILAM |
| 23-24 September 2018 | Accelerated Route to Fellowship in Taipei run with CAA |
| 18 & 23 October 2018 | Award writing refresher and Exam in Jakarta |
| 20 October 2018 | Introduction to Mediation in Tokyo with JAA and Keio University |
| 13-14 February 2019 | Introduction to Arbitration in Yangon run with Singapore Branch and UMFCCI |
| 23 February 2019 | Introduction to arbitration in Taipei run with CAA |
| 26-27 February 2019 | Introduction to arbitration in Jakarta run with APPI |
| 13 April 2019 | Award writing in Taipei run with CAA |

Thank you to Glenn and the course directors, lecturers, tutors, assessors, shadows and Chapter Convenors as well as Camilla Godman, Director Asia Pacific, who helped with

planning, organizing, participating in the courses and assessments in Hong Kong and in the chapters in the region. Also, our gratitude to the organizations that have collaborated with us and provided us with their invaluable assistance making the courses and assessments possible.

I should mention that we had 32 applications for Approved Faculty List (Provisional) from May 2018 to March 2019 to assist with various teaching commitments in Hong Kong and the region. About 80% of them receive approval. Thanks goes to Christopher for heading our AFL subcommittee.

The Branch was also joint organizer of the 2018 APAC diploma course in Perth 28 July - 5 August 2018 chaired by Caroline Kenny QC and myself. It was well received with many positive comments.

Having chaired the regional (apart from China) subcommittee for about a decade, I will be stepping down from that role though I will still remain with the subcommittee after the AGM. A successor has been identified.

Mediation

Since 2010, the Branch has collaborated with other professional bodies and joined the JMHO for promoting mediation awareness. The JMHO will hold an EGM on 20 April 2019 with Lawrence and Joseph attending on behalf of the Branch.

Thank you to Lawrence and Joseph who sits on the committees of mediation bodies which the Branch collaborates.

Programme

Since April 2018 to the present, we have held nine evening seminars/talks (not counting the seminars held by the YMG). Of these, four talks formed part of a series of seminars considering the arbitration of disputes in a variety of sectors ranging from financial to sport and IT to IP fields.

The talks were well attended and covered a wide variety of topics as follows:-

Date	Topic	Speaker
21 May 2018	Proactive case management (PO1: The end or the beginning?)	Professor Janet Walker
31 May 2018	Party non-participation and awards in default of appearance, and documents only arbitration	Mr John Scott QC SC
28 June 2018	A look at the dispute resolution landscape for the Belt and Road initiative and broader issues relating to Investor State Dispute Settlements	Professor David Holloway and Professor André Janssen
16 August 2018	13th Annual Winnie Whittaker Memorial lecture	Mr Jake van der Kamp
20 September 2018	International Sports Dispute Resolution: Internationalisation and Professionalism in sport	Mr Paul Hayes QC
30 October 2018	Sixty years of the New York Convention	Ms Caroline Kenny QC
29 November 2018	Arbitration of Financial Disputes – An Insight	Dr William Wong SC
17 January 2019	Is Arbitration A Blessing Or A Curse For Technology Disputes? [Organised jointly with the YMG]	Mr Paul Haswell
21 February 2019	Arbitration of IP disputes and their idiosyncrasies	Mr Douglas Clark

In addition, the fellow's cocktail event was held on 30 August 2018.

The Annual Dinner was held on 3 April 2019. The Branch was honoured to have The Hon Mr Justice Bokhary, GBM as guest speaker as well as the presence of the Regional Director, representatives from the Board of Trustees, a number of branch chairs, guests from the Vis East moots as well as members from the Macau chapter.

Thanks are due to Nicholas for management of the programme of events, in particular seeking guest speakers and arrangement of all these events.

Regional & Chapter Development

The Branch continues to extend its programme of activities throughout the East Asia Region: Indonesia, Japan, Philippines, Taiwan, South Korea, Macau, Mainland China and Myanmar. Local chapters/committees/Convenors manage affairs in each territory and communicates and reports to the Branch from time to time. In the past year, Camilla Godman's office in Singapore has also assisted in organizing some of the courses outside Hong Kong including in Yangon, Jakarta and Perth.

In Mainland China, since the coming into effect of the new Foreign NGOs Management Law in 2017, we have not held CI Arb courses on the Mainland. However, the matter is still being considered by Mingchao's sub-committee on China as well as Camilla Godman's office.

Young Members

The Branch's YMG has been very busy organizing talks and social events. In the last 12 months, YMG organized technical talks for members to enhance their knowledge on alternative dispute resolution such as arbitration and to meet with local practitioners.

They include:

- The first EAB YMG conference on 8 April 2019
- Joint institute one day seminar on construction contract management
- 3 university promotions at HKU, City U and Poly U
- other promotional events including government capacity building seminar and Hip Hing contractor
- Technical events on TMT arbitration, online dispute resolution, sports arbitration, 2018 HKIAC administered arbitration rules

Non-technical events included :

- wine and cheese get together, minibus sign workshop, homemade candle class, social drinks event with the Law Society
- Charity events including mooncake delivery, UNICEF run, BIM disputes in construction
- Site visit to TM-CLKL. CI Arb EAB was the only visiting institution after completion of the viaduct pavement

YMG also assisted with the establishment of EAB YMG in Taiwan on 7 Sep 2018 and Philippines on 24 January 2019

Thanks to Albert Yeu and his YMG committee for their enthusiasm and dedication and to Helen for her promotional endeavours to the universities.

Vis East Moot

The Willem C. Vis (East) International Commercial Arbitration Moot celebrated its 16th year. A total of 137 teams took part in March/April 2019 Moot. The moot is now a regular fixture on the Hong Kong arbitration calendar attracting arbitrators, practitioners, academics and universities from around the world. This year, the DOJ sponsored the first inaugural lecture of the Vis East and the opening ceremony.

An informal advisory Council of the VEMF has also been set up to build on that success and ensure the moots prosper as a permanent fixture in Hong Kong.

Thanks to Louise for taking care of the Vis East moots.

Diversity

This is a new subcommittee that was set up in 2017 headed by Louise. Giovanna was co-opted to assist. In the past year, the Diversity sub-committee has organized three seminars on inclusiveness and diversity; in June 2018, during the Arbitration Week in October 2018 and on International Women's Day 2019. In the spirit of inclusiveness, the seminars were attended not only by our members but also by members of other organizations, such as the HKIAC, ArbitralWomen, Financial Dispute Resolution Centre, ARIAS Asia, International Women's Insolvency & Restructuring Confederation, Women In Law HK and law firms. Some of these organizations also jointly organized or sponsored the events.

The seminars focused on a range of topics, such as “Managing Unconscious Bias in the field of Arbitration and ADR”, “Skills that Make a Difference: Navigating Discrimination in the Workplace” and practical tips on raising profile and business development.

The last event held on International Women's Day 2019 was attended by over 80 participants who listened to the valuable experiences of the panel of experienced practitioners and arbitrators on business development and raising profile.

Our thanks go to Louise and Giovanna for ensuring the Branch's promotion of inclusiveness in ADR.

Working with other institutions

As can be seen from the report above on professional development and training, the Branch works with many other organisations in Hong Kong and in the region and I will not repeat their names here. Often, they undertake the heavy lifting without which the courses could not take place.

In addition, the Branch supported many organisations including:

- 4th ICC Asia Conference held on 27 June 2018 in Hong Kong
- ICC YAF Regional Conference for North Asia 30 June 2018 in Beijing
- Asian Academy of International Law - 2018 Colloquium on 6 and 7 July 2018 in Hong Kong
- Hong Kong Legal Services Forum 2018 organized by the DoJ in Guangzhou on 5 September 2018

Furthermore, the Branch has circulated the flyer for the Investment Law and Investor-State Mediator Training Course in Hong Kong 15 – 21 October 2018 to its members at the request of the DoJ.

On 13 November 2018, David as Vice Chair of the Branch attended a lunch hosted by the Deputy Counsel-General of the Consulate General of Japan in the Hong Kong S.A.R. together with the representatives of other arbitral bodies in Hong Kong about the development of arbitration in Hong Kong and Japan.

On 9 January 2019, David also attended the signing ceremony for the memorandum of Cooperation between the Government of the Hong Kong SAR and the Ministry of Justice of Japan at the Justice Palace.

On 2 April 2019, on behalf of the Branch I attended the signing by the Hong Kong government and the Supreme People's Court on the Arrangement concerning Mutual Assistance in Court ordered interim measures in aid of arbitral proceedings. The arrangement bodes well for arbitration in Hong Kong

Our chapters work with local institutions; Taiwan chapter continues to work with CAA

to put on courses and events including establishing the YMG chapter, with PI Arb in Philippines for monthly joint fellowship talks on arbitration and ADR topics, in Japan with Keio university and JAA to present the mediation course in Tokyo. We also work with local Bar Associations.

Thanks to David Fong who handles our public relations and external communications.

Publication and Website

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

The Newsletter Subcommittee issued 4 quarterly newsletters in the last 12 months. These newsletters cover wide-arranging events held by CI Arb (EAB) and the Young Members Group, within and outside Hong Kong.

Thanks go to Calvin Cheuk and all those who assisted him in preparing and editing the materials and photos, in particular Gina and Helen.

The Branch continues to maintain its website (www.ciarbasia.org) and has been regularly updated, particularly the program of events page, which is typically updated each month or otherwise as needed. In addition to the regular monthly updates, which are done directly by the Branch Committee, the service agreement for the website includes provision for more substantial revisions to be made on a quarterly basis.

The branch has also revived its LinkedIn page.

The web sub-committee plans to continue to maintain and upgrade the site in the coming year. Suggestions from members for improvements to the website are always welcome.

Thanks go to John Cock for managing the website keeping us up to date and Vincent for looking after the LinkedIn page.

Institute Representation

The Branch continues to hold important positions within the Institute. Paul Barrett takes over from Anthony Houghton SC and represents the East Asia region on the Board of Trustees.

Vote of Thanks

I would like to take this opportunity to thank all committee members, subcommittee members, Chapter Convenors, co-opted members, guest speakers on various talks and all Branch members for their support and active participation in the past year but also during my period as chair as I step down at the AGM. It has an honour and a privilege to serve you and I hope that in my small way, I have made some contribution to the continued success of the Branch.

Development Business Plan 2019

The Branch will continue to provide education, training and other CPD programmes including talks, events, workshops and building relations with universities and other professional bodies.

The Branch will continue to support and collaborate with other arbitral bodies (locally and internationally) and organizations including government departments in the arbitration and ADR sphere.

The Branch will also explore collaboration and develop partnerships with the academic, business, financial and business communities with a view to broadening its membership. We will organize events, gatherings and YMG activities with a view to foster better relationships and to promote international arbitration and ADR.

In respect of the application for space in the West Wing government building, the Branch will be allocated some space as announced by the Government of the HKSAR. The Branch hopes to have a small office to be set up so that we may provide better services to members within the Branch. There will be a certain amount of capital expenditure to be incurred notwithstanding the nominal rent that will be charged by the Government of the HKSAR. The Branch has built up a surplus to meet the anticipated expenditure.

Mary Thomson
Branch Chair
April 2019