



## CHARTERED INSTITUTE OF ARBITRATORS (EAST ASIA BRANCH) BRANCH CHAIRMAN'S ANNUAL REPORT 2008

The East Asia Branch has again had a successful year, notwithstanding static membership numbers. This report summarises key points and highlights.

**Regional and Chapter Development:** Under the continued leadership of Tony Houghton, the Branch has further extended its program of activities throughout the region. Following on from the initiatives commenced in 2006, Chapter development has continued throughout 2008-9.

The Singapore Chapter was formally established in September 2008, and this was officially announced by Director General Michael Forbes Smith at a function in Singapore on 13 October 2008. In addition to thanking and congratulating the new Chapter Committee, including in particular Chairman Christopher Lau and Branch Committee Member Jayems Dhingra, I would also like to thank Branch Secretary Nick Longley and Branch Member Robin Peard for their efforts in preparing, executing and notarising the not inconsiderable documentation required. I would also like to thank ATMD Bird & Bird LLP, particularly Claire Gomez, for submitting the necessary applications to the Singapore Government on behalf of the Branch.

**Young Members Group:** The Young Members Group has continued its activities, for members, both young and young-at-heart. Activities again included several joint events with the young members' groups of other organisations including HKIE, HKIS, Law Society of Hong Kong, CIBSE, ICE, the Lighthouse Club, the Hong Kong Medical Association and IEEE, in addition to a variety of educational and social events throughout the year. A set of guidelines for the formal establishment and running of the YMG was developed and approved by the Branch Committee, with the objective of providing a framework for activities and governance within which the YMG is able to enjoy a degree of independence and self determination. Thanks are due to YMG Chair Rendy Ng and the YMG committee, including in particular Cordia Yu, Justin Wong, Timmy Cheung, Jessica Chan, Johnson Lee, Stephen Lee, Duncan Ho, Cheryl Je and Samuel Ho. Thanks also to Joe Gilfeather, who has continued his role as mentor for the YMG and as a key person for liaison with the Branch Committee.

**Vis East Moot:** The 6th Annual Vis (East) International Commercial Arbitration Moot, of which the Branch is organiser and chief financial supporter (underwriter), has at the time of writing just concluded. This year, 64 teams from 17 countries argued before over 140 arbitrators from Hong Kong and abroad, and the entire event involved over 600 participants. The winning team this year in the oral arguments was from Loyola Law School, Los Angeles, USA. The final round panel this year comprised CI Arb President John Campbell QC, CI Arb (EAB) Indonesia Chapter Founder and Co-Chair Karen Mills and HKIAC Chairperson Michael Moser (panel chair). Particular thanks are due to Louise Barrington for again leading this event and to Priya Narang, Rosie Craig and their administration team.

**Government and Community Representation:** Committee members Glenn Haley and Tony Houghton gave their time to serve as members of the Department of Justice's (DoJ) Working Group on the important subject of new Arbitration Ordinance. The consultation period on the draft Bill closed on 30 June 2008, and, following consultation with the Branch membership, I submitted to the Solicitor General shortly thereafter on behalf of the Branch a letter of support for, and with comments on, the proposed legislation.

Committee Member Yeung Man Sing has also performed important work as Branch representative on the Training and Accreditation Sub-Group of the DoJ Working Group on Mediation. In August 2008, I advised the Working Group of the Branch's consent to being included in the list of organisations providing mediation services, for publication in the DoJ's pamphlet on mediation.

**Institute Representation:** EAB members continue to hold important positions within the Institute. Teresa Cheng was President of the Institute for 2008, Colin Wall continues as Trustee for the East Asia Region and Tony Houghton SC has served as regional representative on the Panels Management Committee since July 2008. Thanks to Teresa, Colin and Tony on behalf of the Branch.

**Financial stability:** Honorary Treasurer, Joe Gilfeather, continues to manage Branch funds to ensure that it remains financially healthy. Please refer to his Treasurer's Report for full details. This financial year, the Branch returned to surplus following two years of modest deficit, reporting a total net surplus of approximately HK\$0.5m. The Branch also used a portion of its surplus funds for the benefit of the wider Institute, by lending in December 2008 HK\$1.2m to "head office" at Bloomsbury Square. 50% of that loan was repaid on schedule in March 2009.

**Courses:** 2008 saw a modest increase in courses compared to 2006 and 2007, and we perceive scope for further increase as the Chapters continue to strengthen and the new Pathways program comes on line.

Entry courses were held in Hong Kong, the Philippines, Macau and Japan in 2008, and a Fellowship Assessment course was held in Singapore in September 2008. Peer interviews for Fellowship were conducted in Hong Kong and Singapore.

A Panel Interview Preparation Course for "old syllabus" Chartered Arbitrator candidates was held in Hong Kong February 2008, and Panel Interviews have been and continue to be conducted in both Hong Kong and Singapore.

On 28-30 October 2008, the Branch co-organized with Beijing Arbitration Commission (BAC) a two-day "International Commercial Arbitration Training Course Class", followed by an optional exam on the third day leading to CI Arb membership (MCI Arb). The course was led by CI Arb President, Teresa Cheng SC, with tutors Susan Munro and Terence Wong from Shanghai, and Paulo Fohlin and Richard Leung from Hong Kong.

Implementation of the new Pathways program has been somewhat slower than hoped, but progress is now being made and the Branch expects to be in a position to offer courses under the new "modular" regime later in 2009.

**Winnie Whittaker Memorial Lecture:** This annual lecture was established in 2006 in memory of Winnie, a tireless worker for and staunch supporter of the Branch who passed away in May 2005. The third annual lecture was delivered in May 2008 by Past President Colin Wall on "The Alabama Claims – The Origins of International Arbitration".

**Visit by the Director General:** In October 2008, CI Arb Director General Michael Forbes Smith visited the region en route to Congress in Kota Kinabalu. In addition to meeting with Branch members and Government representatives in Hong Kong and Singapore, Michael led a delegation to meet with representatives of CIETAC South China Sub-commission in Shenzhen, and the Guangzhou Arbitration Commission.

**Conferences:** EAB co-organised with Hong Kong International Arbitration Centre and the Society of Construction Law Hong Kong a 2-day Conference on Construction Law and Dispute Resolution for Construction Contracts in November 2008. Keynote speaker for the second day of the conference (programmed by the Branch), was CI Arb President Teresa Cheng. An impressive cast

of speakers included East Asia Region Trustee Colin Wall, former EAB Committee Member Charles Manzoni, former Malaysia Branch Chair Vinayak Pradhan and many others.

Thanks are due to the conference sub-committee of Peter Caldwell, Paulo Fohlin, Glenn Haley, Paul Barrett and, in particular, sub-committee chair Tim Hill, for putting together the program, inviting the speakers and generally ensuring the success of the event. My personal thanks also go to Tim for standing in at the last minute to chair the second day of the conference.

The Branch also supported a number of other conferences throughout the year, including the excellent one organised and hosted by the Malaysia Branch in Kuala Lumpur in October 2008.

**Seminars & Events:** The Branch and the YMG continued their active program of seminars and talks in 2007, including presentations by Ignacio de Castro, Andrzej Cierpicki, Colin Wall, Mélanie Meilhac, Teresa Cheng, Dr Nelson Wat, Daniel Lee, Bruno Yim, Peter Ho, Glenn Haley, John Cock and Tony Houghton.

Highlight of the year was the seminar by Lord Woolf in November 2008, which the Branch was particularly honoured to host and which allowed Branch members a rare opportunity to meet and interact with a true “superstar” of dispute resolution. We thank Lord Woolf for sharing his wisdom and experience with the Branch, and for so generously giving his time to talk to members, autograph copies of his book.

**Social Events:** These included Annual Dinner in April 2008, with then President Teresa Cheng SC as guest speaker, cocktails for new Entry Course graduates in March, the Director General in October and the Fellows Cocktail Party in September. A number of social events were again associated with the Vis East Moot. The YMG organised a number of social events, including a junk trip, evening functions hiking and other sporting events. Social events were also held in Manila, Singapore, Beijing, Shanghai and Tokyo.

**Membership:** As at 31 December 2008, total Branch membership stood at 1,751. Of these, 1,345 were in Hong Kong, while the next two largest groups were in Singapore (210) and mainland China (82). This represents almost static membership, with non-renewals almost balancing new memberships.

**Publications and Web Site:** The Branch continues to be represented on the Editorial Board of the “Asian Dispute Review” journal by Paulo Fohlin and Paul Barrett. The web site has been updated regularly and is in the process of being restructured under the management of Sacha Cheong. The Branch newsletter continues to be published quarterly, and particular thanks are due to Paulo Fohlin for an excellent job since taking over as editor from Andrzej Cierpicki.

**Extraordinary General Meeting:** An EGM was held on 4 February 2008 at which all proposed motions were carried. Updated Branch Rules were published as a result.

**Votes of Thanks:** I would like to take this opportunity to thank all members of the Branch Committee for their efforts over the past year.

I would particularly like to thank our retiring committee members:

- **Glenn Haley**, Immediate Past Branch Chairman and one of the Branch’s major driving forces for many years, has advised that he will be taking a well-earned break from Branch Committee service and is standing down. Glenn’s contribution to the Branch has been immense, and will be sorely missed, although we trust that his counsel will still be available and that we may rely on him to continue to support the Branch as a course tutor and speaker at seminars. I also wish to convey my deep personal thanks to Glenn for his guidance, support and practical assistance for me as his successor.

- **C.N. Fung** is standing down from the committee after 3 years service, including as Branch PR Officer for the past two years. We wish C.N. all the best as he recovers from medical treatment, and look forward to seeing him at Branch events again soon.
- **Rendy Ng** has been temporarily transferred to London. On her return to Hong Kong she will be focusing on becoming qualified as a solicitor, and so has stood down from her positions on both the Branch and YMG Committees. Rendy's contribution and energy will be missed, in particular by the YMG, and we look forward to her return to Hong Kong and, we trust, to Branch service in due course.

Thanks also to Primrose Law, Isabelly Lai, Kate Ng and the staff of HKIAC for their dedication and support, upon which the Branch depends for its day to day operation.

John Cock  
Branch Chairman, East Asia Branch  
April 2009

*Office Bearers:*

Chairman	John Cock
Vice-Chairman	Timothy Hill
Hon. Secretary	Nicholas Longley
Hon. Treasurer	Joe Gilfeather
Public Relations Officer	Fung Ching Nam

*Committee Members:*

Raymond Au	Paul Barrett	Peter Caldwell
Sacha Cheong	Jayems Dhingra	Paulo Fohlin (co-opted)
Glenn Haley (ex-officio)	Tony Houghton	Cheryl Je
Richard Leung	Rendy Ng (co-opted)	David Sandborg
Yeung Man Sing		