



As we head into the Easter break, the CI Arb has successfully delivered a number of informative seminars and key events. This Newsletter aims to provide you with an overview of the events that took place in the first quarter of 2018.

Highlight of the events includes the EAB Annual Dinner, and the presentation given by Professor Nayla Comair-Obeid, the President of CI Arb. Both events attracted an overwhelmingly high number of members and non-members.

More interesting events and informative seminars are planned for the coming summer period, the details of these forthcoming Branch events programme can be found on the back page of this Newsletter.

The Annual General Meeting of the EAB will be held on 26 April 2018, at the Hong Kong Club. Members are encouraged to vote, and to raise issues for the benefits of the future of CI Arb and the Branch.

Readers are encouraged to submit articles for the Newsletter or book reviews relating to dispute resolution for the Asian Dispute Review. For submission guidelines please visit www.asiandr.com.

Have a greater Easter!

Helen Au and Gina Leung

Interim measures and security for costs – a practitioner’s view – Anthony Houghton SC

31 January 2018, Hong Kong



A common question that arises at the start of any arbitration is which guidelines might be useful to assist in the conduct of the arbitration. More than 70 members of CI Arb EAB were treated to a presentation by Anthony Houghton SC on 31 January 2018 to discuss CI Arb’s international arbitration practice guidelines from a practitioner’s view point. With Anthony’s extensive experience as an arbitrator in Hong Kong and the region, this event was a great chance for members and practitioners to hear some very interesting comments from Anthony about how they may like to handle applications for interim measures and security for costs.

Two issues that arise in many international arbitrations are applications for interim measures and applications for security for costs. Unlike court decisions which will have explained how these kinds of applications should be treated, there is a challenge for arbitrators, practitioners and clients to know how such applications will be treated in the context of arbitration. Often, national laws and arbitration rules do not provide any procedural rules or guidance on this, or what measures can be granted and in what circumstances.

As Anthony explained, CI Arb guidelines can help fill this gap. In particular, Anthony took

our members through the most important parts of the two guidelines: Applications for Interim Measures and Applications for Security for Costs. Rather than leaving such issues to the views of the individual arbitrator, it was clear that these guidelines can be a helpful tool to guide the parties and ultimately the tribunal in how these difficult issues can be tackled. As questions from the members revealed, interim applications and security for costs regularly arise in Hong Kong, and further certainty as to how these should be dealt with is welcomed.

Of course, these guidelines depend on their use either in the arbitration agreement, procedural order or at the discretion of the tribunal. Members who would like to know more about the guidelines can find them at <http://www.ciarb.org/guidelines-and-ethics/guidelines/arbitration-guidelines>. We commend these guidelines to members.

This presentation was the fourth in a series of seminars covering guidelines and rules for administering arbitrations and other dispute resolution processes. We thank Anthony for his presentation, and his continued support of CI Arb EAB.

Donovan Ferguson

Presentation by the President of CIArb, Professor Nayla Comair-Obeid

18 October 2017, Hong Kong



Participants at the presentation with the President of the CIArb (front row, centre)

The President thanked all of those members who attended the lunch, and those who could not make it, for all of their effort in making the Institute such a successful organisation.

She emphasised that the skills, professionalism and principles of the members have ensured that the Institute is a leading dispute resolution organisation worldwide. In this centenary year, the President's aim has been to demonstrate and develop the strengths of the Institute within the international arbitration community.

To achieve this, the President has liaised with counter parts at other arbitration organisations around the world such as the ICC, the SIAC and HKIAC. As a result of these discussions these organisations now have a better understanding of the education and skills of the Institute's members.

The President has also organised three international conferences during this centenary year, to promote the Institute. The first one was held in Dubai (which was for Asia and the Middle East), the second in South Africa (for the whole of Africa), and the third is to be held in Paris (for Europe and the Americas). Organising these conferences has been a passion for the President, despite the hard work. The first two conferences were a huge success and the President encouraged members to attend the Paris conference in December.

At the first conference there were 250 participants. The Institute had the honour of welcoming the Secretary of Justice from Hong Kong (Mr Rimsky

Yuen SC), the Secretary of Justice from Macau and senior judges from China and elsewhere in Asia. At the conference, members discussed the news for the region and the different approaches of common law and civil law.

The second conference took place in Johannesburg. The President believed this to be the first such conference to bring together senior representatives from all the African countries to discuss arbitration issues. The Presidents of Nigeria, Mali, Kenya and South Africa attended. There were also supreme courts judges from many countries and representatives of other institutions. The programme was very similar to Dubai. Following the conference the President will be traveling to Nigeria to discuss with ministers the conclusions of the conference.

The third conference will take place in Paris on the 7 to 8 December 2017. Again the format for the conference would be similar to the other two with representatives from ministries, judiciaries as well as institutions in attendance. At this conference the recommendations from all of the other conferences would be discussed.

The President concluded by saying she had enjoyed being president during the centenary celebrations of the Institute. She thanked members for all of their hard work to make sure the Institute was a success, in expanding education and for spreading the word of the principles of the Institute.

Nicholas Turner

ARM Course in Hsinchu

10-11 March 2018, Taiwan

The Taiwan Chapter convened another ACCELERATED ROUTE TO MEMBERSHIP (ARM) course in Hsinchu on 10-11 March 2018, the first since CIArb and CAA (Chinese Arbitration Association, Taipei) signed a Memorandum of Understanding. CAA again provided all administrative assistance, with support from the Institute of Law for Science and Technology of National Tsing Hua University and Hsinchu Bar Association.

Held at the beautiful campus of National Tsing Hua University, this course attracted 40 candidates from different cities in Taiwan, Hong Kong, Beijing and Tokyo. To ensure quality interaction and discussion, each of the six groups consisted of candidates from different lingual, educational and professional backgrounds.

The Taiwan Chapter is proud to have hosted the ARM course by Anthony Houghton SC (course director), Mary Thomson, Douglas Kenji Freeman, David Fong, John Cock and Helena Chen. The new convenor of Taiwan Chapter, Winnie Jo-Mei Ma, also acted as shadow assessor, together with Houchih Kuo, Alison Chang and Alice Lu.

The following are some of the feedback received from candidates:

"The program, the exam, the teachers/ assessors, the assistants and the settings were all brilliant and most helpful. I enjoyed it thoroughly."

"The two-week self-study and the one day assessment/workshop are really helpful in leading us to the world of international arbitration."

"The structure of the workshops in particular was very useful as they helped me turn my mind to a wide range of issues that can arise during the course of arbitration that in all likelihood I will have to face in the course of my practice in future."

"Both challenging and enjoyable."

"Unique, knowledgeable and exciting experience."

Winnie Ma

EAB Annual Dinner

14 March 2018, Hong Kong



We had a full house of nearly 190 branch members and guests at this year's branch annual dinner, at the Hong Kong Club. Mr Paul Barrett was the Master of Ceremony. Ms Teresa Cheng SC, Secretary for Justice, former President of the CI Arb and former Chairlady of the HKIAC spoke on how Hong Kong's rule of law ranking has seen significant improvement over recent years and sought the views and assistance of members on how Hong Kong can seek to improve trade and commerce and develop its role as a centre of arbitration and alternative dispute resolution. Branch Chairperson, Ms Mary Thomson, gave her report summarising events and activities over the past year and thanking committee members for their contribution to the branch. Our key note speaker was Mr Paul Starr, solicitor, arbitrator and mediator, treated us to a rhythmic poem telling the story of the development of alternative dispute resolution in Hong Kong and his own experience of arriving in Hong Kong. This year, the dinner coincided with the Vis East international arbitration moot resulting in their taking 2 tables.

Nicholas Turner

Promotional Talk at Gammon Construction Limited

10-11 March 2018, Taiwan

On 21 March 2018, the YMG Chairperson David Luk, Honorary Secretary Albert Yeu, Co-opted Members Fred Ho and Jessica Chan gave a promotional and ADR talk to a group of 30 Gammon Young Professionals Group members. Following a networking drink, David Luk started off the talk by introducing CI Arb and different membership grades to the participants. Jessica Chan then presented the development and future trend of mediation in Hong Kong, benefits of mediation and practical considerations between facilitative and evaluative mediations in construction contracts. Albert Yeu then introduced the proposed Security of Payment Legislation in Hong Kong,

its benefits to the construction industry and compared its key features with other jurisdictions including a recent court judgment about the effect on existing construction contracts on the effective date of the legislation. Lastly, Fred Ho highlighted the features of arbitration including ad-hoc and institutional arbitration, its legal framework and the requirements of an effective arbitration clause. The Q&A session was very interactive where the audience raised questions about the different CI Arb membership grades, requirements for becoming an ADR practitioner, enforcement of a mediated settlement agreement, confidentiality and jurisdictional issue in adjudication and conflict



The speakers and the participants

of interest as an arbitrator. The event was well-attended and the Gammon Young Professionals Group is expecting future opportunities to co-organize events with the CI Arb (EAB) YMG.

David Luk, Albert Yeu, Fred Ho and Jessica Wong

Maritime Arbitration

07 March 2018, Hong Kong

On 5 March 2018, Mr Bill Amos, Ms Mary Thomson, Mr Li Lianjun and Mr. Edward Alder delivered a panel discussion on “Maritime Arbitration in Hong Kong: Current Procedural Issues” at the office of Messrs Mayer Brown JSM to the members of CIARB (East Asia Branch) YMG. About 25 members attended.

The speakers took turns to provide an insight into maritime arbitration in Hong Kong, with particular focus on the procedures employed. All speakers provided very comprehensive explanations on the various issues maritime arbitration practitioners might encounter. There was also a very constructive Q&A session after the panel discussion. The participants all enjoyed themselves. The speakers were warmly welcomed and the talk was well-received.

Jeffrey Sham



Advertisement
opportunities
available.

For further information,
please contact the Branch
at ciarbhkiac.org

2018 East Asia Branch Events Programme

13 April 2018

Possible joint event with SCC, ISS-HK and CIETAC. Details to be circulated.

26 April 2018

AGM followed by speaker Vincent Connor. Details to be circulated.

5 May 2018

YMG – One Day Seminar. Details to be circulated.

31 May 2018

“Documents only arbitration procedures and party non-participation and awards in default of appearance – benefits and pitfalls” by Mr John Scott SC

May 2018

YMG – service day. Details to be circulated.

YMG – technical talk. Details to be circulated.

YMG – site visit at Kai Tak CEDD site. Details to be circulated.

7 to 9 June 2018

Joint course with SkillsPlus on maritime matters. Details to be circulated.

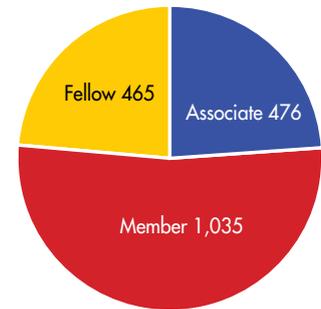
13 June 2018

YMG – AGM and post-AGM talk. Details to be circulated.

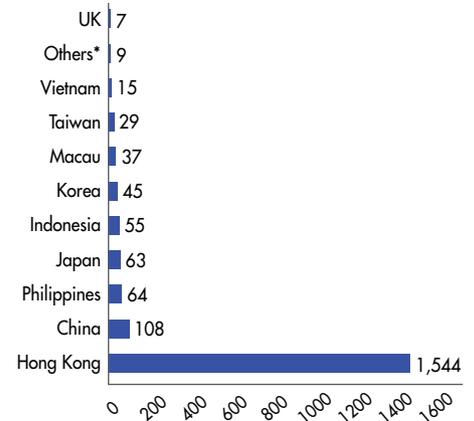
30 August 2018

Fellows’ Cocktail Party. Details to be circulated.

Current Branch Membership – Distribution by Membership Grade



Current Branch Membership – Distribution by Region



*Includes Cambodia, Canada, Malaysia, New Zealand, Singapore and UAE.

The above statistics are current as of March 2018

CIARB East Asia Branch

The East Asia Branch provides a regional organisation for members of the Chartered Institute of Arbitrators who are resident in the geographical area of Hong Kong, mainland China, Indonesia, Japan, Korea, Macau, Mongolia, the Philippines, Taiwan and Vietnam. Thailand and Singapore, formerly part of the Branch, were constituted as separate branches in 2003 and February 2010 respectively.

The objectives of the Branch are to promote, encourage and facilitate the practice of settlement of disputes by arbitration, mediation and other means of dispute resolution, and generally to support and promote the status and interests of the Institute.

CIARB East Asia Branch Committee 2018

Mary Thomson – Chairperson, **David Fong & Nicholas Turner** – Vice Chairpersons, **Donovan Ferguson** – Honorary Secretary, **Paul Barrett** – Honorary Treasurer, **David Fong** – External Communications, **Glenn Haley** – Professional Development and Training, **Louise Barrington** – Diversity; Vis East Moot, **Lawrence Lee** – Mediation and Adjudication, **Calvin Cheuk** – Newsletter, **Cordia Yu** – Membership; **Helen Au** – University Promotion, **John Cock** – Website; **Edward Chow** – Incorporation / New Branch Rules, **Nicholas Turner** – Programme; **Christopher To** – ADR Editorial and Faculty List, **Joseph Leung** (co-op) – Adjudication, **Gina Leung** (co-op) – Newsletter

Contact Details

c/o the Hong Kong International Arbitration Centre, 38/F Two Exchange Square, Central, Hong Kong

Telephone: (852) 2525 2381

Fax: (852) 2524 2171

Website: www.ciarbasia.org

E-mail: ciarbhkiac.org