



As we have closed the second quarter, the Branch has started a new term with the new main Committee.

The first half of the year seems to have quickly raced through the first six months the summer break will be very quickly upon us.

The highlight of the last quarter is the election of the new Branch Committee held in the Annual General Meeting on 26 April 2018.

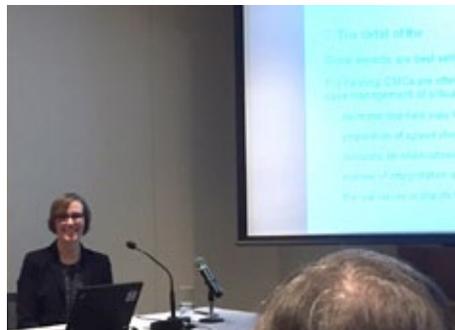
We are also excited with the 13th Annual Winnie Whittaker Memorial Lecture, due to be held in August. The Branch and the YMG has arranged a series of evening talks with various notable speakers, details of these events can be found inside this Newsletter.

There is much to share in this edition and we hope you would enjoy. The forthcoming Branch events programme can be found on the back page of the Newsletter, and an up-to-date programme can be found on [www.ciarbasia.org](http://www.ciarbasia.org).

*Calvin Cheuk and Gina Leung*

## “Proactive case management (PO1: The end or the beginning?” by Professor Janet Walker

21 May 2018, Hong Kong



The Branch had the honour of hearing from Professor Janet Walker, Chartered Arbitrator, on her thoughts and experience in relation to the procedural aspects of running international arbitrations, at the Hong Kong International Arbitration Centre.

Proactive case management commences from the early procedural meeting, CMC or directions hearing following which the first procedure order (PO1) will be prepared and issued. All, if not most, of the procedure should be capsulated in PO1 (which will be first of possibly of many). The timing of the first hearing and issue of PO1 is everything. Janet considered whether premature determinations of directions (via arbitration agreements) were helpful, but reflected that in her experience much should be left to the arbitrator themselves. PO1 should be a complete framework for the arbitration, and if possible the date for hearing be agreed with the

procedural timetable fixed by reference to that date. Janet highlighted a recent revision of what in her view was one of the great innovations – the 2012 UNCITRAL Notes on Organising Arbitral Proceedings. Janet went as far as saying it was the best thing since ‘sliced bread’! She recognised that not everything could be addressed in PO1 and there were obvious elements of procedure which would need to be considered later in the arbitration such as details for the evidentiary hearing, fixing the sequence of openings and closings and issues to be addressed at the hearing. Educating the tribunal prior to the hearing is fundamental and tools to assist in this include the ‘Reed Retreat’ and ‘Kaplan Opening’.

Overall, the event was well-received and attended by approximately 45 members.

*Nicholas Turner*

## CIArb Introduction to Mediation Course 2018

26 May 2018, The Philippines



The Chartered Institute of Arbitrators (CIArb) Introduction to Mediation Course was held on May 26, 2018 at Quisumbing Torres in Taguig City, the Philippines. The course was a joint collaboration project of the Philippine Institute of Arbitrators (PIArb) and the Branch, Philippine Chapter.

A total of about 30 participants attended the course, facilitated by CIArb Assessors Mary Thomson and Atty. Teodoro Kalaw IV. Mary is the current Chair of CIArb East Asia Branch while Atty. Kalaw is a Chartered Arbitrator and Accredited Mediator of CIArb, and President Emeritus of PIArb.

The course was divided into several sessions consisting of lectures, workshops and role-play. Participants also shared their comments and asked questions during the open forum. At the end of the course, each participant received a Certificate of Participation entitling them to take an Online CIArb Assessment. Upon passing, the participant will obtain an Introductory Certificate and be eligible to apply for Associate grade status with the CIArb.

Atty. Donemark Calimon, current President of PIArb gave the closing remarks, after which, fellowship cocktails immediately followed.

*Asuncion de Leon Omila*

## Annual General Meeting of Chartered Institute of Arbitrators (East Asia Branch)

26 April 2018, Hong Kong

The 46th Annual General Meeting (AGM) for the Chartered Institute of Arbitrators (East Asia Branch) took place on 26 April 2018 at The Hong Kong Club.

The AGM attracted a high number of attendees. Ms Mary Thomson, the Branch Chairperson, chaired the AGM. In addition to the Branch Chairman's report, Mr Paul Barrett gave the Treasurer's report.

One of the focuses of the AGM was the announcement of the election results for the Branch Committee members for 2018/2019 term. The number of votes made were high and the results of the nominations and the names of the newly elected Committee members were read out in the meeting. Congratulations!

The list of the new Branch Committee members can be found in the last session of this Newsletter.

*Nicholas Turner*

## One Day Seminar on Contract Management 2018

5 May 2018, Hong Kong



The YMG of the CIArb (EAB), in collaboration with four other young professional groups: CIBSE-YEN, HKIE-YMC, HKIS-YSG & ICE HKA G&S ("the Group"), jointly organized a One Day Seminar on Contract Management on 5 May 2018.

This annual flagship event has been jointly organized by young professionals from various institutions since 2004 and the YMG is honoured to have invited legal and construction professionals to give remarkable presentations on 7 different topics in relation to construction contract management.

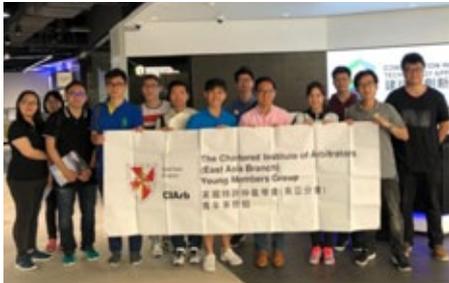
Amongst other 5 speakers, Mr Peter Clayton and Mr Hinson Cheung presented two different topics respectively on behalf of CIArb (EAB) YMG: "How Hong Kong's Proposed Security of Payment Legislation Will Change Contract Administration" and "Challenging Arbitration Award in Hong Kong".

Around 270 members and 30 helpers of the organizing institutions attended the One Day Seminar. It was a pleasure for the YMG to work with other young professional groups to co-organize this seminar. The YMG would like to express sincere gratitude to all speakers for their valuable sharing in the One Day Seminar.

*David Luk*

## Joint Institutes' visit to the Construction Innovation and Technology Application Centre ("CITAC")

12 May 2018, Hong Kong



Group photo of CI Arb (EAB) YMG at CITAC

The CI Arb (EAB) YMG and ICE HKA G&S has jointly organized a visit to the CITAC on 12 May 2018. Our YMG chairperson Mr David Luk and YME committee member Mr Fred Ho are among the 20 visitors during the guided tour. The visitors were introduced with cutting-edge construction innovation and technology application, and were given the chance to explore and understand their latest development worldwide and in the particular context of Hong Kong. Trendy applications, including Modular Integrated Construction, Virtual Reality simulations, 3D printing and foamed concrete, are on display in CITAC.

The YMG committee would like to thank Ms Carmen Liu, CI Arb (EAB) YMG committee member, for arranging this event with the CITAC and subsequently coordinating with the ICE HKA G&S to make this event.

*David Luk*

## "35 Years of Hong Kong Construction Law ... in 30 minutes!" by Mr Vincent Connor

26 April 2018, Hong Kong



The Branch had the honour of hearing from Mr Vincent Connor, on "35 Years of Hong Kong Construction Law... in 30 Minutes" (or so) at The Hong Kong Club, following the AGM.

Vincent took the opportunity, in Pinsent Masons' 35th year of advising clients in Hong Kong and Asia, to have a look back at significant cases in Hong Kong, which have shaped the way we view and resolve disputes. Looking through the 'construction law view-master' Vincent took the audience on a trip around Hong Kong to look at some of the landmark decisions. The journey began at Plover Cove with the Mitsui Construction v A-G of HK (1986) a case on interpretation; next to Tsimshatsui with the Jumbo King case (1999) another case on interpretation; also in Tsimshatsui with the

Wharf Properties v Eric Cumine Associates (1991) to consider global claims; then to the New Territories with the Mariner Hotels case (2007) which considered completion; also in the New Territories the Phillips v A-G of HK case (1993) provided support for calculations used in the process for determining genuine pre-estimates of loss for liquidated damages clauses; and finally back to Tai Po with the Chun Wo v Metta Resources case (2015), which considered a whole host of construction law issues but importantly the way in which disputes are resolved.

Overall, the event was well-received and attended by approximately 50 members.

*Nicholas Turner*

## Promotion of CIArb at the Hong Kong Polytechnic University

10 April 2018, Hong Kong



The CIArb (EAB) YMG gave a promotional talk at the Hong Kong Polytechnic University on 10 April 2018. Mr Albert Yeu on behalf of CIArb (EAB) YMG presented to the students its branches and chapters, different grades of membership and their entry requirements. The students were inspired by the various activities organized by the YMG this year and were invited to join CIArb as student affiliates.

The YMG committee would like to express the gratitude to Ms Helen Au, CIArb (EAB) main committee member and CIArb (EAB) YMG former chairperson, for arranging this talk. Around 30 students attended the talk.

Mr Albert Yeu, CIArb (EAB) YMG representative gave an introduction of the CIArb to students at Hong Kong Polytechnic University.

*David Luk*

## 2018 East Asia Branch Events Programme

### 7 & 8 July 2018

Accelerated Route to Membership (International Arbitration) Course

### 21-22 July 2018

Korea Chapter – ARM course with Seoul Bar Association

### 16 August 2018

13th Annual Winnie Whittaker Memorial Lecture

### 30 August 2018

Fellows' Cocktail Party

### 23 & 24 September 2018

Accelerated Route to Fellowship course in Taiwan

### 18 & 22 October 2018

Indonesia Chapter – award writing short course and award writing exam

### 30 October 2018

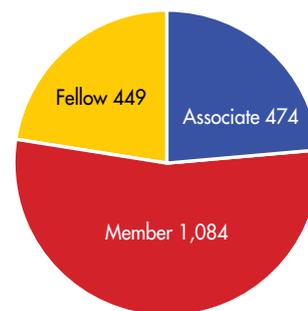
President to address EAB members

### November/December 2018

Indonesia Chapter – Entry Course (ACIArb)

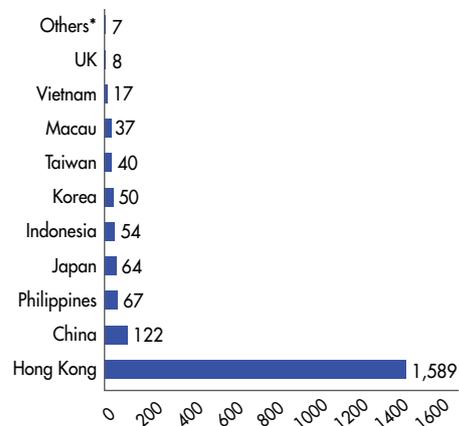
## Current Branch Membership

### Distribution by Membership Grade



The above membership statistics exclude the Retired Members

### Distribution by Region



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

The above statistics are current as of June 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; Regional – non-PRC and Institute Communications, **David Fong** – Vice Chairpersons; Public Relations Officer, **Nicholas Turner** – Vice Chairpersons; Programme, **Donovan Ferguson** – Honorary Secretary, **Paul Barrett** – Honorary Treasurer, **Richard Leung** – Immediate Past Chair, **Helen Au** – University Promotion, **Louise Barrington** – Vis Moot, **Calvin Cheuk** – Newsletter, **John Cock** – Website, **Mingchao Fan** – Regional – PRC, **Glenn Haley** – Professional Development and Training, **Giovanna Kwong** – Diversity, **Lawrence Lee** – Mediation, **Gina Leung** – observer, **Vincent Li**, **David Luk** – observer; YMG, **Joseph Leung** (co-op) – Adjudication, **Saniza Othman** (co-op), **Christopher To** – Asian DR Editorial and Faculty List, **Cordia Yu** – Membership; **Edward Chow** – Incorporation / New Branch Rules

### Contact Details

c/o the Hong Kong International Arbitration Centre, 38/F Two Exchange Square, Central, Hong Kong  
Telephone: (852) 2525 2381  
Website: www.ciarbasia.org  
Fax: (852) 2524 2171  
E-mail: ciarb@hkiac.org