

Report of the Committee on Arbitration 2024

(“CArb” or the “Arbitration Committee”)

2024 was a busy year for members of the Hong Kong Bar Association (the “**Bar**”) engaged in arbitration and related proceedings. Members represented parties in arbitration proceedings and were appointed as arbitrators in greater numbers in arbitrations seated cases in the Hong Kong Special Administrative Region (the “**HKSAR**” or “**Hong Kong**”) and internationally. The Bar and its Arbitration Committee (as well as Mainland Affairs Committee) were regularly invited by Mainland arbitral institutions, lawyers, associations and universities to collaborate on arbitration training including as to law and advocacy. Two major arbitration conferences were held in Hong Kong in 2024 in which the Bar’s members participated, and the Arbitration Committee also helped to organise events to celebrate the Bar’s 75th Anniversary.

Specifically, the 2024 work of the Arbitration Committee included:

- (1) Working with the Bar Chairman and Executive Committee to organise a colloquium co-organised with the Hong Kong International Arbitration Centre (the “**HKIAC**”) in May 2024 at which speakers including a senior policy official from the Mainland, spoke about recent developments in arbitration in the Mainland, and a panel of 3 judges from Hong Kong, the Mainland and England & Wales discussed the Court’s role in supervision in arbitration (the “**Arbitration Colloquium**”).
- (2) Working with the Bar Council to arrange for the Bar’s funding to young barristers to subsidise their attendance at various arbitration-related events including the largest global professional gathering of the international arbitration community – the XXVIth Congress of International Council for Commercial Arbitration (“**ICCA Congress**”) held in Hong Kong in May 2024, and the SCIA&SCIAHK Dual Qualification Advanced Training Program in International Commercial Arbitration held in Shenzhen and Hong Kong from 3 to 5 July 2024.
- (3) Holding welcome drinks for Ms Joanne Lau as the HKIAC Secretary General on 12 March 2024 at which she talked about the forthcoming ICCA Congress.
- (4) Conducting and supporting arbitration courses, workshops and mock moots on arbitration in Hong Kong and the Mainland in conjunction with Hong Kong and Mainland arbitral institutions and lawyers’ associations.
- (5) Meeting with arbitration institutions and stakeholders in Hong Kong, the Mainland and internationally to discuss co-operation activities in education and capacity building and events to promote the Bar, its members and Hong Kong’s arbitration services.
- (6) Working with the Bar to hold a Special Event on 27 September 2024 in Beijing during China Arbitration Week co-organised with the China International Economic and Trade Arbitration Commission (“**CIETAC**”) to celebrate the Bar’s 75th Anniversary.
- (7) Organising an online seminar at which two third party funders spoke about arbitration funding and outcome related fee structures for arbitration (known as “**ORFSA**”) in collaboration with the Young Barristers Committee on 18 December 2024.
- (8) Participating in eBRAM Online International Dispute Resolution Centre (“**eBRAM**”).
- (9) Reviewing applications to join the Bar’s Arbitration List.

- (10) Working with the Bar Council to arrange for the Bar to be a supporting organization of arbitration-related events, including the SCIA's Dual Qualification Advanced Training Program in International Commercial Arbitration held in Shenzhen and Hong Kong from 3 to 5 July 2024, the CIETAC IAI Training conducted from July to September 2024 online, and the ICC International Court of Arbitration's charity event in Hong Kong on 3 December 2024 centred around the theme "*Embracing Diversity and Inclusion as a Core Value in International Arbitration*".

Arbitration Programme for the Bar's Members

The Arbitration Committee continues to consider the most effective way to offer an arbitration programme for members of the Bar bearing mind their practice commitments and the voluntary nature of members' attendance at the Bar's continuing legal education events. In 2025 it is proposed to conduct workshops focusing on issues in that members must deal with in arbitration practice such as conflicts, evidence, drafting of memorials and witness statements and arbitration practice management.

The Arbitration Colloquium

The Arbitration Colloquium co-organised by the Bar with the HKIAC to celebrate the Bar's 75th anniversary was held immediately before the ICCA Congress on 4 May 2024. It was conducted in English / Putonghua. Mr. Yang Xiangbin, Head of the Bureau of Public Legal Services Administration of the Ministry of Justice spoke about Developments of Arbitration in Mainland China – the past and the future. There was then a panel discussion on "Court and Arbitration procedures: Supervision and assistance" moderated by Anthony Neoh SC, JP with speakers Sir William Blair, former Judge of the High Court of England and Wales, the Honourable Madam Justice Mimmie Chan, the Court of First Instance of the High Court of HKSAR and the Honourable Judge Xi Xiangyang, the China International Commercial Court.

Arbitration Workshops and Mock Moots

In 2024 members of the Arbitration Committee conducted and participated in arbitration courses, workshops and mock moots on arbitration in Hong Kong and the Mainland in conjunction with Hong Kong and Mainland arbitral institutions and lawyers' associations. In addition to the Arbitration Colloquium these included the:

- Mock Moot in Chengdu in April 2024 in collaboration with CIETAC in which members of the Arbitration Committee, the Bar's Mainland Affairs Committee, the Bar's Chairman and Deputy Hon Secretary, and Chengdu Lawyers Association conducted a demonstration moot that was streamed online as well as attended by Chengdu lawyers and students. This was conducted in English with a commentary and some presentations in Putonghua.
- CIETAC International Arbitration Institute 2024 Course on Hong Kong Arbitration Law - July to September 2024 at which various members lectured.
- SCIA&SCIAHK Dual Qualification Advanced Training Program in International Commercial Arbitration held in Shenzhen and Hong Kong from 3 to 5 July 2024 in which a member lectured and members attended.

Meetings with Arbitration Institutions and Stakeholders

In 2024 the Bar and Arbitration Committee representatives met with a number of arbitration commissions in the Mainland as well as with arbitral institutions based in Hong Kong and internationally to talk about how the Bar may co-operate with them in education, training for members and capacity building, as well as to discuss other matters of mutual interest.

In December 2024 the Bar signed a Memorandum of Understanding with CIETAC to deepen cooperation on professional exchanges between the Parties, with the aims of advancing the further development of the legal and dispute resolution industries in the Chinese mainland and HKSAR and facilitating collaboration between the Parties on areas of legal and dispute resolution services in the Chinese mainland, the HKSAR and overseas jurisdictions.

The 2025 programme for co-operation with arbitration institutions and stakeholders is expected to be finalised early in 2025.

Special Event on 27 September 2024 in Beijing During China Arbitration Week

During the Special Event in September 2024 in Beijing held during China Arbitration Week co-organised with CIETAC to celebrate the Bar's 75th Anniversary, three panels discussed various aspects of arbitration. In the first session moderated by Victor Dawes SC, the panel discussed a "*Success story share for Chinese mainland enterprise in international arbitration with Hong Kong barristers and solicitors*" in which Heidi Chui of Stevenson, Wong & Co. and Helen Gu of Sina spoke. In the second panel moderated by Jose Maurellet SC, Kim Rooney, Lau Chee Chong, Investment Manager, Senior Legal Counsel, Omni Bridgeway and Yue Dai Partner at King & Wood Mallesons discussed "*Costs in international arbitration: How to reduce it? How to allocate the risks and how to make use of contingency fees and third party funding?*"; in the third session a fireside chat moderated by Martin Wong, Anthony Neoh SC, JP and Winnie Tam SC discussed their experience in dispute resolution in the Mainland, Hong Kong and internationally.

Arbitration Funding Event on 18 December 2024

The Arbitration Committee, in collaboration with the Young Barristers' Committee, arranged for two third party funders, Ruth Stackpool-Moore, Portfolio Manager – Global International Arbitration, Omni Bridgeway, and Emily Tillett, Vice President – Litigation Finance, Burford Capital to speak in an online seminar on arbitration funding in Hong Kong and the Mainland on 18 December 2024. They discussed arbitration funding issues relevant to barristers including structure of funders and services/products, funders' criteria for funding cases, profile of cases currently being funded in Hong Kong, the Mainland and Asia, structures for sharing arbitration funding among solicitors, barristers and other lawyers and practical issues that arise, including as to conflicts.

eBRAM

The Bar is a founding member of eBRAM. From August 2022 to August 2024 the Bar's nominated director on eBRAM's Board of Directors was Kim Rooney, and the alternate director was Norman Nip SC. Adrian Lai and Sabrina Ho also served on eBRAM's Board, among others. From August 2024 Horace Wong SC has served on eBRAM's Board as the Bar's nominated director and Norman Nip SC as the alternate director. Adrian Li, among others, continues to serve on eBRAM's Board.

Membership and Thanks

The members of the Arbitration Committee in 2024 were: Kim Rooney (Chairperson), Norman Nip SC (Vice Chairperson), David Fong (Vice Chairperson), John Scott SC, Winnie Tam SC, Jeremy Bartlett SC, Andrew Mak, Ling Chun Wai, Colin Wright, Catrina Lam, Vod Chan, Calvin Cheuk, Edward Alder, Ken To, Benny Lo, Sabrina Ho, Julian Cohen, Richard Yip, Hugh Kam, Victor Lui, Athena Wong, Alex Fan, Val Chow, Michael Lok, Paul Chan, David Southern, Keith Tam, Adela Mao, Christopher To, Angel Wong, John Leung, Eric Ng, Edward Epstein, Leon Guo, Ho Ching Him, Matthew Suen, Jason Wong, Thomas Yeon and Johnson Cheung.

May I thank the Arbitration Committee members for their contribution to the work of the Arbitration Committee in so many ways in 2024. I also thank the Young Barristers' Committee and the Mainland Affairs Committee for their kind collaboration on various activities and the Bar's Chairman, Victor Dawes SC, Vice Chairmen Jose Maurellet SC and Derek Chan SC, Hon Secretary Eugene Yim, Dep. Hon Sec Martin Wong, and the Bar Council members for their support. My thanks as well to Bonnie Chiu (Director of Administration and Development), Amy Lee, Doreen Fan, Melody Lau and Connie Yau of the HKBA Secretariat for their kind assistance in 2024.

Finally, may I send Seasons Greetings to all members and the Bar Secretariat and wish all a happy, healthy and prosperous 2025.

Kim M Rooney
Chairperson
Committee on Arbitration

30 December 2024