

**Hong Kong Institute of Arbitrators**  
**President Robert Whitehead, SC's Report**  
**8<sup>th</sup> September 2011**

Dear Members,

A warm welcome to you all. It has been a busy 12 months for the Institute.

**Events**

On 29<sup>th</sup> September 2010 I led the HKI Arb's delegation to Beijing; we visited CIETAC, the Beijing Arbitration Commission, the Hong Kong Macau Affairs Office, and the Legislative Affairs Office.

On 29<sup>th</sup> October 2010 the Institute hosted its annual dinner at the China Club. Although described as "an annual dinner", this dinner had not been held for several years. The evening was packed out and it is expected we will hold a similar dinner later this year. The Guest of Honour was the newly appointed Chief Justice, the Honourable Geoffrey Ma. I gave a speech about what I perceive to be a lack of adequate or proper facilities for the conduct and advancement of ADR in Hong Kong.

On 21<sup>st</sup> November 2010 the Institute held a Sunday cycling event from Tai Wai to Tai Po.

On 16<sup>th</sup> September 2010 and on 21<sup>st</sup> January 2011 the Institute held joint seminars with the Law Society of Hong Kong related to new Arbitration Ordinance. Speakers included Mr Frank Poon Solicitors General (Acting) DOJ, Mr Gary Soo, Mr. Samuel Wong, Mr Robin Peard and Mr Peter Caldwell.

On 10<sup>th</sup> February 2011 the Institute held a seminar entitled "ICC Award of Costs and Expenses in ICC Arbitration in Hong Kong".

On 6<sup>th</sup> March 2011 the Institute jointly hosted a Sunday hike entitled "Green Arbitration", the hike taking place along Pat Sin Leung Country Park.

On 24<sup>th</sup> March 2011 the Institute hosted a seminar entitled "Proposed Establishment of Financial Dispute Resolution Centre" (FDRC) : update and proposals.

On 3<sup>rd</sup> May 2011 the Institute held a joint seminar with the Law Society of Hong Kong entitled "Overview of Competition Law", the principal speaker being Mr Gregory So then Acting Secretary for Commerce and Economic Development.

On 13<sup>th</sup> May 2011 the Institute hosted a seminar entitled "Some Issues in Arbitration and Alternative Dispute Resolution in Hong Kong", the principal speaker being Ms Teresa Cheng, SC.

On 13<sup>th</sup> July 2011 the Institute hosted a seminar entitled "Making the Most of your Expert Witness", the principal speakers being Mr Trevor Dick, Shannon Tong, and Irene Siu of Ernst & Young.

There is a further Institute seminar coming up later this month entitled "Behind the Scene Look at Arbitration in China", the proposed speaker being Prof. Fan Kun of CUHK.

#### **Cooperation with Asian Arbitration Bodies**

**GCAF :-** On 15<sup>th</sup> & 16<sup>th</sup> September 2011 the Macau Arbitration Centre will host the annual Greater China Arbitration Forum (GCAF) of which the President of the Institute is also the current President. A number of our members are attending as invited speakers to this important event.

**RAIF:-** The Institute has been a strong supporter of the Regional Arbitral Institutes Forum since its inception. This year's RAIF was to be held in June in Sydney, Australia. I was due to attend the same on behalf of the Institute but the conference in the end was so poorly organized that our Council resolved not to attend (along with other members of RAIF). In the end the conference was cancelled entirely. Members of RAIF have now resolved to hold the next conference in Bali next year, and every effort will be made to make that conference a success.

**CEAC:-** In June 2011 members of Chinese European Arbitration Centre met with Council members in Hong Kong. CEAC is based in Hamburg in Germany, and as its name suggests it is an organization that is developing close ties between arbitral bodies in China and Europe (principally Germany). It was resolved by the Council to continue to keep touch with CEAC.

## **Other matters of note**

The Institute's Patron, the Chief Justice the Honourable Mr Justice Andrew Li retired from public office last year. He also retired from his position as our Patron. We are honoured that the new Chief Justice the Honourable Mr Justice Geoffrey Ma has accepted our invitation to be the Institute's new Patron.

The Institute has now set up its own Panel of Arbitrators. The President, in consultation with the Council, is the appointing authority for the same. It was decided that we would keep this Panel a fairly small one, restricted to persons who are able to demonstrate considerable experience in the field of ADR.

On 9<sup>th</sup> April 2010 the Joint Mediation Helpline Office Limited (JMHO) was incorporated. The Institute is one of the founding members of JMHO and continues to be an active supporter of the same. The Institute has its own panel of mediators and the JMHO has now begun referring mediation cases to the Institute for appointment of mediators .

## **Membership**

Payment of member's subscriptions has continued to be a problem; without the same the activities of the Institute become handicapped and thus the Council has resolved to suspend from membership those who do not continue to pay their subscription to the Institute.

The Institute continues to run its entry and fellowship courses and indeed the fellowship course was over-subscribed . The current number of fellows is 237 and of associate members is 741.

## **Finance**

I will leave this to the Treasurer.

Having served for 2 years as the President of Institute, I am now stepping down from this post but will remain on the Council as immediate past President. I wish to thank all of the Council and Committee members who have worked with me during my time as President. They have devoted a substantial time and effort in not only running the Institute, but ensuring that its status and recognition, both in Hong Kong

and in South East Asia has been enhanced, and plays an ever increasing role in the pursuit and conduct of ADR.

Once again, I welcome you all to this AGM and wish you the best for the coming year.

Robert Whitehead, SC

President

8<sup>th</sup> September 2011