

RCCL Conference on “Dispute Resolution in Asia and Beyond: Progress and Trends”, 17-18 May 2018

— Pinky Choy

On 17th and 18th of May 2018, the Centre for Chinese and Comparative Law (RCCL) of the School of Law of City University of Hong Kong organized a two-day conference entitled “Dispute Resolution in Asia and Beyond: Progress and Trends”. This is one of the series of academic events celebrating the 30th anniversary of the School of Law.

The objective of this conference was to provide a platform for leading scholars and arbitrators worldwide to share and exchange their opinions concerning the status quo and the future of international dispute resolution, and for the Asian region in particular. Under the central theme of “dispute resolution in Asia”, the conference was further divided into four sub-themes, namely commercial arbitration, investment arbitration, general trend of dispute resolution and international commercial courts. Third speakers coming from different jurisdictions (including Germany, Hong Kong, Netherland, mainland China, Malaysia, Netherland, Singapore, South Korea, Switzerland and Taiwan) and different professions (including, scholars, lawyers, judges, arbitrators and arbitration institution senior personnel) participated in this conference to discuss issues related to these four sub-themes from academic, theoretical, as well as practical perspectives.

The conference was kicked off by the opening speech of the Council Chairman of City University of Hong Kong Mr. Lester Garson Huang JP, who extended a warm welcome to all of our conference participants and wished this important conference a great success. After that, two conference convenors, Dr. Lei Chen (Associate Dean & Associate Professor of School of Law; Director of RCCL) and Dr. André Janssen (Associate Professor, School of Law) explained the background and objective of this conference, and



Mr. Lester Garson Huang JP delivered the opening speech.

thanked the participants for sparing some of the time out of their busy schedule to come and support this conference, especially for those overseas participants who travelled a long way to Hong Kong.



Dr. Lei Chen (left) and Dr. André Janssen (right) explained the conference background and objectives to the conference participants.

The first day of the conference focused on commercial arbitration and investment arbitration. Chaired by Ms Kim Rooney (Barrister-at-Law, Gilt Chambers; International Arbitrator), six speakers in Panel 1, including Dr. Jian Chen (Vice-Secretary-General, China Academy of Arbitration Law); Dr. Lei Chen and Judge Hao Wang (Presiding Judge, Hainan Higher People's Court); Dr. Xiaochun Liu (President, Shenzhen Court of International Arbitration); Mr. Xiongfeng Li (Secretary of the Council, Shenzhen Court of International Arbitration); and Mr. Heehwan Kwon (Acting Secretary General, KCAB (Korean Commercial Arbitration Board) International)) gave presentations relating to international commercial arbitration, recognition and enforcement of foreign arbitral awards and latest development of international arbitration in mainland China, and the important changes in Korean Arbitration.



Panel 1 (from left to right): Mr. Heehwan Kwon; Judge Hao Wang; Dr. Lei Chen; Ms Kim Rooney; Dr. Jian Chen; Dr. Xiaochun Liu; and Mr. Xiongfeng Li.

Panel 2 continued the discussions relating to the sub-theme of commercial arbitration, including reform of international commercial arbitration in the Asia Pacific, party autonomy in international commercial arbitration, interim injunction in mainland China, and the adoption of conflict of laws rules in cross-border disputes. This panel was moderated by Mr. David Holloway (Assistant Professor, School of Law, City University of Hong Kong), and presenters included Dr. Weixia Gu (Associate Professor, Faculty of Law, The University of Hong Kong); Dr. Winnie Ma Jo-Mei (Deputy Secretary-General, Chinese Arbitration Association, Taipei); Ms Fang Zhao (Partner, Hui Zhong Law Firm, Shanghai); and Mr. Patrick Zheng (Partner & Head of Dispute Resolution, Llinks Law LLP, Beijing).



Panel 2 (from left to right): Mr. Patrick Zheng; Dr. Winnie Ma Jo-Mei; Mr. David Holloway; Dr. Weixia Gu; and Ms Fang Zhao.

The sub-theme of investment arbitration was discussed in Panel 3, with Mr. Brad Wang (Managing Counsel, CIETAC Hong Kong Arbitration Centre) being the moderator and Dr. André Janssen of our Law School, Prof. Wei Shen (Dean & Professor, Shandong University School of Law) and Ms Carrie Shang (ADR Legal Counsel, Hong Kong International Arbitration Centre) being the presenters. Topics covered by the presentations in this panel included compatibility of arbitration clauses in bilateral investment treaties with European Union law, China's bilateral investment treaties and foreign investment protection, and investor-state mediation in China.



Panel 3 (from left to right): Ms Carrie Shang; Prof. Wei Shen; Mr. Brad Wang; and Dr. André Janssen.

The second day of the conference, started with Prof. Richard Kreindler (Partner, Cleary Gottlieb Steen & Hamilton LLP, Frankfurt/New York), Datuk Prof. Sundra Rajoo (Director, Asian International Arbitration Centre) and Mr. Paolo Marzolini (Partner, Patocchi & Marzolini Geneva) discussing the progress and trends in dispute resolution in Asia and Europe. Mr. Ronald Sum (Partner, Locke Lord) was the moderator of this panel.



Panel 4 (from left to right): Datuk Prof. Sundra Rajoo; Mr. Ronald Sum; Prof. Richard Kreindler; and Mr. Paolo Marzolini.

Panel 5, with Ms Ziyi Huang (Deputy Counsel, Hong Kong International Arbitration Centre) being the moderator, and Ms Sherlin Tung (Senior Associate, CMS Hasche Sigle) and Mr. Brad Wang (Managing Counsel, CIETAC Hong Kong Arbitration Centre) being the presenters, discussed another two aspects of the trends in dispute resolution, namely the rising costs of arbitration and court-assistance on on-going off-shore arbitration cases in mainland China and Hong Kong.



Panel 5 (from left to right): Mr. Brad Wang; Ms Ziyi Huang; and Ms Sherlin Tung.

The last two panels of the conference, which were also the highlight of the whole conference, were devoted to discuss issues relating to international commercial courts in Singapore and China, commercial courts in Germany and Netherlands, as well as dispute resolution in the context of China's "One Belt, One Road" Initiative. Presenters of these two panels included Justice Quentin Loh Sze-On (Judge, Supreme Court of Singapore); Judge Xiaoli Gao (Deputy Chief Judge, No. 4 Civil Trial Division, Supreme People's Court, China); Prof. Gerhard Wagner (Professor of Law, Humboldt University Berlin); Justice Anselmo Reyes (International Judge, Singapore International Commercial Court); Prof. Jeroen van der Weide (Counsellor at Law and Associate Professor of Private Law, Institute for Private Law, Leiden Law School); and Mr. David Holloway (Assistant Professor, School of Law, City University of Hong Kong), while Dr. Christopher To (Adjunct Professor, School of Law, City University of Hong Kong; Independent Mediator, Adjudicator and Arbitrator) and Mr. Thomas Walsh (Consultant, Clifford Chance) being the moderators.



Panel 6 (from left to right): Prof. Gerhard Wagner; Judge Xiaoli Gao; Dr. Christopher To; and Justice Quentin Loh Sze-On.



Panel 7 (from left to right): Mr. David Holloway; Prof. Jeroen van der Weide; Mr. Thomas Walsh; and Justice Anselmo Reyes.

Throughout the whole conference, the atmosphere was inspiring and interactive: While the presenters delivered insightful presentations, other audience also enthusiastically joined the

discussion during the question and answer sessions by posing critical and thought-provoking questions to our presenters.



This two-days conference ended with the closing remarks by the two conference convenors who once again expressed their sincere thanks to all conference participants for their participation in the conference.

While issues related to dispute resolution in Asia are numerous and could not be comprehensively covered by in a two-day conference, this conference was still regarded by participants as highly fruitful and constructive because it not only provided a platform for people with common interests and concerns to get to know each other and exchange views and experiences, but also laid an important foundation for further discussion.

