



# **Institutional or ad hoc, which will pull water for maritime arbitration in Hong Kong in 2017?**

**by CMAC Hong Kong Arbitration Center and HKMLA**



# CMAC Hong Kong Arbitration Centre

---

- ❖ **Welcome remarks by Dr. Wang Wenying, Secretary General of CIETAC Hong Kong & CMAC Hong Kong**
  
- ❖ **Promotion of ad hoc arbitration (Terms, appointment of arbitrators, hearing facilities, etc) with the assistance of CMAC Hong Kong Arbitration Center**
  - ❖ **Arbitrator list for ad hoc arbitration**
  - ❖ **Work group member on the Terms**
  - ❖ **Team visits/trips along the Belt & Road countries for seminars and mock arbitrations**

# Discussion 1:

## ❖ Institution v ad hoc: Key features comparison

---

- ❖ Nomination of arbitrator
- ❖ Cost
- ❖ Scrutiny procedure
- ❖ Enforcement and overseas recognition

- ❖ Edward Alder, Barrister, Prince's Chambers
- ❖ Lianjun Li, Partner, ReedSmith Richards Butler
- ❖ Mary Thomson, Barrister, Pacific Chambers
- ❖ Brad Wang, Managing Counsel CIETAC Hong Kong & CMAC Hong Kong

## Discussion 2A – Open discussion

---

- ❖ **CMAC Hong Kong is drafting Terms for maritime arbitration in Hong Kong, in an effort to enhance Hong Kong as a maritime arbitration hub. As there are several models available for maritime arbitration practitioners (including ones listed below), what are your observations that the Terms should be based/modelled on? If not to be modelled on, what are the features of them worthy being included in the Terms?**
  - ❖ **LMAA Terms (2012)**
  - ❖ **LMAA Small Claims Procedure (2012)**
  - ❖ **LMAA FALCA Rules**
  - ❖ **Uncitral Arbitration Rules (2010)**
  - ❖ **CMAC Arbitration Rules (2015)**

## Discussion 2B – Open discussion

---

- ❖ There are quite a few recent development in the institutional rules (some of which have been listed below), what do you think of them and can they be helpful if included in the Terms?
  - ❖ Third party funding
  - ❖ Early dismissal
  - ❖ EA Procedure

## Discussion 2C – Open discussion

---

- ❖ **Arbitration is as good as its arbitrator. CMAC Hong Kong would like to hear your thoughts on the regime on selecting arbitrators for ad hoc arbitration, including but not limited to the following issues:**
  - ❖ **Default setting on the numbers of arbitrators, and nomination/appointment procedure;**
  - ❖ **Is arbitrator's fee table necessary? If so, how much?**
  - ❖ **Will it be helpful if CMAC Hong Kong creates a list of specialised maritime arbitrators? If so, what do you think the criteria should be?**