

2010/EC/WKSP3/002

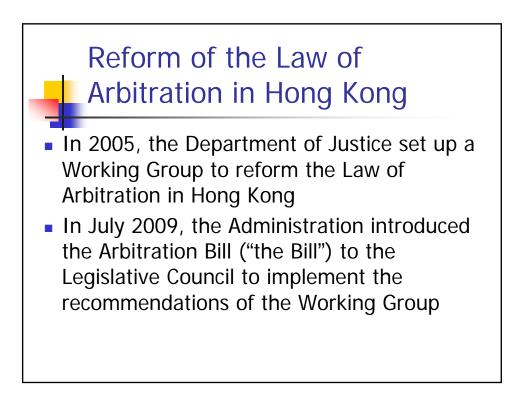
Alternative Dispute Resolution in Hong Kong, China

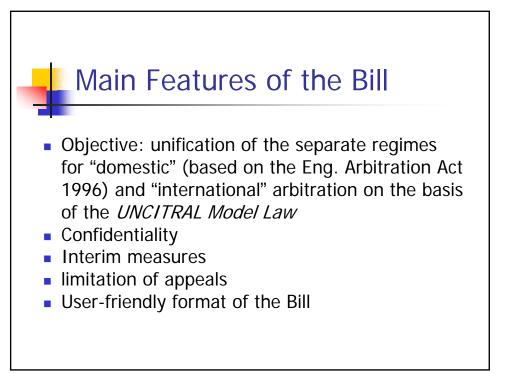
Submitted by: Hong Kong, China

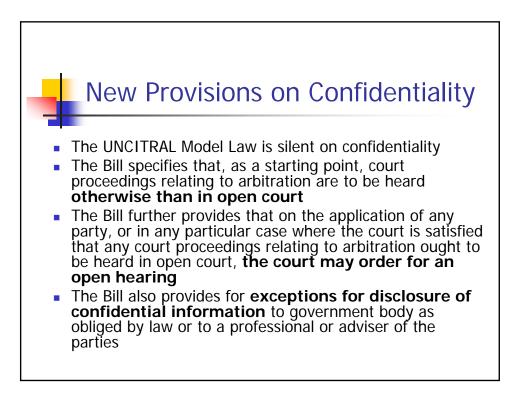


Workshop on Enforcing Contracts Seoul, Korea 21-22 June 2010



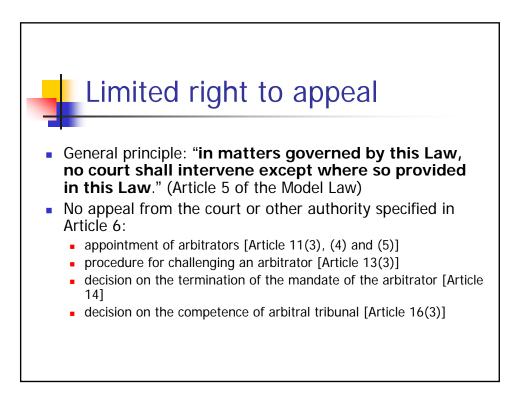


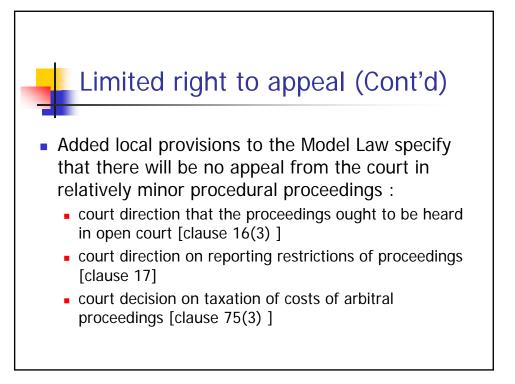


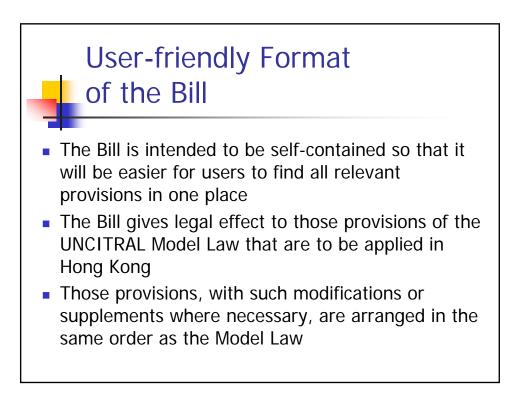


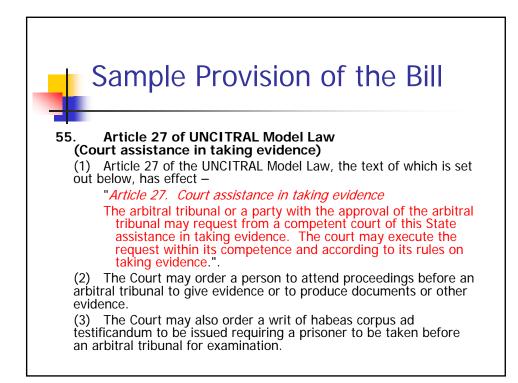
Recognition and Enforcement of Foreign Interim Measures

- Part 6 of the Bill includes the recent proposal initiated in 2006 via the amendment to the Model Law
- The Bill gives power to the Hong Kong court to recognise and enforce interim measures ordered (e.g. to maintain the status quo) by an arbitral tribunal sitting outside Hong Kong
- This will facilitate arbitration proceedings even where they are held outside Hong Kong.





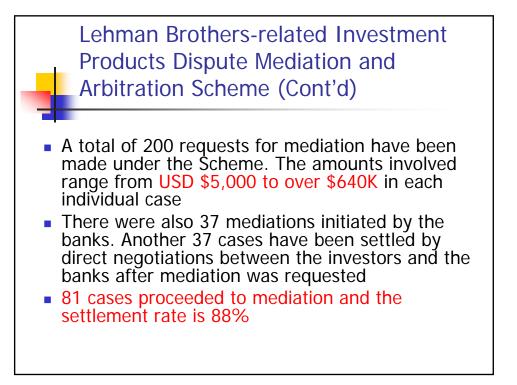






Lehman Brothers-related Investment Products Dispute Mediation and Arbitration Scheme (Cont'd)

- The Scheme is available to qualified candidates (i.e. investors who have made complaints to the regulatory authorities; or one of the regulatory authorities has a finding against the bank or bank officer concerned)
- The HK Monetary Authority will pay half the fee and the bank concerned the other half.



Lessons learnt from the Scheme Cf: 48,000 investors affected by the bankruptcy of Lehman Brothers, over 20,000 complaints lodged with HKMA and

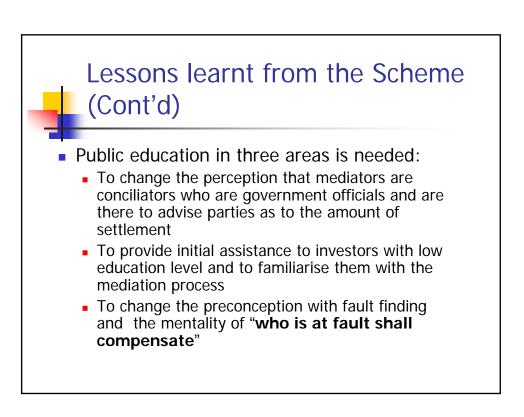
over 10,000 complaints filed with the

The number of enquiries received (about

mediation requests (200) are small

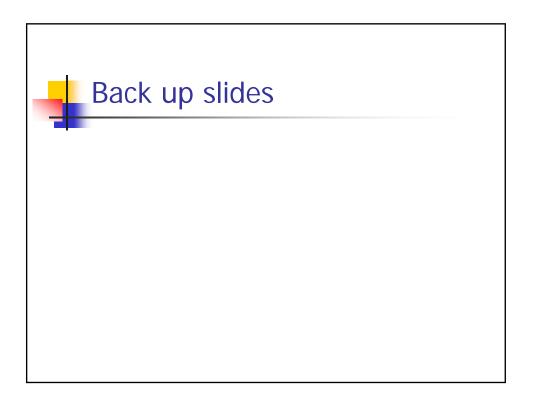
1,100) by the Scheme and the number of

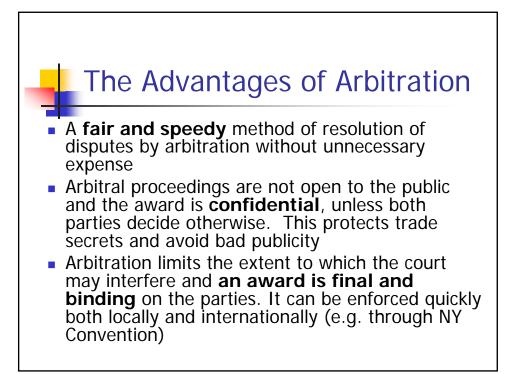
Consumer Council

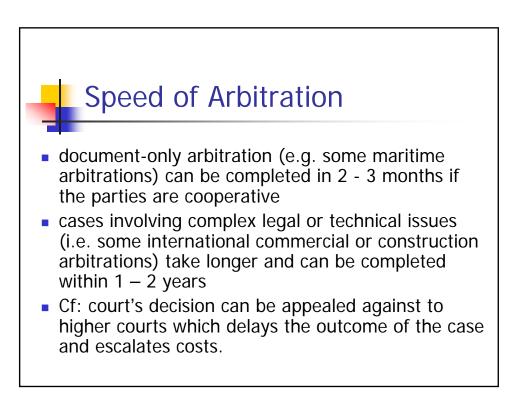




- "Mediate First" Pledge campaign with more than 100 companies and trade organizations pledging to consider the use of mediation first w/o resorting to litigation
- Promulgation of HK Mediation Code which sets out the min. professional standards expected of mediators. Services providers are encouraged to adopt the Code and set up complaints and disciplinary processes to enforce the Code







Hong Kong International Arbitration Centre (HKIAC)

- HKIAC is Hong Kong's home-grown arbitration body which is totally independent and free from governmental interference
- In 2009 the HKIAC handled 429 arbitration cases:
 - 309 cases international and 120 domestic
 - 93 involved construction disputes, 182 involved commercial disputes and 154 involved shipping.

