



Department of Justice
The Government of the Hong Kong
Special Administrative Region

Introduction to the work of the IDAR Office

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Commissioner

Inclusive Dispute Avoidance and Resolution (IDAR) Office

Department of Justice

3 May 2019



Establishment of the IDAR Office

(since 2.1.2019)

- (a) To better **coordinate** and **implement** various initiatives in the areas of **dispute avoidance and resolution** (as well as overcoming challenges and harnessing additional opportunities offered by the **Belt and Road Initiative** and the **Guangdong-Hong Kong-Macao Greater Bay Area Plan**);
- (b) To facilitate access to justice and provide equal opportunities for all without boundary, advancing **Goal 16** of the **United Nations 2030 Sustainable Development Goals** - promotion of peaceful and inclusive societies for sustainable development, provision of access to justice for all and building of effective, accountable and inclusive institutions at all levels.



New and Ongoing Initiatives

- Seek to conclude **cooperation arrangements** with other jurisdictions and international organisations. (e.g. MoC with Japan signed on 9 Jan 2019)
- Organize, support or encourage important **international and regional events and activities** in Hong Kong. (e.g. PPP Conference in Jan 2019)
- Organise events and provide **capacity building** outside Hong Kong
- Arrange **visits** to the Mainland, Asia, Europe and America



Capacity Building Programmes

- Work with international, regional and local bodies to organise or co-organise **conferences** and **training programmes** with a view to promoting Hong Kong as a **regional capacity building centre for international law and dispute resolution**.
- Through various conferences, forums and capacity building programmes, we anticipate a **network of judicial and legal experts** will be established among participating jurisdictions.



Capacity Building

- Examples include:
 - (i) biennial **UNCITRAL Asia Pacific Judicial Summit** held in Hong Kong since 2015;
 - (ii) annual training session of **China-AALCO Exchange and Research Program on International Law**;
 - (iii) Public-Private Partnerships (PPP) Conference**: held in Hong Kong on 16 to 17 January 2019;
 - (iv) Investor-State Dispute Settlement (ISDS) Reform Conference**: held in Hong Kong on 13 February 2019;
 - (v) **Workshop on online dispute resolution** under auspices of APEC in Santiago, Chile from 3 to 5 March 2019





Promotional Activities – Overseas

- SJ visited **Bangkok** to promote Hong Kong's legal and dispute resolution services from **6 to 7 March 2019**.
- SJ visited **Paris, Luxembourg, the Hague and Vienna** to promote Hong Kong as a deal-making and dispute resolution services centre from **11 to 18 April 2019**.





Promotional Activities – Hong Kong

Upcoming Events

- “Mediate First Pledge” Event 2019: 24 May 2019
- Belt and Road Summit 2019: 11-12 Sep 2019
- Hong Kong Arbitration Week: 20-25 Oct 2019
- Asia Pacific Judicial Summit 2019: 4-5 Nov 2019
- 32nd LAWASIA Conference 2019: 5-8 Nov 2019





Promotional Activities – Hong Kong

International Council for Commercial Arbitration (ICCA) Congress (*biennial*)

- Leading event in **international arbitration**.
- April 2018: Sydney
- May 2020: Edinburgh
- **May 2022: Hong Kong**
 - Hong Kong's successful bid was presented by **HKIAC** (with support from the HKSAR Government).
 - This will be a **major event for the Hong Kong arbitration community** not limited to HKIAC.

INTERNATIONAL COUNCIL FOR COMMERCIAL ARBITRATION



Key Events and Visits

(January 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
9 Jan 2019	Signing of MOU on cooperation with Japan	DoJ; MOJ, Japan
14 Jan 2019	Ceremonial Opening of Legal Year 2019	The Judiciary
16-17 Jan 2019	PPPs (Public Private Partnerships) Conference	DoJ; UNCITRAL; AAIL
18 Jan 2019	Signing of the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters (in Beijing)	DoJ; SPC



Key Events and Visits

(February 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
13 Feb 2019	Conference on Mapping the Way Forward for the Reform of Investor-State Dispute Settlement System	DoJ; AAIL
19-22 Feb 2019	HCCH Judgment Project Working Groups meeting	MFA; HCCH; DoJ
21 Feb 2019	AIIB Legal Seminar	HKIAC; AIIB



Key Events and Visits

(March 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
2-3 Mar 2019	APEC ODR Workshop in Santiago	APEC; DoJ
31 Mar 2019	Inaugural Vis East Moot Hong Kong Lecture	DoJ; Vis East Moot Foundation Ltd.
31 Mar – 7 Apr 2019	16th Vis East Moot: Oral Hearing	Vis East Moot Foundation Ltd.



Key Events and Visits

(April 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
11 Apr 2019	Business luncheon, Legal seminar and Cocktail reception in Paris	DoJ, HKTDC, HKIAC, InvestHK
11-18 Apr 2019	SJ's visit to Europe (Paris, Luxembourg, The Hague, Vienna)	DoJ, HKETO
17 Apr 2019	International Dispute Resolution Conference 2019 – New Era of Global Collaboration	HKMC, UNCITRAL; DoJ as collaborating organisation
25-27 Apr 2019*	Belt and Road Forum for International Cooperation (in Beijing)	MFA



Key Events and Visits

(May 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
16 May 2019	Global Mediation Forum (in Bangkok)	HKMC; THIAAC
24 May 2019	Mediate First Pledge	DoJ
25 May 2019	Criminal Law Conference 2019	DoJ; Bar Association; Law Society
22-24 May 2019	7 th ICAC Symposium	ICAC
22-25 May 2019	Half Year Conference of the International Association of Young Lawyers	International Association of Young Lawyers



Key Events and Visits

(June to August 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
15-18 Jul 2019*	SJ's visit to Indonesia	DoJ, HKETO
15-16 Jul 2019	AAIL Annual Colloquium	AAIL
28 Jul 2019	Opening of CAERP: China AALCO Training (in Beijing)	MFA, AALCO
12-16 Aug 2019	CAERP: China AALCO Training	MFA, AALCO, AAIL
15-16 Aug 2019	Annual Colloquium	AAIL



Key Events and Visits

(September to October 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
Sep 2019*	HCCH Event	DoJ; HCCH Asia Pacific Regional Office
11-12 Sep 2019	Belt and Road Summit 2019	HKTDC
19-20 Sep 2019	“Think Asia, Think Hong Kong” event (in Los Angeles)	HKTDC
22-27 Sep 2019	IBA Conference (in Seoul)	IBA
20-25 Oct 2019	Hong Kong Arbitration Week	HKIAC
Oct 2019*	ICC International Commercial Mediation Competition – Hong Kong	ICC-HK



Key Events and Visits

(November to December 2019)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
4-5 Nov 2019	Third UNCITRAL Asia Pacific Judicial Summit	DoJ; UNCITRAL; AAIL
5-8 Nov 2019	LAWASIA Annual Conference	LAWASIA; Law Society
6-8 Nov 2019	Conference of Chief Justices of Asia and the Pacific	LAWASIA; The Judiciary
5-6 Dec 2019	Business in IP Asia Forum	HKTDC; IPD



Key Events and Visits

(2020 and beyond)

Date <i>(* denote exact date not yet confirmed)</i>	Event	Parties
2020*	CISG Conference	DoJ; UNCITRAL; AAIL
2020*	Mediation Conference	DoJ
2020*	Legal Services Forum (in the Mainland)	DoJ; HKTDC
2022*	ICCA Congress	DoJ; ICCA



Promotion of Hong Kong as a leading hub for Deal-making and Dispute Resolution

- *Deal Making*
- *Dispute Resolution*
 - ✓ **Arbitration**
 - ✓ **Mediation**





Arbitration (latest developments)

Third Party Funding for Arbitration and Mediation

- On **7 December 2018**, the **Code of Practice on Third Party Funding of Arbitration** was issued to provide for the practices and standards with which third party funders are ordinarily expected to comply.
- On **1 February 2019**, the new provisions on **third party funding of arbitration** has come into operation.
- It aims at **clarifying** that **third party funding of arbitration and mediation** is **not prohibited** by the common law doctrines of maintenance and champerty.





Arbitration (latest developments)

Arrangement with the Mainland on Interim Measures in aid of Arbitral Proceedings

- Hong Kong becomes **the first jurisdiction outside the Mainland** where, as a seat of arbitration, parties to arbitral proceedings **administered by its designated arbitral institutions** would be able to apply to the Mainland courts for interim measures.
- Interim measure include property preservation, evidence preservation and conduct preservation. It aims at **preventing** one of the parties to arbitral proceedings from deliberately **destroying the evidence or transferring the property** and also **ensuring** that the **arbitral proceedings can be carried out effectively**.



Mediation Ordinance (Cap.620)

- Enacted in June 2012 and came into operation on **1 January 2013**.
- Its objects include:
 - Promoting, encouraging and facilitating the resolution of disputes through mediation by providing a **regulatory framework** for the conduct of mediation without hampering its **flexibility**;
 - Providing a statutory basis to **protect** the **confidential nature** of **mediation communications** unless disclosure is permitted by the exceptional circumstances stipulated in law or with the leave of the court.



Mediation

“Mediate First” Pledge



- Launched in **2009**.
- Next “Mediate First” Pledge event to be held on **24 May 2019**.
- To encourage companies to make the Mediate First Pledge and **commit to use mediation** in resolving disputes **before** resorting to **other dispute resolution processes** including court litigation.
- Pledges can **display** the **Mediate First Pledge Logo** at their shops or adopt the Logo in their **letterheads**.
- Furthermore, **pledgees** who take part in **promoting or supporting mediation** to resolve dispute and have meet certain criteria will be awarded a **Star Logo** at the next Mediate First Pledge event.

Cooperation with other Jurisdictions

- On **9 January 2019**, the Hong Kong Department of Justice and the Ministry of Justice of Japan signed a **Memorandum of Cooperation** to strengthen **Hong Kong-Japan** collaboration on international **arbitration and mediation**.



*Ms Teresa Cheng, SC, Secretary of Justice and
Mr Takashi Yamashita, Japanese Minister of Justice, signing the
Memorandum of Cooperation.*



LawTech: Online Dispute Resolution

- Hong Kong would be able to provide efficient and cost-effective **online dispute resolution services (ODR)**.
- The Department of Justice would further promote and provide funding support to the **Electronic Business Related Arbitration and Mediation (eBRAM) platform** which is currently under development by a non-governmental organisation.
- The Department of Justice would also assist with the formulation of the framework of **e-Mediation Rules** by making reference to the UNCITRAL Technical Notes on Online Dispute Resolution.
- The development of LawTech, including that of the eBRAM platform, is one of the initiatives under the **Chief Executive's 2018 Policy Address**.



Liberalisation of Mainland Legal Services Market

- **Record of Meeting** signed with **Ministry of Justice** in **January 2019**
- **“Agreement on Trade in Services” under CEPA**: with effect from **1 March 2019**, the geographical scope of **setting up partnership associations** by Hong Kong and Mainland law firms has been **extended** from Guangzhou, Shenzhen and Zhuhai to the **entire Mainland**.
- Seeking further **liberalisation** in the **Greater Bay Area**



Legal Cooperation with Mainland in Civil Matters

- The Arrangement on Reciprocal Recognition and Enforcement of **Judgments in Civil and Commercial Matters** by the Courts of the Mainland and of the HKSAR was signed on **18 January 2019**.
- The Arrangement Concerning Mutual Assistance in **Court-ordered Interim Measures in Aid of Arbitral Proceedings** by the Courts of the Mainland and of the HKSAR was signed on **2 April 2019**.





THANK YOU!