

LETTER TO THE EDITOR

I write in response to the letter titled “Clarity needed on city status as arbitration hub” (March 11).

For those who are unfamiliar with the subject, several fundamentals of the nature of arbitration have to be clarified. Arbitral proceedings are confidential in nature. Nobody - including the Hong Kong SAR government, which is not privy to the arbitral proceedings - can be expected to keep statistics on the number of all arbitration cases that have been conducted in Hong Kong.

To maintain Hong Kong as an effective and neutral seat of arbitration, the government does not interfere with the operation of the independent arbitral institutions. Anyone interested to learn about the arbitration caseload of individual institutions should approach the institutions directly for information or visit their websites. For instance, the Hong Kong International Arbitration Centre regularly publishes caseload figures on its website.

Deliberations of the Advisory Committee on Promotion of Arbitration, set up to advise the Department of Justice on such matters, are confidential and cannot be divulged.

While the Department always handles requests for information under the Code on Access to Information properly, it must be stressed that the code must not be abused. The code is not meant for requests for information that is already in the public domain, and does not otherwise oblige compilation of information on request.

Academic research into arbitration and other dispute resolution services in Hong Kong is most welcome but should be fact-based.

Misunderstandings aside, our position is always clear - we have been endeavouring to improve and excel, with a view to fostering Hong Kong’s development as the world’s prime venue for international deal-making and dispute resolution services.

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