

Speech by SJ at eBRAM Virtual Open Day 2021 (English only)

Distinguished guests, ladies and gentlemen,

1. Let me begin by congratulating eBRAM for this innovative initiative.
2. This open day, which is to be held virtually and will feature the demonstration of eBRAM's e-Signing Platform, its trial portal and include a virtual tour, echoes perfectly with its theme of "Building Agility under the Digital New Normal". This virtual Open Day is literally a creation in the new normal and is very apt of the very nature of eBRAM.
3. I would like to take this opportunity to share with you the path of growth that eBRAM has gone through where some individuals' contribution are worthy of mentioning, for without their devotion and perseverance, we may not be here today. It will cover the period from the conception of the idea to its current state.
4. In 2016 at a TDC (Trade Development Council) meeting, heads were put together to explore how to utilize the strengths of Hong Kong and bring the city to a new level of development especially in light of the national policies that were prevalent and hence the vast opportunities ahead. These people included Mr Simon Wong, representing the quango arm of ITB (Innovation and Technology Bureau) and Mr Steven Wong, the then Privacy Commissioner, and myself.
5. Much ideas were floated based on Hong Kong's strength in arbitration, our advanced state of privacy and personal data protection in Asia and the policy of the Hong Kong Government to promote information technology.
6. Brainstorming took place for the names or forms by which this idea was to be taken forward. A long story short, registration was done with the domain name of eBRAM and some registration of potential company's names were proceeded with. Here, I must thank the then chairman of TDC, Mr Vincent Lo who was

very supportive of this idea. From the business perspectives, we also must thank Mr Jonathan Choi for supporting the initiative and expressing support from the business sectors.

7. With this support, I was given the daunting task to float the idea of the ODR platform under the name of eBRAM in a conference of the TDC in September 2017 so as to, as it were, test the market. The DoJ (Department of Justice) expressed policy support in 2017 after that presentation. The idea also attracted positive responses which then inspired a small group to gather together to give this skeletal idea some flesh.
8. In the 4th Quarter of 2017, the core group expanded to include the then President of the Law Society (Mr Thomas So), the then Chairman of Bar Association (Ms Winnie Tam, SC) and Representative from Asian Academy of International Law (Mr Adrian Lai) and preparatory meetings were held. For reasons beyond my control, I have to jump ship and the very important mid-wife work to deliver the new born eBRAM was ably carried out by the remaining members of this core group and others who helped along the way.
9. The concept of eBRAM was completed and it moved onward to its embryonic and newborn stage in 2018 under the Chairmanship of Mr Nick Chan. The DoJ reiterated its support of the idea but implementation has to take place in real terms. Registration under the laws of Hong Kong, drafting of new rules and dispute resolution clauses, and other administration matters are essential and for that Mr Daniel Lam was brought in as CEO to take the lead. His team prepared a proposal seeking Hong Kong Government's policy and funding support. This policy support for lawtech was reflected loud and clear in the 2018 Policy Address of the Chief Executive.
10. Pursuant to the policy of the Hong Kong government, eBRAM was set up so as to provide a unique and cutting edge service playing a leading role in the provision of lawtech services in Hong Kong. This mission is made achievable

by reason of the fact that it has a broad representation, where the Law Society of Hong Kong, the Hong Kong Bar Association, and the Asian Academy of International Law are founding members. Apart from these institutional members, other individuals who are experts in the relevant areas are also founding members ensuring that the development of eBRAM will have broad representation and support, canvassing the needs of the legal and dispute resolution service sectors and with cutting-edge technology and legal tools.

11. The on-set of COVID-19 magnifies the need for ODR. In 2020, with the funding support from the Hong Kong Government, eBRAM developed an ODR platform for the COVID-19 ODR Scheme. While you will hear more about the Scheme by way of an interactive video later today, the COVID-19 ODR Scheme was devised to provide an efficient and affordable dispute resolution mechanism that is COVID-19 related. This is achieved by the nominal fee of only HK\$200 a party will pay by way of registration, while the fees for mediators and arbitrators are paid for by the Government. On a related note, the Scheme will also have the benefit of job creation and job advancement for mediators and arbitrators (including their pupils) such that they can still handle cases under the social distancing measures and learn to handle them online under the digital new normal. Since the ODR platform has its own video conferencing technology developed specially for ODR which enables parties to sign an “electronic ODR agreement”, this will undoubtedly strengthen Hong Kong’s lawtech capability.

12. The COVID-19 ODR Scheme also uniquely features a multi-tiered dispute resolution mechanism, with parties going through negotiation, followed by mediation and arbitration as necessary, each stage being completed within a short period of time. This one-stop-shop solution was recognised in a study conducted by experts from the University of Oxford and published by the LawTech UK in August this year¹, showcasing that an ideal ODR platform should offer a “one-stop-shop” solution for dispute resolution services, reaffirming eBRAM’s work, and Hong Kong’s lawtech development as a whole,

¹ https://resources.lawtechuk.io/files/SME_ODR-LawtechUK_feasibility_study.pdf

has been moving in the right direction since the establishment of eBRAM in 2018.

13. Earlier this year, eBRAM embarked on its next development phase by launching a set of procedural rules for ODR which is tailor made for the APEC (Asia-Pacific Economic Cooperation) Collaborative Framework on ODR of Cross-Border Business to Business Disputes (APEC ODR Framework) and model procedural rules with MSMEs as the major beneficiary, providing a one-stop-shop for e-negotiation, e-mediation and e-arbitration and thereby ensuring fast and affordable access to justice for MSMEs. The APEC Rules of eBRAM under the APEC ODR Framework inserts a dispute resolution clause by way of ODR via eBRAM at the time the contract is made, leading to a smoother and speedier process of dispute resolution, and provides MSMEs within the APEC economies with an efficient and economic solution to commercial disputes through the use of electronic and information technologies.
14. Notwithstanding these exciting developments, one must not be complacent. Since 2018, the DoJ has made clear that its policy is not just for promoting dispute resolution but also for deal-making. The simple reason is that if there is no deal, there is no dispute. As a result, I am extremely pleased to learn of eBRAM's desire to continue to explore how to use blockchain to enhance smart contracts. From the presentations that have been provided, we learned that eBRAM has plan to utilise technology to enhance the online service to legal uses as well as businesses. The provision of cloud service will hopefully benefit the legal sector, especially the small and medium-sized law firms and sole practitioners such as barristers or arbitrators. Translation has always been presented as an attribute of the eBRAM ODR platform and we await the AI translation services that will be provided soon. E-transcription service, use of blockchain to provide a deal-making platform using e-signature as well as e-bundling service are, as we have been informed by eBRAM, expected to be seen by the end of 2022. We await earnestly for these exciting services that will no doubt enhance Hong Kong's position as a lawtech centre.

15. It can be seen that in its adolescent or young adult stage, eBRAM has grasped a lot of opportunities. The opportunities will no doubt be further enhanced in light of the policy initiatives such as the National 14th Five-Year Plan, the Belt and Road Initiative, the development of the Greater Bay Area, Qianhai plan and indeed many others to come. These policies provide the opportunities for a unique framework to be established under one country two systems and for the legal and dispute resolution service providers to excel and expand. I hope that eBRAM will continue to do so with a view to further Hong Kong's policy.
16. I am also pleased to learn that eBRAM has not merely been devising services out of its own platform but has also worked together with other dispute resolution service providers in facilitating the use of ODR for these institutions. The Hainan International Arbitration Court, the China Maritime Arbitration Commission, the Shenzhen Court of International Arbitration are but a few who have signed memoranda of understanding with eBRAM that will encourage users of these institutions to use the ODR platform of eBRAM to resolve their disputes, thereby creating a win-win solution.
17. Recently, international experts have gathered together in the 2021 Hong Kong Legal Week in the events organised jointly with UNCITRAL and ASEAN to discuss why and how ODR can be better utilised to overcome geographic barriers and indeed to deal with the pandemic. ODR is not just ADR online. It is there to provide a secure and exclusive platform for a particular dispute, rendering services "in 24 hours and in 365 days". I am also pleased to report that the side event in the 59th Annual Session of the Asian African Legal Consultative Organisation held in Hong Kong last week designated to the theme "Dispute Settlement – Online Dispute Resolution" has received very positive feedback from the audience and I thank eBRAM for organising this together with the Asian Academy of International Law and for showing Hong Kong's strength in the area of lawtech.
18. The challenges and opportunities ahead are unlimited. Yet it is with every challenge that one excels and improves. I have every confidence in eBRAM as

I have heard in various locations that different stakeholders, including the Brazil, Russia, India, and China economies, have expressed keen interest in further collaboration with eBRAM. With the recent establishment of the sixth AALCO Hong Kong Regional Arbitration Centre which aims to promote, amongst others, growth and effective functioning of arbitral institutions and other dispute resolution services, including ODR services, in the Mainland and Hong Kong, we look forward to potential collaboration opportunities in boosting eBRAM's international profile as well as promotion of Hong Kong as an international legal and dispute resolution services hub with cutting-edge lawtech facilities.

19. Ladies and gentlemen, Hong Kong is not only just known for its ability to do a sprint but is also very good in marathon, when it comes to the development and enhancement of Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region. The policy of Hong Kong is to continue to innovate and excel focusing on the needs of the users.
20. I am sure that you will all benefit from today's webinar and the Virtual Open Day which I encourage you to participate so as to learn the benefits of online services which will be more and more important in the years to come. Thank you very much.