

## PRESS RELEASE

25<sup>th</sup> February 2021

Sylvia Siu J.P.

Immediate Past President of Hong Kong Institute of Arbitration  
Chairlady of Joint Mediation Helpline Office

I write in response to an article “Companies consider writing Hong Kong out of legal contracts” dated 31<sup>st</sup> January 2021 published by the Financial Times

As a practicing legal practitioner, arbitrator and mediator, I strongly believe that companies would still benefit from writing Hong Kong in their contracts if they are dealing with joint ventures with Chinese and other Asian counterparties.

From Queen Mary University’s survey conducted since 2015, Hong Kong has continuously ranked as top 5 global international arbitration venue as well as the preferred seat of arbitration. This is borne out by statistics showing:-

1. Awards made in Hong Kong having been upheld generally by our courts and enforced here and in all the Contracting States to the New York Convention;
2. The Arrangement Concerning Mutual Enforcement of Arbitral Awards between the China and the Hong Kong allows enforcement of arbitral awards between China and Hong Kong;
3. The number of arbitration cases administered by the Hong Kong International Arbitration Center (not counting numerous ad hoc arbitrations conducted in Hong Kong); and
4. Renowned dispute resolution institutions (International Chamber of Commerce, Centre for Effective Dispute Resolution Asia, Chartered Institute of Arbitrators, China International Economic Trade Arbitration Commission, China Maritime Arbitration Commission) set up branches in Hong Kong.

Some of the unique advantages of Hong Kong are:-

- i. Extensive list of experienced arbitrators, mediators and elite core of international lawyers, well versed in Hong Kong, UK, US and PRC law (to name a few); many of them can read, write and negotiate in Chinese and English and other languages that allow them to effectively service clients in this region;
- ii. Supporting experts: forensic accountants, surveyors, engineers, and interpreters readily available and affordable;

- iii. Modern Venues for arbitration and mediation with high tech facilities;
- iv. User-friendly procedural arbitration law (the Arbitration Ordinance of Hong Kong Cap 609) which adopts most of the provisions of UNCITRAL Model Law;
- v. Hong Kong Judiciary is supportive of international arbitration and mediation; Hong Kong is a common law jurisdiction and Hong Kong Judges are independent and impartial;
- vi. Hong Kong has entered into one over 250 bilateral agreements covering free trade, taxation, investment promotion and protection; on its own, Hong Kong is a member of about 50 international organizations.
- vii. Hong Kong has been ranked as the world's 3<sup>rd</sup> international financial centre in the past decade.

In short, Hong Kong has an ecosystem favourable to speedy and effective resolution of disputes. Choosing Hong Kong as the seat for arbitration and mediation will enable parties to capture additional business potentials of the above advantages.

While some may have shifted legal work or corporate offices from Hong Kong to other places, some may have already moved to Shanghai, Beijing or Shenzhen, many remain in Hong Kong. There are always comings and goings. That is a fact of life, and it shows freedom of movement in Hong Kong.

As the Immediate Past President of Hong Kong Institute of Arbitration (HKI Arb), I am delighted to say that with over 1,000 members, we have fellows from US, UK, Singapore, Malaysia, Philippines and China. HKI Arb is in constant touch with legal services and legal/arbitration trainings. Council members of HKI Arb are committed to join hands with the arbitration community to ensure Hong Kong as a regional arbitration hub would continue to prosper.

As Chairlady of Joint Mediation Helpline Office (JMHO), with 9 member organizations (Hong Kong Bar Association, the Law Society of Hong Kong, Hong Kong Institute of Arbitrators, Chartered Institute of Arbitrators (East Asia Branch), Hong Kong Mediation Council, Hong Kong Mediation Centre, Hong Kong Institute of Surveyors, Hong Kong Institute of Architects, Hong Kong Institution of Engineers), we have over 1,000 accredited mediators, many are committed to promote mediation locally and internationally.

For reasons stated above, I am confident that Hong Kong as a regional ADR hub would continue to prosper.