

**INTERNATIONAL ARBITRATION CONFERENCE --
HONG KONG 8TH -- 10TH OCTOBER, 1981**

Norbert de Rome, F.I.Arb.A., A.C.I.Arb.

The Conference, organised by The Chartered Institute of Arbitration, London, was attended by nearly 150 delegates from 15 Countries or Territories with a large variety of professions and commercial interest being represented.

The published list of delegates indicated representation from Australia, Bermuda, Dubai, France, Hong Kong, India, Korea, Netherlands, New Zealand, Nigeria, Singapore, The Peoples Republic of China, United Kingdom, U.S.A. and West Germany.

Following Hong Kong with 51 delegates and U.K. with 41, Australia with 7 had the third largest delegation. They were:—

D. Brown, ARICS, FCI.Arb.	(VIC.)
N. de Rome, FAIQS, FRICS, FI.Arb., ACI.Arb.	(NSW)
J.B. Dorter, B.A., LL.B., AASA, FCI.Arb., FI.Arb.A.	(NSW)
C.H. Monk, ASTC., FI.Arb.A., FIE.Aust., FAIB., FAIM.	(NSW)
P.C. Russell, FAIQS, FRICS, FCI.Arb., FI.Arb.A.	(SA)
G.A. Skehan, LL.B.	(NSW)
J. Tyrill, Diploma (BAB), B.Arch.(Hons.)	(NSW)

The Conference was opened by Sir Jack Cater, Chief Secretary, Hong Kong.

The Papers and Speakers on the first day were:—

Arbitration -- Advantages and Disadvantages (P)

— Kenneth Rokison, Q.C., (U.K.)

Conciliation and Other Methods (P)

— Norman A. Royce, Architect, (U.K.)

The Jurisdiction and Power of an Arbitrator in the International Scene (P)

— John F. Phillips, Q.C., (U.K.)

The Importance of the Procedural Law of the Forum (P)

— Martin Hunter, Solicitor, (U.K.)

— J. Paulson, an American Lawyer, based in France.

The Papers and Speakers on the second day were:—

Hong Kong as a Potential International Arbitration Centre

— John Griffiths, Q.C., Attorney General of Hong Kong

Supervision and Assistance of Local Courts under the Common Law System

— F.E. Rehder, Solicitor, (U.K.)

Arbitration in the Netherlands (P)

— A.J. Van Den Berg, Lawyer, (Netherlands)

Comparisons Between Arbitration Techniques in Specific Fields

Construction — J.H. Alley, Architect, (U.K.)

Insurance (P) — G.J.R. Hickmott Insurance (U.K.)

Maritime — B.A. Harris, Maritime Arbitrator (U.K.)

Arbitration — The New Zealand Experience (P)

— J. Green, Building Consultant (N.Z.)

A Review of Market Needs

— A.A. Blum, American Chamber of Commerce, (U.K.)

(P) W. Lee, Director, World Wide
Shipping Group (H.K.)

(P) Elmer Tsu, Arbitration Committee H.K.
General Chamber of Commerce (H.K.)

The Conference closed on the morning of the third day with general discussion before a distinguished panel of arbitrators and lawyers chaired by Chief Justice Sir John Donaldson.

(P) indicates that copies of the paper were issued to delegates. A paper 'The Role of Arbitration Institutions' by B. Vigress was issued but not read.

The origin of the authors meant that the papers generally dealt with matters under the Rules of The London Court of International Arbitration, the International Chamber of Commerce or UNCITRAL.

There was much useful exchange of ideas both inside and outside the Conference room and a great deal of common ground was discovered.

The Chartered Institute is obviously very keen to establish an International Arbitration Centre in Hong Kong. The idea was welcomed by both Sir Jack Cater and the Attorney General, Mr. John Griffith, Q.C., although the latter admitted that Hong Kong "would have to improve its legal framework, publicise the concepts of 'choosing your own judge', train and make available well-qualified arbitrators and work towards the adoption of suitable arbitral roles . . ." (Press Cutting Nos 5 and 6).

In subsequent discussion with a member of the Australian delegation Mr. Griffiths said that he had been unaware of the existence of the Institute of Arbitrators Australia and that he would be pleased to receive details of its function and operation. These details were briefly stated, in Mr. Griffith's absence, by a member of the Australian delegation during the general discussion of the final session.

Some delegates questioned the choice of Hong Kong as an International Arbitration Centre in view of the terms of its lease which is due to expire in 1997. Discussion on this was ruled out of order, but the question raised the possibility of Singapore as an alternative site.

The Conference was not without its social side. This included dinner as guests of Mr. and Mrs. Tompkins in the Members Room at the Grandstand, Shatin Racecourse, a reception at The University of Hong Kong, and the concluding banquet at the Regent Hotel, Kowloon. Tours included a most interesting full day in the Peoples Republic of China.

The Conference was given good media coverage with the principals being interviewed on radio and T.V. and with press reporting daily.

Press Reports Six specific Newspaper Items and two relevant to Hong Kong as an Arbitration Centre.

Noted

- 1) One senior arbitrator expressed the view that the Arbitrator should 'tax' and include in his award the amount of the costs of the reference as well as the amount of the costs of the award.
- 2) Arbitrators' awards in Hong Kong are subject to appeal to the Supreme Court.
- 3) Several speakers urged 'robustness' by Arbitrators to reduce delays and delaying tactics. The need for Arbitrators to be firm and not to allow themselves to be intimidated by the parties and/or their representatives.