

立法會
Legislative Council

LC Paper No. CB(4)180/13-14
(These minutes have been seen
by the Administration)

Ref : CB4/SS/2/13

**Subcommittee on Arbitration (Amendment) Ordinance 2013
(Commencement) Notice**

**Minutes of the meeting
held on Tuesday, 5 November 2013, at 8:30 am
in Conference Room 2A of the Legislative Council Complex**

Members present : Hon Dennis KWOK (Chairman)
Hon TAM Yiu-chung, GBS, JP
Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Hon SIN Chung-kai, SBS, JP
Hon Tony TSE Wai-chuen

Member absent : Hon Ronny TONG Ka-wah, SC

Public officers attending : Agenda item I

Mr Peter WONG
Deputy Solicitor General
Department of Justice

Mr LEE Tin-yan
Assistant Solicitor General
Department of Justice

Clerk in attendance : Miss Mary SO
Chief Council Secretary (4)2

Staff in attendance : Ms Wendy KAN
Assistant Legal Adviser 6

Ms Cindy CHAN
Senior Council Secretary (4)5

Ms Mandy WAN
Administrative Assistant (4)1

I. Meeting with the Administration

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| L.N. 153 of 2013 | -- Arbitration (Amendment) Ordinance 2013 (Commencement) Notice |
| LC Paper No. LS4/13-14 | -- Legal Service Division Report on Subsidiary Legislation Gazetted on 11 October 2013 |
| LC Paper No. CB(4)77/13-14(01) | -- Background brief prepared by the Legislative Council Secretariat |
| LC Paper No. CB(4)98/13-14(01) | -- Information paper provided by the Department of Justice on the background to the two-phased commencement of the Arbitration (Amendment) Ordinance 2013 (Ord. No. 7 of 2013) |

The Subcommittee deliberated (index of proceedings attached at **Annex**).

2. Mr Dennis KWOK pointed out that in the past five to 10 years, Singapore had put in vast resources to promote Singapore as a regional hub for arbitration services. In terms of revenue generated from arbitration services, Singapore had overtaken Hong Kong. Mr KWOK urged the Administration to allocate more resources and put in more efforts to promote Hong Kong as a regional centre for arbitration and dispute resolution services and to relay his view to the Working Group on Professional Services under the Economic Development Commission chaired by the Chief Executive. To highlight the competitive edge of Hong Kong in the provision of arbitration services, Mr KWOK suggested that it would be beneficial to Hong Kong if the International Council for Commercial Arbitration conference would be held in Hong Kong.

Action

3. The Administration advised that to tie in with the introduction of the Hong Kong International Arbitration Centre ("HKIAC")'s Arbitration Rules 2013, amendments to the Arbitration Ordinance (Cap. 609) were introduced into the Legislative Council and passed in July 2013 to provide for the enforcement of emergency arbitral awards. The Department of Justice ("DoJ") recognized the growth of arbitration sector in Singapore, and aimed to have healthy competition with the counterparts in Singapore. Whilst targeting at the Greater China region, DoJ was also having on-going discussions with the relevant stakeholders on the ways to promote Hong Kong's legal and arbitration services in other new or emerging markets in Southeast Asia, such as Vietnam and Cambodia. To promote Hong Kong's competitive edge in the legal services and dispute resolution, DoJ planned to organize the third Hong Kong Legal Services Forum in 2014 in the Mainland. In addition, DoJ joined forces with HKIAC and the relevant stakeholders to promote the use of arbitration services in Hong Kong and to foster the development of specialized arbitration.

4. Dr Hon Priscilla LEUNG considered that as arbitration was growing in popularity in the Mainland, and given Hong Kong's proximity to the Mainland as well as its strong legal support for arbitration, Hong Kong arbitrators could become a popular choice with the Chinese and foreign parties. She urged the Administration to put in more efforts to promote the arbitration services of Hong Kong in the Mainland and other countries. Further, the Administration should expedite the conclusion of an arrangement between Hong Kong and Taiwan for the reciprocal recognition and enforcement of arbitral awards similar to those concluded with the Mainland and Macao. In addition, she opined that the Administration should seize the opportunity arising from the setting up of the Qianhai Economic Zone and Shanghai Pilot Free Trade Zone.

5. The Administration advised that DoJ was seeking to establish an arrangement between Hong Kong and Taiwan for the reciprocal recognition and enforcement of arbitral awards. With the success of the first and second Hong Kong Legal Services Forum held in Shanghai and Guangzhou respectively, DoJ would engage the Hong Kong Bar Association, The Law Society of Hong Kong and other arbitration bodies in the preparation for the third Forum to be held in 2014. By highlighting the advantages of Hong Kong in the provision of arbitration services on similar occasions, DoJ hoped to attract more enterprises in the Mainland to choose Hong Kong as the place of arbitration.

6. The Chairman said that the Subcommittee had completed the scrutiny of the Arbitration (Amendment) Ordinance 2013 (Commencement) Notice and would not move amendment to the Commencement Notice. He would report the deliberations of the Subcommittee to the House Committee on 22 November 2013.

Action

II. Any other business

7. There being no other business, the meeting ended at 8:50 am.

Council Business Division 4
Legislative Council Secretariat
25 November 2013

**Subcommittee on Arbitration (Amendment) Ordinance 2013
(Commencement) Notice**

**Proceedings of the meeting
on Tuesday, 5 November 2013, at 8:30 am
in Conference Room 2A of the Legislative Council Complex**

Time Marker	Speaker(s)	Subject(s)	Action required
000310 – 000504	Chairman Administration	Briefing by the Administration	
000505 – 001719	Chairman Administration Dr Priscilla LEUNG	View expressed by the Chairman Response from the Administration View expressed by Dr Priscilla LEUNG Response from the Administration	
001720 - 001835	Chairman Assistant Legal Adviser 6	Completion of the scrutiny of the commencement notice. A report on the deliberations of the Subcommittee would be submitted to the House Committee on 22 November 2013.	

Council Business Division 4
Legislative Council Secretariat
25 November 2013