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郭榮鏗立法會議員辦事處
Legislative Council Office of the Hon. Dennis Kwok



13th December 2013

Dr Hon Priscilla LEUNG Mei-fun, SBS, JP
Chairperson of the Panel on Administration
of Justice and Legal Services
Legislative Council

Dear Chairperson,

Re: Singapore International Commercial Court

I am writing to request the Chairman to table discussion of the Singapore International Commercial Court (the "SICC"). It has come to my attention that the Singaporean government is considering the establishment of the SICC. This is a bold move to promote Singapore's position as the leading forum for commercial dispute resolution in Asia to handle the growing number of complex, high-value and multi-jurisdictional disputes arising in the region. This issue affects Hong Kong's regional and international competitiveness as a dispute resolution forum and an international business centre.

According to the press release dated 3 December 2013, the Singaporean government has begun public consultation on the establishment of the SICC and has issued a consultation paper on the subject.¹ The press release states that:-

The continued growth in trade and investment in Asia has led to a significant rise in commercial transactions in the region. ... Building on the success of the Arbitration sector in Singapore, the proposed international commercial court will make Singapore an even more attractive venue for dispute resolution in Asia and beyond.

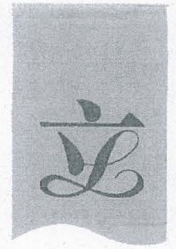
The SICC consultation paper provides seven recommendations:-

- (i) The establishment of the SICC as a division of the High Court of Singapore, to hear international commercial disputes. It will offer litigants the option to have their disputes heard by specialist commercial judges in Singapore;
- (ii) The constitution of an SICC panel of judges which could include eminent international jurists;
- (iii) The SICC will hear cases governed by Singapore law and by foreign

¹ Press release and consultation paper can be accessed at: <http://www.mlaw.gov.sg/news/press-releases/government-welcomes-recommendation-to-establish-SICC.html>



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- law, with the court taking judicial notice of the foreign law;
- (iv) The SICC will hear cases where parties have consented to use the SICC or where cases are transferred to the SICC from the High Court of Singapore;
- (v) Decisions of the SICC will be appealable to the Court of Appeal;
- (vi) Foreign counsel may appear in certain proceedings; and
- (vii) The creation of a set of rules and practice directions to govern proceedings in the SICC, which should be sensitive to the commercial needs of SICC's users and follow international best practices for commercial dispute resolution.

Establishing the institution by itself does not guarantee the success of the SICC. Rather, its viability will depend on a number of supporting factors, including the adequacy of Singapore's treaties and international arrangements in ensuring the foreign enforceability of its judgments. What the SICC initiative demonstrates is the Singaporean government's commitment to support the local legal services sector in attracting international users of dispute resolution services, and its responsiveness to the changing dispute resolution needs of the business sector.

The Panel may consider whether a comparable International Commercial Court could be set up in Hong Kong to improve our competitiveness as a leading dispute resolution forum and international legal services centre. I therefore urge the Chairperson to table this issue for discussion before the Panel.

Yours sincerely,

Dennis Kwok
Deputy Chairman