

香港律師會的信頭

Letterhead of THE LAW SOCIETY OF HONG KONG

Practitioners Affairs

Our Ref : PA0005/99/33826
Your Ref : CB2/BC/33/98
Direct Line :

BY FAX

12 November, 1999

Mrs. Percy Ma
Clerk to Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mrs. Ma,

Re: Bills Committee on Arbitration (Amendment) Bill 1999

I refer to your letter dated 10 November 1999 and wish to confirm that the Law Society has no further comments on the Bill.

Yours sincerely,

Joyce Wong
Director of Practitioners Affairs
e-mail: dpa@hklawsoc.org.hk

香港律師會的信頭

Letterhead of THE LAW SOCIETY OF HONG KONG

Practitioners Affairs

Our Ref : PA0005/99/33880

Your Ref: CB2/BC/33/98

Direct Line :

BY FAX

15 November 1999

Mrs. Percy Ma
Clerk to Bills Committee
Legislative Council
Legislative Council Building
8 Jackson Road
Central, Hong Kong

Dear Mrs. Ma,

Re: Bills Committee on Arbitration (Amendment) Bill 1999

I refer to my letter dated 12 November 1999 and wish to advise that I have just received 2 comments on the Arbitration (Amendment) Bill 199. Please could you place these comments before the Bills Committee.

Yours sincerely,

Joyce Wong
Director of Practitioners Affairs
e-mail: dpa@hklawsoc.org.hk

**ADDITIONAL COMMENTS BY THE LAW SOCIETY OF HONG KONG ON THE
ARBITRATION (AMENDMENT) BILL 1999**

Para 2 on page 2 of annex A

This says that the applicant must not file its application with two or more People's Courts. This is so even where the respondent has property situated within the jurisdiction of different People's Courts. Take a situation where the Mainland respondent has property in two different "zones" within the Mainland. This procedure says we can only apply for enforcement in one zone. Does the single enforcement judgment which we obtain cover both zones, or does the claimant have to choose which zone is likely to be the most productive one? Enforcement in Hong Kong, of course, covers the entirety of Hong Kong.

Para 7, page 4 of annex A (last para)

The last paragraph provides that the enforcement of an award on the Mainland may be refused if the court finds that enforcement "would be contrary to the public interests of the Mainland". How, if at all, is this different to "public policy" considerations?

The Law Society of Hong Kong
15 November 1999