

NEWSLETTER

Volume 4 – June 2023

▾ A NOTE OF THANKS

As the spring 2023 semester draws to a close, we thank our [alumni](#), students, faculty, and our Hong Kong and wider arbitration community for their continued support of our program.

The spring 2023 semester saw a bustling, exciting Vis East competition where the HKU moot team participated under the mentorship of our alumni Michael Cap and assisted by Dario Palmiotti and KT and our ICC mediation team supported by Prof. Anselmo Reyes and Sala Sihombing. We completed our regular voices from the community series of talks delivered by prominent arbitration practitioners from Hong Kong and beyond. We hosted a number of webinars by overseas practitioners on pertinent issues of arbitration law.

We have deepened our cooperation with Hong Kong's flagship arbitral institutions – the HKIAC, CIETAC Hong Kong and ICC – through various events and invited lecturers. Finally, we have seen our students go off on the internships and traineeships they have secured for the summer. With that, as we prepare our fall 2023 semester, we wish our students, alumni, faculty and supporters a restful and adventurous summer and we look forward to welcoming everybody back in September!

Please visit our [website](#) to learn more.



LL.M. Arbitration and Dispute Resolution
Book Launch: Diversity in International Arbitration: Why it Matters and How to Sustain it

Editors: Shahla F. Ali, Filip Balcerzak, Giorgio Fabio Colombo, Joshua Karton

DIVERSITY IN INTERNATIONAL ARBITRATION
 Why it Matters and How to Sustain it

Moderator: Giorgio Colombo, Professor, Graduate School of Law, Nagoya University

Shahla Ali: Professor and Associate Dean (International) and Director, Program in LLM ADP, Faculty of Law, University of Hong Kong

Filip Balcerzak: Associate Professor (Research), Adam Mickiewicz University, Partner, 4SW Pragmatic Solutions

Joshua Karton: Associate Professor, Faculty of Law, Queen's University

Date: 23 March 2023
 Venue: online via zoom; in person - 11/F, Academic Conference Room, Faculty of Law, Cheng Yu Tung Tower, HKU

Time: 1:30pm - 2:30pm
 Register online at www.hku.hk/law (select 'Events & Media')

Book Launch: Diversity in International Arbitration: Why it Matters and How to Sustain it

The LLM Program hosted a book launch of “[Diversity in International Arbitration](#)” edited by Shahla F. Ali, Professor and Director, LLM Arbitration and Dispute Resolution, Filip Balcerzak, Associate Professor (Research), Adam Mickiewicz University in Poznań, Poland, Giorgio Fabio Colombo, Professor, Graduate School of Law, Nagoya University, Japan and Joshua Karton, Associate Professor, Faculty of Law, Queen’s University, Canada

Comparative and Transnational Dispute Resolution

ROUTLEDGE RESEARCH IN INTERNATIONAL LAW

Edited by Shahla Ali

Book publication: Comparative and Transnational Dispute Resolution

This recently published treatise on comparative and transnational dispute resolution features contributions from: Matthew S. ERIE, Michael PALMER, Shahla ALI, Michal ALBERSTEIN, Lola Akin OJELABI, Nadja ALEXANDER, Luiji COMINELLI, Eleonora CISCATO, Stefania LATTUILLE, Xianto WEN, Susan FINDER, Xin HE, Yang SU, Kwai Hang NG, and Ling ZHOU

Edited by Shahla Ali, and published by Routledge in 2023.

[\[read more\]](#)

LL.M. ARBITRATION AND DISPUTE RESOLUTION
CONFLICT OF LAWS IN INTERNATIONAL COMMERCIAL ARBITRATION

Judge Min Kyung Kim has been sitting as a judge since 2010 in the judiciary of Korea. Her main expertise is in international commercial litigation, including arbitration-related cases (annulment, recognition and enforcement of arbitral awards) as she sat in the Special Division for International Commercial Disputes at the Seoul Central District Court. Judge Kim has participated in the recent amendment of the Korean Arbitration Act and contributed to enacting new court procedure rules in relation to international arbitration. She is a co-author of the Korean judiciary's Practice Guide on International Arbitration Issues (2018), published by the Supreme Court of Korea.

Judge Kim holds a BA, MA and PhD from Seoul National University and an LL.M from the University of Cambridge (Queen's College). She authored *Overriding Mandatory Rules in International Commercial Disputes: Korean and Comparative Law* (Hart Publishing, forthcoming in 2023) and co-authored the *Commentary on the Korean Act on Private International Law* (Thompson Reuters, forthcoming in 2023).

Speaker: Min Kyung Kim

30 March 2023; 1:00PM - 2:00PM; via ZOOM Moderator: Shahla Ali, Faculty of Law, HKU


There are differing views on the importance of conflict of laws rules (i.e. private international law) in the realm of international commercial arbitration. Party autonomy is a critical pillar of international commercial arbitration and in most instances, the arbitral tribunal must apply the law chosen by the parties. However, the "international" aspect of international commercial arbitration, by its nature, raises conflict of laws issues due to the various and complicated interactions between different legal systems. This is particularly the case when a governing law for a specific aspect or issue within the arbitration has not been agreed upon between the parties. A conflict of laws analysis will be required to ascertain the correct applicable law in many different crucial junctures during (and even after the conclusion of) the arbitration proceedings.

This workshop intends to examine when and how one should apply conflict of laws rules within the arbitration proceedings.


Register online at www.hku.hk/law Select 'Events & Media'

Conflict of Laws in International Commercial Arbitration

Judge Min Kyung Kim delivered a talk on conflict of laws in international commercial arbitration.



Interim Measures Arrangement Between Mainland China And Hong Kong, How Does It Work?



Dr. Ling Yang currently serves as the Deputy Secretary-General of HKIAC and Chief Representative of the Shanghai Office. Ling has been involved in drafting the "Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and the Hong Kong Special Administrative Region" (Arrangement). As Chief Representative, Dr. Yang is taking the lead in promoting relations with PRC Courts, government departments, chambers of commerce, arbitration institutions, lawyer associations, in-house counsel groups, and academic institutions.


Prior to joining HKIAC, in January 2018, Ling was an Associate Professor at the East China University of Political Science and Law (ECUPL) where she taught international arbitration for nine years. From 2016 to 2017, Ling was a visiting scholar at the Boston University School of Law. Ling has published widely on issues of international dispute resolution and arbitration in China and beyond. Ling also serves as Executive Editor-in-Chief for the Shanghai International Arbitration Review. Ling was an observer at UNCITRAL Working Groups on arbitration. Ling has also been appointed as arbitrator. She obtained a Ph.D. in 2009 and an LL.M. in Private International Law in 2008 from Wuhan University International Law Institute. In 2008, she was visiting scholar at the University of Aix-en-Provence Marseille III. Ling speaks Mandarin Chinese, English, and basic French.

21 April 2023; 12:00pm - 1:00pm; 11/F, Cheng Yu Tung Tower, HKU
Moderator: Shahla Ali, Faculty of Law, HKU

The Arrangement is "a game changer for Hong Kong Arbitration". (Nail Kaplan KC) Why?

Dr. Ling Yang will be introducing the background, main features, and the effects of the Arrangement. She will also address the actual practices of how parties, arbitration institutions, and Mainland Courts be involved in the application under the Arrangement. In the last part, she will draw insights from the case statistics of HKIAC under the Arrangement and the additional route for HKIAC users to get interim measures from the China International Commercial Court (CICC) of the Supreme People's Court.

Register online at www.hku.hk/law
 Select 'Events & Media'



Designing Interim Measures Arrangement Between Mainland China and Hong Kong, How Does It Work?

Dr Ling Yang, the HKIAC Deputy Secretary-General and the HKIAC Representative of the Shanghai Office delivered a webinar on the interim measures arrangement between Mainland and Hong Kong.



LL.M. Arbitration and Dispute Resolution
Insights from the Dispute Resolution Community
SPEAKERS



MR BRAD WANG
 DEPUTY SECRETARY GENERAL
 CHINA INTERNATIONAL ECONOMIC AND TRADE ARBITRATION COMMISSION (CIETAC) HONG KONG ARBITRATION CENTER
 FEBRUARY 24, 2023
 15:00 - 16:00
 CROUCHING TIGER & ASPRING RABBIT - THE LATEST DEVELOPMENT ON THE PRC ARBITRATION LAW & PRACTICE



PROFESSOR DR FRANCIS LAW
 PRESIDENT OF THE ACADEMY OF INTERNATIONAL DISPUTE RESOLUTION AND PROFESSIONAL NEGOTIATION
 COORDINATOR OF THE INTERNATIONAL DISPUTE RESOLUTION AND RISK MANAGEMENT INSTITUTE
 MARCH 16, 2023
 15:00 - 16:00
 THE UPDATES OF INTERNATIONAL DISPUTE RESOLUTION THAT A SOLICITOR SHOULD KNOW



MS. HEIDI CHUI
 PARTNER, STEVENSON, WONG & CO. SOLICITORS
 APRIL 19, 2023
 15:00 - 16:00
 UPDATES ON RECENT DECISIONS OF HONG KONG COURT ON ARBITRATION



MR ERIC NG
 DEPUTY SECRETARY GENERAL
 HONG KONG INTERNATIONAL ARBITRATION CENTRE
 MAY 19, 2023
 15:00 - 16:00
 DISRUPTIVE INNOVATION: HOW TECHNOLOGY IS TRANSFORMING ARBITRATION



JUDGE MIN KYUNG KIM
 JUNE 7, 2023
 15:00 - 16:00
 INTRODUCTION OF A RECENT ICSSD AWARD: LSI-KEB HOLDINGS SOA AND OTHERS v REPUBLIC OF KOREA

MODERATORS



SHAHLA ALI
 FACULTY OF LAW
 HKU



SANIZA OTHMAN
 CHAIRPERSON OF THE
 HKU LLM ADR ALUMNI ASSOCIATION

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 (Select 'Events & Media')



Voices from the Hong Kong Dispute Resolution Community

Throughout the fall semester 2023, we held our flagship talk series, "Voices from Hong Kong Dispute Resolution Community" featuring Mr. Brad Wang, Professor Dr Francis Law, Ms. Heidi Chui, Mr Eric Ng, and Judge Min Kyung Kim, moderated by our director Prof. Shahla Ali, Saniza Othman, Chair of the LLM ADR Alumni Association and by our deputy executive director Olga Boltenko.



On 30 May 2023, our student Prakritee Yonzon delivered a paper on "Reimagining the BRI narratives in South Asia" at the National University of Singapore, where her paper was commented on by the NUS Professor Sornarajah and by a number of academics from around the region. Prakritee drew inspiration for her paper from one of our elective course "BRI Investment Law" taught by our deputy executive director Olga Boltenko and by Prof. Michael Tam.

ICC
International
Court of Arbitration
100 years

Tanner
DeWitt

HKU
LAW
The Hong Kong University of Applied Sciences

A Special Conversation with the President of the ICC Court of International Arbitration

In this interview discussion with Claudia Salomon, on her first visit to Hong Kong to celebrate the occasion of the ICC's centenary, we will explore the ICC's initiatives in the Asia Pacific, reflections on the ICC's centenary and diversity achievements, and developments in the use of technology in arbitration.

Claudia Salomon is the President of the ICC International Court of Arbitration. She is the first woman to lead the world's most preferred arbitral institution in its almost 100-year history. Ms Salomon is also an independent arbitrator, specialising in international, investor-state and complex commercial disputes. She is widely recognised as one of the leading arbitration practitioners of her generation.

CLAUDIA SALOMON
PRESIDENT OF THE INTERNATIONAL COURT OF ARBITRATION (ICC)

ELIZABETH CHEN
INTERNATIONAL ARBITRATION LAWYER
Elizabeth Chen, LL.M. LL.B., is an incoming barrister, lawyer, mediator, and arbitrator based in Hong Kong. She has worked in corporate, finance, energy, health, sports, and other areas. She has also acted as a mediator and arbitrator in international commercial arbitration and investment treaty arbitrations. She is a faculty member of the Legal and Arbitration Practice Institute (LAPI) at HKU.

SARHLA AU
SOCIETY OF THE CITY OF HONG KONG
Sarhla Au is Professor of Law and Associate Dean International at the University of Hong Kong Faculty of Law and Director of the Law Program in Arbitration and Dispute Resolution. She serves as a bilingual arbitrator (English/Chinese) with the Dispute and Program and regional arbitrator institutions. She has been engaged in dispute resolution efforts of the regional and global levels involving with major Chinese firms and the United Nations on issues pertaining to energy, the environment, general business, and international trade. She has also been involved in dispute resolution.

MODERATORS:

Elizabeth Chen, LL.M. LL.B., is an incoming barrister, lawyer, mediator, and arbitrator based in Hong Kong. She has worked in corporate, finance, energy, health, sports, and other areas. She has also acted as a mediator and arbitrator in international commercial arbitration and investment treaty arbitrations. She is a faculty member of the Legal and Arbitration Practice Institute (LAPI) at HKU.

Sarhla Au is Professor of Law and Associate Dean International at the University of Hong Kong Faculty of Law and Director of the Law Program in Arbitration and Dispute Resolution. She serves as a bilingual arbitrator (English/Chinese) with the Dispute and Program and regional arbitrator institutions. She has been engaged in dispute resolution efforts of the regional and global levels involving with major Chinese firms and the United Nations on issues pertaining to energy, the environment, general business, and international trade. She has also been involved in dispute resolution.

QR code:

http://events.iccwbo.org/home

Spaces are limited. Please register here!

29 JUNE 2023 18:30 - 20:30

17th Floor, Tower One Lippo Centre, 89 Queensway, Admiralty

A Special Conversation with the President of the ICC Court of International Arbitration

In this interview discussion with Claudia Salomon, on her first visit to Hong Kong to celebrate the occasion of the ICC's centenary, we will explore the ICC's initiatives in the Asia Pacific, reflections on the ICC's centenary and diversity achievements, and developments in the use of technology in arbitration.

RECENT PUBLICATIONS

Selected Books & Articles



Prakritee Yonzon, PhD candidate

Authored a review of C v. D. in Kluwer Arbitration Blog

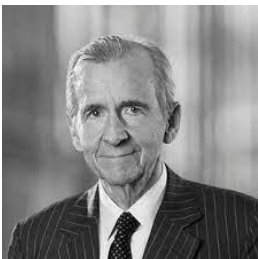
[\[read more\]](#)



Olga Boltenko, Adjunct Associate Professor

Authored an article in the Hong Kong Lawyer "Shareholders' panacea: overcoming reflective loss through treaty arbitration".

[\[read more\]](#)



Christopher Seppälä

Authored a book review in the Hong Kong Lawyer "[The FIDIC Red Book Contract: An International Clause-by-Clause Commentary](#)" by Christopher Seppälä

[\[read more\]](#)



Shahla Ali, Professor and Director

Chapter 1: Introduction: Reaching Sustainable Diversity in International Arbitration

[\[read more\]](#)

Introduction: Comparative and Transnational Dispute Resolution [\[read more\]](#)

Fluidity of Culture: Convergence and Informed Divergence in Cross Border Arbitration

[\[read more\]](#)

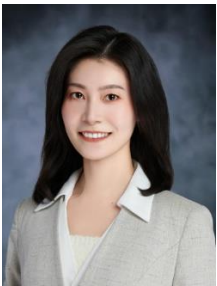
Advancing Research and Practice in the Governance of Dispute Resolution Institutions through Inclusive Devolved Reflection [\[read more\]](#)



Weixia Gu, Associate Professor

Deference from the Foreign Enforcement Courts to Decisions of the Courts of the Seat Confirming An Arbitral Award [\[read more\]](#)

China's Recognition and Enforcement of Foreign Securities Judgments against Overseas-listed Chinese Companies [\[read more\]](#)



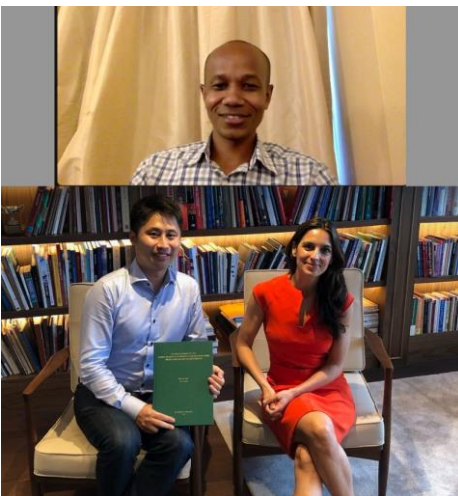
Ying Xia, Assistant Professor

Quarantined Judicial Expansion: The Environmental Legal Entrepreneurship of Chinese Courts, Procuratorates, and NGOs [\[read more\]](#)

State-sponsored Activism: How China's Law Reforms Impact NGOs' Legal Practice

Journal: Law & Social Inquiry [\[read more\]](#)

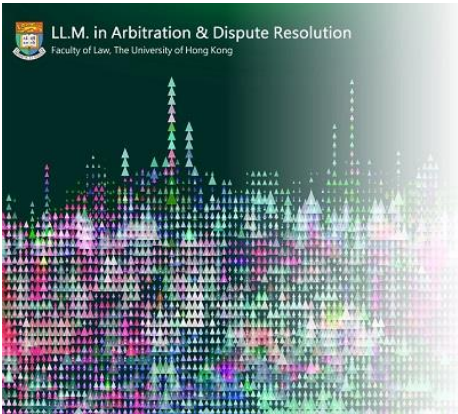
▾ HIGHLIGHTS – Successful completion of PhD thesis



Dr. Wilson Karera and Dr. Law Sau Wai completed their PhD in law at HKU. Wilson's thesis examined "Bilateral Investment Treaties and the Right to Regulate the Environment Friends or Foes: A Case Study of Kenya and Indonesia."

Samuel focused on "Why Even the Wealthy Don't Sue: Examining the Suitability of Arbitration for Resolving Private Banking Disputes in Hong Kong from the Client's Perspective."

HIGHLIGHTS – Student-Staff-Alumni Networking Event



HKU Law LLM ADR Faculty, Alumni and Student Spring Tea Gathering

Meet and greet old and new friends

20 June 5-7pm, 901 Alumni Room,
9/F, Cheng Yu Tung Tower, HKU

Rsvp by 9 June: llmadr@hku.hk

Our LLM program co-hosted a tea gathering with our Alumni Association to celebrate our Faculty, Students and Alumni. It was a festive opportunity to re-connect with old and new friends. Students and Alumni are welcome to join the alumni association by contacting Tammy or Saniza.

HIGHLIGHTS – HKU Vis East Moot Team and its Coach and Supporters



Our HKU VIS East Moot Coach Michael Cap (centre right) and his 2023 team: Kai Tik Au Yeung, Geoffrey Mengzhen LI, Hannah Homma TONG, Echo Nuoxuan CHENG, Michael Yiu Hei SO, Matt Chun Ho KWOK, at Ocean Park Marriott Hotel, Hong Kong – Gala Awards Dinner. Our team advanced victoriously through four intense general rounds and proceeded to the 32 elimination rounds. This marks a notable achievement for the team who were able to showcase their advocacy skills. The team gave way to the National Law School of India, who was later awarded the 1st Runner-up of the competition. Congratulations to the team and to the coach!



ICC International Mediation Moot

Congratulations to the team which performed well and ranked 10th among 48 teams and received wins for all of its mediation plans and 5 wins and 1 loss for its mediation sessions.

(from left to right)

Chen Yung Mark (BBA&LLB 5)

Yu Sheung Him Ambrose (BBA&LLB 5)

Chan Wing Hei Winsome (BBA&LLB 5)

Ms Sala Sihombing (coach)

If you wish to be included in our Program's mailing list to receive our latest event news and updates, please feel free to reply to this email.