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Opportunities and Challenges under the Belt and Road Initiative:

2016 Hong Kong

Summit on Financial and Investment
Dispute Resolution in China



Highlights

The seminar discusses the impact of the Belt and Road initiative on international dispute resolution.

Focusing on the opportunities and challenges brought about by the Belt and Road initiative on financial and investment dispute resolution in China, the speakers will share with the audience their insights and perspectives on the future development of China-related dispute resolution from a global perspective.

Programme

- 14:30-15:00 **Registration**
- 15:00-15:30 **Opening Speech**
Moderator: Mr. David Fong, *Vice-Chairman, Chartered Institute of Arbitrators (East Asia Branch)*
Speakers: Madam Hongsong Wang, *Vice-Chairperson, Beijing Arbitration Commission / Beijing International Arbitration Center*
Mr. Richard Leung, *Chairman, Chartered Institute of Arbitrators (East Asia Branch)*
Mr. Zhenmin Wang, *Director-General of the Law Department, Liaison Office of the Central People's Government in Hong Kong SAR*
- 15:30-15:50 **Special Address:**
A General Introduction on Commercial Dispute Resolution in China: An Annual Review and Preview (2013-2016)
Moderator/Commentator: Professor Anselmo Reyes, SC, *Professor at the University of Hong Kong*
Speaker: Dr. Fuyong Chen, *Deputy General Secretary, Beijing Arbitration Commission / Beijing International Arbitration Center*
- 15:50-16:50 **Session 1: Belt and Road Initiative and Financial Dispute Resolution in China**
Moderator: Ms. Teresa Cheng, GBS, SC, JP, *Chairman of Hong Kong International Arbitration Centre*
Speaker: Dr. Xiuming Tao, *Partner at JunZeJun Law Offices*
Commentators: Mr. Rupert Boswall, *Senior Partner of RPC*
Mr. Rollin Chan, *Head of Legal, Deutsche Bank China*
- 16:50-17:50 **Session 2: Belt and Road Initiative and Investment Dispute Resolution in China**
Moderator: Professor Philip Yang, BBS, *Former President of Asia Pacific Region Arbitration Group*
Speaker: Mr. Zhi Bao, *Partner at FenXun Partners*
Commentators: Mr. Patrick Zheng, *Partner at Clyde & Co (Beijing Office)*
Mr. Mohan Datwani, *Senior Director, Hong Kong Institute of Chartered Secretaries*
- 17:50-18:00 **Closing Speech**
Moderator: Dr. Fuyong Chen, *Deputy General Secretary, Beijing Arbitration Commission / Beijing International Arbitration Center*
Speaker: The Honourable Mr. Rimsky Yuen, SC, JP, *Secretary for Justice, Hong Kong SAR*

Speakers



The Honourable Mr. Rimsky Yuen, SC, JP

Secretary for Justice Hong Kong Special Administrative Region
The Honourable Mr. Rimsky Yuen, SC, JP, was appointed Secretary for Justice of the Hong Kong Special Administrative Region on 1 July 2012. Before joining the Government, The Honourable Mr. Rimsky Yuen, SC, JP, was a barrister in private practice, specializing in commercial disputes. He also acted as arbitrator and mediator in domestic and international commercial disputes. The Honourable Mr. Rimsky Yuen, SC, JP, was appointed Senior Counsel in 2003 and a Recorder of the Court of First Instance of the High Court in 2006. As Secretary for Justice, The Honourable Mr. Rimsky Yuen, SC, JP, takes a keen interest in the promotion of Hong Kong as a regional hub for dispute resolution, and is currently the Chairman of the Advisory Committee on Promotion of Arbitration and the Steering Committee on Mediation in Hong Kong.



Mr. Zhenmin Wang

Mr. Zhenmin Wang received his LL.B. from Zhengzhou University (1989), LL.M. and Ph.D. in Law from Renmin (People's) University of China (1992 and 1995). He also studied in the Law Faculty of Hong Kong University from 1993 to 1995. He was a Fulbright Visiting Scholar at Harvard Law School in 2000-2001. Professor Wang joined Tsinghua University law faculty in 1995. From 2008 to 2016 he served as Dean of Tsinghua University School of Law. Now he is the Director-General of the Law Department of the Liaison Office of the Chinese Central People's Government in Hong Kong since December 2015. In 2004, 2009 and 2014 he was appointed member of the Committee for the Macao Basic Law under the Standing Committee of the Chinese National People's Congress (and concurrently a member of the paralleling Committee for Hong Kong Basic Law in 2006). Since 2007 he was a Deputy to the Beijing City People's Congress. In January 2013, he was elected Deputy Chairman of the Law Committee of Beijing City Congress. Mr. Zhenmin Wang is a Member of the Forum of Young Global Leaders of the World Economic Forum, and a member of American Law Institute since 2013. He is President of China Research Association for Judicial Cases, President of China Research Association for Hong Kong and Macao Basic Laws. In 2010 he was awarded Top 10 Outstanding Young Jurist Prize by the China Law Society. He is author of Central-Special Administrative Region Relationship in China—from a Legal Perspective (Beijing 2002, Hong Kong 2014) and Constitutional Review in China (Beijing, 2004). He has published over 100 articles and presented papers at many regional and international conferences on Chinese constitutional law, legal reform, Hong Kong issues etc.



Mr. David Fong

Mr. David Fong, LL.M. (Transportation and Maritime Law) (Distinction), DiplCARb, FCPA, FCCA, FTIHK, FCI Arb, FSI Arb.
Mr. David Fong is a member of the Harcourt Chambers and was called to the Hong Kong Bar in 2013. He was awarded a Master of Laws (Transportation and Maritime Law) degree with distinction by the City University of Hong Kong in 2012 and is a LLD (candidate) of the East China University of Political Science and Law. David maintains an exclusive civil practice with practice focus in arbitration and commercial litigation. He has been instructed as counsel and appointed as arbitrator in international arbitration (both ad hoc and institute administered arbitration). He is a Fellow of the Chartered Institute of Arbitrators, Singapore Institute of Arbitrators and a Supporting Member of the London Maritime Arbitrators' Association. He is on the panel/ list of arbitrator of the HKIAC, KLRCA, Shanghai Arbitration Commission, Shanghai Arbitration Court of International Shipping, Hong Kong Maritime Arbitration Group, CMAA, SHIAC, Qingdao Arbitration Commission and CAA. He has served the Chartered Institute of Arbitrators (East Asia Branch) as a committee member since 2011 and is its' Vice Chairman at present. Prior to joining the Bar, David had worked as a CPA for around 15 years.



Madam Hongsong Wang

Madam Hongsong Wang is the Vice-Chairperson of the Beijing Arbitration Commission/Beijing International Arbitration Center (BAC/BIAC). She also acts as the Standing Director of Chinese Society of International Law, the Vice-President of Chinese Society of International Private Law, and the Distinguished Advisor of Straus Institute for Dispute Resolution of Pepperdine University. Madam Wang used to work as the Vice-Chairman of Asia Pacific Regional Arbitration Group, the Part-time Professor of China Foreign Affairs University, University of International Business and Economics, Central University of Finance and Economics, Hunan University, and China University of Political Science and Law. With a Bachelor's Degree of Economics from Beijing Economics College and a Master's Degree of Law from University of International Business and Economics, Madam Wang acted as the Vice Director, Director, and Vice Director General in the Research Office and the Legal Affairs Office of Beijing municipal government between 1982 and 1995. From October 1994, Madam Wang started to be in charge of the preparations of the establishment of BAC, and then had acted as the Secretary General and the Office Director of BAC from September 1995 to September 2012, devoting herself to the promotion of Chinese arbitration institutions' globalization. She authored the anthology Casting Credibility, and is a frequent speaker at various international conferences. From September 2012, Madam Wang started to act as the Vice-Chairperson of BAC.

Speakers



Mr. Richard Leung

Barrister-at-Law, Chartered Arbitrator, Accredited Mediator
MA, LLB, DiplCARb, FCI Arb, FCCA, FCIS, FCPA, FCS, FHKIoD, CTA

Mr. Richard Leung is a practicing barrister with Des Voeux Chambers specialized in company law, commercial law, construction and arbitration litigations and other civil matters. He is also a qualified accountant and chartered secretary. He has over 30 years of working experience first in the accounting field and then in the legal profession. He had occupied senior positions with various professional and/or commercial entities. Since 1996 onwards he has been working in the legal profession practising as a barrister. Currently he sits a member in various statutory tribunals in Hong Kong the Obscene Articles Tribunal, the Appeal Board for the Hotel and Guesthouse Accommodation and so on. Previously he sat as a member in other statutory tribunals such as the Board of Review, the Guardianship Board and the Registration of Persons Tribunal.

He has been involved in many arbitration cases covering shareholders' disputes, commercial disputes, shipping disputes and construction disputes in Hong Kong as well as in the PRC. He often speaks at various seminar/conference on topics about arbitration and mediation. He is now the Chairman of the Chartered Institute of Arbitrators (East Asia Branch).



Professor Anselmo Reyes, SC

Professor Anselmo Reyes, SC, has been Professor of Legal Practice at Hong Kong University since October 2012. Before that, he was a judge of the Hong Kong High Court from 2003-12, when he was in charge of the Construction and Arbitration List (2004-8) and the Commercial and Admiralty Lists (2008-12). He was called to the Hong Kong Bar in 1986, taking silk in 2001. In April 2013, he became Representative of the Asia-Pacific Regional Office of the Hague Conference on Private International Law. He became an International Judge of the Singapore International Commercial Court in January 2015 and an Overseas Bencher of the Inner Temple in October 2015.



Dr. Fuyong Chen

Dr. Fuyong Chen is the Deputy Secretary-General of the Beijing Arbitration Commission/ Beijing International Arbitration Center and the Vice-President of Asia Pacific Regional Arbitration Group (APRAG). He is a qualified PRC lawyer with a LLB from China University of Political Science and Law, a LLM from Peking University and a PhD from Tsinghua University. Dr. Chen was a visiting researcher (2007-08) at the Law School of UC-Berkeley and is a Research Fellow of the Center for the Study of Dispute Resolution at Renmin University of China.

Dr. Fuyong Chen has published over ten journal articles on commercial dispute resolution and currently is the General Editor of Beijing Arbitration Quarterly. His dissertation titled "The Unfinished Transformation: An Empirical Analysis of the Current Status and Future Trends of China's Arbitration Institutions" was awarded 2010 Beijing Excellent Doctoral Dissertation. Dr. Chen is also the co-author of China Arbitration Handbook (Sweet & Maxwell 2011) and Chinese Arbitration Law (LexisNexis 2015).

He has extensive experience in handling various commercial disputes through arbitration and mediation and is a regular speaker at international conferences and seminars.



Ms. Teresa Cheng, GBS, SC, JP

Ms. Teresa Cheng, GBS, SC, JP, FICE, FCI Arb Chairperson, Hong Kong International Arbitration Centre

Ms. Teresa Cheng GBS SC JP FICE FCI Arb is a Senior Counsel, Chartered Engineer, Chartered Arbitrator and Accredited Mediator, with a distinguished record of public service in Hong Kong. Ms. Cheng specialises in areas of law in construction and international commercial joint venture contracts and investment arbitration, and is an experienced practitioner in international arbitration and mediation. She is frequently engaged as counsel or arbitrator in complex international commercial disputes.

She is the Chairperson of Hong Kong International Arbitration Centre (HKIAC), Past Vice President of the International Council of Commercial Arbitration (ICCA), and Past Vice President of the ICC International Court of Arbitration. In 2008, she was the first Asian woman elected through a global election as President of the Chartered Institute of Arbitrators (CI Arb). She was appointed as a Recorder in the Court of First Instance of the High Court of Hong Kong in 2014, and is currently a member of the International Centre for Settlement of Investment Disputes (ICSID) panel of Arbitrators, designated by the Chairman of the ICSID Administrative Council of World Bank, and an external IFC alternate member of the World Bank's Sanctions Board.

She is a Fellow of King's College in London, and the Course Director of the International Arbitration and Dispute Settlement Course at the Law School of Tsinghua University in Beijing. She has co-authored numerous books and articles in journals and seminars. Some of her recent publications include "Construction Law and Practice in Hong Kong" and "Arbitration in Hong Kong: A Practical Guide", published by Sweet & Maxwell, as well as papers in the "International Council for Commercial Arbitration Congress Series", published by Kluwer Law International.

Speakers



Dr. Xiuming Tao

Dr. Xiuming Tao is the founding partner and managing partner of JunZeJun Law Offices. Dr. Tao has been practicing for over 25 years and has rich experience and excellent expertise in the area of international finance, securities, foreign investment and international business dispute resolution, especially arbitration in relation to the financial and investment matters.

Dr. Tao currently acts as arbitrator of China International Economic and Trade Arbitration Commission (and member of Expert Advisory Committee as well), arbitrator of Beijing Arbitration Commission, arbitrator of Shanghai International Economic and Trade Arbitration Commission (SHIAC), arbitrator of Hong Kong International Arbitration Centre (HKIAC), and etc.

Dr. Tao is currently member of Financial Derivative Committee, Legal Committee and Qualification Committee of National Association of Financial Market Institutional Investors ("NAFMII") of China and etc. He was also member of the Documentation, Collateral and Legal & Regulatory Committees of International Swap and Derivative Association (ISDA).

Dr. Tao got his bachelor degree of law in Ji Lin University in 1986, master degree of international private law in Chinese Academy of Social Sciences in 1989, postgraduate diploma in Institute of Social Studies (the Netherlands) 1995 and PH.D in international law in University of International Business and Economics in 2007.



Mr. Rupert Boswall

Mr. Rupert Boswall is the Senior Partner of RPC LLP based in London and Hong Kong. He has been an international arbitration and commercial disputes specialist for 25 years.



Mr. Rollin Chan

Mr. Rollin Chan is the Head of Legal for Deutsche Bank China, based in Shanghai. He is a qualified solicitor in England and Hong Kong. Mr. Chan has been covering investment and corporate banking transactions for many years, out of which over 20 years in Asia. Prior to joining Deutsche Bank, he worked as a solicitor in Allen & Overy, an international law firm in the UK and Hong Kong and then as an in-house counsel with Credit Suisse and ING Bank in Hong Kong and Singapore.

Mr. Chan primarily is specialized in the financial and investment law and practice, in particular in OTC derivatives, structured finance and debt capital market transactions. He is a member of the PBOC/NAFMII drafting committees for the derivatives master documentation and the Bonds Repo agreement. He is currently a member of the NAFMII Law Committee and also an Arbitrator for China International Economic and Trade Arbitration Commission (CIETAC).



Professor Philip Yang, BBS

Professor Philip Yang, BBS, has been a full-time arbitrator for well over 30 years, mainly in international trade, shipping and commercial disputes. He has published/issued over 550 arbitration awards as a sole or co-arbitrator. Professor Philip Yang, BBS, is the Deputy Chairman of the BIMCO Documentary Committee, the Honorary Chairman of the HKIAC, the Past President of the APRAG, and the past Hong Kong Representative of ICC International Court of Arbitration. He has published many books and a lot of articles on international trade, shipping and arbitration related topics/matters.



Mr. Zhi Bao

Mr. Zhi Bao is a partner of FenXun Partners.

Mr. Zhi Bao's practice focuses on mergers and acquisitions, private equity and anti-monopoly, all disciplines which he made his own during his over seven years with the Ministry of Commerce (MOFCOM) in Beijing and subsequently at a leading PRC law firm. He had worked for multinational, state-owned and private clients, such as Google, Apple, FedEx, EDF, IFC, Ericsson, Rockwell, Pola, Daiwa; CCB International, China Life, China Resources, CNOOC, COFCO; CITIC Capital, SAIF Capital, CDH Capital.

At MOFCOM, he spearheaded examination of numerous foreign direct investments, cross-border mergers and acquisitions, and anti-monopoly filings for companies engaged in M&A transactions. He also was a principal draftsman of key regulations relating to restructuring of domestic and offshore companies and cross-border M&A transactions (for both unlisted and listed Chinese target companies, as well as both inbound and outbound transactions) and funds.

As the partner of FenXun Partners, Mr. Zhi Bao has pioneered (and obtained approvals for) unique, tested transformations of offshore ownership transaction structures into onshore ownership structures for important clients. Mr. Zhi Bao has advised many multinational companies on the regulatory aspects, including but not limited to anti-trust filing and national security review of their cross-border M&A transactions as well as counselling them on the regulatory risks of their business behaviour.

Speakers



Mr. Patrick Zheng

As a Chinese national, Patrick has been a member of China's international arbitration community for almost 20 years and is a well-known and highly regarded disputes lawyer in China. Patrick's primary focus is representing Chinese clients in front of international venues such as SIAC, ICC, HKIAC and courts of various jurisdictions. He also represents international companies before Chinese arbitration tribunals such as CIETAC (China International Economic and Trade Arbitration Commission) and the Chinese courts. In addition, Patrick has acted as an arbitrator (both party and CIETAC appointed) in approximately 30 CIETAC arbitrations and prior to entering private practice; he worked for CIETAC in Beijing. He has recently been appointed as arbitrator of the Chongqing Liangjiang International Arbitration Center. He is regularly ranked as a leading individual in the Chambers and Legal 500 legal directories, and is fluent in Mandarin, English and Korean, with proficiency in Japanese.



Mr. Mohan Datwani

Mr. Mohan Datwani FCIS FCS (PE) is a solicitor with over 25 years' experience. He was formerly a global partner of a major US International law firm; later a member of the senior management of a listed company involved in frontier mining and infrastructure development between Mongolia and China; and then Chief Business Strategist of a full service listed securities firm. With both listed companies Mohan was also involved and helped to develop the financial case, and engaged in global brand marketing in Singapore, Europe and the US to international investors.

With his combined legal and compliance, and international business experience, Mohan currently serves to promote good governance and related legal and compliance best practices in his role as Senior Director, and Head of Technical and Research of the Hong Kong Institute of Chartered Secretaries (HKICS), which is affiliated with UK's Institute of Chartered Secretaries and Administrators and its network of some 40,000 members and students globally.

In addition to competition law best practices, Mohan has recently promoted anti-money laundering and counter-terrorist financing standards for the corporate service providers sector which was launched in the presence of senior HKSAR Government officials.

Mohan has a number of degrees including LLB, LLM, MBA (Distinction). He is a Fellow of the Hong Kong Institute of Directors; Fellow of the Hong Kong Institute of Chartered Secretaries; Accredited Mediator; and Certified Anti-Money Laundering Specialist.

Mohan currently serves on six government boards (Criminal & Law Enforcement Injuries Compensation Boards; Financial Reporting Review Panel; Inland Revenue Board of Review Panel; Protection of Wages on Insolvency Fund Board; Securities and Futures Appeals Tribunal; RTHK Board of Advisors) and is a Management Committee member of a Hong Kong school with sizeable ethnic minority population.

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The Beijing Arbitration Commission (BAC), also known as the Beijing International Arbitration Center (BIAC), was established in 1995 as a non-governmental arbitration institution, and became the first self-funded Chinese arbitration institution in 1999. The BAC/BIAC adheres to the pursuits of becoming a world-class ADR institution with its primary focus on arbitration coupled with expertise in mediation and construction dispute review; endeavoring to contribute to the development of theories on dispute resolution, innovations on arbitration systems, training of dispute resolution professionals in China; and promoting arbitration practice and presenting the Chinese arbitration standard to the world. The BAC Arbitration Rules 2015 were published on December 4th, 2014, and the Rules came into force on April 1st, 2015. The 2015 rules widely adopt UNCITRAL Arbitration Rules and further accept up-to-date international practice.
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The objectives of the Branch are to provide a regional organisation for Members of the Institute (Fellows, Members and Associates) who are resident in East Asia generally. The purpose is to promote, encourage and facilitate the practice of settlement of disputes by arbitration and other means of dispute resolution, and to support and promote the status and interests of the Chartered Institute of Arbitrators.
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According to the Queen Mary, University of London and White & Case's 2015 International Arbitration Survey, HKIAC is the third most preferred and used arbitral institution worldwide and the most favoured arbitral institution outside of Europe. Having received Global Arbitration Review's innovation award of 2014, HKIAC is constantly at the forefront of innovative arbitration practice.

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