

Kluwer Arbitration Blog

Interviews with Our Editors: In Conversation with Joanne Lau, Secretary-General of the Hong Kong International Arbitration Centre

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This February, Ms. Joanne Lau assumed the position of the Hong Kong International Arbitration Centre (“HKIAC”) Secretary-General, succeeding Dr. Mariel Dimsey. Prior to this, Joanne spent more than a decade practicing at an international law firm, building and managing a successful international arbitration practice as part of its leadership team. Joanne brings to HKIAC a wealth of expertise from her experience as counsel, advocate and arbitrator.

For the seventh year, the Blog is providing live coverage of [Hong Kong Arbitration Week](#). We are privileged to interview Joanne.

1. Congratulations on your new role! How have the first several months been for you? Are there any initiatives that you look forward to implementing during your tenure?

The first few months have been an absolute whirlwind. I joined in February and in May, HKIAC hosted the International Council for Commercial Arbitration (“ICCA”) Congress, one of the largest and most prominent international arbitration conferences in the world. ICCA Hong Kong 2024 was the largest ever ICCA Congress, so it was an amazing opportunity to showcase Hong Kong’s dispute resolution capabilities to a global audience. Since ICCA, I have been busy catching up with partners and contacts across the globe, to continue outreach and dialogue on HKIAC’s offerings and international arbitration in Hong Kong.

Also, our 2024 HKIAC Administered Arbitration Rules came into effect on 1 June 2024, which is a refinement of the well-received 2018 version. The changes provide not just incremental improvements for efficiency and integrity of proceedings, but also changes to reflect developing societal norms, such as environmental impact and diversity. We have already rolled out several translated versions of the 2024 Rules and have done a series of roadshows in different jurisdictions, with more in the pipeline. We will also issue additional guidance on the 2024 Rules, so please look out for this.

Another exciting development is the imminent opening of our new Beijing office, which will be HKIAC’s third office outside of Hong Kong, following the establishment of the Seoul office in

2013 and the Shanghai office in 2015. Ms. Xi Zhang will take the reins as Chief Representative for the Beijing office. She recently joined HKIAC bringing a wealth of experience from her previous in-house and arbitral institution positions. The establishment of a Beijing office will provide new opportunities for us to engage with users in Mainland China to promote the use of international arbitration and HKIAC's dispute resolution services.

However, amid various outreach efforts, my main priority is always to ensure that HKIAC's case administration, arbitral appointment functions, and hearing services are consistently efficient and of top quality, as this is the only way to ensure that parties continue to place their trust in us. We have a talented and dedicated counsel team at the Secretariat, supported by the HKIAC Appointments Committee and Proceedings Committee, which comprises of leading practitioners, arbitrators and in-house counsel. The diversity and depth of experience at the Secretariat and on our standing committees are key.

2. How has the role of HKIAC evolved in recent years, especially in light of increased competition among arbitration institutions in the Asia-Pacific region and globally?

There has been significant growth in demand for international arbitration, particularly in the Asia-Pacific region. It is positive for users to have more choices of arbitration institutions for different types of disputes, and for institutions to combine their expertise and experiences in improving best practices. I certainly see more synergy than competition among arbitration institutions.

For HKIAC, we have a long history and track record in handling international cases. HKIAC was established in 1985 as one of the first arbitral institutions in the Asia-Pacific region and we will be celebrating our 40th anniversary next year. With the large number of new arbitration institutions being established, HKIAC has stayed nimble and modern, and is constantly at the forefront of innovative practice. We were the first arbitral institution to offer a Tribunal Secretary Training Programme and among the first arbitral institutions to issue guidelines on virtual hearing. We were also one of the first institutions to launch an online case management platform, the HKIAC Case Connect, in 2021.

Our experience in and reputation for excellent case administration, including in complex, high value international disputes, have also allowed us to play a leading role in capacity-building, as we regularly host delegations from other institutions, universities, business groups, and government bodies to share best practices and to conduct training sessions internationally.

3. Looking forward, how do you see arbitration evolving in Hong Kong over the next five to ten years? What role do you anticipate HKIAC playing in this development?

Hong Kong has an open legal market which has long embraced international talent – its legal community has many foreign arbitration practitioners who have a deep understanding of the cultural nuances of cross-border business in the region. What has been encouraging to see, and in my view will continue, is that more and more practitioners from Hong Kong and the region, including many who are fully bilingual in English and Chinese, have started practicing in international arbitration and participating in thought leadership. This is a sign of a maturing

arbitration market, and as a flagship arbitral institution in Hong Kong, HKIAC plays a role in deepening and diversifying the talent pool.

Hong Kong and HKIAC are well-placed to handle China-related disputes. One significant development in recent years is the 2019 Mainland China-Hong Kong Arrangement for Interim Measures, which enables parties to Hong Kong-seated, HKIAC-administered arbitrations to apply for interim measures from Mainland Chinese courts and is not available if arbitrations are seated in any other foreign jurisdiction. HKIAC has to date processed over 135 applications from both Chinese and foreign parties seeking asset preservation orders. I foresee Hong Kong and HKIAC continuing to capitalize on its exceptional strength in handling inbound and outbound work related to China disputes in the coming years.

Equally important, however, HKIAC must also capitalize on its international connections and track record as a quality arbitral institution independent of its China-related work. From observations at the ICCA Congress and recent visits to various regions (including in Southeast Asia, Latin America and the Middle East), we have witnessed significant interest from international users in understanding more about HKIAC, and a lot can be achieved in the next five to ten years. As mentioned above, this includes taking a proactive role in capacity-building collaborations too.

4. What are the largest challenges facing arbitration in Hong Kong and the Asia-Pacific region today? How is HKIAC addressing them?

Hong Kong has a sophisticated arbitration environment. It has modern, arbitration-friendly legislation. With specialist arbitration judges, Hong Kong courts are also experienced in handling arbitration matters and there are many recent court judgments demonstrating the court's robustness and support of arbitration. One of HKIAC's biggest tasks is in communicating these advantages to users, particularly in places which are less familiar with Hong Kong. As mentioned earlier, there is also a need to stay innovative, particularly in light of developments in technology. Hong Kong has a well-deserved reputation for having an unbeatable work ethic and for being efficient and nimble, which extends to its legal community and the spirit of HKIAC as well.

For arbitration in Asia-Pacific more broadly, one point to note is that the region consists of a mix of legal systems, backgrounds, and cultures, which may have different receptiveness towards international arbitration or different priorities. Even for jurisdictions that are familiar with international arbitration, there are louder questions in recent years about whether arbitration has become too costly and time-consuming, and whether integrity in arbitration is at threat. So across the region, one of the challenges would be to strengthen the legitimacy of international arbitration, and that requires arbitral institutions, courts, arbitrators, and lawyers alike to all work together in rethinking international arbitration norms and improving its processes.

5. HKIAC released its new 2024 Administered Arbitration Rules earlier this year which went into effect in June 2024. What do you consider as its most innovative features? Have you received any feedback in the months that it has been in effect?

The 2024 Rules have maintained the light-touch case administration that HKIAC is known for but have also introduced a range of updates aimed at improving the time and cost-effectiveness in

arbitration, enhancing the efficiency and integrity of the proceedings, and responding to wider developments in arbitration on diversity, greener arbitration, and information security.

One of the most innovative and exciting new provisions is Article 9A.1, which encourages parties and co-arbitrators to take into account considerations of diversity when designating arbitrators. We have already seen positive changes in behavior – two co-arbitrators recently wrote to say that the Rules prompted them to come up with some new names of qualified candidates for the role of presiding arbitrator instead of just going to the usual candidates.

6. In recent years, HKIAC has innovated by providing users with tools such as an online case management platform, HKIAC Case Connect, and an online database, HKIAC Case Digest. How have these tools affected the way HKIAC administers arbitrations? How might HKIAC develop its technological tools or policies, especially in light of the rising prominence of Artificial Intelligence?

HKIAC Case Connect is a service offered to parties and tribunals as a secure online case management platform that allows the uploading of documents, for communications within the platform, and for the tracking of deadlines and progress. While HKIAC offers and supports HKIAC Case Connect, parties are also free to choose other services. In addition, the technology in HKIAC's hearing facilities, whether it is for virtual, hybrid, or in person hearings, supports superior and efficient advocacy, presentation of evidence and general communications.

HKIAC Case Digest was awarded the GAR Best Innovation by an Individual or Organisation in 2022. It is a searchable database of anonymized and summarized procedural decisions taken by HKIAC's Proceedings and Appointments Committees, giving insights into HKIAC's procedural decision-making and resulting in greater transparency, guidance, and certainty for HKIAC users.

It is widely recognized that technology can increase efficiency in arbitration proceedings. As an arbitral institution, we want to encourage arbitrators and users to make appropriate use of technology, including artificial intelligence, whilst ensuring the integrity of the arbitration proceedings is not compromised. This is reflected in HKIAC's rules and initiatives.

Our HKIAC Administered Arbitration Rules expressly require arbitral tribunals to consider the effective use of technology in adopting suitable procedures for the conduct of arbitration. At the same time, mindful of the risks that can come with new technology, HKIAC notably added Article 45A to the 2024 HKIAC Administered Arbitration Rules, which reminds parties and tribunal members of the possible need for information security measures.

The development of technology and artificial intelligence needs to be supported from many angles, including through increasing uptake by users. In recent months, we have collaborated with a number of technology providers to conduct training and events showcasing cutting-edge tools in legal technology. These have been very well received and we have planned for more tech-focused events in the coming months.

7. Prior to joining HKIAC, you were a partner at Allen & Overy and spent over a decade in private practice. How has this experience informed your current role as Secretary-

General?

During my decade in private practice, I had the privilege of representing clients from a wide range of jurisdictions and industries in disputes administered by HKIAC and other arbitral institutions. I also gained perspective from sitting as an arbitrator. These experiences have helped me to develop a commercial mindset and have given me a first-hand understanding of the expectations of practitioners and users in arbitration.

On top of being neutral and independent, an arbitral institution must be efficient and predictable throughout the arbitral process, from filing a notice of arbitration, getting a tribunal constituted, to obtaining an award.

I have had such a positive experience with HKIAC as a practitioner and arbitrator, and in my current role as Secretary-General, I want HKIAC to live up to that standard in constantly exceeding users' expectations.

8. What advice would you give to young professionals, particularly women and minorities, who aspire to leadership roles in international arbitration, whether in private practice or at an arbitral institution?

First of all, be yourself. I think people derive fulfillment from a career in international arbitration in different ways, so it is important to find and follow your own path, and to have the courage and confidence to stay true to your values, with the conviction that you can tackle challenges and learn from setbacks to shape your own career.

But strive to be the best version of yourself. This includes working hard to proactively and consciously develop the expertise and skills you need and staying curious. In an adversarial profession, I think it is important to treat people with kindness too.

Finally, know that you are not alone, particularly for women and minorities. Having people I could turn to for support and advice has made a huge difference to my career.

Thank you, Joanne, for your time and insight!

More coverage from Hong Kong Arbitration Week is available [here](#).

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