

Secretary for Justice outlines new trends in handling cross-border commercial disputes (with photo)

The Secretary for Justice, Ms Teresa Cheng, SC, today (May 18) outlined new trends in the development of cross-border commercial dispute resolution amid the growth of commercial activities among countries and the popularity of international arbitration and mediation. Among the key trends highlighted were those relating to the mediation of investment disputes, online dispute resolution and the establishment of a dispute resolution centre specially designed for the Belt and Road Initiative.

She made the remarks when delivering a speech at the Seminar on the Trend of Cross-border Commercial Dispute Resolution and the Belt and Road Initiative, which is one of the events of Mediation Week 2018.

Ms Cheng said that under the framework of the Mainland and Hong Kong Closer Economic Partnership Arrangement, the Hong Kong Special Administrative Region Government signed an Investment Agreement with the Ministry of Commerce in June 2017. It provides for an "investment dispute mediation mechanism" as a way to settle disputes. The mechanism can effectively promote the use of mediation in solving various types of cross-border disputes. Hong Kong will actively promote the development of investment and cross-border mediation.

"Innovative technology has greatly helped the development of dispute resolution services. I believe the establishment of a safe, reliable and credible platform to provide enterprises in various economies along the Belt and Road with convenient and cost-effective online dispute resolution will become a new trend," Ms Cheng said, adding that Hong Kong is establishing an online dispute resolution platform, eBRAM.hk.

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She added, "A fair and effective dispute resolution mechanism is all the more important in the process of implementing the Belt and Road Initiative."

Ms Cheng pointed out that it is of utmost importance to establish a set of dispute resolution rules that are specifically designed for the Belt and Road Initiative, with recognition and compatibility for different cultures. The Department of Justice (DoJ) will assist interested people in Hong Kong to establish a unique, fair and impartial and internationally recognised dispute resolution centre for the Belt and Road Initiative to provide dispute resolution services for state-owned enterprises and small and medium-sized enterprises of various countries.

The Seminar on the Trend of Cross-border Commercial Dispute Resolution and the Belt and Road Initiative was organised by the DoJ and co-organised by the Hong Kong Mediation Centre and the Mainland-Hong Kong Joint Mediation

Center as part of Mediation Week 2018.

The theme of Mediation Week 2018 is "Mediate First – Exploring New Horizons". It seeks to look ahead to future developments including online dispute resolution and the use of mediation in resolving international commercial disputes.

The highlight of Mediation Week is the Mediation Conference 2018 to be held on May 18. Over 20 leading international and local experts and practitioners will gather and share their views and experiences on the latest global developments of mediation. The Conference will explore the recent developments of mediation in Hong Kong and overseas, how mediation may contribute to resolving disputes arising from the Belt and Road and Guangdong-Hong Kong-Macao Bay Area development initiatives, online dispute resolution, and the use of mediation in resolving international commercial disputes.

For more details of the activities of Mediation Week 2018, please visit www.doj.gov.hk/mediatefirst/eng/programme2018.html.

