



**Chairman's Report to the 4th AGM
held on 13 September 2001 at the Hong Kong Club**

I am delighted on behalf of the Executive Committee to welcome you all to tonight's AGM. Our last AGM as you will all recall was at the end of October. In line with the principles of active case management, your Committee this year decided to reduce the usual 12-month period between AGMs to 10½ months. We found the date just after the Long Vacation was appropriate.

Tonight is the official opening of the 4th year of the Association since we were re-established in June 1998. I would like to record, a little later on, with the assistance of the Chairman of some of our Sub-Committees, some of the areas where we have been active in the last year.

The year 2000 / 2001 has gone by quickly for the Association. Two important milestones were passed. The first of these was our participation in CMI 2001 which was held in Singapore in February this year. Both HKMLA and our sister organisation from the Mainland, CMLA were represented, in fact I was released by the Chief Justice from my duties in the Admiralty Court to attend. Important subjects under discussion included the latest draft of a Convention which is intended to replace the increasingly fragmented regimes of the Hague and Hague-Visby Rules, etc which apply in the field of Carriage by Sea. The work of the Carriage by Sea Sub-committee of the Association during 1999 and 2000 had been directed towards CMI 2001. It was very interesting to see the preparation

work by HKMLA and other Associations came together in practice, at such an intensive international event. It was also obvious to me, and other members of our Association who attended, that some other countries had the benefit of retired lawyers and academics leading their delegation in attending the CMI conference, whereas that is one category the HKMLA is definitely short of. We would like to encourage more retired lawyers and academics, with the benefit of their vast experience and expertise, to join our Association and to participate in the intensive and exciting work of the Sub-Committees of our Association.

The second milestone in the year 2000 / 2001 has been the smooth transfer of the day-to-day administration from our founding Secretary, Chris Kidd to Henry Dunlop of Holman, Fenwick & Willan. The Association is in the process of “coming of age” with fresh faces joining our Executive Committee and taking on positions of responsibility. As well as Henry, I was pleased to welcome Harry Hirst of Ince & Co to the Committee during the year, when Chris Kidd returned to Inces’ London office, and this evening you will also be asked to vote on the election of Tim Eyre of Richards Butler to the Executive Committee for the forthcoming year. The Association encourages new faces on the Executive Committee and we hope to see more of them in the election next year.

Now I would like to move on to the activities of our principal sub-committees and I will shortly ask the Chairman of each of them to present their brief report. A word in advance for clarification : we found in practice that a number of Sub-committees which had been established to address particular topics which were pressing at that time, such as the Arrest Sub-committee and more lately the Carriage by Sea Sub-committee, found themselves without much of a role after those important draft Conventions

had been considered at Geneva in 1999 and at Singapore this year. The arrangement of establishing permanent Sub-committees was therefore abolished, with the exception of our China Affairs, and Arbitration & ADR Sub-Committees, who made representations to the Executive Committee on the valuable role they still had to play. I thoroughly approve that enthusiastic response to the threat of sudden extinction.

Instead of permanent Sub-Committees, the more flexible approach of the Executive Committee from now on is therefore to appoint *ad hoc* Sub-Committees from among the membership, and two of these will report tonight, the CPD Sub-Committee and the Maritime & Logistics Week Sub-Committee.

Report of the China Affairs Sub-Committee

Chairman - Zhang Yong Jian – COSCO
Secretary - Jason Zhang – COSCO
Co-Secretary - Zhao Jinsong – Holman, Fenwick & Willan

Report of the Arbitration & ADR Sub-Committee

Chairman - Chris Howse – Richards Butler
Secretary - Charles Allen – Simmons & Simmons
Andrew Cutler – Holman, Fenwick & Willan

Report of the CPD Sub-Committee

Members - Mary Thomson – Koo & Partners
- Harry Hirst - Ince & Co
- Felix Chan – Hong Kong University

Report of the Maritime & Logistics Week Sub-Committee

Chairman - James McGowan - Admiralty Chambers
Members - Simon Baker – Clyde & Co

- Jim Cashman - Holman, Fenwick & Willan
- Elliot Woodruff – Ince & Co

Following on from the report of our Sub-Committee on Maritime & Logistics Week, I would wish to record the enormously generous response of members of the Association to the suggestion by the Executive Committee to sponsor an “HKMLA contribution” to Maritime & Logistics Week. I am very pleased to confirm that as a result of contributions by Clifford Smith SC, Messrs Clyde & Co, Messrs Holman, Fenwick & Willan, Messrs Ince & Co, Messrs Johnson Stokes & Master, Messrs Keesal, Young & Logan, Messrs Koo & Partners, Messrs Richards Butler and Messrs Sinclair Roche & Temperley, the Association will make a contribution of HKD50,000 to Maritime & Logistics Week. I will therefore have the privilege of joining the Chief Executive on the platform of the opening ceremony. All members of the Association are grateful to these generous donors for their contributions.

In similar vein, the Association has also made a contribution by way of sponsoring a prize and providing arbitrators for the International Maritime Law Arbitration Moot which took place in Hong Kong at the end of June. Among the 14 arbitrators who were members of the Association, many of whom turned out over the Bank Holiday weekend to assist, it should be noted that the two Hong Kong arbitrators in the Final, Julian Lister and Philip Yang, are both members of the HKMLA. Another of our members, Arthur Bowring gave the greatest assistance to Robert Morgan of Hong Kong University in organising the event. This sort of event taking place in Hong Kong, particularly one involving young people at the Universities, must play a major role in the future of the Association and its part in the development of Hong Kong as a centre for maritime dispute resolution. I am proud that so many of our members found time to give it their support.

Members of the Association have contributed in other ways during the course of this year, including speaking at various seminars and courses in Hong Kong and China, especially those aimed at getting Law Society Continuing Education Points. I would like to record in particular the contribution of one of our Executive Committee members, Philip Yang in the field of arbitration, including his work on the organising committee of the 14th International Congress of Maritime Arbitrators which will be held in New York next month, and very recently his participation in a conference on Bills of Lading, International Trade and Marine Insurance at Qinhuangdao, at the end of August. I would not like to single myself out for special mention, except that I regard it (echoed by the Chief Justice) as an honour not only for me, but for this Association and for Hong Kong, that I have been invited to present the Cedric Barclay Memorial Lecture at the ICMA in New York. Like the longstanding work of Philip Yang, and members of the Association attending at CMI 2001 and the 1999 Geneva conference, this is another step to establishing Hong Kong's place as an internationally recognized centre of expertise in maritime dispute resolution.

I turn finally to our programme of luncheons and other events during the year. A high point was of course our annual Christmas Lunch when Mr Peter Cremers of Anglo Eastern Ship Management Ltd gave an entertaining speech. We were very pleased to invite the CMLA delegation to CMI 2000, to our lunch on 19 February; and I was also able to arrange a visit for the delegation to my Court "in action" the same day. Just before that, we were the co-host of a lunch of the Hong Kong Shipowners Association, when the speaker was Mr Alexander von Ziegler, the Secretary General of the CMI on his way to Singapore. Other speakers at luncheons of the Association have been David Martin-Clark and most

recently Arthur Bowring. We are most grateful to all of our guests and speakers for their stimulating company as well as the preparation they have put in to make our lunches a success.

David Martin-Clark who no longer works in Hong Kong, has asked to join the Association as an Overseas Member. This brings me on to the important subject of the proposed re-amendments to our Articles of Association, on which you will be asked to vote tonight. A draft of the re-amended Articles has I think been provided to all of you by email already, although additional copies are also available here. The first amendment is to create a new category of Overseas Members, who have been resident or worked or been employed here (even for a short time) and wish to maintain their connection with Hong Kong and their interest in the Objects of the Association, by being an Overseas Member. I hope you will all give this amendment your full support.

The other draft amendments are largely of a tidying-up nature and in particular, for the Executive Committee to have a sanction against any member of the Executive Committee who has "lost interest" in the Objects of the Association and has failed to turn up to any meetings, by having the liberty to remove that member of the Executive Committee. Finally, perhaps surprisingly for a Maritime Law Association, it was discovered only recently that our Articles which were approved in 1999, only allow for 12 members of the Executive Committee (apart from the Secretary and myself), but since the election in October 2000 there have been 13 members! The Executive Committee is satisfied that this does not cause a constitutional problem of any sort, as the elections last year will have resulted in an implied increase of the maximum number from 12 to 13. Even so, the Executive Committee has thought it appropriate to propose

an increase in the upper limit of members of the Executive Committee, to 15 (excluding the Chairman and Secretary).

I would like to thank the members of my Executive Committee who have attended at various Committee meetings and other events and functions during the course of the year. They are as follows :

Chris Kidd – Ince & Co (Secretary until 1 June)

Henry Dunlop - Holman, Fenwick & Willan (Secretary from 1 June)

Martin Heath – Clyde & Co (Deputy Chairman)

張永堅 (Zhang Yong Jian) – COSCO (Hong Kong) Group

高然 (Gao Ran) – COSCO (HK) Shipping

Clifford Smith – Senior Counsel

Chris Potts – Crump & Co

Arthur Bowring – Director, HKSOA

Harry Hirst - Ince & Co

Jon Zinke – Keesal, Young & Logan

Mary Thomson – Koo & Partners

Philip Yang – Philip Yang & Co

Chris Howse – Richards Butler

Raymond Wong – Richards Hogg Lindley

Out of these members, Chris Kidd has now returned to the London office of Ince & Co and Harry Hirst, Raymond Wong and Jon Zinke have retired and offer themselves for re-election next year. Another member of the Committee, Paul Fortune, has also resigned but does not offer himself for re-election. He has been unable to attend any meeting in the last 12 months due to commitments in Canada and the USA. Paul made good contribution in the early days of the Association and we wish him success in whatever new enterprise he has entered into.

Special thanks are due to Chris Howse of Richards Butler. Chris has taken an active and valuable part in the affairs of the HKMLA ever since it was originally founded in 1987. He has spoken out strongly for new blood in the Executive Committee and he is therefore standing down this year. He has nominated Tim Eyre for election to the Committee, in line with the principle of “new faces” I have referred to above.

Finally, I wish to express my appreciation and that of the Executive Committee to Chris Kidd, who was the tireless and enthusiastic Secretary of the Association from 1997 until the end of May this year. The success of the Association since 1997 would not have been possible without Chris and I would not be able to discharge my function as Chairman without the very able assistance of Chris Kidd. I am delighted to say you will find the annual accounts for 2000/2001, include an item for a gift which the Executive Committee presented to Chris at a small private dinner given in my house in his honour, in the form of a picture featuring Causeway Bay and Kellett Island in the 19th century (when it still was an island) where Chris used to enjoy his leisure time as a member of the Yacht Club. We all wish Chris very well back in London.

On behalf of the Executive Committee, may I thank all of you, our membership, for your support and your commitment to the role we as an Association have to play in making Maritime Law relevant to the shipping and trading community of Hong Kong.

Thank you all for your attendance this evening.

Hon Mr. Justice William Waung

Chairman

13 September 2001

35336_1.DOC