

THE CHAIRMAN'S REPORT
TO THE 6TH AGM - 25TH SEPTEMBER 2003

1. As Chairman of the HKMLA, I am delighted to welcome you to this evening's AGM. This is the 6th AGM since the Association was "re-established" in 1998.

Joint Seminar on Maritime Law Greater China

2. It has indeed been a busy and productive year for the Association. Perhaps the highlight of the year has been the enormous amount of work which has gone into the organization of the Joint Seminar which is taking place over the next couple of days.
3. The Association is co-hosting the Seminar with the Faculty of Law, Hong Kong University - and the event is co-sponsored by our sister association in the PRC, the China Maritime Law Association.
4. The idea of a joint seminar was originally conceived by our Association's China Affairs Sub-Committee. Having put out a number of feelers in Hong Kong and especially in China, the Sub-Committee formed the view that there would be substantial interest in such a seminar and it would therefore be a viable event. Our Executive Committee therefore resolved in April this year to give the venture its full backing.

5. Shortly after this, an organizing committee was formed and preparatory work got underway. The amount of time and effort involved in organizing a seminar of this nature cannot be under-estimated. An immense amount of careful thought and planning has been required on many levels: from funding and sponsorship to choice of venue, and from seminar topics and choice of speakers to the social events which are so crucial to the success of this type of venture.
6. Time has quickly passed and we now find ourselves on the eve of the Seminar. Indeed, the Seminar delegates have been invited to the cocktail party which follows this AGM.
7. Given the enormous amount of planning and preparation which has gone into the Seminar, I am confident that the event will be a success. An impressive group of speakers have been assembled and we currently expect over 120 delegates will be attending the Seminar including some 70 from China, 50 odd from Hong Kong, 13 from Taiwan, 3 from Singapore and 1 from London. I am particularly pleased that a number of VIPs have given the Seminar their support including Hong Kong's Chief Judge, the Honourable Mr. Justice Geoffrey Ma; Professor Johannes Chan SC, Dean of the Faculty of Law, University of Hong Kong and Judge Wang Yanjun, Deputy Chief Judge of the 4th Civil Division of the Supreme People's Court in China. These gentlemen will each address the Seminar tomorrow morning.
8. I think it is safe to say that this is the most ambitious project which our Association has undertaken in its history. Moreover, I am told this is the first time that the China Maritime Law Association has supported a seminar to this extent outside China. I for one will be excited to learn more about the

operation of the Chinese Maritime Courts and the manner in which their Judges determine maritime law issues. The comparisons between China and Hong Kong should be most interesting. Delegates from Taiwan and Singapore will also be contributing. This is a fabulous opportunity for us to meet and exchange ideas with our counterparts. I am sure those attending the Seminar will all derive great benefit from the experience.

9. One of the key functions of our Association is to do all we can to raise Hong Kong's profile as a leading centre for the resolution of maritime claims. This is something in which virtually all members of our Association have a vested interest. The Seminar does of course provide us with a splendid opportunity for promoting Hong Kong in this manner.
10. A number of people have worked very hard to put this Seminar together but I would like to single out for special mention S.S. Tse (Lihai International Shipping), Chairman of the Seminar's Organizing Committee; and certain key members of that Committee in particular Raymond Wong (Richards Hogg Lindley), Rosita Lau (Ince & Co.), Michael Zou (Charles Taylor), Felix Chan (Hong Kong University) and Peter Wong (International Registries). Substantial backup and administrative support has also been provided by our Association Secretary, Tim Eyre (Richards Butler).
11. I would also like to take this opportunity to extend my thanks and give special mention to various organizations who are generously sponsoring the Seminar.

The Gold Sponsors are:-

Charles Taylor Consulting

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12. I sincerely hope that all members of this Association who are attending the Seminar will find it interesting and fruitful.

Website

13. The other major achievement of the year has been the creation of an Association website. This was originally suggested by Tim Eyre who outlined his proposals at our AGM in October last year. That AGM issued Mr. Eyre with a mandate to proceed and in August the website was finally launched.

14. I hope you have all had a chance to look at the site but if you have not I encourage you to do so. The site brings our Association firmly into the 21st Century. Whilst the site is not over ambitious, it does form an invaluable point of reference both for members of the Association and outsiders, in Hong Kong or elsewhere in the world, who wish to learn more about our Association and its members. I have found the links section to be particularly useful - this contains hyperlinks to a comprehensive list of institutions associated with maritime law both in Hong Kong and overseas.
15. What I think the website does achieve is to raise even further Hong Kong's profile as a leading centre for the resolution of maritime claims and the provision of maritime services - a theme on which I also touched a moment ago in connection with the Joint Seminar. This is perhaps the most important contribution which the website makes.
16. Input into the website was provided by myself, Jon Zinke and Jonathan Rostron but the lion's share of the work was undertaken by Tim Eyre and Belle Liu, the web designer whom Mr. Eyre brought in. We are most fortunate in that Ms. Liu lent her services on a pro-bono basis. I am, however, pleased to say that at the time the website was launched the Association did purchase a gift for Ms. Liu in recognition of her hard work. This gift took the form of an iPod digital music player.
17. The website will continue to be managed by Mr. Eyre with backup from Richards Butler's IT staff. It is envisaged that the site will be updated approximately once a quarter. If members have any feedback or suggestions now or at any time in the future do please let Mr. Eyre know.

Association Lunches

18. Other functions arranged by the Association this year included three Association lunches.

19. The first of these lunches was held at the Shanghai Garden Restaurant in November last year. Our speaker was Dr. Henry Li of the law firm Henry Li & Co. in Guangdong. Dr. Li provided us with a most interesting and informative insight into the history and structure of the PRC Maritime Courts. Although many members of the Association have frequent dealings with the PRC Maritime Courts, I feel sure that all members who attended this particular lunch will have learned something from Dr. Li.

20. At our next lunch in February of this year at the Hong Kong Club, Mr. Robin Peard came to speak to us about the work of the Committee on Hong Kong Arbitration. As many of you will be aware, Mr. Peard is one of Hong Kong's best known arbitrators. Mr. Peard's talk was most useful for any member involved with arbitration in Hong Kong. In particular, Mr. Peard outlined the recommendations made by his Committee for further reform of Hong Kong's Arbitration Ordinance. For those of you who were unable to attend that lunch, Mr. Peard's talk is posted on our Association website along with talks given at many of our other Association lunches over the last two years or so.

21. Our third lunch of the year took place at the Hong Kong Club in July. We were most fortunate that Neil Kaplan CBE, QC was visiting Hong Kong at this time and was able to address us. As many of you will know, Mr. Kaplan is a former Hong Kong Judge of the High Court and is now a leading figure in international arbitration. Mr. Kaplan gave us an entertaining speech which

was enlightening as it contained very interesting and astute observations on the world of arbitration.

22. The Executive Committee will of course be organizing further lunches during the new Association year. If at any time members have suggestions as to potential speakers, particularly any leading figure who is visiting Hong Kong and may be interested in speaking to us, do please let the Executive Committee know. Over the next year, we also hope to organize a lunch in conjunction with another maritime body, possibly the Hong Kong Institute of Chartered Shipbrokers.

Sub-Committees

23. We have this year somewhat streamlined the Association's Sub-Committees. We now have four Sub-Committees as follows :-
 - (a) Events Sub-Committee. The function of this Sub-Committee is to arrange social events. It is hoped that in addition to lunches and the AGM/cocktail party, the Sub-Committee will be able to arrange one additional social event each year, for example, a golf day or a black tie dinner. Harry Hirst (Ince & Co) is the Chairman of this Sub-Committee. Mr. Hirst had organized together with the Seminar Committee the social events for the nights of 26th and 27th September, namely a sit down dinner on Friday night and a harbour cruise on Saturday night. The cruise is on a Hong Kong Ferry with buffet dinner and live music which have been organized by Rosita Lau at very favourable rates.

- (b) China Affairs Sub-Committee. The function of this Sub-Committee is to ensure that our Association is able to play an appropriate role in PRC maritime and legal affairs. As I mentioned previously, the Chairman of this Sub-Committee is S.S. Tse. Needless to say, the Committee has in recent months been largely pre-occupied with the Joint Seminar.
- (c) Ad Hoc Legal Sub-Committee. The function of this Sub-Committee is to consider current maritime law issues so that the Association can contribute towards the wider debate of these issues and relevant reforms. At present there are no particular issues on the agenda. However, if at any time members have suggestions for suitable issues for consideration, could they please contact a member of the Executive Committee.
- (d) CPD and Dispute Resolution Sub-Committee. The function of this Sub-Committee is to promote maritime legal education and dispute resolution in Hong Kong. The Chairman of this Sub-Committee is Mary Thomson who reported as follows:-

“During the year, the Arbitration/ADR and CPD Sub-Committees were amalgamated to form one Committee to promote maritime legal education and dispute resolution in Hong Kong. The subcommittee reviewed the new LMAA Small Claims Procedure. This was then recommended to the Council of the HKIAC through Arthur Bowring. The Council then adopted the new Procedure on 2nd July 2003. The subcommittee also discussed how to encourage the use of arbitration and mediation generally in Hong Kong and the necessity of joint promotion with interested bodies including the HKMAG and the HKSOA. Liaison with such bodies has been made easier particularly since some of their committee members (in particular, Arthur Bowring) are also represented in the HKMLA's CPD/ADR subcommittee. The promotion and adoption of the new LMAA small claims procedure mentioned earlier is an example on point. During the past 12 months, the Committee has also considered various issues arising in relation to the Hong Kong Arbitration Clause (which was drafted by the Arbitration/ADR Committee in 2001), in particular whether there is any actual or potential problem with the enforcement of the Clause in the PRC courts. The issue continues to be monitored. The Committee's main project at the present time is to organise a one-day seminar on Arbitration and ADR that will promote Hong Kong as a centre for arbitration and mediation (and provide CPD points to participants and delegates). The seminar was originally intended to be held towards the end of this year but, to avoid the seminar following too closely on the heels of the HKMLA seminar organised jointly with the CMLA and HKU, it is now planned for Spring 2004. With

the very kind help of Dr Felix Chan we will again be looking to organize it jointly with the HKU.”

Constitutional Amendments

24. During the course of this year, the Executive Committee has reviewed the Association's Articles. In particular, we have looked at the system of election and retirement which applies to the Chairman, Deputy Chairman, Secretary and Executive Committee Members.
25. There was a feeling in some quarters that additional retirement provisions should be imposed to ensure the regular election of new faces. The view of the Executive Committee is that it is most certainly desirable for new faces to be elected on a regular basis. However, it is also essential that those new faces are willing to play an active role in the Association's affairs and are not co-opted onto the Committee simply because previous Committee members and officers faced compulsory retirement.
26. Taking these factors into consideration it was felt that broadly speaking the existing structure provided ample opportunity for new faces to gain election. However, the Executive Committee is proposing certain amendments including :-
 - (a) That the Chairman be elected for a term of 3 years instead of the present yearly election but that the Chairman should not serve more than two consecutive 3 year terms.
 - (b) Any Executive Committee member who fails to attend four successive Committee meetings must automatically stand down unless the Committee otherwise resolves.

These amendments and others are explained in more detail in the Notice of AGM which was sent to the membership this month. Members will be asked to vote on these proposed amendments before the end of this meeting.

Executive Committee

27. I would like to record my thanks to the Executive Committee for their assistance and support during this year. The Committee is as follows :-

Chairman

Hon. Mr. Justice William Waung

Deputy Chairman

Martin Heath - Clyde & Co.

Secretary

Tim Eyre - Richards Butler

Executive Committee

Gao Ran - COSCO (HK) Shipping Co.

Clifford Smith - Counsel

Chris Potts - Crump & Co.

Nick Mallard - Dibb Lupton Alsop

Arthur Bowring - HKSOA

Henry Dunlop - Holman Fenwick & Willan

Harry Hirst - Ince & Co.

Jonathan Rostron - Jonathan Rostron, Solicitors

Jon Zinke - Keesal, Young & Logan

Mary Thomson - Denton Wilde Sapte

Tse, Sang San - Lihai International Shipping Ltd.

Philip Yang - Philip Yang & Co.

Raymond Wong - Richards Hogg Lindley

Yang, Yuntao - Sinotrans (Hong Kong) Holdings Ltd.

28. I regret to inform you that Arthur Bowring, Mary Thomson and Gao Ran are standing down from the Executive Committee this year and are not seeking to be re-elected. Mary Thomson and Arthur Bowring have provided invaluable services to the Association. I would like to record here the Chairman's personal appreciation for their work and contribution.

29. I like to thank next Henry Dunlop (Holman Fenwick & Willan) and Tim Eyre (Richards Butler). Mr. Dunlop was the Association Secretary from 2001 to 2003. This is an extremely demanding and time consuming role. At all times, Mr. Dunlop discharged his duties with diligence and efficiency and I greatly enjoyed working with him. I am personally greatly indebted to him for working tirelessly with the Chairman. Without his energy and skilful input, the Association could not possibly flourish as it seems to be doing. In order to express my gratitude, I will be hosting a dinner for the Executive Committee in honour of Mr. Dunlop at my home. I believe the Association should also on this occasion express their appreciation of the great services rendered to the Association by Mr. Dunlop.

30. In what has seemed like a seamless transition, Mr. Eyre took over the position of secretary with effect from 1st June and I must also express my appreciation for the substantial amount of work he has done on behalf of the Association over the last few months.

New Membership Year

31. I am pleased to report that 9 new members have joined the Association this year and I welcome them to tonight Meeting and hope they will enjoy the cocktail reception following the Meeting. The Association is constantly

looking for new blood to make our Association stronger and I do encourage all members to make the activities of the Association known to their friends and colleagues and encourage them to join the Association.

32. Looking ahead, the CMI 38th Conference is scheduled to take place in Vancouver from 31st May to 4th June 2004. One issue which the Executive Committee will consider over the next few weeks is whether our Association should participate in this either by making written submissions on any of the topics for discussion, or by sending a representative. The topics for discussion this year are as follows :-

- (i) Transport Law - the CMI/UNCITRAL Draft Instrument.
- (ii) General Average - Revision of the York-Antwerp Rules 1994.
- (iii) Places of Refuge for Ships in Distress.
- (iv) Pollution of the Marine Environment - Proposed Revision to CLC and Fund Conventions.
- (v) Criminal Acts on the High Sea.
- (vi) Marine Insurance - A Modern Approach.

33. Details of this conference have previously been circulated around the membership. There is also a link to the conference website on our own

website. If any members have an interest in participation at CMI at any level, could they please make that known to a member of the Executive Committee.

34. May I conclude by thanking you all for your support and commitment to our Association and thank you for your attendance this evening.

The Honourable Mr. Justice William Waung, Chairman
25th September 2003