

Press Releases

Workshop on ASEAN Online Dispute Resolution under Hong Kong Legal Week 2022 held today (with photos)

As part of Hong Kong Legal Week 2022, the Workshop on ASEAN Online Dispute Resolution (ODR) was held successfully in hybrid mode today (November 9).

With the support of the Association of Southeast Asian Nations (ASEAN) Secretariat and the Trade and Industry Department of the Hong Kong Special Administrative Region Government, the theme of the Workshop this year was "ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses". Representatives from six ASEAN member states and the ASEAN Secretariat joined the Workshop in person in Hong Kong, with other ASEAN member states participating online.

In delivering his opening remarks, the Secretary for Justice, Mr Paul Lam, SC, highlighted the importance of ODR for micro, small and medium enterprises, particularly in facilitating cross-border trade and investment. Distinguished speakers from international organisations and experts on ODR shared their insights on how ODR facilitates access to justice by providing a cost-effective and efficient solution to cross-border disputes in the era of flourishing digital trade.

This Workshop was supported by the Economic and Technical Co-operation Work Programme under the ASEAN-Hong Kong, China Free Trade Agreement. The Director-General of Trade and Industry, Ms Maggie Wong, in her closing remarks concluded that the workshop today contributed tremendously to enhancing the mutual co-operation and capacity building between ASEAN and Hong Kong.

For more details of Hong Kong Legal Week 2022, please visit the dedicated website at www.legalweek.hk. Live broadcast is available at webcast.info.gov.hk. Members of the public are also welcome to register for joining the event online.

Ends/Wednesday, November 9, 2022
Issued at HKT 19:56

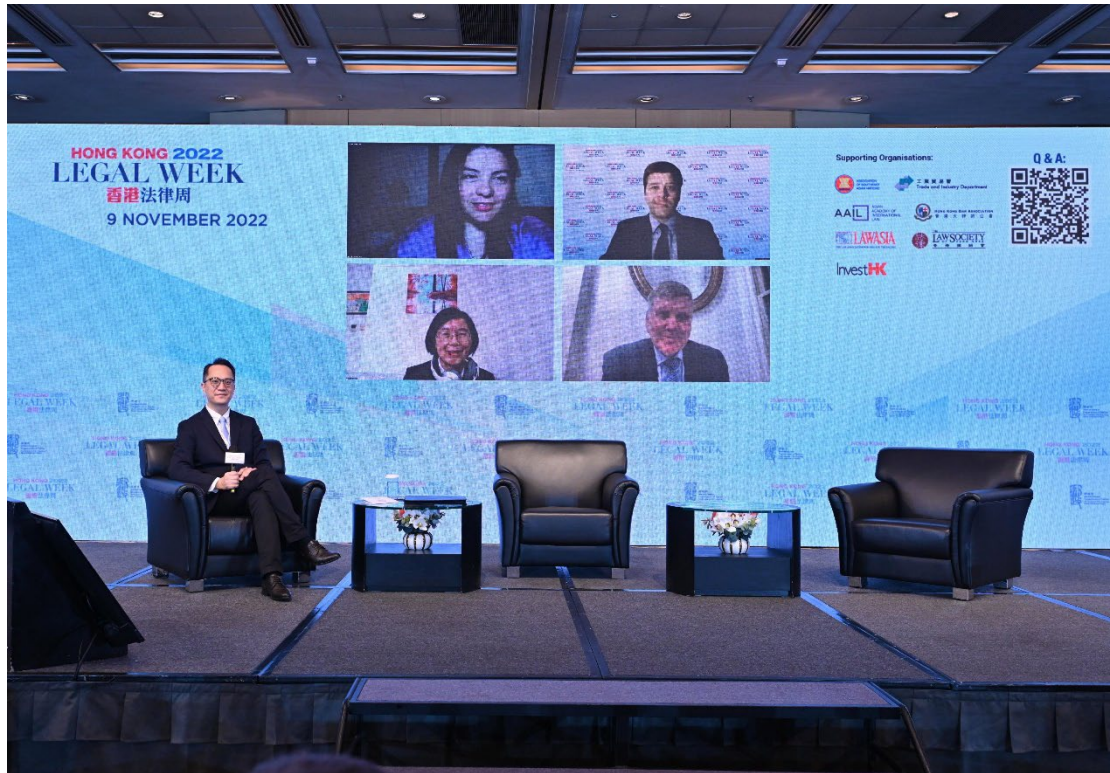
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The Secretary for Justice, Mr Paul Lam, SC, speaks at the Workshop on ASEAN Online Dispute Resolution: ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses under Hong Kong Legal Week 2022 today (November 9).



The Secretary-General of the International Institute for the Unification of Private Law, Professor Ignacio Tirado, speaks at the Workshop on ASEAN Online Dispute Resolution: ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses under Hong Kong Legal Week 2022 today (November 9).



The five-day Hong Kong Legal Week 2022, an annual flagship event of the Department of Justice, continued today (November 9). Photo shows Co-Founder of Prister Corporation Limited Mr Terrence Hui (seated); the Chief Executive Officer of Resolución en Línea, Mr Benjamin Astete-Heimpell (top right on screen); Senior Advisor of the Kozolchyk National Law Center, United States, Mr Michael Dennis (bottom right on screen); Head of the Office of Studies and International Affairs at the Santiago Arbitration and Mediation Centre, Chile, Ms Laura Aguilera-Villalobos (top left on screen); and Professor of the School of Law, University of International Business and Economics, China, Professor Bian Yongmin (bottom left on screen), at session 1 on Role of ODR in Successful Conduct of E-Commerce & Cross Border Trade at the Workshop on ASEAN Online Dispute Resolution: ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses.



The five-day Hong Kong Legal Week 2022, an annual flagship event of the Department of Justice, continued today (November 9). Photo shows Partner of Haiwen & Partners LLP Mr Edward Liu (right); the Deputy Secretary-General of the International Institute for the Unification of Private Law, Professor Anna Veneziano (centre); representative of Regional Office for Asia and the Pacific of the Hague Conference on Private International Law Professor Zhao Yun (left); and Senior Legal Officer of the International Trade Law Division, United Nations Office of Legal Affairs, Mr Lee Jae Sung (on screen), at session 2 on International Instruments for Contract Enforcement and ODR at the Workshop on ASEAN Online Dispute Resolution: ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses.



The five-day Hong Kong Legal Week 2022, an annual flagship event of the Department of Justice, continued today (November 9). Photo shows the Chief Executive Officer of the eBRAM International Online Dispute Resolution Centre, Ms Emmanuelle Ta (right); Trade Analyst of the Ministry of Trade, Indonesia, Ms Gusmalinda Sari (left); the Executive Director of the Office for Alternative Dispute Resolution, Department of Justice, the Philippines, Ms Irene D T Alogoc (right on screen); Legal Counsel of Thailand Arbitration Center Mr Visit Sriwattanapanya (centre on screen) and the Director of the Department for General Economic Issues and Integration Studies, Central Institute for Economic Management, Ministry of Planning and Investment, Vietnam, Mr Nguyen Anh Duong (left on screen) at session 3 on ASEAN Guidelines on ODR & Experience sharing from ODR Providers at the Workshop on ASEAN Online Dispute Resolution: ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses.



The five-day Hong Kong Legal Week 2022, an annual flagship event of the Department of Justice, continued today (November 9). Photo shows Law Officer (International Law) of the Department of Justice Dr James Ding (left); the Director of the Asian-African Legal Consultative Organization Hong Kong Regional Arbitration Centre, Mr Nick Chan (right); Professor of Law at Rikkyo University, Tokyo, Professor Yoshihisa Hayakawa (left on screen) and Professor at Universidad Externado de Colombia Professor Nicolás Lozada-Pimiento (right on screen), at session 4 on Encouraging Greater Participation in ODR & Capacity Building at the Workshop on ASEAN Online Dispute Resolution: ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses.



The Director-General of Trade and Industry, Ms Maggie Wong, delivers closing remarks at the Workshop on ASEAN Online Dispute Resolution: ODR in Facilitating Cross-Border Trade and Investment for ASEAN and Hong Kong Businesses under Hong Kong Legal Week 2022 today (November 9).

Source - <https://www.info.gov.hk/gia/general/202211/09/P2022110900732.htm>

Press Releases

Speech by SJ at Workshop on Online Dispute Resolution (English only) (with photo)

Following is the speech by the Secretary for Justice, Ms Teresa Cheng, SC, at the Workshop on Online Dispute Resolution: An Efficient and Cost-effective Dispute Resolution Mechanism for Cross-border Disputes for ASEAN Trade under Hong Kong Legal Week 2021 today (November 3):

Distinguished guests, ladies and gentlemen,

Good morning. On behalf of the Department of Justice of Hong Kong, China, it is my great pleasure to welcome you all to the Workshop on Online Dispute Resolution with the theme "An Efficient and Cost-effective Dispute Resolution Mechanism for Cross-border Disputes for ASEAN Trade". With this Workshop being the first phase, we plan to organise the second phase of this Workshop when travel restrictions have hopefully eased next year in order to welcome you and all participants from ASEAN (Association of Southeast Asian Nations) member states in particular to gather physically here in Hong Kong.

Trading between Hong Kong and ASEAN

Despite the global downturn brought about by the COVID-19 pandemic last year, in the age of digitalisation, e-commerce transactions have grown exponentially worldwide with the extensive use of the Internet to conduct business transactions remotely. Under the Free Trade Agreement and the related Investment Agreement between ASEAN and Hong Kong, China, cross-border trading between Hong Kong and ASEAN continues to flourish. The total value of merchandise trade between Hong Kong and ASEAN has grown to HK\$1,034 billion in 2020, with total merchandise trade growing 1.6 per cent (Note 1).

Difficulties ASEAN traders are facing

The growth in trade, especially through regional e-commerce, has inevitably led to more cross-border disputes. Traditional means of resolving disputes by cross-border litigation are not a real option for micro, small and medium-sized enterprises (MSMEs), who often face financial constraints in hiring legal representation and struggle to survive a lengthy court procedure (Note 2). Staggering legal and travelling costs, coupled with language and cultural barriers, pose great difficulties for traders to obtain access to justice through domestic courts. Thus, there is a pressing need to provide traders with an avenue to obtain access to justice in a time-efficient and cost-effective manner, and this is where online dispute resolution (ODR) comes into play.

As a structured online platform, ODR automates traditional alternative dispute resolution methods such as negotiation, mediation and arbitration, and may provide additional features to suit the needs of MSMEs (Note 3). Expeditious and affordable ODR services will improve MSMEs' accessibility to justice and alleviates traders' financial burden. This in turn boosts businesses' competitiveness and enables traders to explore new cross-border business opportunities. The acceleration of cross-border trade will enable MSMEs to thrive, expand their network into international markets and contribute to the ASEAN economy.

How ODR can assist cross-border trade for ASEAN

Following the adoption of the UNCITRAL (United Nations

Commission on International Trade Law) Technical Notes on ODR, the United Nations General Assembly observes that "online dispute resolution can assist parties in resolving the dispute in a simple, fast, flexible and secure manner, without the need for physical presence at a meeting or hearing" (Note 4). In 2019, the Asia-Pacific Economic Cooperation developed the Collaborative Framework for Online Dispute Resolution of Cross-Border Business to Business Disputes to help global businesses, in particular MSMEs, resolve business-to-business cross-border disputes focusing on low-value disputes.

On the ASEAN front, the ASEAN Economic Community Blueprint 2025 highlights the development of a regional legal framework for ODR for facilitating e-commerce transactions in ASEAN (Note 5). Similarly, the ASEAN Strategic Action Plan for Consumer Protection 2025 also set the goal to enhance consumer confidence and cross-border commercial transactions through addressing cross-border complaints through ODR in its Strategic Goal 3 (Note 6). This shows that the growing importance of ODR in doing business within and with ASEAN cannot be ignored.

Hong Kong's initiatives

It is imperative for ODR initiatives in Hong Kong to grow and be driven to assist in enhancing trade with ASEAN countries, as well as enhancing access to justice. To this end, eBRAM has been established in Hong Kong to provide a full spectrum of ODR services to assist parties to resolve disputes via a secure and user-friendly online platform. We have also set up the Inclusive Global Legal Innovation Platform for Online Dispute Resolution, the iGLIP on ODR, in collaboration with the UNCITRAL, to keep track of the latest developments in the ODR landscape and develop innovative legal tools to address potential issues. We hope that our initiatives in contributing to an innovative and comprehensive ODR network will further facilitate the ECOTECH (Economic and Technical Cooperation) collaborations between ASEAN and Hong Kong, China.

Finally, I would like to thank the ASEAN Secretariat for their support, and I hope to personally welcome you all to Hong Kong at Phase II of the Workshop next year. May I wish you all insightful and fruitful exchanges this morning. Thank you very much.

Note 1: Paragraph 3 of LC Paper No. CB(1)518/20-21(03)

Note 2: Michael J. Dennis, "APEC Online Dispute Resolution Framework", International Journal of Online Dispute Resolution, 2019, p. 140

Note 3: Jean-François Roberge & Veronique Fraser, "Access to Commercial Justice: A Roadmap for Online Dispute Resolution (ODR) Design for Small and Medium-Sized Businesses (SMEs) Disputes", 2018, pp. 30-31

Note 4: GA Resolution 71/138, UNCITRAL Technical Notes on Online Dispute Resolution, December 13, 2016

Note 5: ASEAN Economic Community Blueprint 2025, paras. 52-53

Note 6: aseanconsumer.org/cterminals-regional-cooperation-in-asean/asean-strategic-action-plan-on-consumer-protection-asapcp-2016-2025

Ends/Wednesday, November 3, 2021

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The Secretary for Justice, Ms Teresa Cheng, SC, speaks at the Workshop on Online Dispute Resolution: An Efficient and Cost-effective Dispute Resolution Mechanism for Cross-border Disputes for ASEAN Trade under Hong Kong Legal Week 2021 today (November 3).

Source - <https://www.info.gov.hk/gia/general/202111/03/P2021110300321.htm>