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Review of Investment Arbitration Cases by Hong Kong Investors

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Date: 21 April 2022 (THURSDAY)
Time: 18:00-19:30 (GMT+8)

Hong Kong, although not being a sovereign State, has somehow played a role in contributing to the jurisprudence relating to Investor-State Dispute Settlement. For instance, the concept of 'Arbitration without Privity' probably could trace its root to two cases brought by Hong Kong-domiciled investors: *SPP(ME) v. Egypt* (in the context of national legislation); and *AAPL v. Sri Lanka* (in the context of BIT). Under the unique arrangement of 'One Country, Two Systems' within China, the *Tza Yap Shum v Peru* case brought in light the issue of Hong Kong permanent residency in the context of investor's nationality, and the case of *Sanum v Laos* (a case brought by a Macanese investor) would no doubt be of some importance on the applicability of BITs concluded by China with its more than 100 trade partners to the two SARs. In addition, Hong Kong IPPAs have also been invoked by Hong Kong investors, e.g. the famous *Philip Morris v. Australia* in 2011. It was also reported that a Hong Kong energy investor had filed a claim against Japan based upon the Hong Kong-Japan IPPA. The seminar aims at taking the audience to the cases brought by Hong Kong investors and highlight the issues which are of interest and importance. In addition, it will consider recent trends and issues in investment arbitration and how these may be applicable to Hong Kong investors, such as the potential impact of Russia's proposed nationalization bill, the Belt and Road Initiative, and other topics of interest relevant to the region.

It is recommended for audiences with general interest in arbitration and investment law.

Language: English | Enquiries: events@aail.org

Free Registration: https://us06web.zoom.us/webinar/register/WN_WbkbtX-yRkmKqkYJQzxi1A

MODERATOR



LAI, Adrian

Deputy Secretary General and Co-Convenor of the Advisory Board
Asian Academy of International Law

Adrian is a practising barrister in Hong Kong; he is also a Certified Public Accountant of Hong Kong and holds the specialist qualification in insolvency matters. Adrian maintains a predominantly civil practice and has been engaged as Counsel on matters relating to arbitration, banking, commercial, company, construction, professional accountants/auditors' negligence and professional disciplinary proceedings. Apart from sitting as an arbitrator, Adrian has been engaged as Counsel to advise or appear in international or domestic commercial arbitration, investor-State arbitration and State-State arbitration. He is often invited to speak on topical issues of arbitration. Adrian maintains an academic interest in international law. He graduated with a Master's degree in Public International Law and also attended The Hague Academy of International Law.

SPEAKERS (Listed in alphabetical order)



FONG, David

Branch Chair
Chartered Institute of Arbitrators (East Asia Branch)

Barrister
Harcourt Chambers

Dr David Fong is a Fellow of the Chartered Institute of Arbitrators and the present Branch Chair of its East Asia Branch. He is a member of the Harcourt Chambers and was called to the Hong Kong Bar in 2013. David maintains an exclusive civil practice focusing on arbitration, mediation, and commercial litigation. He is regularly appointed as an arbitrator and instructed as counsel in international commercial arbitration/arbitration-related court proceedings. He has experience in sitting as an arbitrator under the HKIAC, CIETAC, LMAA, HKMAG, and UNCITRAL Arbitration Rules. He is on the panel of arbitrators around different arbitral institutes in Asia including AIAC, HKIAC, SHAC, CMAC, CAA, SHIAC KCAB (International), CIETAC, THAC, SCIA, etc. David also serves as a Vice-Chairman of the Committee on Arbitration, Hong Kong Bar Association, and a committee member of the Hong Kong Maritime Law Association.



LAI, Nathaniel

Foreign Legal Consultant
Sidley Austin

Nathaniel Lai's practice focuses on international commercial and investment arbitration. He has acted for clients in international arbitration cases conducted under various institutional and *ad hoc* rules and in a wide variety of areas. Nathaniel graduated from Columbia Law School, where he was an editor of the *Columbia Journal of Transnational Law*, and the London School of Economics, where he was awarded various academic prizes for overall performance and for best performance in contract law, tort law, EU law, and human rights law.



YEOH, Friven

Partner and Co-Leader, Global Arbitration, Trade and Advocacy
Sidley Austin

Friven Yeoh is a co-leader of Sidley's Global Arbitration, Trade and Advocacy practice. His practice focuses on international commercial and investment arbitration. Friven has extensive experience in the resolution of complex, 'bet-the-company' business disputes across industries. He is a Solicitor-Advocate and has represented clients as lead counsel in international commercial and investment arbitrations conducted under various institutional and *ad hoc* rules across various industries, including energy, telecommunications and life sciences. Friven also frequently serves as tribunal chair or co-arbitrator in international arbitrations before major arbitral institutions. Friven has been recognised as a leading lawyer for arbitration by several publications, including *Chambers Global* and *Chambers Greater China*, where he enjoys a Band 1 ranking, as well as *Who's Who Legal*, *Legal 500* and *Euromoney's Expert Guides*.