

I am SORRY...

KWM-CEDR-IDRA MEDIATION ROUNDTABLE 2018

WILL THE HONG KONG APOLOGY LEGISLATION ASSIST OR HINDER COMMERCIAL MEDIATION?

Date and Time: Tuesday 15 May 2018 6:00pm – 8:30pm

Venue: KWM Hong Kong Office*

Overview of the Roundtable

Hong Kong's Apology Ordinance came into effect on 1st December 2017. The Ordinance is the first apology-protection legislation in Asia and it extends the protection provided to apologies by similar legislation in many other common law jurisdictions. In this roundtable, Professor Carroll will explain the background to and rationale for the legislation, the objects of the legislation and how its provisions aim to achieve its purposes. Our guest discussants will share their experience and perspectives on how to use the new legislation effectively in your practice as a lawyer or mediator.

Registration

The event is free of charge. Places are limited and allocated on first-come-first-served basis. Interested parties please RSVP at info@idracademy.org and copy Ricky Jiang at ricky.jiang@hk.kwm.com.

Hong Kong Law Society CPD accreditation has been sought for three points for the event.

Programme:

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| 18.00 | Registration |
| 18.20 | Welcome remarks by Mr. Edmund Wan, Partner, KWM |
| 18.30 | IDRA Mediation Lecture 2018 by Professor Robyn Carroll |
| 19.00 | IDRA Mediation Roundtable Moderator:
Dr. Fan Yang , Director, IDRA Academy
Discussants:
Mr. Danny McFadden , International Commercial Mediation Perspectives
Mr. Edmund Wan , Hong Kong Mediation Practice – Counsel's Perspectives
Doctor James Chiu , Hong Kong Mediation Practice – Mediator's Perspectives |
| 19.45 | Q&A |
| 20.00 | Closing Remarks by Danny McFadden, CEDR Asia Pacific |
| 20.10 | Book Launch:
Carroll, Chiu and Vines, Apology Ordinance (Cap.631): Commentary and Legislation (Sweet & Maxwell, Hong Kong, 2018) |
| 20.30 | Cocktail and networking
Venue and cocktail generously sponsored by KWM Hong Kong Office |

* King & Wood Mallesons, 13/F Gloucester Tower, The Landmark, 15 Queen's Road Central, Central, Hong Kong

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IDRA
International Dispute Resolution Academy
国际争议解决研究院



Professor Robyn Carroll

Robyn Carroll is a graduate of the University of Western Australia Law School (LLB (BJuris, 1979 (Hons) LLB, (Hons) 1982), and the University of Oxford (BCL 1985.) She is a Professor at the UWA Law School where she teaches and researches contract law, remedies, mediation

and family law.

Robyn has published many articles and book chapters on contracts, remedies, mediation and the role of apologies in the resolution of legal disputes. She is editor of *Civil Remedies: Issues and Developments* (Federation Press, 1996), *Law in Context on Ageing and the Law* (Federation Press, 2015), co-author of *Family Law in Australia* (LexisNexis 9th Edition, 2016) and co-editor with Prue Vines of *The Place of Apology in the Law*, *Oñati Socio-Legal Series Vol 7, No 3* (2017). In 2013 Robyn co-founded the International Network for Law and Apology Research. In 2014 she was invited by the Hong Kong Department of Justice to write a research report on the enactment of apology legislation in Hong Kong. She is a co-author of the recently published *Commentary on the Hong Kong Apology Ordinance* (Sweet & Maxwell, 2018).



Dr. James CHIU

Dr. James Chiu was the first Adjunct Assistant Professor of Chinese University of HK in mediation courses, and is an Honorary Clinical Assistant Professor at HK University. He was an Assessor in general mediation for HK Academy of Law, HKIAC and HK Mediation Centre.

James is an Assessor and recognised Lead Trainer of HKMAAL, an Honorary Advisor of the HK Society for Healthcare Mediators, a full-time Mediator and a Collaborative Practitioner. Dr. Chiu was a Member of the Working Group on Apology Legislation and of the Working Party on Review of HK Mediation Code. He is currently the Vice-Chairman of the Regulatory Framework Sub-committee of the Steering Committee on Mediation. James is a member of the Working Group on Evaluative Mediation of the HK Mediation Council. He has published articles and book chapters extensively on mediation, negotiation and apologies, including an invited article on "Apology Legislation" in the Special Release to the 2018 Edition of HK Civil Procedure. His most recent publication is the Apology Ordinance (Cap. 631) Commentary & Annotations, which he co-authored with Prof. Carroll and Prof. Vines in March.



Mr. Danny McFadden

CEDR Regional Representative
World Bank Regional Mediator
Trainer

Danny worked as a CEDR Director (London) since 2004 and is dually qualified as a lawyer both in Australia and the UK. Danny speaks Mandarin Chinese fluently and mediates regularly in Hong Kong, China and internationally. An expert trainer in unconscious bias, conflict management, negotiation, change management and mediation for organisations such as the UN, ADB, IHG, World Bank, Beijing CCPIT and MTR.

Since 2010 Asian Regional Mediator for the World Bank Group and author of "Mediation in Greater China"; currently Editor of "Mediation in Singapore: A practical guide" republished 2017. In 2009 was appointed Director of Mediation at the United Nations in New York and at present is Vice Chairperson HKMAAL, on the Hong Kong Government's Steering Committee on Mediation and an Adjunct Professor Kobe University Japan.

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Mr. Edmund Wan

Partner, KWM

Edmund Wan is a partner in the Hong Kong office of King & Wood Mallesons. He has a broad disputes practice involving construction, commercial, banking and finance, insolvency and employment, frequently with cross-border issues. He is experienced in conducting litigation, arbitration and mediation

in these areas. He is also a CEDR Accredited Mediator.



Dr. Fan Yang

Dr. Yang is a mediator accredited by CEDR, and an investor-state disputes mediator trained by ICSID, CEDR, Energy Charter Secretariat and IMI. She specializes in resolving disputes arising out of complex commercial contracts (including joint ventures, share sale and purchase agreement, international sale of goods, letter of credits,

carriage of goods by sea, charterparties and FIDIC contracts) under English law, Hong Kong law and Mainland Chinese law. She has arbitrated and mediated in English and Chinese (Putonghua and Cantonese) languages.

