asian-mena Counsel

Volume 15 Issue 9, 2018

DISPUTE RESOLUTION
SPECIAL REPORT

In-House Insights
Weiwen Wang talks about her role at IHG

Investigative Intelligence
Why asset searches are rising in Singapore

The thing about ...
Jiang Yong, founder of Tiantong & Partners

SCIA 深圳国际仲裁院 SHENZHEN COURT OF INTERNATIONAL ARBITRATION 深圳仲裁委员会 SHENZHEN ARBITRATION COMMISSION

Office Address I (Headquarters):
41/F, West Square of Shenzhen Stock Exchange, 2012 Shennan Blvd., Futian Distict, Shenzhen, P.R.China

Office Address II:
1/F of Tower A & 13-15/F of Tower B, Zhongmin Times Square, 3012 Sungang East Rd., Luohu District, Shenzhen, P.R.China

Office Address III:
A110, Blk. A, Qianhai Complex, Yueliangwan Avenue, Nanshan District, Shenzhen, P.R.China

Office Address of SCIA North America Hearing Centre:
35 N. Lake Ave, Suite 730, Pasadena, CA 91101, USA

Shenzhen Court of International Arbitration (Shenzhen Arbitration commission), also known as South China International Economic and Trade Arbitration Commission, hereinafter the "SCIA" was established in 1983. It is the first arbitration institution in Guangdong, Hong Kong and Macao regions.

SCIA is an explorer to integrate China's commercial arbitration into international practices. In 1984, the SCIA took the lead in China in appointing arbitrators from foreign jurisdictions to its panel of arbitrators; and in 1989, the SCIA became the first arbitration institution in Mainland China whose arbitral award was recognized and enforced outside Mainland China pursuant to the "New York Convention". More than one third of the Council members and arbitrators of SCIA come from foreign jurisdictions respectively.

SCIA is China's first arbitration institution whose governance structure of statutory body is established through legislation. SCIA adopts a management model with effective checks and balances where its international council is at the core of decision-making, implementation and supervision to ensure the independence of both the arbitration institution and arbitral tribunals.

In December 2017, SCIA and the former Shenzhen Arbitration Commission merged into the Shenzhen Court of International Arbitration (Shenzhen Arbitration Commission). It is the first merger of permanent arbitration institutions worldwide. The new SCIA is regarded as the "aircraft carrier" of the Chinese arbitration industry. Standing at the forefront of reform and opening up, the SCIA will seize the opportunities under the background of "Belt & Road" and the Greater Bay Area construction, making new contributions in the new era.

Model Arbitration Clause: *Any dispute arising from or in connection with this contract shall be submitted to Shenzhen Court of International Arbitration (SCIA) for Arbitration.*

Telephone: 86-755-83501700
86-755-25831662
E-mail: info@scia.com.cn
Website: www.scia.com.cn

(Service) (Subscription)

asian-mena Counsel

Nick Ferguson – Managing Editor
nick.ferguson@inhousecommunity.com

Leo Yeung – Design Manager
leo.yeung@inhousecommunity.com

Wendy Chan – Global Head of Events
wendy.chan@inhousecommunity.com

Jessica Ng – Events Executive
jessica.ng@inhousecommunity.com

Rahul Prakash – Publisher
rahul.prakash@inhousecommunity.com

Yvette Tan – Head of Research and Development Manager
yvette.tan@inhousecommunity.com

Yannie Cheung – Office Administrator
yannie.cheung@inhousecommunity.com

Tim Gilkison – Managing Director
tim.gilkison@inhousecommunity.com

Patrick Dransfield – Publishing Director
patrick.dransfield@inhousecommunity.com

Arun Mistry – Director

Editorial Enquiries
Tel:..... (852) 2542 4279
editorial@inhousecommunity.com

Advertising & Subscriptions
Tel: ..... (852) 2542 1225
rahul.prakash@inhousecommunity.com

Published 10 times annually by
Pacific Business Press Limited
Room 2008, C C Wu Building,
302-8 Hennessy Road, Wan Chai,
Hong Kong S.A.R.

Publishers of
- **ASIAN-MENA COUNSEL™** Magazine and Weekly Briefing
- **IN-HOUSE HANDBOOK™**

Organisers of the
- **IN-HOUSE CONGRESS™** events

Hosts of
- **www.inhousecommunity.com**
- **www.mycareerinlaw.com**

Forums for the In-House Community along the New Silk Road

ISSN 2223-8697

Feature contributors

Chen Fuyong is the deputy secretary-general of the **Beijing Arbitration Commission**. He is a qualified PRC lawyer with extensive experience in handling various commercial disputes through arbitration and mediation. He is also the general editor of Beijing Arbitration Quarterly and has published numerous journal articles on commercial dispute resolution.

Areen Jayousi is a partner and head of arbitration at **Horizons & Co**. Areen has over a decade of experience in managing disputes in the Middle East, with particular expertise in the preparation and conduct of arbitrations and dispute resolution, as well as national and international litigation.

Tom Glasgow leads the Singapore office for **IMF Bentham**. He is responsible for assessing and managing funded cases throughout Asia, including arbitration, litigation and insolvency claims in Singapore and Hong Kong. Prior to joining IMF Bentham, Tom was a senior member of Allen & Overy's international arbitration and disputes practice in Asia.

Cheng Yee Khong leads the Hong Kong for **IMF Bentham**. She has lived and worked in Hong Kong, the UK, France and Malaysia, and advised on matters around the world. She was previously director and counsel to the ICC in Hong Kong, where she helped launch its Asia office and was in charge of developing and managing ICC arbitrations in the Asia-Pacific region.

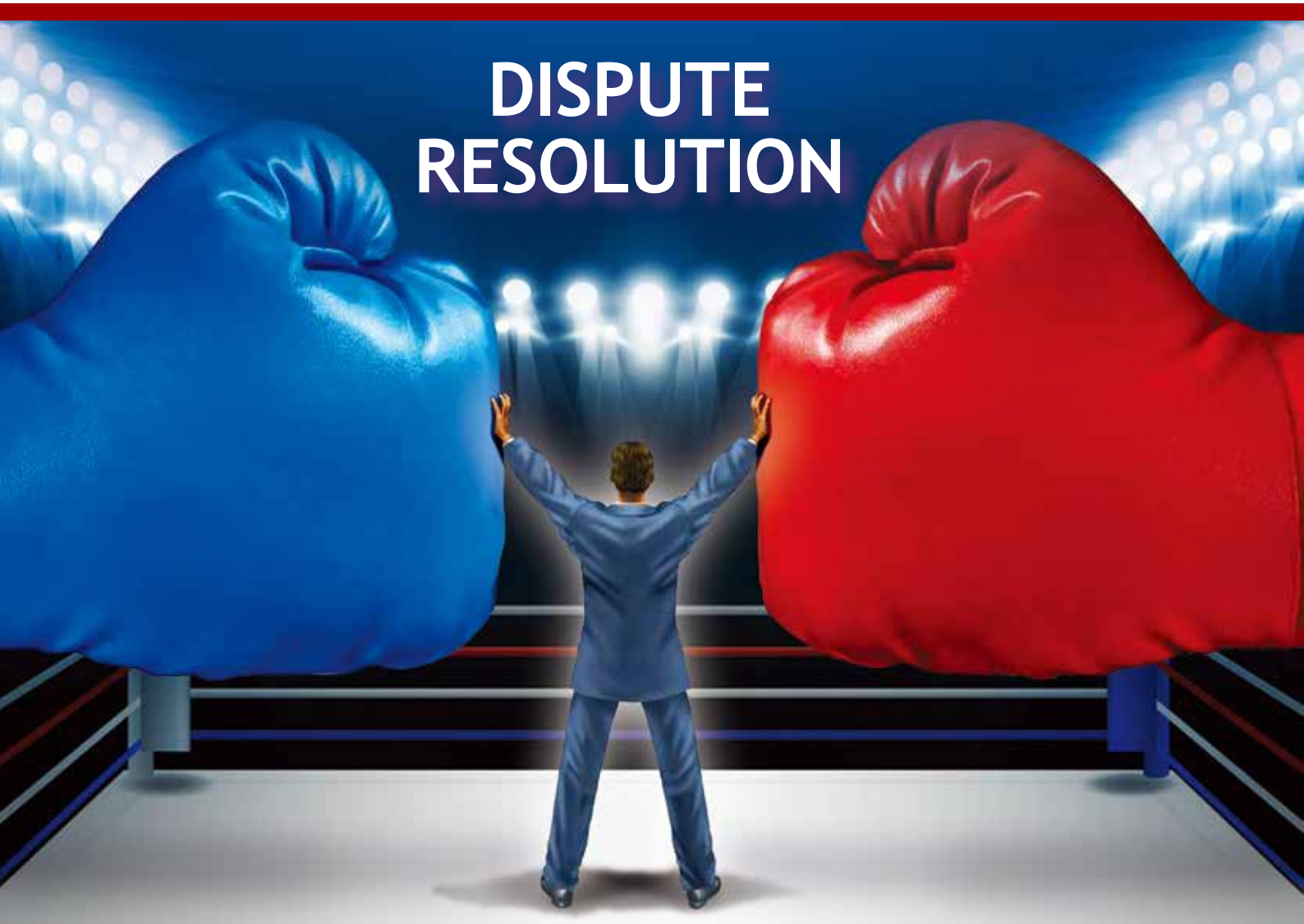
Philip Jeyaretnam is the Global Vice Chair and Regional CEO of Dentons Rodyk & Davidson as well as Chairman of **Maxwell Chambers**. Appointed Senior Counsel in January 2003, Philip specialises in commercial litigation and international arbitration work as counsel. His professional service includes serving as a member of the Public Service Commission in Singapore since 2010 and the Presidential Council for Minority Rights since 2012.

Liu Xiaochun is the president of the **Shenzhen Court of International Arbitration**. His professional background includes being a panel arbitrator at SCIA, SHIAC and HKIAC; board member and panel mediator of the Commercial Mediation Committee of Hong Kong Chinese Enterprises Association; deputy president and panel mediator of the Commercial Mediation Committee of Shenzhen Association of Enterprises with Foreign Investment.

Wilson Wei Huo is a partner at **Zhong Lun Law Firm**. He has represented arbitration cases at multiple venues worldwide, including in China, Hong Kong, Singapore, Dubai and London. His practice focuses on the fields of banking, finance, asset management, trusts, insurance and bond defaults. He has also represented clients in cases related to domestic and overseas investments.

In this issue

Volume 15 Issue 9, 2018



JURISDICTION UPDATES

Key legal developments affecting the In-House Community along the New Silk Road

10

12

14

50

52

Asian-mena Counsel is grateful for the continued editorial contributions of:

ACCRALAW® AZMI & ASSOCIATES CLASIS LAW Indochine Counsel Kroll Lee International LEXAfrica

AFRICA

By Sternford Moyo

Scanlen & Holderness, Zimbabwe member of LEX Africa
Cabs Centre, 74 Jason Moyo Avenue, Harare, Zimbabwe
T: (263) 4 702 561
E: moyos@scanlen.co.zw
W: www.scanlenandholderness.com

Zimbabwe holds massive potential for private equity investors

Decades-long political instability, sanctions and a failing economy have seen a massive decline in Zimbabwe's international appeal. Even as global investors turned their attention to Africa in 2015 and 2016, Zimbabwe managed to exclude itself from billions of dollars of investment over its tumultuous economic trajectory.

But, the tide has turned and Zimbabwe appears to be in the Spring of life once again.

Sternford Moyo, LEX Africa's member in Zimbabwe gave valuable insight into the private equity market in the southern African country, at a seminar held in Johannesburg in March, entitled An Outlook on Africa 2018.

Moyo described Zimbabwe as a place with enormous opportunity for private equity investors. He said while it was common knowledge that the country's "infrastructure is broken" the upside is that there is room for rehabilitation and smart investors would capitalise on it.

"We have huge requirements, particularly, in sectors such as energy. Our industry presently is operating at roughly 40 percent capacity and despite that we don't have sufficient power to power the industry. So if our industry had to operate at 100 percent capacity, we would [still] have a huge power deficit. We already have a power deficit. So, opportunities in areas such as solar, for instance, are huge."

In August, Zimbabwe Energy Regulatory Authority (Zera) said the country could only meet 75 percent of its electricity requirements and that at least 60 percent of the country's population had no access to power.

The country currently requires an estimated 1,600 MW of power, but only produces approximately 1,000 MW. The deficit is imported mainly from South Africa and Mozambique. According to the Chronicle, industry experts project that Zimbabwe needs about US$12 billion to fix the deficit and meet future needs.

On the mining front, Moyo said private equity investors could interpret the country's flooded and unexplored mines as an opportunity to get in the untapped market of mineral potential.

> "With the country's new leadership, opportunities to upgrade infrastructure in the energy, mining and road transport sector have made Zimbabwe an attractive destination for investors"

In a paper published in 2014, titled Economic Overview of the Mining Sector in Zimbabwe and Key Developments, Lyman Mlambo, chairman of the Institute of Mining Research at the University of Zimbabwe said the country was sitting on an estimated US$11 billion of mineral wealth.

"We have several flooded mines at the moment, that one could capitalise on," said Moyo "[The mines] have not been properly worked with proper equipment and proper technology. The whole of Zimbabwe is a huge gold mine."

In February, mines minister Winston Chitando said: "The country hosts some of the world's largest lithium deposits." He said Bikita Minerals in the Masvingo province and the Arcadia Lithium project in Goromonzi were just two examples of successful projects.

Addressing an annual conference on investing in African mining, Minister Chitando said: "Progressive policy reviews across the entire economy are continuing. There is continuous review and improvement of ease of doing business."

Among the reforms would be the replacement of a policy that limits foreign ownership in mining to 49 percent. With the exclusion of diamond and platinum mining — where government or its entities must hold a majority stake — foreign ownership in the mining of other minerals is proposed to be amended to 100 percent.

According to African News Agency, Zimbabwe's mining sector is a cornerstone of the economy, accounting for over 13 percent of the gross domestic product and more than 60 percent of its export earnings.

Other than gold, diamonds and lithium, Zimbabwe also boasts large reserves of nickel, chrome and both thermal and coking coal, the second largest platinum group metals resource in the world.

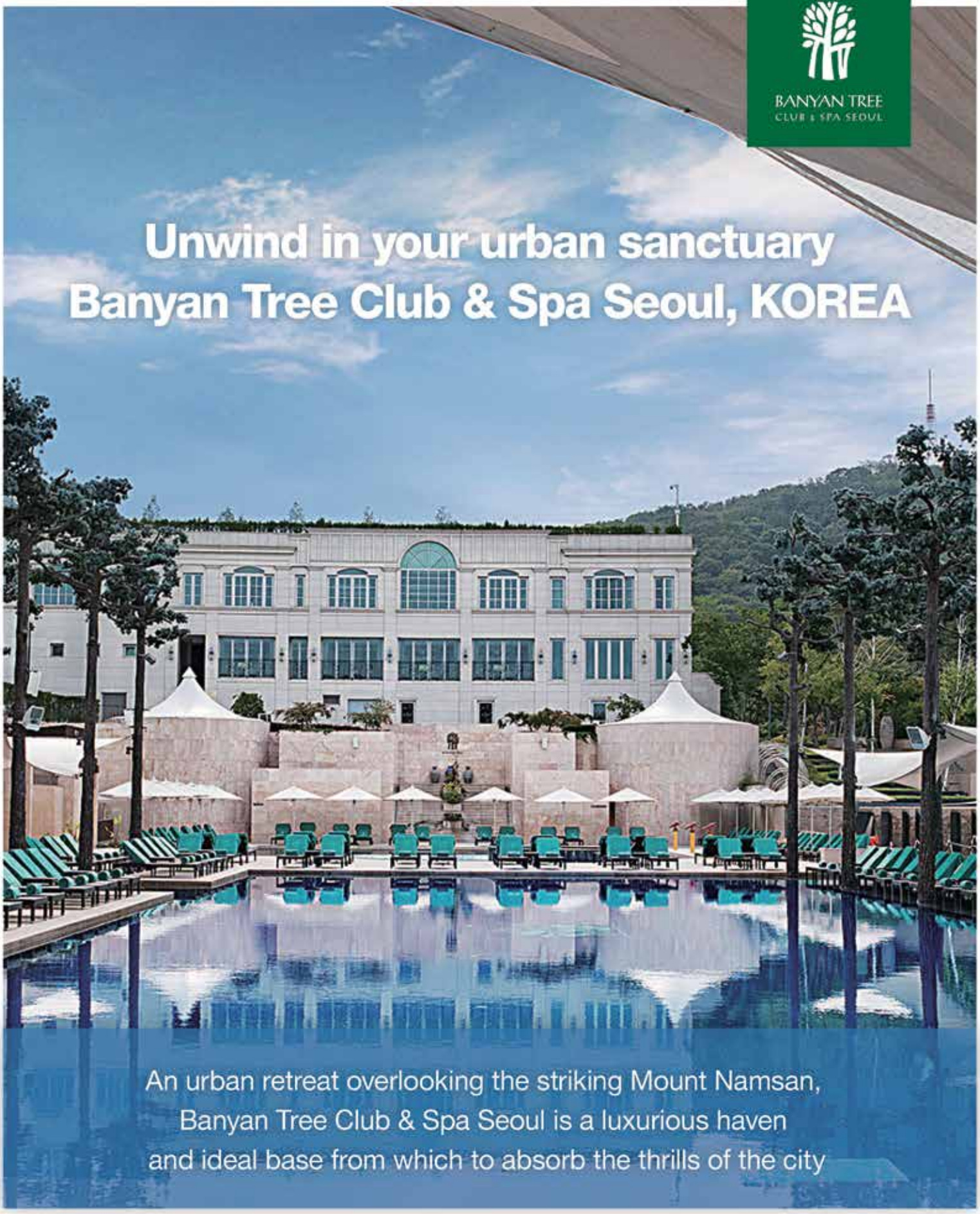
The sector attracts more than half of the foreign direct into the country, and employs more than 45,000 people directly.

In 2015, Ritesh Anand, a London-based economist, fund manager and columnist wrote that the African Development Bank estimated Zimbabwe's monetary need for infrastructure development alone at over US$14.2 billion. "Such investments require long-term capital, which is best suited to private equity," he said.

Moyo said it was unfortunate that only a few private equity investors had seen the potential in Zimbabwe.

Said Moyo: "We also have pension funds which are quite active in private equity. Even some of the listed companies have been active in the private equity space because of the fewer players that are found in our country.

"The brokered funds is one area where opportunities are massive. You only need a few changes to take place under the new dispensation, before we see inflows starting to come in. Zimbabwe has enormous opportunity in so far as private equity is concerned. The opportunities have not really been pursued to the extent that they should and they (the opportunities) are in various sectors like infrastructure, gold mining, fast moving consumer goods (FMCG) and even industrial revival because our industries are broken at the moment and they require improving."



For further information about membership, accommodations, restaurants, or member programs, at Banyan Tree Club and Spa Seoul, Please contact: Banyantreeclub.com / +82 -2-2250-8000

INDIA


By Priyanka Anand and Vasudha Luniya

CLASIS LAW

14th Floor, Gopal Das Bhawan, 28, Barakhamba Road, New Delhi 110 001India
Tel: (91) 11 4213 0000 / Fax: (91) 11 4213 0099
E : priyanka.anand@clasislaw.com • vasudha.luniya@clasislaw.com
W: www.clasislaw.com

DISHA — India's probable response to the law on protection of digital health data

India is on the cusp of digital revolution and as part of its Digital India Mission, the Indian government recognises the issue of cyber security and the need for robust laws to protect digital data. An important step in this direction is the proposed Digital Information Security in Healthcare Act (DISHA), which seeks to provide for electronic health data privacy; confidentiality, security and standardisation; and establishment of National Digital Health Authority and Health Information Exchanges.

Various jurisdictions have enacted specific laws to protect personal data. One such example is the U.S. law, Health Insurance Portability and Accountability Act, 1996 (HIPAA) which establishes the legal framework for privacy and protection of health information and gives patients substantial control over their protected health information. The scope of sensitive personal data under the EU General Data Protection Regulation also includes health data. DISHA is the Indian counterpart to HIPAA.

> "Personal healthcare records are as valuable as financial records, if not more. With cybersecurity threats on the rise, unlawful access to and use of personal healthcare records can cause irreparable harm to patients and result in penal consequences for the entities in breach. Securing healthcare information by putting policies and technologies in place is something that needs to be urgently focused on"

Overview of regulatory framework in India

In India, the current legal framework pertaining to e-health protection is governed by the provisions of the Information Technology Act, 2000, read with, the Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011, which offers some degree of protection to the collection, disclosure and transfer of sensitive personal data, which covers within its ambit medical records and history.

Further, clinical establishments and health care providers in India are increasingly using electronic medical records (EMRs) and electronic health records (EHRs) as the preferred method of storing patient information. In fact, the rules of Clinical Establishments (Registration and Regulation) Act 2010, notified on May 23, 2012, mandate the "*maintenance and provision of EMR or EHR for every patient*" for the registration and continuation of every clinical establishment. Additionally, the Ministry of Health and Family Welfare first introduced the EHR Standards, which was a uniform standard-based system for creation and maintenance of EHRs by the healthcare providers, in 2013 which was subsequently revised and notified on December 30, 2016.

DISHA — Salient features

DISHA lays down provisions that regulate the generation, collection, access, storage, transmission and use of Digital Health Data (DHD) and associated personally identifiable information (PII). DISHA states that health data including physical, physiological, mental health condition, sexual orientation, medical records, medical history and biometric data is information that can only be the property of the person it pertains to.

The salient features of DISHA are:

- DHD is an electronic record of health-related information about an individual and includes information relating to an individual's physical or mental health; donation by the individual of any body part or any bodily substance, etc.
- PII is defined as any information that can be used to uniquely identify, contact or locate an individual specifically or along with other sources. This includes information such as name, address, date of birth, vehicle number, financial information etc.
- The legislation creates a central regulator called the National Electronic Health Authority (NeHA), and various State Electronic Health Authorities (SeHA) to give effect to the provisions of DISHA.
- It covers within its ambit clinical establishments (which includes hospitals, nursing homes, dispensaries, clinics, sanatoriums and pathology labs) and any other entity that collects DHD.
- DISHA has proposed stringent penalties for defaulters in the nature of fine and/or imprisonment.

Challenges to implementation of DISHA

The most serious issue with data collection and sharing will be how to obtain *informed consent* from a data owner. Another concern will be effective enforcement of the provisions of DISHA, given that the costs involved in implementing security solutions may become a drain on resources for clinical establishments.

Electronically stored data is vulnerable to security breaches and therefore comprehensive and technology driven data security measures would need to be adopted. Sensitisation and protection of people's right to privacy and security of their data will be the bedrock of DISHA.

20 years in Asia

taylor root

SPECIALIST SEARCH & RECRUITMENT

Senior Legal Counsel - Global Technology Company

Hong Kong

This global technology company is seeking a legal counsel to support on all legal matters in Hong Kong and work closely with the Greater China legal team. Major responsibilities include advising on corporate commercial as well as data privacy, employment and litigation issues. Candidates must be Hong Kong qualified with significant corporate or TMT experience gained from leading international law firms. Excellent command of English and Chinese language skills essential.

6-9 years' PQE

Charmaine Chan
charmainechan@taylorroot.com

Senior Legal Counsel, Custody - Global Bank

Hong Kong

Our client, one of the world's leading providers of Custody services, is seeking to recruit a senior lawyer to join its Asia Pacific legal team. Successful applicants should have at least 8 years of PQE and specific custody services experience gained in-house within a custodial financial institution or investment bank in Asia, Europe or Australia. Open to overseas candidates.

8 years' PQE

Carmen Mok
carmenmok@taylorroot.com

Vice President, Litigation - Global Investment Bank

Hong Kong

Our client, a renowned global investment bank is currently seeking a Vice President to join their litigation legal team. Ideally, the incumbent will have around 4-10 years of PQE, strong litigation, regulatory and investigations experience from a UK or US law firm and/or in-house experience. The role will report directly to the MD of the litigation team.

4-10 years' PQE

Lauren Pang
laurenpang@taylorroot.com

Regional Counsel, APAC - Medical Technology

Singapore

US medical technology MNC is recruiting for their first APAC counsel to establish the regional legal function. This is a leadership role which offers high-quality work and management engagement. You will advise senior management and business partners on all legal and compliance affairs of the company across key markets in Asia Pacific. Candidates with prior in-house experience within the pharmaceutical, medical technology or health care industries preferred.

10+ years' PQE

Theresa Pang
theresapang@taylorroot.com

Regional Counsel, APAC - Manufacturing

Singapore

A European manufacturing company is recruiting for their first APAC counsel to establish the regional legal function. In this senior role, you will have the opportunity to be part of the leadership team and gain broad exposure to a mix of legal, ethics, and compliance matters. Commonwealth-qualified lawyers with prior in-house experience in Asia (Singapore, Malaysia or China) are preferred.

6+ years' PQE

Selene Siregar
selenesiregar@taylorroot.com

Regional Counsel, APAC - Financial Services

Singapore

US financial services company is seeking a banking and finance lawyer who is passionate about being a trusted advisor to the business in the region. The role befits a commercially astute individual who appreciates working in a corporate entity that believes in operating in a transparent manner, and you will be privy to key business decisions made in the region. You should possess knowledge of Singapore's regulatory framework, with exposure to M&A and corporate governance.

3-7 years' PQE

Celine Tay
celinetay@taylorroot.com

Contact the Taylor Root **Hong Kong** team on **+852 2973 6333**
Contact the Taylor Root **Singapore** team on **+65 6420 0500**

MALAYSIA

By Norhisham bin Abd Bahrin

AZMI & ASSOCIATES
A member of TerraLex worldwide | advocates & solicitors

Tel: (603) 2118 5000 ext 5016
E: general@azmilaw.com
W: www.azmilaw.com

Revised guidelines on the establishment and operations of Labuan leasing business

Introduction

Labuan is a popular mid-shore asset leasing jurisdiction with its popularity stemming from a favourable tax framework which, among others, boasts low corporate tax and access to the Malaysian Double Taxation Network. Per the Labuan Financial Services Authority (LFSA) Annual Report 2016, there are 383 leasing companies operating in Labuan and the total value of leased assets stands at USD50.6 billion and the total value of aviation-related leasing assets stands at approximately USD15 billion, representing 30 percent of the total value of assets leased.

Revised Guidelines — key changes

On December 29, 2017, the LFSA issued the revised Guidelines on the Establishment and Operations of Labuan Leasing Business which supersedes the previous guidelines issued on August 1, 2013. The Revised Guidelines came into effect on January 1, 2018 except for the substance requirements under paragraph 7.11 of the Revised Guidelines which will come into effect on January 1, 2019.

The Revised Guidelines is applicable to all Labuan companies carrying out the business of property letting or sub-letting and property includes any plant, machinery, equipment, chattel, aircraft and ships. One of the key changes under the Revised Guidelines is the introduction of the substance requirements which essentially require that Labuan leasing companies (LLC) establish substantial activities and perform strategic functions in Labuan. The four main substance requirements outlined by the LFSA include but are not limited to the following:

- **Physical presence:** maintaining an operational office in Labuan;
- **Key leasing activities:** carrying out core income generating activities from the operational office in Labuan;
- **Employment:** employing an adequate number of full time staff with relevant qualifications and experience in the leasing business; and
- **Annual business spending:** incurring adequate business spending in Malaysia and Labuan.

The issuance of the Revised Guidelines is a result of the Malaysian government's review of Labuan's tax framework in light of international tax practices and to ensure that the country's commitments as an associate of the Organisation for Economic Co-Operation and Development's Inclusive Framework on Base Erosion Profit Shifting (BEPS) Action Plan are kept. The BEPS Action Plan requires the implementation by participating countries of certain standards to prevent multinational tax avoidance.

Aircraft leasing business

It is common for players in the aviation industry to incorporate LLCs for leasing transactions with Malaysian entities and structure their respective leasing or aircraft financing transactions via LLCs in order to avoid withholding tax on lease and/or debt payments. The LLCs would in essence be shell companies devoid of physical presence and employees, with management control exercised out of Labuan.

The practice above was generally accepted as substance, in the context of tax liability, had never been a major issue for LLCs prior to the issuance of the Revised Guidelines. In fact, the Malaysian Courts in Ensco Gerudi (M) Sdn Bhd (Ensco) v Director General of Inland Revenue Malaysia (unreported) ruled that tax structures involving Labuan shell companies, including those incorporated for the purpose of avoiding withholding tax, are legitimate methods of tax mitigation as long as they are done in accordance with the law and with the requisite approvals having been obtained. With the issuance of the Revised Guidelines, the question on substance has now become moot.

Other requirements

Apart from the substance requirements under the Revised Guidelines, LLCs are also required to comply with the following:

- **Sufficient capitalisation:** LLCs are now required to ensure sufficient capitalisation.
- **Leasing approval:** All leasing transactions and any change in lease assets will now require LFSA's prior approval.
- **Licensing fees:** The annual licence fee payable for leasing businesses is M$60,000 and for every subsequent leasing transaction, the fee payable is M$20,000. The previous guidelines exempted payment of licensing fees where the leasing transaction is entered into between LLCs and non-residents.

Conclusion

Compliance with the Revised Guidelines would mean that most, if not all, LLCs would be required to reorganise their existing business operations in order to maintain their leasing business in Labuan. In the current climate of intense competition in the aircraft leasing sector, LLCs would have to balance the financial costs and operational requirements on compliance with the Revised Guidelines with tighter margins and the falling values of aircraft.

At this juncture, an LLC needs to ensure that it complies with the new requirements under the Revised Guidelines. As for the substance requirements which have yet to come into effect, LLCs should take advantage of the transition period to fully understand such requirements and their business impact so that compliance strategies could be formulated and executed once all of the provisions under the Revised Guidelines become effective next year.

LEGALLABS

Singapore is our home market. With our ear to the ground and a **keen understanding** of local market trends and requirements, we have made numerous successful placements in a **diverse** range of industries.

An indicative list of recent placements:

- *General Counsel, Education / Research*
- *Asia Compliance Lead, Hospitality & Gaming*
- *Regional Head, US IT MNC*
- *Head of Legal, Commodities*
- *Senior Legal Manager, Travel Services*
- *Legal Counsel, Technology MNC*
- *APAC Counsel, Energy MNC*
- *VP Legal, Real Estate*
- *Assistant Legal Counsel, FMCG*
- *Legal Manager, Financial Institution*
- *Legal Counsel (Contract Role), MNC*

Singapore
+65 6214 3310
Licence No: 16S8074

160 Robinson Road,
#14-07 SBF Center,
Singapore 068914

www.legallabs.com
Email: resume@legallabs.com

PHILIPPINES

By Noel Christian O Luciano

ACCRALAW®

Angara Abello Concepcion Regala & Cruz Law Offices (ACCRALAW)
Tel: (632) 830 8000
E: noluciano@accralaw.com
W: www.accralaw.com

The Ease of Doing Business Act tapers red tape

Bureaucracy teaches us two things: to wait and to execute everything in triplicate. "Red tape" has since evolved from the practice of Charles V, King of Spain and Holy Roman Emperor, of using red ribbon to identify important state documents. Now, it describes a system of regulations and official actions which restrict or deny access to swift and quality government services. The problem of red tape has proven to be perennial unlike the empires from which it began.

Like all modern political regimes, the Philippines is no stranger to red tape. Back in 2007, Republic Act No. 9485, or *The Anti-Red Tape Act* (ARTA), was passed to combat red tape and promote transparency and efficiency in the delivery of government services. Fast-forward to 2018, the Philippines falters nine (9) spots down the IMD World Competitiveness Ranking and ranks 113th out of 190 countries in World Bank's Ease of Doing Business Index.

In a much needed effort to address the problem of red tape, Pres. Rodrigo Duterte signed into law Republic Act No. 11032, or *The Ease of Doing Business and Efficient Government Service Delivery Act of 2018* (RA 11032), amending the ARTA by strengthening it and giving it teeth.

With RA 11032 now in full force and effect, its more prominent features deserve to be highlighted.

The Citizen's Charter

The public still has the benefit of relying on the Citizen's Charter ushered in by the ARTA for the updated service standards of a government agency. RA11032 adds to the ARTA by explicitly requiring government agencies to provide a comprehensive and uniform checklist of requirements for each type of application or request. This removes the uncertainties faced by business establishments when applying for regulatory permits which are, most often than not, at the mercy of government officials who impose new or different requirements. Demands for additional requirements not specified under the Citizen's Charter are now illegal and expose the accountable government official to administrative and criminal liability.

Shortened Lead Time for Processing of Applications

RA 11032 further limits the time for government agencies to act on an application. Simple transactions are required to be acted upon within three (3) working days and complex transactions within seven (7) working days from the date of receipt of the complete application or request. These periods may be extended only once for the same number of days. Government agencies are required to give proper notice in writing of the reason for the extension and the final date of the action on the application or request.

Automatic Approval of New Applications and Automatic Extension of Licences

RA 11032 maintains the provision of the ARTA on automatic extension of licences and permits should a government agency fail to act on an application for their renewal within the prescribed processing time. RA 11032 goes further by granting automatic approval status to original applications for the issuance of licence, clearance, permit, certification or authorisation which remain unacted upon by the government agency after the lapse of the prescribed processing time. This closes the lacuna under the ARTA on new permit applications stuck in bureaucratic limbo.

Use of Technology to Further Expedite Procedure

In keeping with the Zero-Contact Policy, the Department of Information and Communications Technology (DICT) is mandated to develop a web-based software for business registration and infrastructure for interconnection between government agencies, among other technological innovations, to ensure access to fast and easy public services. The public should expect the roll-out of these technologies in the coming years.

Creation of Monitoring and Policy Bodies

Recognising the need to be abreast with the dynamic needs of the public, RA 11032 establishes key government agencies to monitor compliance with the law and review policy considerations for future implementation. These agencies are the *Anti-Red Tape Unit in the Civil Service Commission, the Anti-Red Tape Authority, and the Ease of Doing Business and Anti-Red Tape Advisory Council*.

While Congress did not reinvent the wheel with RA 11032, it certainly provided much needed oil and grease to a bureaucracy laden with woes of inefficiency and frustration. Time will tell if RA 11032 lives up to its avowed policies but it is a welcome step towards achieving quality government services that the Filipinos deserve.

This article was first published in Business World, a newspaper of general circulation in the Philippines.

Stand Out With Hughes-Castell

In-house

Legal Director | 8-12 yrs pqe| Hong Kong REF: 14494/AC

One of the world's largest industrial manufacturers seeks an experienced biz-minded lawyer to support their business operations in some areas of Asia. Leading a small team in Hong Kong, you will provide legal support to senior management and all business teams on general corporate, commercial, risk management, dispute and compliance matters. This is a great opportunity for lawyers possessing 8-12 years' PQE with a mix of solid private practice and in-house experience. Preferred candidates will have an engineering/industrial/construction industry background, excellent interpersonal skills and the ability to manage multiple tasks in a fast-paced environment. You must have fluent English, Cantonese, and Mandarin for the role.

Group Company Secretary | 8+ yrs pqe | Hong Kong REF: 14531/AC

This multinational professional services company seeks a Hong Kong-based Company Secretary to support the Group's rapidly growing business. You will be accountable for the provision of a full spectrum of daily corporate secretarial support services for group entities globally. You will also need to liaise with government authorities and regulators. You must have an ICSA qualification with over 8 years of corporate secretarial experience covering entities of a group across multiple jurisdictions. Candidates with an accounting/finance background and with sound knowledge of the Companies Ordinance requirements across regions will be viewed favourably. Fluent English skills are required; an additional language would be advantageous but not necessary.

Head of Legal, ASEAN | 7-10 yrs pqe | Singapore REF: 14424/AC

A global leader in housing and lifestyle products seeks a Head of Legal for ASEAN to lead a small team of 2 lawyers and provide legal support across all functions including manufacturing, sales, IP, compliance, employment, and marketing. Based in Singapore, you have 7-10 years' PQE in commercial legal practice gained in a recognized law firm, with in-house experience being an advantage. You must be licensed to practice in an ASEAN jurisdiction and/or US, UK or another Common Law jurisdiction. You must be fluent in English and ideally in one of the non-English ASEAN languages, such as Bahasa, Thai or Vietnamese.

Regional Counsel | 8+ yrs pqe | Shanghai REF: 14537/AC

This global manufacturer seeks a Regional Counsel to be responsible for supporting its APAC businesses and for building a small legal team. Based in Shanghai, you will oversee contracts/agreements, manage legal risks, litigation and M&A projects. You must be a PRC-qualified lawyer with over 8 years' PQE plus business acumen and strong corporate commercial and corporate governance experience; relevant experience in a similar industry and with handling high-risk international contracts and joint ventures is highly desirable. Knowledge of the ABAC and competition law is advantageous. Native Mandarin and fluent English skills are required.

IPO Lawyer | 8+ yrs pqe | Hong Kong REF: 14476/AC

A major Hong Kong-listed financial services company seeks a driven and seasoned IPO lawyer to become a part of their highly regarded team. You will advise on all IPO related matters including applications, inquiries, and policies. You must be Hong Kong qualified with a strong interest in regulatory and compliance/policy work and be familiar with Hong Kong listing rules and the securities industry. Fluent written and spoken English is required; Chinese an advantage. Excellent career prospects and remuneration on offer.

Private Practice

Associate, HK Capital Markets | 3-5 yrs pqe | Hong Kong REF: 14539/AC

This White-Shoe law firm's market-leading capital markets team is looking for a mid to senior level lawyer to join its Hong Kong team. In this role, associates work with blue-chip clients on a range of capital markets and Hong Kong securities matters. Candidates must be Hong Kong-qualified and have 3-5 years' relevant PQE from another top international law practice. Stellar academics are required as well as fluency in written and spoken English and Mandarin Chinese.

Associate, US Capital Markets | 3-5 yrs pqe | Beijing REF: 14519/AC

This Magic Circle law firm is seeking an energetic mid-level associate to join its Beijing team to focus on US capital markets. You must have relevant US qualification with excellent grades (preferably US JD and NY Bar) and a variety of experience in US capital markets and corporate finance work. Training received at a peer firm is necessary. Fluency in written and oral English and Mandarin is required.

Associates, M&A | 3-5 yrs pqe | China REF: 14518/AC

This top-tier UK law firm is now seeking talented corporate associates to become an integral part of their Beijing and Shanghai offices. You will work closely with market-leading partners and receive high-profile deal exposure. To be considered, you will have PRC qualification with experience of M&A transactions and corporate finance work from top City and international law firms. Fluency in written and oral English and Mandarin is required.

Junior Associates, Litigation/GE | 1-2 yr pqe | Beijing REF: 14528/AC

Multiple positions are now available for junior lawyers at this top-tier US law firm in Beijing. The ideal candidate will have a J.D. from a US top law school with stellar academics plus 1-2 years' experience in litigation, government enforcement, regulatory, white-collar crime and internal investigations. Candidates must be highly motivated and have a high level of fluency in written and spoken English and Mandarin Chinese.

View my profile on LinkedIn

Hughes-Castell

To find out more about these roles & apply, please contact us at:

T: (852) 2520-1168

E: hughes@hughes-castell.com.hk

www.hughes-castell.com

HC HUGHES-CASTELL

International Legal Recruitment

SOUTH KOREA

By Oh Mi-Jeong

Lee International
IP & LAW GROUP

Poongsan Bldg. 23 Chungjeongro, Seodaemun-gu, Seoul 03737, Korea
Tel: 82 2 2262 6288 / Fax: 82 2 2279 5020
E: mjoh@leeinternational.com
W: www.leeinternational.com

Amended Law on designation of Chief Information Security Officer by information and communications services providers

An amendment to the Act on the Promotion of Information and Communications Network Utilisation and Information Protection, Etc was passed by the National Assembly of the Republic of Korea on May 28, 2018. The Act regulates matters related to information and communications networks (ICNs) and information and communications services (ICS) which use telecommunications. It applies to providers of ICS, such as telecommunications companies and internet portal companies.

The amendment focuses on improving the safety of ICNs and protecting personal information used in ICNs. One noteworthy new requirement under the amendment is a provision that contains new standards for reporting and designating a Chief Information Security Officer (CISO). A CISO is a person who is in charge of the security of an information and communications system and safe management of the information in it. He/she is responsible for the establishment/management/operation of the information protection and management system, prevention of or response to any intrusions into the ICNs, development of pre-emptive information protection measures, design and implementation of security action plans, etc.

While the previous version of the Act required ICS providers to designate a CISO based on the number of employees, users, etc. and then report the designation to the Minister of Science, Information and Communications Technology, the amended Act contains different standards for designating and reporting information about CISOs. It requires ICS providers to designate a CISO based on the amount of total assets, revenue, etc. and then report it to the Minister of Science, Information and Communications Technology (Article 45-3(1) of the Act). The details regarding such standards for ICS providers, including the total amount of assets, revenue, etc. that will trigger the requirements, are expected to be determined in the future under a Presidential Decree related to the Act.

In addition, the amended Act prohibits CISOs from holding other positions and doing work other than work related to information protection (Article 45-3(3) of the Act). Traditionally, many CISOs working for ICS providers have done additional work unrelated to information protection. For example, Chief Information Officers (CIOs) have commonly performed the work of a CISO along with their other duties. Although the work scope of a CIO who is generally in charge of matters related to an ICN often includes the work of a CISO, such a practice has been criticised with the argument made that holding such dual positions can lead to inadequate information protection because a CIO may have insufficient time to devote to that job given the CIO's many other responsibilities. Therefore, the amendment of the Act is expected to enhance the professionalism of CISOs in their work on information security by prohibiting holding more than one position in any ICS provider over a certain size. For the financial sector, hacking and cyber terrorism events that occurred in 2013 previously led to the prohibition of CISOs from holding more than one position in 2014 under the Electronic Financial Transactions Act.

Other than the provisions on CISOs, major changes made in the amendment of the Act include:

- In connection with personal information protection in the information and communications sector, when the Act and the Personal Information Protection Act compete with each other in their application, the Act shall take precedence (Article 5 of the Act)
- When ICS providers need to access information stored and functions installed in mobile devices of users in order to provide their relevant services, ICS providers shall inform users of the items that will be accessed, the reason for access, and the fact that users may withhold consent for the ICS providers to access their mobile device, and the ICS providers must obtain consent of users to permit the ICS providers to have access authority. The Korea Communications Commission will be given authority under the amended Act to conduct a survey on whether the providers of ICS have complied with applicable laws and regulations related to obtaining access authority from users. (Article 22-2(4) of the Act)
- In order to guarantee payment of damages by ICS providers found liable for breaches of their obligations on protection of personal information, any ICS provider over a certain size shall be required to take necessary measures, such as obtaining appropriate insurance coverage, or creating a reserve fund to pay for damages (Article 32-3 of the Act)
- If mobile device users wish to question/challenge the charges they receive for goods or services purchased using their mobile devices, they will now be given authority to request information from the sellers of those goods/services for which the users were charged, including the identity and other information about the persons who purchased such goods/services. The sellers will be required to provide the requested information within 3 days following the date of request, absent a reasonable cause for delay. The user shall use the information supplied by the sellers only to check the accuracy of the charges received and to submit the information to investigative agencies when the user's personal information is illegally used. (Article 58-2 of the Act)

The JLegal PQE

Personality Questionnaire Experience

Throughout the year, JLegal examines the PQE of a senior in-house counsel. On this occasion we chat with Lynette Lim, a lover of travel, chick flicks and sleeping in!

- **What is on your mind at the moment?**
  A mental list of what to remove from, and what to throw into my luggage, for my next business trip.
- **What secret talent do you have?**
  I am still trying to discover it. I am hoping it's something unique and creative.
- **If you weren't a lawyer you would be a ...**
  travel writer who is paid to travel the world, and with a particular focus on reviewing spas. Forbes Travel Guide, are you seeing this?
- **Where is the best place you have ever been to?**
  A natural outdoor onsen during winter in Hokkaido. As I was watching the snow flurries falling and instantly disappearing into the hot spring water, I had nothing in my mind and no smart phone within reach.
- **What is your idea of misery?**
  Being sleepless, nursing an ear infection and stuck in a plane cabin with a loud bunch of obnoxious passengers.
- **Top 3 favourite movies of all time?**
  The Devil Wears Prada, Serendipity and The Lake House (yup, all chick flicks).
- **What is the strangest thing you have seen?**
  The sight of a lady making her male companion carry her pretty pink dainty purse, even though she was not carrying anything.
- **If you could have one superpower it would be ...?**
  Teleportation.
- **What do you consider the most overrated virtue?**
  Confidence because it can often be manifested as cockiness and arrogance.
- **What irritates you?**
  Waking up at 6am on a day when I can sleep in.
- **What was your last Google search?**
  I am pretty sure it was food related.
- **If you could time travel, where would you go?**
  2100. Since I won't live until then, I am curious to see what that future will look like. I hope it's nothing like the scenes in Terminator.
- **Which of the Seven Dwarfs is most like you?**
  Grumpy. After all, complaining is a national sport for Singaporeans.

JLegal
YOUR RECRUITMENT PARTNER

Lynette Lim
Senior Vice President & Assistant General Counsel Asia Pacific
Hilton

VIETNAM

By Le Van Duong

Indochine Counsel
Business Law Practitioners

Ho Chi Minh City Office – Unit 305, 3rd Floor, CentecTower
72 -74 Nguyen Thi Minh Khai, District 3, Ho Chi Minh City, Vietnam
Tel: (84) 28 3823 9640 / Fax: (84) 28 3823 9641
E: info@indochinecounsel.com
Hanoi Office – Unit 705, 7th Floor, CMC Tower, Duy Tan Street, Cau Giay District, Hanoi, Vietnam
Tel: (84) 24 3795 5261 / Fax: (84) 24 3795 5262 / Moblie (84) 904 83 6768
E: duong.le@indochinecounsel.com
W: indochinecounsel.com

Trade remedies in Vietnam

On April 20, 2018 the Ministry of Industry and Trade issued Circular No. 6/2018/TT-BCT detailing provisions on trade remedies (Circular 6).

Circular 6 provides for detailed regulations on interested parties in an investigation case; on provision and collection of information and documents, and confidentiality of information and documents; on spoken and written languages used during an investigation; on management of imports subject to trade remedy investigations; and on cases of exemption from trade remedies.

Under Circular 6, cases which are exempted from trade remedies include (i) imports with special characteristics which are different from those of similar goods or directly competitive goods produced domestically and where such similar goods or directly competitive goods produced by a domestic production industry are not replaceable; (ii) imports being special products of similar goods or of directly competitive goods produced domestically; (iii) similar goods or directly competitive goods produced domestically but not sold on the domestic market on the same commercial terms; and (iv) the volume or quantity of similar goods or directly competitive goods produced domestically is insufficient to meet domestic demand.

> "If the investigating authority does not accept a request for confidentiality, then within seven business days after such request it shall reply to the applicant specifying its reasons"

The statutory language used during an investigation for application of trade remedies is Vietnamese. Interested parties are entitled to use their own spoken and written mother languages with the presence of accompanied interpreters/translators.

The investigating authority shall consider any request for confidentiality of the following information which has been furnished by an interested party:

(i) Business secrets relating characteristics of some products or production process;
(ii) Information concerning the enterprise's production and business, including production costs, selling expenses, terms of sales other than the non-confidential ones, sale price of each transaction, estimated transaction or other offers for sale, information concerning clients, distributors or suppliers, and the enterprise's financial information;
(iii) Information concerning an accurate dumping margin of a specific transaction in an anti-dumping investigation;
(iv) Information concerning interests received by the requesting party under a subsidy program to be investigated or reviewed in a trade remedy investigation except the program specification, amounts specified in documents or announced publicly, and the subsidy rate for each sales transaction which is calculated and allocable to the requesting party under a subsidy program; and
(v) Other information which is found by the investigating authority to hurt or cause material injury to the competitive advantage of the information provider.

If the investigating authority does not accept a request for confidentiality, then within seven business days after such request it shall reply to the applicant specifying its reasons.

In addition, Circular 6 specifies the information permitted to be publicly announced during the investigation of trade remedies.

Circular 6 took effect on June 15, 2018.

Find your next career move with us.
www.lewissanders.com

Lewis Sanders

Legal Recruitment

In-House

ALTERNATIVE ASSET MANAGER — HONG KONG — 7-15 YEARS

A reputable asset manager headquartered in Asia is looking for a General Counsel to work alongside the business/deal team. You should be a transactional lawyer, with M&A/PE, banking or restructuring experience gained at a top tier institution. Attractive remuneration on offer. AC7230

FINANCIAL CRIMES — HONG KONG — 10-15 YEARS

Well-known global bank is looking for a senior lawyer with experience advising on financial crimes related matters. You must have familiarity with laws & regulations in relation to sanctions & AML. Collegiate environment, attractive remuneration and excellent benefits on offer. AC7010

FUNDS COUNSEL — HONG KONG — 8+ YEARS

Reputable Asia-based asset manager is looking for a senior funds lawyer to head up its legal team. Prior experience in a mix of retail, ETF and private funds work would be ideal. Experience in regulatory-related matters would also be useful. Mandarin is essential. AC7196

LEGAL COUNSEL — HONG KONG — 3-7 YEARS

An established design company is looking for a legal counsel to join its legal team to oversee a broad range of general commercial matters. You should be able to work autonomously & be comfortable dealing with the business & production teams. AC7016

GENERAL COUNSEL — HONG KONG — 8-12 YEARS

A listed company & a major player in the sports industry is looking for a General Counsel. You must have familiarity with HK Listing Rules, as well as transactional & general commercial experience. Business level Mandarin skills are essential. Prior in-house experience is preferred. AC7129

REGIONAL LEGAL COUNSEL — SHANGHAI — 8+ YEARS

Global logistics company headquartered in the US is looking for its first legal counsel in Asia. You will support the business on a broad spectrum of general commercial matters. Prior in-house and industry experience would be ideal. Business-level Mandarin is essential. AC7201

COMPLIANCE & LEGAL — HONG KONG — 6-10 YEARS

A Fortune 500 company seeks a regional compliance professional. This role will focus primarily on compliance work, with some exposure to legal work, so you should be a qualified lawyer. Prior experience in dealing with legal & compliance matters in a commercial setting is essential. AC7205

Private Practice

BANKING PARTNER — HONG KONG — 10-20 YEARS

International firm in Hong Kong is looking for a Banking Partner to join its growing team. Whilst a book of business is beneficial, it is not essential. Those who are at Counsel level looking for a step up are encouraged to apply. Chinese language skills are preferred. AC6960

LITIGATION — HONG KONG — 7+ YEARS

Leading offshore firm seeks a senior level litigator to join its team. You will have solid commercial litigation experience gained from international law firms. Ability to work independently & willingness to be involved in BD activity is essential. Chinese language skills not required. AC7232

M&A — HONG KONG — 2-7 YEARS

A well-established US firm is looking to add an M&A associate to its team in Hong Kong. You must be qualified in Hong Kong with solid experience in M&A transactions at international firms. Chinese language skills are a must. Excellent career prospects on offer. AC7231

FUNDS — SINGAPORE — 3-6 YEARS

Global law firm is seeking an associate with closed end fund formation experience. You should have experience in representing fund sponsors on the structuring & formation of private equity/venture capital investment funds. Fluent Mandarin is essential. AC7199

CORPORATE — HK/BEIJING — 4-7 YEARS

Wall Street firm is looking for a mid to senior level corporate lawyer in HK or Beijing. You will be US admitted with a law degree from a reputable university. This role will offer a mix of Capital Markets and M&A. Mandarin language skills essential. US rates plus COLA on offer. AC7183

CORPORATE-OFFSHORE — SHANGHAI — 4+ YEARS

An offshore firm is seeking a mid-senior level M&A lawyer to join its Shanghai office. You will be involved in cross-border transactional work including general corporate & commercial law matters. PRC Bar/Commonwealth qualification is required. Mandarin is a must. AC7159

LITIGATION/ARBITRATION — HONG KONG — 0-2 YEARS

Top Wall Street firm is looking to hire a junior associate for its growing litigation and arbitration team. You should be trained at a top International or US firm and have outstanding academics. Excellent English and Chinese language skills required. AC7228

This is a small selection of our current vacancies. Please refer to our website for a more comprehensive list of openings.

Please contact Lindsey Sanders, lsanders@lewissanders.com +852 2537 7409,
Chris Chu, cchu@lewissanders.com +852 2537 7415,
Camilla Worthington, cworthington@lewissanders.com +852 2537 7413,
or email recruit@lewissanders.com

NEWS

Clifford Chance receives deal award

Asian-mena Counsel presented its Deal Firm of the Year award to Clifford Chance's Geraint Hughes, regional managing partner for Asia, at the firm's offices in Hong Kong in June.

The firm stood out in a year when deal-making was somewhat constrained by China's continued crackdown on overseas M&A and growing uncertainty about the effect of Donald Trump's presidency in the US. Even so, Clifford Chance nevertheless helped clients throughout the region to execute 12 notable transactions that pushed the boundaries in terms of sophistication, innovation and complexity, and which opened new markets.

Some of the standout deals it was involved on include the US$5 billion acquisition of German robot maker Kuka by Midea, a Chinese company that makes air-conditioners, refrigerators and other electrical appliances — the largest ever acquisition of a German company by a Chinese bidder.

It also advised on Bumi Resources' epic workout, one of the largest and most complex debt restructuring deals in Southeast Asia since the Asian financial crisis in 1997, as well as Mongolia's concurrent exchange offers and US$800 million debt issuance that helped avoid a sovereign default and extended the country's maturity profile.

Geraint Hughes receives the award from Patrick Dransfield and Nick Ferguson of In-House Community

The firm worked on deals across the region, with significant roles on coveted deals covering banking and finance, capital markets, M&A, private equity and restructuring, demonstrating a broad capability to bring complex transactions to a successful close for some of the biggest clients in the region.

Scan the QR code to see the full 2018 Deals of the Year report

Pure

London
Hong Kong
Singapore
New York
Berlin

Pure specialists.
Focused on your world.

To your next professional hire we bring an understanding of the legal function in detail, as well as the wider market around you. Every mandate is unique. Each Pure solution is informed through close collaboration, so the individual shines, business culture thrives and commercial ambitions progress.

Hong Kong

Tina Lu
Legal
tinalu@puresearch.com

Venus Ip
Legal
venusip@puresearch.com

Alex Tao
Legal
alextao@puresearch.com

Sherry Xu
Legal
sherryxu@puresearch.com

Singapore

Michelle Koh
Legal
michellekoh@puresearch.com
MOM Reg No: R1102371

Krishna Jagaduri
Legal
krishnajagaduri@puresearch.com
MOM Reg No: R1761996

Hong Kong
T +852 2499 1611

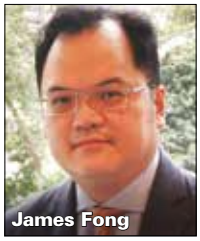
Singapore
T +65 6407 1200
Co. Reg. No. 201209597C
EA No. 12S5954

puresearch.com

MOVES

The latest senior legal appointments around Asia and the Middle East

CHINA


James Fong

Bird & Bird has added **James Fong** as a partner, bolstering its corporate practice in China. Fong joins from Mayer Brown JSM, where he was a corporate partner. He is an experienced corporate finance lawyer, and primarily advises sponsors and issuers on capital market transactions. He also has considerable experience advising on corporate finance matters, including block trades, rights issues, takeover, private equities, listing of exchange-traded funds, cash offer, joint ventures and regulatory compliance. Fong will work closely with the firm's existing Hong Kong equity capital markets and corporate team, as well as the established teams in Beijing and Shanghai.

Du Yilong has returned to the Beijing office of **Latham & Watkins**. Du, who first joined the firm's Hong Kong office as partner in late 2015 from Goldman Sachs, left the firm earlier this year to become general counsel for international affairs of China's ride-sharing app developer Didi Chuxing. As Beijing office managing partner, Du focuses on equity capital markets deals in mainland China, Hong Kong and the US, as well as cross-border M&A.

HONG KONG


Allan Wardrop

Sidley Austin has added **Allan Wardrop** as a partner in the global finance practice in its Hong Kong office. Formerly with Hogan Lovells, Wardrop is a prominent finance lawyer in Hong Kong. He regularly represents private equity sponsors, hedge funds, asset managers and commercial and investment banks, concerning mezzanine, special situation financings and investments. Wardrop also has extensive experience advising senior secured creditors in leveraged and acquisition finance transactions, as well as debt restructurings, and possesses a broad knowledge of corporate lending, cross-border transactions, property financings, and direct and alternative lending by funds.

INDIA

HSA Advocates has added **Rachika Sahay** as a partner to further strengthen its projects, energy and infrastructure and corporate practices. She will be operating out of the firm's New Delhi office. Sahay has over a decade of experience in handling a broad range of deals in the energy sector. She also has diverse experience in handling corporate transactions, including domestic as well as cross-border M&As, private equity investments and joint ventures. Prior to joining the firm, she was with Ostro Energy, the renewable energy platform for Actis Fund III, as head legal of the group. In three years of being at Ostro, she has successfully handled renewable energy projects involving an aggregate capacity 1,100 MWs. In the past, she has worked with Weatherford as head legal counsel-India, and with Trilegal as counsel. She holds a BA LLB (Hons), National Law Institute University, Bhopal and did LLM from London School of Economics and Political Science.


Nimi Patel

Squire Patton Boggs has added **Nimi Patel**, former head of the India practice at Herbert Smith Freehills, as a director in its India practice in London. Patel has wide-ranging experience in the UK, and in cross-border M&A, JVs, securities, capital markets, the structuring and establishment of funds, and other corporate finance work. She launched the India practice of Herbert Smith Freehills in 1994 and, under her 20-year leadership, it became a recognised market leader. Patel has assisted numerous Indian corporates, public sector undertakings and financial institutions in a variety of transactions. She has senior board level experience with a wide range of leading Indian corporates, where she advised on strategic, regulatory and other business issues. She is also a non-executive director at JP Morgan Indian Investment Trust.

SINGAPORE

Baker McKenzie Wong & Leow, the Singapore member firm of Baker McKenzie International, has strengthened its real estate practice with two appointments. **Geraldine Ong** has joined as a principal and brings with her 30 years of experience in real estate. She will be leading the real estate group in Singapore. **Sharon Tan**, who used to work closely with Ong on a full range of complex real estate matters, has also joined the firm's real estate group in Singapore as a local principal. Ong was formerly the head of the real estate practice of one of the major local law firms in Singapore. She and Tan have been representing award-winning property developers, institutional investors, Reits, MNC real estate users, financiers and private wealth clients from Singapore, Hong Kong, China and the Asia Pacific region. They bring with them substantial legal know-how and insights on the full spectrum of real estate transactions in Singapore, Asia and globally. Apart from their private practice experience, Ong and Tan also bring their real estate in-house legal experience from the Jurong Town Corporation and the UOL Group, respectively.

Bryan Cave Leighton Paisner has added **Koh Tien Gui** as a partner to boost its Asia real estate and hospitality and leisure practice in the firm's Singapore office in July. Koh specialises in M&A and JVs, typically involving the hotel sector. He also regularly advises on hotel management agreements, branded residences, vacation clubs and timeshare products, which are growing hospitality and leisure lines of work in the region. Additionally, Koh has experience overseeing hotel-related disputes. He has more than a decade of experience working with clients across Asia, and most recently led the charge in growing the hospitality practice at a transnational law firm headquartered in Singapore.

Professionals
Recruiting Professionals

Specialising in Legal, Financial Services, and Commerce

ALS international

Hong Kong · Singapore · Beijing · Shanghai

Head of Compliance — Hong Kong — 8–15 PQE

An international professional services business seeks a compliance head to manage a team in Hong Kong and China. You will ensure the group adheres to all legal compliance requirements and maintains the highest standards of conduct. Lawyers with compliance experience or compliance specialists with sufficient management experience are encouraged to apply. (IHC 16705)

Head of Listed Company Advisory — Hong Kong — 6–15+ PQE

Top tier law firm has an unusual opportunity for a lawyer to assume a compliance advisory role to its Hong Kong and PRC listed company clients. As the head of the group, you will need excellent technical knowledge of the relevant law. As this is an advisory role heading a team, the hours will be regular. (IHC 16516)

Legal Counsel Real Estate — Hong Kong — 6–10 PQE

Our client is a major property developer in Asia looking to hire a senior real estate lawyer as legal counsel. The ideal candidate should be experienced in real estate or conveyancing with a commercial background. Cantonese is required. (IHC 16641)

M&A — Hong Kong — 3–7 PQE

A senior M&A lawyer is sought by this well known locally listed business. This will suit a corporate lawyer in private practice looking to make their first move in-house. Work will involve advising on a range of corporate transactions across the region. No language skills required. (IHC 16633)

Legal Counsel Fintech — Hong Kong — 2–4PQE

Leading global Fintech company is looking to expand its commercial team with the addition of several corporate/commercial lawyers with a good commercial contracts experience. Good opportunity to work closely with the legal and business side of operations. (IHC 16684)

Legal Counsel Cryptocurrency — Hong Kong — 2–4PQE

Leading cryptocurrency trading platform is looking to hire a commercial lawyer for its Hong Kong office. You should be a commercial lawyer with a solid interest in fintech/blockchain and will be working closely with the legal/business side of operations. (IHC 16643)

Legal Counsel IP/IT — Hong Kong — 1–4 PQE

Global corporate consultancy seeks IP/IT lawyers to support their business operations in Asia. Open to private practice and in-house lawyers. Knowledge on licensing agreements and data privacy is helpful. Trade mark lawyers will also be considered. Mandarin required. (IHC 16389)

Transactional lawyer – Entertainment — Beijing — 10+ PQE

A leading technology company is looking for a senior legal counsel to join its substantial and award winning legal team. The ideal candidate should have solid transactional experience gained from both in-house and private practice. Entertainment industry experience would be a plus as the company is expanding its portfolio in this area. (IHC 16418)

General Corporate — Beijing / Hong Kong — 7+ PQE

A leading PRC company with substantial assets oversees seeks an in-house counsel with M&A experience to support its global expansion. The position will support the company's most profitable business unit in China. This is a great opportunity to join a growing business that offers a stable and supportive working environment. (IHC 16073)

Dispute Resolution — Beijing — 8+ PQE

A well-known private company in China is looking for an experienced dispute resolution lawyer to lead its litigation team to handle a range of commercial disputes. Candidates should possess good communication and management skills. PRC Bar is essential. (IHC 13878)

Head of Legal — Singapore — 20-30 PQE

Global Healthcare Corporation is looking for a Head of Legal to oversee their legal operations across APAC based in Singapore on a 1-year contract term. The ideal lawyer should be Singapore qualified with extensive regional legal experience and management expertise. (IHC 16716)

Funds Legal Counsel — Shanghai — 4-8 PQE

Leading regional asset management firm with a global presence is looking for a mid-level legal counsel to join their team. The ideal candidate should be Singapore qualified with strong legal knowledge and experience in asset management work at a law firm or a funds house. (IHC 16632)

M&A Legal Counsel — Singapore — 4-8 PQE

Major investment house with investments globally is looking for a mid-level lawyer to join their growing transactional team. The ideal candidate should be Singapore qualified with strong transactional M&A and corporate finance experience gained with a top tier local or international law firm. (IHC 16618)

Regulatory Counsel — Singapore — 3-6 PQE

Major investment company is looking for a corporate or regulatory lawyer to join their legal regulatory team based in Singapore. The ideal candidate should be Singapore qualified with either corporate finance or regulatory work gained from a top tier law firm. (IHC 15831)

To apply, please send your updated resume to **als@alsrecruit.com**, or contact one of our Legal Consultants:

www.alsrecruit.com

Hong Kong
Andrew Skinner
+852 2920 9100
a.skinner@alsrecruit.com

Singapore
Jason Lee
+65 6557 4163
j.lee@alsrecruit.com

China
Kevin Gao
+8610 6567 8728
k.gao@alsrecruit.com

EVENT REPORTS

Innovation, equality and a growing Community

There have been four lively In-House Community gatherings since our last issue ...

A full house gathered for the 16th annual ***Bangkok In-House Community Congress*** on June 7.

Chitanong Poomipark, Chief Legal Officer, Dusit Thani; Maprang Sombatthai, Head of Thailand Legal, Line Corp; and Peangpanor Boonklum, Senior Executive Vice President, Office of General Counsel, PTT; joined Tim Gilkison, In-House Community Managing Director on stage to discuss Technology and In-House Development, in which Chitanong Poomipark demonstrated that, even on a tight budget, creative in-house counsel can work with their own organisation's IT team to build tools to help manage the legal team's workflow. In due course Teerin Vanikieti, Senior Associate at Chandler MHM; and Hanim Hamzah, Regional Managing Partner, ZICO Law joined the panel for a lively discussion on Equality and Women in Law.

With engaging workshops on Real Estate Financing and Renewable Projects, Cross-Border Financing and the Taking of Security, FinTech, and Data Protection, our sincere thanks go to Chandler MHM, DFDL, ZICO Law, Hughes-Castell and Robert Walters for their support.

BANGKOK

The 17th annual ***Kuala Lumpur In-House Community Congress*** got off to a brisk start with a very varied plenary. Chaired by In-House Community Director, Patrick Dransfield, our in-house panelists, Chee Fei Meng, Regional Head of Group Legal - Wholesale Banking & Group Asset Management and Investments, CIMB Group; Nawal Ismail, General Counsel, HelloGold; Roslina Ismail, Group Head, Corporate Affairs, Pos Malaysia; Sandra Sibert, Head Counsel – Operations, Legal and Regulatory Affairs, TIME dotCom, addressed Business Alignment, Communications and Resource Management from our In-House Development Model. They were joined by Sapna Jhangiani of Clyde & Co and Hanim Hamzah of ZICO Law to discuss the issues and challenges for Women in Law. The session was bookended by an introduction to Myanmar Investment from William Greenlee (DFDL), and an address on Block chain and Lawyers by Edwin Rice (CTG Blockchain).

The day continued for our 200 plus delegates, with workshops from Clyde & Co and Shaikh David & Co, Kadir Andri, Herbert Smith Freehills, Trowers & Hamlins, and ZICO. Thanks go to all our presenters as well as Robert Walters for their support.

KUALA LUMPUR

On July 5, the second ***Shenzhen In-House Community Congress*** got off to a flying start with over 100 delegates enjoying lively discussions, primarily in Chinese, including on the "In-House Development Model", with Alex Tu Jianwei, Head of Domestic Legal Team, Ant Financial Services Group; Stephen Guo, Senior Vice President, Maverick Capita and Director, Chinese Academy of Chief Legal Officer; Mei Zhen, Co-Founder and Chief Legal Officer, Shenzhen Fadada Internet Technology; and moderated by Ariel Ye, Partner, King & Wood Mallesons.

The "Dispute Resolution for The Belt & Road" panel discussion included Liu Jing, HKIAC Council Member, and Senior Consultant, Hui Zhong Law Firm; Huang Yaying, Dean of Law School, Shenzhen University, and SCIA Council member; and was moderated by Ariel Ye, Partner, King & Wood Mallesons.

There followed engaging workshops on International Disputes; Cross-Border Enforceability; Delisting of Cayman incorporated public companies: Litigation risk; GDPR; and Asset Securitization. Wth thanks to Cleary Gottlieb Steen & Hamilton, Conyers Dill & Pearman, Latham & Watkins. King & Wood Mallesons, the HKIAC and Shenzhen Court of International Arbitration.

SHENZHEN

The importance of the legal team's understanding of their own company's business activities, and the cross-gender benefits of equality were just a couple of the issues given wise counsel by an excellent opening panel at the 5th ***Manila In-House Community Congress***, comprising Manuel Colayco, Chief Legal and Compliance Officer/Corporate Secretary, Aboitiz Equity Ventures; Karen Jill M Espineli, Chief Compliance Officer, Head of Legal Department and Third Party Recovery, Paramount Life & General Insurance Corp; Jazel Calvo-Cariño, Country Legal Head – Philippines, Sanofi-Aventis Philippines; Patricia-Ann T Prodigalidad, Senior Partner, ACCRALAW; Christina Macasaet-Acaban, Partner, Corporate & Commercial, Quisumbing Torres; and moderated by Tim Gilkison, Director, In-House Community.

With workshops on Future of Investment Incentives; Updates on Contractualisation; How Disruptive Technology is Transforming the Business Sector; How to Get Arbitral Awards that are Enforceable in Difficult Jurisdictions; and The A-Z of Due Diligence in Asia.

With thanks for the generous support of ACCRA Law Offices, Quisumbing Torres, a member firm of Baker McKenzie International, Mintz Group, Wee Swee Teow & Company and Nurture Wellness Village.

MANILA

A special thanks on behalf of the *In-House Community*™ to all our speakers, which included:

"This Congress is an excellent [forum] to meet peers, hear from thought leaders and share in-house legal experience"

2018 IN-HOUSE Congress BANGKOK


Tananan Thammakiat
Senior Associate
Chandler MHM Limited


Joseph Tisuthiwongse
Partner
Chandler MHM Limited


Teerin Vanikieti
Senior Associate
Chandler MHM Limited


Worapan Wuttisarn
Senior Associate
Chandler MHM Limited


Vinay Ahuja
Partner
DFDL Thailand


Kunal Sachdev
Regional Legal Adviser
DFDL Thailand


Audray Souche
Partner,
Managing Director
DFDL Thailand


Chitanong Poomipark
Chief Legal Officer
Dusit Thani Public Company Limited


Thariq Abdullah
Head, Corporate services
Exim Bank, Malaysia


Tim Gilkison
Director
In-House Community


Maprang Sombatthai
Head of Thailand Legal
Line Corporation


Peangpanor Boonklum
Senior Executive Vice President, Office of General Counsel
PTT Public Company Limited


Daron Wong
Senior Associate
SokSiphana&associates (a member of ZICO Law)


Hanim Hamzah
Regional Managing Partner
ZICO Law


Aparat Sanpibul
Senior Associate
ZICO Law Laos


Geraldine Oh Kah Yan
Resident Partner
ZICO Law Myanmar


Threenuch Bunruangthaworn
Partner
ZICO Law Thailand


Phuong Nguyen
Partner
ZICO Law Vietnam

"A good, wide and diverse range of topics were covered, I'm [now] up-to-date on developments in various fields"

2018 IN-HOUSE Congress KUALA LUMPUR


Chee Fei Meng
Regional Head of Group Legal - Wholesale Banking & Group Asset Management and Investments
CIMB Group


Edwin Bernard Rice
COO
CTG Blockchain, Malaysia
&
CEO
GemVault Limited, Isle of Man


Sapna Jhangiani
Partner
Clyde & Co


William Greenlee
Partner; Managing Director
DFDL Myanmar


Nawal Ismail
General Counsel
HelloGold Sdn Bhd


Glynn Cooper
Partner, Kuala Lumpur
Herbert Smith Freehills


Adrian Chai
Associate
Herbert Smith Freehills


Peter Godwin
Regional Head of Practice – Dispute Resolution, Asia and Managing Partner, Kuala Lumpur
Herbert Smith Freehills


Patrick Dransfield
Publishing Director
Asian-mena Counsel and Co-Director
In-House Community


Chin Wee Sing
Partner
Kadir Andri & Partners


Norinne Ira Dewal
Partner
Kadir Andri & Partners

Wong Kah Hui
Partner
Kadir Andri & Partners

Roslina Ismail
Group Head, Corporate Affairs
Pos Malaysia Berhad


James David
Founding Partner
Shaikh David & Co.


Sandra Sibert
Head Counsel - Operations, Legal and Regulatory Affairs
TIME dotCom Bhd


Cassandra Lim,
Lawyer
Trowers & Hamlins LLP


Esther Low
Senior Associate
Trowers & Hamlins LLP


Elias Moubarak
Partner
Trowers & Hamlins LLP


Tom Reynolds
Partner
Trowers & Hamlins LLP


Chew Seng Kok
Managing Director
ZICO Holdings Inc.


Hanim Hamzah
Regional Managing Partner
ZICO Law

"An excellent event. Thanks so much!"

2018 IN-HOUSE Congress SHENZHEN


Alex Tu Jianwei
Head of Domestic Legal Team
Ant Financial Services Group


Stephen Guo
Senior Vice President, Maverick Capita and Director
Chinese Academy of Chief Legal Officer


Mei Zhen
Co-Founder and Chief Legal Officer
Shenzhen Fadada Internet Technology Company Limited

Matthew D. Slater
Partner
Cleary Gottlieb Steen & Hamilton LLP, Washington

Nowell D. Bamberger
Partner
Cleary Gottlieb Steen & Hamilton LLP, Washington & Hong Kong

Christopher Moore
Partner
Cleary Gottlieb Steen & Hamilton LLP, London

Amy Wen Wei
Associate
Cleary Gottlieb Steen & Hamilton LLP, Paris

Norman Hau
Partner
Conyers Dill & Pearman

Hanifa Ramjahn
Counsel
Conyers Dill & Pearman

Liu Jing
Senior Consultant
Hui Zhong Law Firm
Council Member
Hong Kong International Arbitration Centre

Ariel Ye
Partner
King & Wood Mallesons

Sun Shulin
Partner
King & Wood Mallesons

Lex Kuo
Counsel
Latham & Watkins

Huang Yaying
Dean of Law School
Shenzhen University Law School
Council Member
Shenzhen Court of International Arbitration

"The Manila In-House Congress is great for in-house counsel to be updated and aware of relevant legal developments, and to interact with each other'

2018 IN-HOUSE Congress MANILA

Manuel Colayco
Chief Legal and Compliance Officer/ Corporate Secretary
Aboitiz Equity Ventures, Inc.

Joy Anne C. Leong-Pambid
Partner
ACCRALAW Labor and Employment Department

Patricia-Ann T. Prodigalidad
Senior Partner
ACCRALAW

Eric R. Recalde
Partner & Head
ACCRALAW Tax Department

Julie Yoon
Director
Mintz Group

Karen Jill M. Espineli
Chief Compliance Officer, Head of Legal Department and Third Party Recovery
Paramount Life & General Insurance Corporation

Christina Macasaet-Acaban
Partner, Corporate & Commercial
Quisumbing Torres

Jay Patrick Santiago
Sr. Associate, Dispute Resolution
Quisumbing Torres

Dennis Quintero
Partner, Corporate & Commercial
Quisumbing Torres

Reena Mitra-Ventanilla
Sr. Associate, Intellectual Property and Information, Technology & Communications
Quisumbing Torres

Eliseo Zuñiga, Jr.
Partner, Employment
Quisumbing Torres

Jazel Calvo-Cariño
Country Legal Head – Philippines
Sanofi-Aventis Philippines, Inc.

Arvin Lee
Partner and Arbitrator
Wee Swee Teow LLP

Tim Gilkison
Managing Director
In-House Community

DEAL OF THE MONTH

Asian-mena Counsel Deal of the Month

Ant Financial's record financing

The parent of Chinese payments company Alipay has raised a huge new cash pile as it seeks to go global.

Ant Financial raised US$14 billion in June, allowing it to overtake Uber as the world's biggest unicorn, with a valuation of US$100 billion.

The financing was achieved through the issue of Series C preference shares. The deal includes a renminbi tranche raised by Ant Financial from domestic investors and a dollar tranche raised by Ant International, a wholly owned offshore subsidiary of the company, from international investors.

Payment arm Alipay remains the company's biggest revenue contributor and Ant says the funds raised will be used to accelerate Alipay's globalisation plans. The micro lending business has grown rapidly during the past few years and it also plans to invest in developing technology to further enhance its ability to deliver inclusive financial services to unbanked and underbanked consumers and small enterprises globally.

While the company has had a relatively free rein in China during its early years, it is now facing a tighter regulatory environment — hence the desire to expand out of its home market. To help with that goal, the capital raised will also be used to cultivate tech talent in emerging markets to help communities take advantage of the opportunities arising from digital transformation.

It has ambitions in India, Thailand, Korea, the Philippines, Indonesia, Hong Kong, Malaysia, Pakistan and Bangladesh.

The company will also continue to invest in developing technology related to blockchain, artificial intelligence, security and internet of things. In the year ended March 31, 2018, Alipay, together with its global partners, served approximately 870 million annual active users globally and over 15 million small businesses in China.

International investors included Singaporean sovereign wealth funds GIC and Temasek Holdings, Malaysian sovereign wealth fund Khazanah Nasional, private equity funds Warburg Pincus, Silver Lake, General Atlantic, pension fund Canada Pension Plan Investment Board, T Rowe Price Associates, The Carlyle Group, Janchor Partners, Discovery Capital Management, Baillie Gifford & Co and Primavera Capital.

Deutsche Bank, Citi, China International Capital Corporation, Citic Securities, JP Morgan and Morgan Stanley acted as financial advisers to Ant Financial and Ant International for the Series C equity financing. Simpson Thacher & Bartlett and King & Wood Mallesons acted as legal advisers to Ant Financial and Ant International, while Sullivan & Cromwell acted as legal adviser to the financial advisers, led by corporate partners Garth Bray and Kay Ian Ng.

Weil acted as counsel for General Atlantic, led by partner Henry Ong. Clifford Chance advised The Carlyle Group, with partners Fang Liu and Terence Foo, supported by partner Zhang Hong, leading the firm's team on the transaction.

Other recent matters include:

Skadden has represented Japanese e-commerce company **Mercari**, one of the world's largest C2C marketplace app providers, on its ¥130.7 billion (US$1.2b) IPO and listing in Tokyo. Mercari is Japan's first unicorn, a startup with a valuation above US$1 billion. Trading commenced on June 19, 2018. Partner **Kenji Taneda** led the firm's team in the transaction, which is the largest stock listing in Japan this year.

Clifford Chance has advised **Macquarie Capital**, **Orsted** and **Swancor Renewable Energy**, as the sponsors, on the NT$18.7 billion (US$619m) 16-year project financing of the development, construction, commissioning, testing and operation of Formosa 1, Taiwan's first commercial scale offshore wind farm. This landmark transaction represents a defining first step towards Taiwan achieving its objective of delivering 5.5GW of energy from offshore wind farm projects by 2025. Singapore partners **Nicholas Wong**, co-head of worldwide projects group, and **Matt Buchanan**, head of construction for Asia Pacific, supported by head of renewable energy Asia Pacific **Philip Sealey** and partner **Paul Landless**, led the firm's team in the transaction. **Lee & Li** provided Taiwan law advice.

Allen & Gledhill has represented **Kiri Industries**, as the plaintiff, on DyStar Global Holdings (Singapore) v Kiri Industries & Ors and another suit before the Singapore International Commercial Court (SICC). The case, which involves major players in the dye industry, relates to Kiri's investment in DyStar. DyStar's majority shareholder is Senda International Capital, the vehicle through which Chinese company Zhejiang Longsheng Group made its investment. Kiri is listed in India, while Longsheng is listed in Shanghai. The SICC found that there were instances of oppressive conduct, and that Longsheng was the entity behind such conduct. Following the SICC's finding that there had been minority oppression, Senda has been ordered to buy out Kiri's shareholding in DyStar. Further, the Court has ordered that the losses caused by the oppressive acts are to be written back into the value of the shares in DyStar. Partner **Dinesh Dhillon**, supported by partners **Lim Dao Kai** and **Margaret Joan Ling**, led the firm's team.

mycareerinlaw.com™

Opportunities of the Month ...

Be it a case of wanting to spice things up or break the pattern, every now and then, it's nice to know there's something else. Whether you do so casually or stringently, take a look below to see what the legal sector can offer you.

Alternative Asset Manager

7-15 yrs PQE, Hong Kong

A reputable asset manager headquartered in Asia, which invests in a variety of industries and asset classes, is now looking for a general counsel to join the team, and the ideal person should be a transactional lawyer, so candidates with M&A/PE, banking, or restructuring experience gained at top tier institutions will be considered. Candidates who are already in-house, or those in private practice who have been on secondment, will be preferred. Attractive remuneration, as well as a friendly and collegiate working culture are on offer. This is an excellent opportunity for a senior lawyer looking to step into a head of role. [Ref: PBP7230]

Contact: Chris Chu
Tel: (852) 2537 7415
Email: cchu@lewissanders.com

Corporate Counsel – Technology

6-15 yrs PQE, Various
(Beijing, Shanghai, Taiwan, Hong Kong)

A highly established US technology multinational company is looking for a couple of corporate counsel at different levels in various countries around the China region to support its business needs. It is looking for strong candidates with experience in commercial contracts and who are highly familiar with the laws in China, Hong Kong, or Taiwan. These roles will be based in Beijing, Shanghai, Taiwan and Hong Kong, respectively, and those from international law firms standing and multinational companies are welcome to apply for these roles. Candidates with IT industry experience will be viewed favourably, and the successful hires are expected to be fluent in both English and Chinese Mandarin. Competitive remuneration package would be on offer. [Ref: CY – IC/TP/HK 1790]

Contact: Clinton Yip
Tel: (65) 6818 9703
Email: clinton@jlegal.com

Senior Legal Counsel

8 yrs+ PQE, Shanghai

A reputable component manufacturing MNC ranking top in its business sector is now looking for an experienced senior legal counsel to join its Shanghai office as more operational focus moves to China. In this position, you will have exposure, including but not limited to, general corporate matters to one of the big business units across APAC across manufacturing, supply chain, sales, R&D legal support to one of the Asia R&D Centre, as well as function legal support. To be qualified for this role, you shall meet the following criteria: a qualified lawyer with 8+ years PQE experience gained in both private practice and in-house environment covering Greater China or APAC area; previous exposure to Auto business is a plus; fluent in both English and Chinese; and independent, proactive, with good communication skills. [Ref: JO-1805-170249]

Contact: Sherry Xu
Tel: (852) 2520 5072
Email: sherryxu@puresearch.com

Junior Legal Counsel – Fintech

2-3 yrs PQE, Hong Kong

A great opportunity has arisen for a junior legal counsel to join this young fintech firm where you will be supporting on all legal and compliance matters. You will be reviewing and advising on all legal commercial agreements, advising business unit, on risk and compliance matters, monitoring changes in regulation and liaising with external regulatory authorities and external counsels. The successful candidate must be someone with around 2-3 PQE with corporate/ TMT experience gained from international law firms. Needs someone who is flexible, commercial minded with excellent command of English language skills. Chinese skills highly preferred. [Ref: 111223]

Contact: Charmaine Chan
Tel: (852) 2951 2104
Email: charmainechan@taylorroot.com.hk

Legal Counsel – Investment

13+ yrs PQE, Singapore

A global investment firm is looking for a high calibre candidate with corporate finance and/or M&A experience gained with leading law firms; some in-house experience would be ideal. The successful candidate will work with top-tier legal and investment teams on quality deals. This is an exciting opportunity which offers solid career development and progression potential. [Ref: A43378]

Contact: Surene Virabhak / Michelle Poh
Tel: (65) 6214 3310
Email: resume@legallabs.com

Ethics & Compliance Officer – Industrial

6-7 yrs PQE, Mumbai

Lead and manage the ethics and compliance programme of a world-renowned industrial corporation in India. You will be based in Mumbai and be responsible for investigating internal improprieties, allegations, complaints and conflicts of interest and providing legal advice on corporate governance issues. To be considered, you must have over 6-7 years' legal or compliance experience, 3-4 of which must be in charge of internal ethics and compliance investigation. Prior experience in handling compliance in a multinational Fortune 500 company is essential as well as the willingness to travel. [Ref: 14164/AC]

Contact: Yiyi Zhou
Tel: (65) 6220 2722
Email: hughes@hughes-castell.com.sg

Head of Legal – Real Estate

15+ yrs PQE, Hong Kong

A well-known property developer with a well-established legal team is looking to appoint a head of legal to serve as the chief legal adviser and assume management of the team. Fluency in Cantonese and Mandarin is important. [Ref: IHC 16744]

Contact: William Chan
Tel: (852) 2920 9105
Email: w.chan@alsrecruit.com

Kroll | A Division of DUFF & PHELPS

Kwek Chin Yong
Associate Managing Director
chinyong.kwek@kroll.com

Why asset searches are increasing in Singapore

Dispute resolution in Singapore is thriving more than ever

According to the 2017 annual reports of the Singapore Supreme Court and Singapore International Arbitration Centre, over 13,822 applications were filed in the Singapore Supreme Court; an all-time high of 452 case filings and 421 cases were also administered in that year. Established in January 2015, the Singapore International Commercial Court has just turned three, and its caseload continues to increase with time. Collectively, the above institutions have heard some of the most high-profile cases, which include *Sanum Investments v the Government of the Lao People's Democratic Republic; Kingdom of Lesotho v Swissbourgh Diamond Mines (Pty) Ltd; and PNG Sustainable Development Program Limited v Independent State of Papua New Guinea*. These cases show that Singapore's efforts to be a premier dispute resolution centre are paying off, and this trend is likely to continue in the foreseeable future.

Why Singapore?

Parties choose to resolve their disputes in Singapore for a variety of reasons, but one of the most appealing is the relative ease of enforcement of awards and judgments obtained through the Singapore legal system. It bears repeating that Singapore's rule of law is substantially stronger than that found in the surrounding countries. Many foreign investors have brought their neighbouring disputes to Singapore, even if the applicable law is that of the native country. This allows the plaintiff to have a dispute adjudicated in a neutral forum and enforce awards and judgments around the world if need be. This strategy works especially well when a defendant is a government, as trying to enforce local judgments against the government where the rule of law is weak can be fraught with all manner of difficulty, ranging from lack of jurisprudential sophistication to blatant political interference.

> "Many foreign investors have brought their neighbouring disputes to Singapore, even if the applicable law is that of the native country"

Increase of asset searches

In light of the above, it is clear that there are benefits to bringing disputes to Singapore. However, the process of enforcement requires one to not only think about where the dispute begins, but also where it ought to end. The reason for this is simple. Many parties who lose a dispute do not wish to pay and you have to compel them to do so through the legal process. This means that one often needs to conduct asset searches to ascertain a counterparty's net worth in order to have some comfort that one can recover assets after a long-drawn legal battle. Some might say this is even more important than obtaining legal advice since an unenforceable paper judgment is of no use to anyone.

Not only is it prudent to conduct asset searches, it is also essential to know where such searches ought to be done. Money is fungible and can find its way to far-flung jurisdictions around the world, especially if a defendant is a fraudster seeking to conceal assets. Hence, one should build a global legal strategy around knowing where assets lie and where enforcement will take place. It is also important to have this strategy in place as early as possible (1) to prevent asset dissipation which invariably takes place soon after a dispute first arises and (2) to facilitate pre-dispute negotiations with a counterparty. These best practices apply in all jurisdictions, including disputes adjudicated in Singapore.

Kroll is the leading global provider of risk solutions with more than 45 years of experience in helping clients make confident risk management decisions about people, assets, operations and security. For more information, visit www.kroll.com.

Now in its 20th year, the In-House Community Congress series is the region's original and largest circuit of corporate counsel events, bringing together over 3,000 corporate in-house counsel and compliance professionals along the New Silk Road each and every year.

ANNUAL IN-HOUSE Congress™ CIRCUIT

The twentieth annual gatherings of the *In-House Community* along the New Silk Road

- Abu Dhabi
- Bangkok
- Beijing
- Dubai
- Ho Chi Minh City
- Hong Kong
- Jakarta
- Kuala Lumpur
- Manila
- Mumbai
- Seoul
- Shanghai
- Shenzhen
- Singapore
- Tokyo
- Yangon

Do you have a **regular dialogue** with your peer **In-House Counsel along the New Silk Road?**

"*In-House Community* provides a unique combination of best practice sharing, networking, news and technical updates that all practitioners need in order to meet the competing pressures of legal coverage, compliance and commerce. *In-House Community* empowers the modern lawyer to work smarter and become a trusted business partner"

Trevor Faure, Global Adviser, Legal Transformation. Former General Counsel, Ernst & Young Global, Tyco International, Dell & Apple EMEA.

Join your colleagues at an **In-House Congress** near you

For more information email us at:
congress@inhousecommunity.com

FORUMS FOR THE
In-House Community™
www.inhousecommunity.com

Recent developments in banking dispute resolution in China

New methods of financing and challenging economic conditions have fuelled new types of disputes.

By Wilson Wei Huo, Partner, **Zhong Lun Law Firm**

Banking dispute is defined in a broad sense in this article, referring to a dispute where one of the parties is a banking or financial institution, such as a bank, a securities company or a fund management company. This article focuses on the recent developments of banking dispute resolution in China (in this article, China refers to mainland China). It is known that the laws of China belong to the civil law system, in which statute form the sources of law.

SOURCES OF BANKING DISPUTE RESOLUTION

i. Common sources of banking dispute resolution

In China, common banking disputes mainly relate to, among other things, lending and loans, guarantees, bankcards, financial leasing, securities, futures business, commercial instruments, trust and letter of credit. These disputes not only happen between financial institutions and financiers, but also among financial institutions or between financial institutions and investors.

> "Under the new normal, new types of banking disputes have arisen as a result of continuing economic slowdown and other factors"

ii. Sources of banking dispute resolution after the recent development of China's economy under the "new normal"

Under the new normal, new types of banking disputes have arisen as a result of continuing economic slowdown, structural economy problems, supply-side structural reform, innovation of the internet and other factors.

Bond default disputes

The bond market in China has witnessed a large amount of bond defaults in recent years, including but not limited to defaults of corporate bonds, enterprise bonds, medium-term notes, short-term financing bonds, small and medium enterprises' collection notes, and other types of bonds that are traded in the inter-bank market and the exchange market.

Private equity investment disputes

As stated in the 2017 Work Report of the SPC, along with the fast development of private equity investment (PE) in China, new types of PE disputes have arisen, such as private-equity partnership disputes, valuation adjustment mechanism disputes, equity repurchase disputes and corporate control disputes.

Internet financing disputes

Despite the combined positive effects on the economy, the existence of mobile internet, e-business and internet finance, such as peer-to-peer lending and mass and accumulative fundraising, and third-party payment platforms have caused complex and diverse disputes. Generally, the inapplicability of the traditional principle to determine jurisdiction, the normalisation of class actions with small disputed amounts, and the wide usage of electronic evidence are the common features in internet financing disputes.

Other banking disputes

In addition, the number of disputes in connection with derivatives and trade financing has increased dramatically in China in recent years.

iii. Significant Recent Cases

China adopted the guiding cases system on 26 November 2010. The SPC is in charge of selecting and releasing guiding cases. In addition to guiding cases, the SPC regularly releases typical and influential cases in its gazette (the SPC Gazette). Outlined below are some significant recent cases released by the SPC or represented by Zhong Lun relating to complicated issues such as pledge of rights, pledge of funds, guarantee obligation and entrusted loans.

In Fuzhou Wuyi Sub-branch of Fujian Haixia Bank Co, Ltd v. Changle Yaxin Sewage Treatment Co, Ltd and Fuzhou Municipal Engineering Co, Ltd (guiding case No. 53 concerning a dispute over a loan contract), the court ruled that the right to receive proceeds from franchises may be pledged and registered as a pledge of account receivable. Where the pledgee claims for priority right for compensation therein but it is inappropriate to liquidate, auction or sell off the aforesaid pledged right, the court may order the pledger to make a priority payment to the pledgee from the proceeds of the account receivable.

Wilson Wei Huo

> "The number of disputes in connection with derivatives and trade financing has increased dramatically in China in recent years"

In Anhui Branch of Agricultural Development Bank of China v. Zhang Dabiao and Anhui Changjiang Financing Guarantee Group Co, Ltd (guiding case No. 54 concerning a dispute over an objection to enforcement), the court ruled that the fact that the account balance in the special bank account occasionally floats shall not affect the validity of the pledgee's right over the pledged funds deposited in the special bank account as long as three requirements have been met. First, the pledger has opened the bank account and deposited such funds for the purpose of providing collateral to the pledgee. Secondly, the pledgee lawfully possesses and controls the bank account. Thirdly, the pledged property has been specified and the possession has been transferred from the pledger to the pledgee. In Ningbo Branch of Wenzhou Bank Co, Ltd v. Zhejiang Chuangling Electric Appliance Co, Ltd

(guiding case No. 57 concerning a dispute over a financial loan contract), the court held that when a creditor has entered into several maximum guarantee contracts with guarantors but failed to specify some of those guarantee contracts under the master loan contract, those guarantors though not expressly stated under the master loan contract shall still be liable for the indebtedness, so long as the debts have been incurred during the time limit of the guaranty liability provided under the maximum guarantee contracts and the creditor does not expressly waive its right against the guarantors.

> "The range of banking disputes has expanded dramatically along with the recent development of new methods of financing"

In Beijing Changfu Investment Fund v. Wuhan Zhongsenhua Century Real Estate Development Co, Ltd et al (a case of a dispute over an entrusted loan contract), the court held that when the entrusted bank lent the loan to the borrower under the instruction of the lender without assuming any legal risks or liabilities under the loan contract entered into between the lender, the entrusted bank and the borrower, such loan shall be deemed as 'private lending' rather than lending by a financial institution. Laws, regulations and judicial interpretations concerning 'private lending' are applicable to the validity of the entrusted loan contract as well as its main provisions (interests, default interests and damages).

In Dalian Donggang Sub-Branch of China Merchants Bank Co, Ltd v. Dalian Zebon Fluorocarbon Paint Stock Co, Ltd and Dalian Zebon Group Co, Ltd (a case of a dispute over a loan contract), the defendant, as the guarantor, argued that its legal representative acted beyond his authority to enter into the guarantee contract and the shareholders' meeting resolution to provide a guarantee to its shareholder was falsified. The court ruled that pursuant to Article 16 of the Company Law, if a company intends to provide a guarantee to its shareholder or its actual controller, the shareholders' meeting or the shareholders' assembly shall pass a resolution for such decision. However, this provision was designed for the company's internal management and should not be used to determine the validity of the guarantee contract. If the company, as the guarantor, later argues that its legal representative acted beyond his or her authority to enter into the guarantee contract, the court shall rule in favour of the creditor's claim as long as the creditor proves that the relevant shareholders' meeting resolution meets the formality requirements and the act of the legal representative constitutes an 'apparent' representation of the company.

In A Fund Company v. A Real Estate Development Company (a case of a dispute over an entrusted loan contract represented by Wilson's team), the lender entrusted a bank (the entrusted bank) to lend money to the borrower. The borrower provided its land-use right as collateral and registered such security interest under the name of the entrusted bank. In precedent cases, courts held that the lender was not entitled to sue the borrower directly because of the doctrine of the privity of contract. However, in this case, the court made an important breakthrough and ruled that the lender could initiate the lawsuit directly against the borrower and seek enforcement of its security interests as the actual creditor.

In T Securities Company v. A Bank (a case of a dispute over transferring property that had been frozen by the court and another case represented by Wilson's team), the debtor has pledged a listed company's stocks as collateral to the creditor, a securities company (the T Securities Company). After obtaining an arbitral award confirming its creditor's right against the debtor, T Securities Company applied for enforcement before court A. However, the debtor's other creditor, a bank, initiated a lawsuit against the debtor before court B, claiming that the debtor is not the lawful owner of the stocks pledged to T Securities Company. Court B then froze the stocks upon the bank's application for property preservation. T Securities Company's attorney, a member of Zhong Lun, applied with court A to realise T Securities Company's creditor's security interest. In the meantime, Zhong Lun applied to court B, the court that had frozen the property, to transfer the pledged stocks to court A for enforcement as court B has failed to enter into any auction or sales procedures in

respect of the frozen property after 60 days of the start of the property preservation procedures. Eventually, the courts sustained Zhong Lun's applications and requests.

iv. Looking Ahead

In China, the slowdown of the economy has profoundly influenced banking and financing investments and the resolution of relevant disputes. As a result, banking disputes have revealed four new trends, namely complexity, expansion, quantification and crowded disputes. Complexity refers to the fact that professional, complicated and innovative banking and financing investments have given rise to sophisticated disputes. Notably, the range of banking disputes has expanded dramatically along with the recent development of new methods of financing, in which the parties involved are becoming increasingly diverse, which has imposed unprecedented challenges on the regulatory framework. In addition, the number of banking disputes, as well as the amounts involved in such disputes, has grown. Newly emerged economic problems under the new normal have resulted in a lot of defaults and the disputed amounts often exceed hundreds of millions. Numerous individual investors are also involved in banking disputes, which means that financial institutions are being dragged into class actions initiated by those who failed to profit and even lost their principal investment.

The above-mentioned trends in banking disputes call for creative resolution under the new normal, which requires the foresight of the regulatory authorities, precautionary measures adopted by financial institutions, support from the judicial system and the arbitration institutions, as well as intelligence, courage, and professionalism of legal practitioners.

中倫律師事務所
ZHONG LUN LAW FIRM
huowei@zhonglun.com
www.zhonglun.com

Third-party funding in Asia

Tom Glasgow

Cheng-Yee Khong and Tom Glasgow of **IMF Bentham** examine the new regulatory environment for third-party funding in Singapore and Hong Kong.

Asia-mena Counsel: Last year's article provided the basics of third-party funding and an overview of the funding landscape in Asia. Have there been any legal developments for funding in this region?

Cheng-Yee Khong / Tom Glasgow: The 2017 legislative changes in Singapore and Hong Kong to permit third-party funding in prescribed dispute resolution proceedings have provided certainty and guidance for parties, legal practitioners and funders in the dispute resolution industry.

In March 2017, Singapore abolished civil liability for the common law tort of maintenance and champerty and established a new regulatory framework to allow third-party funding for international arbitration and related proceedings, including court proceedings and mediations. Helpful, non-binding guidelines have been issued for funders, legal practitioners and arbitrators by the Singapore Institute of Arbitrators, the Singapore Law Society and the Singapore International Arbitration Centre respectively.

The regulatory regime has been designed with flexibility and party autonomy in mind, with relatively light statutory regulations focusing primarily on lawyers and law firms practising in Singapore. This approach, combined with its popularity as the seat of choice for international arbitration, has led to an emerging market for third-party funding in Singapore.

The first funding agreement under the new statutory framework was reported in July 2017. IMF agreed to fund its first international commercial arbitration in Singapore in February 2018, and there are more cases in the pipeline.

In June 2017, Hong Kong abolished maintenance and champerty for arbitration and related proceedings, including court proceedings, emergency

arbitrators and mediations. The amendments apply to third-party funding of arbitration proceedings seated in Hong Kong, whether domestic or international, and in respect of work done in Hong Kong on arbitrations seated elsewhere.

It is hoped that the legislative amendments will come into effect this year, once a code of practice for funders is issued. IMF has received enquiries for funding in Hong Kong, which can move forward once this last piece of the jigsaw falls in place.

AMC: Any recent industry trends?
CYK/TG: The costs barriers and associated risks of litigating are high in modern international arbitration as expenses are compounded by the international nature of the dispute requiring multi-jurisdictional and often specialist legal teams, as well as arbitrator costs, institutional fees and hearing costs. It comes as no surprise, therefore, that international arbitration has seen a rise in the use of third-party funding by parties with lesser means, or those who wish to level the playing field against a larger opponent.

However, dispute resolution finance is no longer just for those who are unable to pay. Sophisticated, well-resourced companies are increasingly seeking dispute finance: firstly, as an effective means to manage the costs and risks associated with complex commercial disputes by transferring all or part of these costs (including potential adverse costs) to the funder. Secondly, as a cashflow management tool and a means of raising corporate finance. General counsel and financial controllers have tight budgets and are increasingly seeking relief from burdensome litigation or arbitration costs to allocate funds elsewhere. More generally, a business may wish to leverage the value of its contingent litigation or arbitration assets by seeking funding in the form of a capital advance, with no corresponding balance sheet liability.

These advantages are amplified when applied across a portfolio of disputes. In a portfolio, the funder's investment can be cross-collateralised — linked to the overall performance of the portfolio rather than individual claims — and correspondingly risk is diversified. The reduction in risk may reduce the cost of capital to the funded party. A portfolio arrangement also allows greater flexibility to fund defence costs, as the funder can recover its costs and any return from the revenue generating claims within the portfolio. This means that businesses can obtain funding not only for bringing claims but also for defending claims brought against it.

Similar arrangements can be structured to support a law firm's portfolio of contingency or success fee cases in jurisdictions such as US and China, where firms are permitted to act on this basis. The funder will assist the firm to meet its regular overheads as well as case-specific disbursements, in exchange for a share in the contingency or success fee generated by the firm.

AMC: What is the best way to select a funder?
CYK/TG: Funders are not interchangeable. One important thing to keep in mind is that a dispute-financing relationship typically lasts two to three years until the resolution of the case, and will need to survive all the usual complications associated with any complex commercial dispute. This means that parties seeking funding, along with their lawyers, should look for a funding partner that has the track record, the financial resources and the know-how to serve as a trusted adviser and a partner who can go the distance when an unexpected turn in the case requires revisiting the litigation budget. Choosing a funder based on competitive pricing, whilst attractive at the outset, may not be the wisest choice when issues arise and remain unresolved, leading to delays and additional costs.

> "Choosing a funder based on competitive pricing, whilst attractive at the outset, may not be the wisest choice"

When choosing a funder, it is important to consider not just the funder's track record for success, but also how long it has been in business to determine whether it has addressed thorny issues. Important factors to look for include whether the funder has been involved in disputes with funded parties or their lawyers; who will be dealing with the case at the company; whether interactions with the company will be with an individual who will approach the deal like a banking transaction, or a seasoned litigator who understands the fundamental nature of the litigation / arbitration at issue and can add value as it progresses. The source of the capital being provided is also important — is it readily available to draw down or does the funder need to make capital calls or go through other hoops to access it? IMF Bentham is comprised of experienced dispute resolution specialists who understand the cadence of the proceedings and how to handle obstacles along the road to resolution. IMF Bentham also has capital on-hand to fund legal fees, costs and even working capital and debt satisfaction for funded parties as soon as its diligence process is completed.

In addition to gauging a funder's reputation, history and capital capabilities, the most successful funding arrangements are achieved when there is a mutuality of trust and respect between the funder, the funded party and the lawyers. Anyone considering dispute financing should have these goals in mind when first approaching a funder, to determine whether the funder is the right fit. It is imperative that all parties involved have a successful multi-year partnership with all interests aligned.

AMC: What are the steps to obtain financing?
CYK/TG: We recommend reading IMF's concise guide to funding, which sets out three key steps to finance a case and the basics of dispute resolution finance. A detailed description of the process from initial enquiry to funding follows.

Non-disclosure agreement (NDA)

Once the preferred funder is selected, the next step is to reach out with a general description of the case and the funding amount sought. Funders will invariably require a NDA before any substantive discussions occur. This is critical to the diligence process because it evidences the intent of the parties to maintain confidentiality and privilege over shared information.

Cheng Yee Khong

Once a NDA is executed, parties should expect to have a more robust, but still preliminary, conversation with a funder about the case. In general, a funder will look for:

1. a simple explanation of the case;
2. where the case is pending (to verify there are no champerty or other restrictions in the jurisdiction);
3. the anticipated funding amount sought; and
4. the ideal funding arrangement (ie, whether the party is looking for working capital, legal fees, costs, or a combination of the three).

During these initial discussions, a funder will look to ensure that the matter meets its basic parameters. For instance, IMF Bentham typically requires a realistic damages estimate that is at least 10 times the proposed funding amount and a liability theory supported by documentary evidence. Typically, a party seeking funding will approach a funder with lawyers already engaged. In situations where a party seeking funding has not already retained a lawyer, funders are commonly willing to assist with making introductions and referrals if the matter satisfies the funder's minimum criteria and the merits appear strong.

From the initial discussions, a funder should be able to generally understand the claims, the amount needed to fund the case to completion and a reasonable estimate of potential recovery. This information allows a funder to gauge its level of interest in moving forward. If that interest is strong, a funder will typically issue a term sheet that outlines the economic terms of the proposed investment and provides for a due diligence period to fully assess the merits of the case and related issues. For IMF Bentham, the term sheet is non-binding except for an exclusivity period, which generally lasts 30 to 45 days.

Funders require exclusivity because the diligence process is time-consuming and may require bringing on an outside expert to analyse the specific area of law at issue. Certain funders attempt to lock up parties with exclusivity requirements as early as the NDA stage, and often ask that parties reimburse them for costs incurred (eg, outside legal advice) as part of the diligence. IMF Bentham, in contrast, only requires exclusivity after the parties tentatively agree on terms. We also incur due diligence costs without seeking reimbursement from the party.

Indicative terms

A funder's term sheet will invariably describe its proposed return structure. Returns typically (but not always) increase over time as the funder continues to invest risk capital in the litigation. There is no single way to establish up front what an acceptable return will be if the case is successful, and approaches vary widely. But it is often calculated as a multiple of the disbursed funding amount, a percentage of the litigation proceeds, or the greater of the two. One thing to look for is whether a funder proposes to take a multiple of the committed funding amount (as opposed to the amount deployed as of the date of any resolution). Often committed funds are not fully drawn upon if the proceedings do not go the distance, in which case committing to paying a multiple of the committed amount is inadvisable. IMF Bentham's business is focused on certainty and fairness. As such, we welcome early resolutions of the matters in which we invest — if fair to all concerned.

Parties should also look at the proposed return priority structure. Generally, a funder will require a first-priority position to receive, at minimum, the return of its principal. If the claimant's lawyers have agreed to a full contingency arrangement and the funding is for working capital, the lawyers may want input in such an arrangement. Addressing issues like these sooner rather than later will benefit all parties and help facilitate the positive relationship necessary to make a dispute financing partnership work.

Preparing a matter for funding

Funders put each potential investment through rigorous diligence, which typically takes 30 to 45 days. Given that a typical case might last over two years and involve a commitment of a few million dollars, a funder's in-depth review is essential. This process includes meeting with the party seeking funding, reviewing relevant documents, and possibly hiring outside experts (especially if the case revolves around a highly-specialised area of law).

Parties should prepare for this process early. Funders will ask for pleadings that best summarise the legal and factual arguments from each side, and documentary or other evidence that both supports the claims and refutes any facially strong arguments from the adversary. A legally sound and objectively measurable theory of damages — even if preliminary — is important, and a pre-litigation damages analysis conducted by the lawyers or their consultants is a huge plus from a funding perspective. Funders will invariably seek access to the legal team to discuss liability and damages issues in depth. If the case involves a niche practice area that requires the funder to engage outside expert consultation, parties should ask whether this additional expense will be borne by the party or the funder when negotiating the term sheet. IMF incurs all such costs as part of its diligence process.

"Given that a typical case might last over two years and involve a commitment of a few million dollars, a funder's in-depth review is essential"

Preparing for and assisting with a funder's diligence process may be time-consuming but it can be very helpful to strengthen the merits of the case, including identifying and shoring up any perceived weaknesses. Funders often reduce a case to somewhere north of its "worst-case scenario" and seek an explanation of the best arguments available. Lawyers are often very appreciative of the process because it forces them early on to analyse the pitfalls in the case, identify the best evidence available, and crystallise counter-arguments sooner than they otherwise would do in the litigation process.

While each case presents a unique set of issues, funders at a minimum look for the following in any investment opportunity:

1. a cogent liability theory supported by documentary evidence, indicating strong prospects of success;
2. a sound damages theory that results in sufficient damages to cover the funder's return, the lawyers' contingency stake (if any), and (in IMF's case) enough remaining for the funded party to recover at least 60% of any award or settlement; and
3. a high likelihood of collectability.

Being frank, realistic and dispassionate during the diligence process is important. Dispute finance is a multi-year partnership. Thus, it is best for everyone involved if the funder has the essential information to make an accurate underwriting decision. Once an investment decision has been made, parties can expect to finalise and execute a funding agreement.

IMF BENTHAM
INTERNATIONAL LITIGATION FUNDING

tglasgow@imf.sg
ckhong@imf.sg
www.imf.sg

Enhancing international arbitration through Chinese practice experience

Chinese delegates shared the thoughts and practices of Chinese arbitration institutions to the international arbitration community at the ICCA congress.

By Chen Fuyong, **Beijing Arbitration Commission**

Arbitrators from around the world met earlier this year to discuss the future of international arbitration at the 24th International Council of Commercial Arbitration (ICCA) congress in Sydney, Australia.

The event attracted more than 850 professionals from 65 countries around the world, including a Beijing Arbitration Commission (BAC) delegation consisting of its deputy secretary general Chen Fuyong and other members of staff. The theme of the congress was to sum up the challenges to arbitration and dispute resolution, and to promote an active discussion on possible reforms.

Doug Jones (Left 2) welcomes Chen Fuyong (Left) at the ICCA 2018 Sydney

Speakers from common law jurisdictions particularly stressed the challenge to the legitimacy of international arbitration's law-making practice. In international arbitration, based on the identified substantive governing law, judgment is often needed to supplement the deficiency and ambiguity that lies in the applicable law or the contract, and the arbitral tribunal's determination will usually leave an influence on the rules of subsequent transactions, which may even become a sort of "soft law".

However, it is disputed whether arbitration naturally has such a law-making function, with growing doubts about its legitimacy and concerns that it may affect the normal functioning of the precedent system under common law. Meanwhile, once public institutions or public interest is concerned in international arbitration procedures, the balance between "confidentiality" and "transparency" will be further challenged.

Apart from that, challenges to the efficiency and cost of arbitrations also attracted close attention from the speakers. Discussions were mainly focused on whether institutional advantages of other dispute resolution mechanisms can be adopted to review the relationship between party autonomy and arbitral proceedings led by the

arbitral tribunal; how newly developed technologies and third-party funding can be reasonably adopted to resolve the parties' inequality of resources in their appointment of arbitrator, scope of evidence disclosure and procedural participation. In addition, speakers also paid attention in varying degrees to those hotspots concerning public sectors in investment arbitration and ad hoc arbitration, where Shan Wenhua, assistant principal of the Xi'an Jiaotong University, joined in the discussion.

Looking to the future, discussion focused on how technology can be used to facilitate arbitration's impartiality and efficiency, and how the obsessions and challenges brought by scientific and technological development can be effectively dealt with, while a session on "hot topics and new voices" in international arbitration looked at areas such as the Belt and Road Initiative and investment arbitration, and encouraged young dispute resolution practitioners to let their voices be heard. It is worth mentioning that with regard to the application of AI in international arbitration, the Chinese smart courts and smart arbitration may be said to be at the cutting-edge of lowering linguistic barriers through technology.

In this respect, Shen Hongyu, chief judge of the Fourth Civil Division of the Supreme People's Court of China, emphatically presented an introduction of Chinese practice from three perspectives of "PRC AI Court Planning", "PRC Courts' New Measures for Promotion of ADR Development" and "Experience and Revelation".

The truly impressive achievements of Chinese courts in information infrastructure won extensive attention from the audience. Shen pointed out that with the strong promotion of the Supreme People's Court and relevant authorities, the positive outcomes in improving professionalism and transparency of case hearing resulting from the IT practices of Chinese courts may, to a certain extent, help deal with the challenge to legitimacy raised in this ICCA Congress. Meanwhile, she also introduced the Chinese courts' efforts in promoting arbitration, mediation and other ADRs by referring to the newly promulgated SPC judicial interpretations and judicial policies. Shen's speech re-stressed Chinese courts' arbitration-friendliness, from which international arbitration practitioners are looking forward to China becoming a competitive seat of arbitration.

In a separate panel discussion, Chen Fuyong shared more insights about Chinese arbitration institutions and Chinese arbitration users. He

Chen Fuyong share his thoughts during the panel discussion

pointed out that the so-called conventional wisdom normally means rules that are widely accepted in international arbitration practice — and yet many "widely accepted" rules in fact are practice of practitioners from a small number of countries. To other countries, including China, such rules are far from being "widely accepted". Therefore, it is necessary to review the conventional wisdom from time to time. Based on empirical data analysis of Chinese arbitration users, Chen clarified that the primary reason Chinese users have a strong feeling about international arbitration's high cost and low efficiency is that they usually have no problem with the cost and efficiency of Chinese domestic arbitrations. Taking the BAC as a sample, during the past five years, arbitration in ordinary procedure lasts for less than 140 days from the composition of arbitral tribunal to the conclusion of the case, and in summary procedure this figure is less than 70. Chinese users prefer institutional arbitration to ad hoc arbitration, because arbitration institutions can greatly help control the cost and enhance the efficiency. He also pointed out that the "arb-med" in Chinese practice is deemed by most arbitration users as a deviation from the international "conventional practice" due to local legal tradition and culture. To reduce such concerns from international customers, the BAC Arbitration Rules specifically stipulate that when mediation conducted during arbitration procedure fails, the parties may request replacement of arbitrators. With respect to the "tribunal secretary" that has been widely used in international arbitration in recent years, Chen

> "Speakers from common law jurisdictions particularly stressed the challenge to the legitimacy of international arbitration's law-making practice"

BAC delegation

pointed out by reference to the change of responsibility of case managers in Chinese practice that some international norms that China has been constantly following up in fact are developing into those adopted in Chinese domestic regularities.

In his closing speech, Thomas Frederick Bathurst, chief justice of the Supreme Court of New South Wales, specifically mentioned Chen's speech and said that the Chinese arbitration experience he introduced with the sample practice of the BAC was worth study by the international arbitration community.

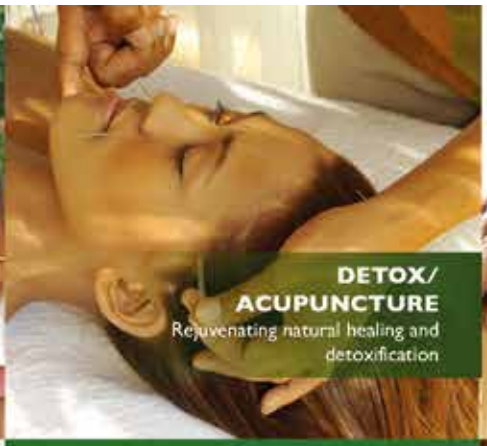
In addition to its participation in the congress, the BAC delegation set its exhibition booth at the venue of the congress, where it has had in-depth exchange with professionals from various jurisdictions and introduced the BAC practice and the Chinese arbitration thereto. The "Visit BAC" booklet specifically made by the BAC delegation provided an introduction of the BAC's leading position in the Chinese arbitration industry as well as the BAC's effort in promoting the integration of the standards, practices and theories between the international arbitration and the Chinese arbitration to roughly 200 visitors in a manner in conformity with the international criteria.

Meanwhile, the BAC delegation based on the Commercial Dispute Resolution in China: An Annual Review and Preview (2017) provided a systematic introduction of the up-to-date development of the Chinese dispute resolution industry, covering sectors of commercial arbitration, commercial mediation, construction, real estate, energy, investment, international trade, finance, intellectual property, film and television and general aviation, which served as a bridge for exchange and mutual trust between Chinese and foreign arbitration practitioners. It also showcased the upcoming 2018 summits on commercial dispute resolution in China to be held in Europe and Hong Kong to about 140 visitors including the ICCA president, members of the Governing Board of the ICCA, representative arbitration practitioners from European and Asian countries (including several members of governmental delegations to the Working Group II of the UNCITRAL).

Apart from that, with the support of the organiser of this ICCA congress, the BAC held two breakfast seminars at the venue of the congress, which attracted dozens of arbitration practitioners from various countries. The BAC's member of staff introduced the statistics and practice of the BAC concerning business development, service quality, constitution of arbitrators, pre- and post-dispute services, and also the BAC's achievements in improving its arbitration transparency and promoting diversified dispute resolution development under the theme of the ICCA congress. Chen Fuyong had a face-to-face exchange with the audience on the BAC administration of its arbitrators, the Belt and Road Initiative and the judicial review of arbitration in China, which directly attracted interest of international arbitration colleagues, including the former US Ambassador in New Zealand, in learning more about the BAC and having more cooperation therewith.

The ICCA congress is an international conference with the largest scale and influence in the area of international arbitration, and is praised as the Olympic Games of the international arbitration community. The ICCA congress is a biennial event and has been held for 24 sessions. With the combination of professional voices from different jurisdictions, this congress helped promote a reconsideration of the existing rules in international arbitration, which is of far-reaching value both in theory and in practice. The BAC delegation proactively unveiled the thoughts and practices of Chinese arbitration institutions to the international arbitration community, which is undoubtedly helpful in building an open and professional image of Chinese arbitration, and thereby to promote the overall development of the BAC and even the Chinese arbitration industry.

CORPORATE WELLNESS
Helping employees become healthier and more productive



DETOX/ ACUPUNCTURE
Rejuvenating natural healing and detoxification

SPA TREATMENTS
World class pampering with that distinct Filipino touch

FOOD
A range of cuisine for varied preferences.

nurture
WELLNESS VILLAGE

OUR ROOMS
Rooms not only with a view

WEDDINGS
Lasting memories that start even before you say your I Do's

HEALTHIER HAPPIER BETTER

GLAMPING
Forge better team bonds. Strengthen family and friendship ties.

OUR MEETING ROOM
Creative meetings in inspiring surroundings

FAMILY BONDS
Building treasured memories

FARMACY
Discover plants that heal. "Let food be thy medicine". - Hippocrates

www.nurturewellnessvillage.com

CONTACT US : Nurture Wellness Village Pulong Sagingan, Barangay Maitim II West Cavite, Tagaytay, Luzon 4120, Phil.
Mobile: +63 917 687 8873 , +63 918 888 8772 | Telephone: +63 2 401 9030 , +63 2 710 9786 . +63 46 512 6273 | Email : info@nurture.com.ph

An insight into the latest developments and key issues regarding dispute resolution in the UAE

By Areen Jayousi, partner, **Horizons & Co**

The most significant development in dispute resolution in the UAE, without a doubt, is the recent promulgation of the UAE's standalone Arbitration Law. Law 6 of 2018 officially brings into place a UN Commission on International Trade Law (UNCITRAL) modelled law which significantly improves the UAE legal regime on arbitration and formally repeals the previous provisions on arbitration in the UAE Civil Procedure Code.

The significance of this much-anticipated development should not be understated. The UAE has long been a regional hub for international arbitrations, despite the law governing arbitration being underdeveloped. That is now a thing of the past.

> "The new law will no doubt further bolster confidence in the use of arbitration in the UAE and the UNCITRAL-based arbitration law most certainly brings the UAE's arbitral framework into line with international standards"

Practitioners of dispute resolution in the UAE will welcome the new law, as many of the ambiguities of the former arbitration regime have been ameliorated. The new law will no doubt further bolster confidence in the use of arbitration in the UAE and the UNCITRAL-based arbitration law most certainly brings the UAE's arbitral framework into line with international standards.

With the announcement of this new law, it is clear that the UAE has improved its process for legislative reform.

Previous to the new law being enacted, the law on arbitration was restricted to scant articles of the UAE Civil Procedure Code. With the new law however, we see the introduction of a comprehensive framework for arbitration which is in line with international norms and best practice.

The new federal law on arbitration was not a rushed afterthought. Indeed, lawyers in the UAE have been waiting for the enactment of this law for the best part of 11 years.

Thankfully, the new Federal Arbitration Law has greatly improved the uncertainty caused by the previous articles on arbitration within the UAE Civil Procedure Code, and will without a doubt further boost the UAE's already sterling reputation as a hub for of international arbitration.

"The new law states that its contents apply to all arbitrations conducted within the UAE, however interestingly then states 'unless parties submit their dispute to an alternative arbitration law'"

Areen Jayousi

The new law has adopted the UNCITRAL-based model for arbitration legislation. This means that the legal framework for arbitration in the UAE has been significantly modernised and now UAE-seated arbitrations can be seen to be very much in line with international best standards, in the following ways:

Application of the new Federal Arbitration Law

Article 59 of the new law also explicitly states that the provisions of the law apply to each and every on-going arbitration (at the time of promulgation) as well as future arbitrations.

Article 2 of the new law states that its contents apply to all arbitrations conducted within the UAE, however interestingly then states "unless parties submit their dispute to an alternative arbitration law". My interpretation of this is that this wording intends to facilitate freedom for parties that wish to pursue their dispute before the DIFC (or any other offshore jurisdiction which enjoys a standalone arbitration law) as their seat of arbitration.

Article 3 of the new law allows for extra-territorial application should the parties agree to be bound by this law for foreign arbitrations.

The agreement to arbitrate

The new law upholds the necessity that an agreement to arbitrate be in writing. However, the new law now specifically permits 'electronic methods' to form an agreement to arbitrate. The new law also stipulates that an arbitration clause shall be valid by reference as is commonly the case in construction disputes, should the arbitration clause be present within the standard form conditions. Clarity on the validity of a clause by reference was much needed and removes the previous ambiguity in this regard.

Article 6 of the new law formally acknowledges the notion of 'severability' whereby a provision to arbitrate in a contract remains valid should it be found that other parts of the contract are held to be illegal or otherwise unenforceable.

Article 8 of the new law is of pivotal importance and changes the current law on the issue significantly. Article 8 provides that should a litigant initiate proceedings before the local courts despite the presence of an arbitration clause, the local on-shore court shall dismiss the proceedings should the defendant put forth a jurisdictional objection (based on the presence of an arbitration clause) on condition that said objection is made prior to the defendant submitting arguments on the merits of the case before the court. Such an approach is a far more reasonable one in comparison to the previous regime, where the defendant was obligated (strictly) to submit a jurisdictional objection at the very first hearing.

Article 8 goes further to provide that arbitral proceedings can be initiated and continued despite the fact that litigation proceedings have already been initiated at court.

Jurisdiction of a tribunal

Article 19 of the new law now permits a tribunal to rule on its own jurisdiction. Any decision issued in this regard is appealable within 30 days before a

competent court. The tribunal may also now continue with the arbitration proceedings despite the appeal.

Article 20 sets out a deadline for submitting a plea for the lack of jurisdiction of the Arbitral Tribunal on the following grounds:

a. A jurisdictional challenge stating that the tribunal has no jurisdiction must be submitted before the hearing scheduled for a respondent to submit its statement of defence.
b. A challenge that the legal issues raised by a party fall outside the ambit of the arbitration must be made immediately.

Interim awards

The new law has recognising interim or partial awards, in contrast to the previous regime which was silent on the issue.

Article 21 states that provisional awards be:

a. provisional awards conserving evidence that is pivotal to the dispute;
b. provisional awards to protect goods that make up part of a dispute;
c. provisional awards to preserve assets; and
d. provisional awards to preserve the status quo of an issue, or interestingly for parties to be restored to their previous position until a final decision is made on the merits of the dispute.

The above mentioned provisional awards, as well as other elements contained within Article 21 are now fully enforceable via local courts and will have the same effect as a court order.

Arbitral awards

The previous regime contained a rigid requirement that an award be physically issued in the UAE. Should this not happen, the award would then be deemed as a foreign arbitral award. This effectively meant that that arbitrators had to ensure they signed an award while being physically located within the UAE. Article 41 of the new law repeals this requirement and categorically maintains that domestic arbitration awards may be signed outside of the UAE and can now be signed electronically. A very welcome development.

Costs

Article 46 of the new law deals exclusively with costs of arbitration. While Article 46 (1) gives a tribunal the discretion to apportion 'arbitration costs', the subsequent wording of the same article makes specific reference only to tribunal, arbitrator and expert costs and makes no specific reference to lawyers' fees/costs. Given that the new law is obviously as yet untested, time will tell (once we begin to receive judicial judgments) if the grey area in relation to 'arbitration costs' will also include lawyers' fees, however it does seem unlikely from a strict literal interpretation of the wording of Article 46.

> "Given that the new law is obviously as yet untested, time will tell if the grey area in relation to 'arbitration costs' will also include lawyers' fees"

Challenges

Article 53 of the new law stipulates that an award can be nullified as follows:

a. should it be found that there is no valid arbitration agreement, or the specified timeframe for rendering the award be exceeded;
b. where one of the parties at the time of entering into the arbitral agreement lacked the requisite capacity;
c. should one of the parties be unable to submit its defence due to erroneous notification;
d. should the award have rejected the application of a specific law mutually agreed to by the parties;
e. should the constitution of the tribunal be done in a way that is deemed contrary to UAE law or agreement by the parties; and
f. if the award deals with matters beyond its duly sanctioned scope.

The above conditions are similar to those already catered for in the previous regime.

The Arbitration Law was issued on May 2018, therefore it remains to be seen how it will work in practice, particularly with regards to on-going arbitrations. However, considering this new law is in line with international arbitration best practice, it is certainly a welcome and much overdue development for dispute resolution in the UAE.

HORIZONS &CO

areen.jayousi@horizlaw.ae

www.horizlaw.ae

In-House *Community*™

www.inhousecommunity.com

20 YEARS

Bringing the In-House Community together along the New Silk Road

1

ANNUAL
IN-HOUSE
Congress
CIRCUIT

"The future of legal services lies very much in the hands of in-house counsel. To bring change, it is imperative that they form themselves, globally, into professional networks. The *In-House Community* provides one such forum"

Professor Richard Susskind, OBE

2 ## Asian-mena Counsel *and the* Weekly Briefing

Sent to over 31,000 individuals including 21,000 in-house practitioners

3 ## *Plus:*

Resources online, all the time at:

www.inhousecommunity.com

HOSTED BY PACIFIC BUSINESS PRESS

China's reform of arbitration in Shenzhen SEZ

Dr. Liu Xiaochun

The history of China's opening-up policy and the internationalisation process of arbitration in Shenzhen, as well as the future of the merged arbitration institutions.

By Dr. Liu Xiaochun, president of **Shenzhen Court of International Arbitration**

South China International Economic and Trade Arbitration Commission (Shenzhen Court of International Arbitration) and Shenzhen Arbitration Commission have been merged into Shenzhen Court of International Arbitration (Shenzhen Arbitration Commission) as of December 25, 2017. The merger of the arbitration institutions in Shenzhen SEZ has attracted wide attention of the legal profession as well as the industrial and commercial society from both China and the world.

As for the background, I will mainly share the four organisational innovations of the internationalisation and modernisation of China's arbitration in Shenzhen SEZ from the perspective of China's reform and opening-up and the construction of the special economic zone (SEZ). As for the future, I will mainly focus on where the arbitration institution is going after the merger.

BACKGROUND OF THE MERGER OF ARBITRATION INSTITUTIONS IN SHENZHEN SEZ

The year 2018 witnesses the 40th anniversary of China's reform and opening-up, the 38th anniversary of Shenzhen SEZ. It is also the 35th anniversary of the SCIA. To recall the history of the past four decades, we need to look at Shenzhen, the history of Shenzhen as well as the arbitration from the outside of them.

Generally speaking, all the four organisational innovations of China's arbitration in Shenzhen SEZ are symbolic milestones of changes and reforms.

The first organisational innovation

The first organisational innovation of China's arbitration in Shenzhen SEZ was commenced at the beginning of China's reform and opening-up, ie the spring of 1982. After more than one year's exploration and improvement, the arbitration institution of Shenzhen SEZ was formally established on April 19, 1983. It is the first arbitration institution in the Guangdong-Hong Kong-Macau region and the first arbitration institution established by a government of province and municipality level in China. It is also the first arbitration institution of China

that recruits foreign professionals as its panel arbitrators and the first arbitration institution of mainland China whose arbitral award was enforced abroad pursuant to the New York Convention.

The second organisational innovation

The second organisational innovation of China's arbitration in Shenzhen SEZ occurred in 1995. The Arbitration Law of the People's Republic of China was issued in 1994 and formally entered into force in 1995. As one of the seven pilot cities throughout the country, Shenzhen established Shenzhen Arbitration Commission by reorganising the administrative arbitration bodies attached to the relevant administrative authorities like the administration for industry and commerce, the land bureau, and the science and technology authority, etc. whose arbitration awards were not final. This played a leading role among the newly-established domestic arbitration institutions in China.

The third organisational innovation

The third organisational innovation of China's arbitration in Shenzhen SEZ was in 2012. The administrative system and operational mechanism of South China International Economic and Trade Arbitration Commission (Shenzhen Court of International Arbitration) (hereinafter the "SCIA") has experienced significant changes. Shenzhen SEZ adopted the Regulations on Shenzhen Court of International Arbitration (for Trial Implementation), and introduced the mode of statutory body by prescribing that the SCIA shall establish the Council-centred corporate governance structure. This was the first time to prescribe the governance structure of an arbitration institution through a special regulation, which indicated the confidence and determination of Shenzhen SEZ to enhance the credibility of China's arbitration and improved the expectation of the parties about the impartiality and independence of the China's arbitration in Shenzhen SEZ.

> "All the four organisational innovations of China's arbitration in Shenzhen SEZ are symbolic milestones of changes and reforms"

The fourth organisational innovation

The fourth organisational innovation of China's arbitration in Shenzhen SEZ occurred on December 25, 2017, when South China International Economic and Trade Arbitration Commission (Shenzhen Court

of International Arbitration) and Shenzhen Arbitration Commission, both of which were leading arbitration institutions in China, were merged into Shenzhen Court of International Arbitration (Shenzhen Arbitration Commission) (hereinafter the "SCIA"). The merger of permanent arbitration institutions was unprecedented not only in China but throughout the whole world — therefore we have no precedents to learn from. The merger of the two arbitration institutions aimed at establishing the commercial environment that is more internationalisation-oriented, of greater global influence and impartiality, so as to indicate the determination of Shenzhen SEZ to "further promote the reform and opening-up".

The above is a general description of the historical background of the merger of the two leading arbitration institutions in Shenzhen SEZ. When we take a look at this great background, we need to look at Shenzhen and its history from the outside. After the development in the past four decades, we have now reached a new starting point

> "The merger of permanent arbitration institutions was unprecedented not only in China but throughout the whole world — therefore we have no precedents to learn from"

FUTURE OF THE ARBITRATION INSTITUTION IN SHENZHEN SEZ AFTER THE MERGER

After the merger of the two arbitration institutions, what the public care about may be classified into the following five issues:

Vision and mission of development

In the past four decades, both the world economy and the economy of China have experienced great changes, and the total trend is that China is more and more involved in the globalisation of economy. In this process, the vision of development of the SCIA has also experienced some changes and adjustments, and the total trend is to be more modernised and internationalisation-oriented.

Without a common mission, the merger will not be successful. After the merger of the two arbitration institutions, the Council of the SCIA has determined the new vision of development through deliberation as "take root in Shenzhen SEZ, and cooperate with Hong Kong and Macau, so as to establish a world-class international arbitration institution". It is to satisfy the market demand in the new era of China's reform and opening-up, because in the background of Belt-and-Road initiative, there will be more and more Chinese enterprises "going global" and more and more foreign enterprises "coming in". Therefore, the arbitration institution of Shenzhen SEZ should emulate the world-class arbitration institutions, actively satisfy the market demand for globalisation and promote the socio-economic development.

As we all know, the arbitral jurisdiction arises from the arbitration agreement between the parties; if there is not an arbitration agreement between the parties, there will not be any arbitral jurisdiction. We must ponder over the vision and mission of the SCIA from the perspective of the purpose of arbitration. What is the purpose of arbitration, and why an arbitration institution should develop? I think it will not be for the arbitration institution itself. It is due to the demand of market development and the development of enterprises. If an arbitration institution cannot satisfy the demand of enterprises, the demand of market and the demand of social development, it will be abandoned by the market in the end. On basis of this notion, the arbitration institution will have an even firmer mission after the merger, and our vision will also be more forward-looking.

Governance mechanism

The SCIA's governance mechanism will not change after the merger, because the parties' anxiety about the protectionism of local authority, the internal control and the interference of administrative authority can be eliminated only by the separation and balance among the decision-making, the administration and the supervision, so that the arbitration institution will develop in the long run and the arbitration system will maintain its vitality. This is also the basic system for enhancing the credibility of arbitration.

After the merger, the arbitration institution will continue to operate pursuant to the regulation issued by Shenzhen SEZ in 2012 on the statutory governance structure of the SCIA. The 13 Council members appointed in May 2017 will not be changed, and the statutory duties of the Council still remain the same, including significant decision-making, supervision on the administration and integrity of the arbitrators.

Route of development

The economy of China grows rapidly; many disputes will be resolved by arbitration institutions. At present, there are about 250 arbitration institutions throughout China and each has its own specific situations and route of development, and they are in the process of changes. The SCIA will discuss at the Council meeting whether its route of development will change from high-speed development to high-quality development. Although the two arbitration institutions ranked No. 5 and No. 6 in China by the total amount in dispute before the merger; however, these indexes are not very important, and it does not matter even if they decline to No. 10 or even No. 20. The main purpose of the merger of two arbitration institutions in Shenzhen SEZ is to have a stronger brand and better quality, rather than to become bigger quantitatively. To secure high quality, we have proposed the following route of development: stretching the long board, supplementing the short board, and strengthening the base board. If we have done a good job in some aspects in the past, we should have a higher standard and become better now; if we did not aspire to be the best in China, we should not have engaged in the merger. Of course, we have our short boards, which must be made up quickly. Just like a barrel, if there is a short board, it will decrease the total quality and affect the whole standard. But the most important is the base board, which means the quality and the integrity of arbitrators. If one arbitrator behaves improperly, then the bottom will be leaking, and the whole barrel of water will not be held any longer. Both the administration and the Council of the SCIA will strengthen the management of quality by implementing stricter quality standard. The SCIA will act with extreme caution in the proposal of each case and fully respect the parties' trust and authorisation over the SCIA and the arbitral tribunal, and each personnel must be prudent and keep the bottom line. No person is allowed to dig holes in the base board. The SCIA is determined to be the arbitration institution that has the firmest base board in China, and the supervision from the users are welcomed by us as it is the best support to SCIA.

> "If an arbitration institution cannot satisfy the demand of enterprises, the demand of market and the demand of social development, it will be abandoned by the market in the end"

Application of the arbitration rules and the panels of arbitrators

The SCIA is an integral arbitration institution after the merger, and its arbitration rules and the panels of arbitrators will be unified too. The transit period will not be very long. Before the Council revises the arbitration rules and the panels of arbitrators or makes any decision on the application of arbitration rules and the panels of arbitrators, it will be disposed in accordance with the following principle: If the parties have agreed on the "Shenzhen Court of International Arbitration", the "South China International Economic and Trade Arbitration Commission" or any former name of it, the Arbitration Rules of Shenzhen Court of International Arbitration released in December 2016 and the Panel of Arbitrators of Shenzhen Court of International Arbitration shall be applied, unless otherwise agreed by the parties; if the parties have agreed on "Shenzhen Arbitration Commission", the Arbitration Rules of Shenzhen Arbitration Commission the Panel of arbitrators of Shenzhen Arbitration Commission shall be applied.

As regards the revision of the arbitration rules and the Panel of Arbitrators, we sincerely welcome the suggestions and advice from the whole society, so as to establish a world-class arbitration platform together.

Service quality

Shenzhen is a city developing rapidly in the boom of its market economy, and the SCIA is an international arbitration institution that sets its foot in Shenzhen and develops on the basis of its services; it would have not enjoyed the trust of the parties from China and throughout the world without high-quality services. After the merger, the total standard of the SCIA's services must be improved. If there is any deterioration, complaints could be made to the administration or the Council of the SCIA at any time.

The SCIA's services, standards, vision, influence and credibility will all be improved. The new administration and the whole personnel of the SCIA are very confident about it. But whether we can achieve our goals will be proved in time, under the supervision of our users.

In-House Community™

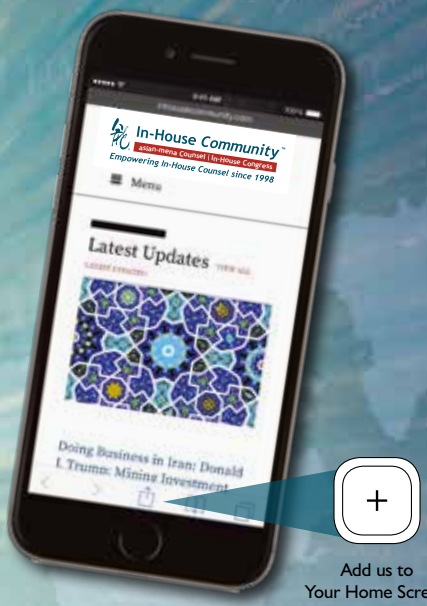
asian-mena Counsel | In-House Congress

Empowering In-House Counsel since 1998

Online, Cloud *and* e-Resources ...

www.inhousecommunity.com

The online home of the In-House Community, *www.inhousecommunity.com* features vital daily legal updates for in-house counsel, company directors and compliance managers, and archived content from **asian-mena Counsel** contributors.



"The In-house Community website provides the window on the development of commercial law, practice and compliance in the growth markets of Asia and the Middle East"

Dr Justine Walker, *advisor to the* British Banking Association

Building a smart dispute resolution venue

Philip Jeyaretnam, chairman of Maxwell Chambers, talks about the centre's modernisation plans and developments in dispute resolution in Singapore.

Philip Jeyaretnam

Asia-mena Counsel: What is Maxwell Chambers doing to stay competitive?

Philip Jeyaretnam: To begin with, Maxwell Chambers has a unique setup which differentiates us from our competitors. Maxwell Chambers is home to a range of legal services under one roof, housing both premium hearing facilities as well as top international law firms and dispute resolution institutions within the premises, for the convenience of visiting legal practitioners. The year ahead will be an exciting time for Maxwell Chambers as we will be upgrading our existing infrastructure in our bid to retain our position as the preferred dispute resolution venue in the region.

Firstly, our floor space will triple as we have expanded our premises to occupy the adjacent conserved building at 28 Maxwell Road, now known as Maxwell Chambers Suites. Maxwell Chambers Suites will house 50 new office spaces for international dispute resolution institutions, law firms and chambers. It is currently undergoing construction work and will officially open in 2019.

It was also announced earlier this year that Maxwell Chambers would embark on the new Smart Maxwell initiative. The initiative comprises the development of a mobile application for visitors and the installation of smart functionality on the premises, making Maxwell Chambers the world's first smart hearing centre. Smart Maxwell will be rolled out by end 2018.

AMC: Can you tell us more about the app you're developing?

PJ: The single customised and multi-functional mobile app is the crux of the Smart Maxwell initiative. It will enable visitors to our premises to enjoy easy access and a seamless experience throughout their visit.

Visitors attending hearings and meetings at Maxwell Chambers will be issued a unique and encrypted electronic access card, allowing them fast and private access into the rooms with their mobile devices. The app will also enable users to control room settings such as lighting, blinds, and air-conditioning, as well as request for secretariat services such as photocopying.

The app will also act as a smart concierge, connecting users with food and beverage and amenities in the vicinity. Users will be able to order food from the participating restaurants and eateries in the area

Maxwell Chambers Suites

directly. Additionally, users will be able to track their expenditure through the application, allowing our staff to speed up administrative and finance related functions.

Furthermore, the new solutions will allow us to streamline back-end operations. The app will be integrated with a revamped Customer Relationship Management (CRM) system, bringing various aspects of the services offered by Maxwell Chambers onto a singular, intelligent platform. With the adoption of smart technology at Maxwell Chambers, we aim to boost productivity and incur significant time and cost savings.

AMC: You also have a robot called Max?
PJ: Yes. We will be introducing a delivery system featuring Max the robot in late 2018. Max will be piloted to deliver documents and food to hearing and meeting rooms with minimal disturbance. The use of a robot for deliveries will result in time savings for staff, allowing them to focus on other administrative tasks. The team believes that Max will be a crowd pleaser when he is introduced to our premises later this year.

AMC: Do you have plans for any other "smart" features?
PJ: We have always been on a constant lookout for new technologies to adopt. Once we have rolled out all Smart Maxwell features by end 2018, we will continue to look into further improving our facilities and service offerings. This initiative is only the beginning; you can definitely expect more from us in the future.

AMC: Beyond technology, how important are legislative developments such as third-party funding and the new Mediation Bill?
PJ: The legislative developments certainly promote arbitration in Singapore, and make sure that parties can have all the options available to them, whether it is third party funding, fully enforceable mediation agreements or other matters. Singapore's legislature is quick and responsive in keeping Singapore current and relevant.

AMC: Are you seeing growth in the number of cases filed?
PJ: With our stellar reputation as a one-stop legal complex, we have definitely seen an increase in the number of arbitration cases held on our premises in recent years.

Recently, the Singapore International Arbitration Centre — a frequent user of Maxwell Chambers — announced that it set a new record of 452 new cases in 2017, a 32 percent increase from the 343 cases filed in 2016. We foresee that the number of dispute resolution cases in Singapore will continue to rise as we upgrade and improve our offerings.

There is no doubt that Singapore will continue to see continued growth in arbitration, and we at Maxwell Chambers will continue to play our part in making Singapore a preferred seat for arbitration.

MAXWELL CHAMBERS

MAXWELL CHAMBERS PTE LTD
32 Maxwell Road, #03-01,
Singapore 069115
Tel: (65) 6595 9010
info@maxwellchambers.com
www.maxwellchambers.com

Weiwen Wang

Vice-president for business reputation and responsibility, Greater China, at **InterContinental Hotels Group**

Weiwen Wang

By Nick Ferguson, **In-House Community**

Asian-mena Counsel: Can you describe your professional background and your current role?

Weiwen Wang: I serve as the vice-president of business reputation and responsibility, presiding over the legal team, the regulatory compliance team, and the risk and assurance team — which is a new addition. The total team is comprised of 23 people: the majority legal and compliance counsels, with five people working on risk and assurance. The risk and assurance function covers operational risk, crisis management, internal audit and insurance claim support, so basically touching on anything that hedges or prevents risk.

I received my law degree from Fudan University and briefly practised law in China, then moved to Singapore and worked at Loo & Partners as a legal adviser, before going to get my LLM from New York University. After passing the New York bar, I worked at Deacons and then Faegre & Benson before joining Tyco International as general counsel for China. Afterwards, I spent eight years at International Paper as general counsel for Asia Pacific, and I have now been with IHG for almost three years.

AMC: How is IHG's business and the what is its model in Greater China?

WW: IHG is a global leading organisation with a broad portfolio of hotel brands and more than 5,200 hotels in almost 100 countries. As one of the very first international hotel companies entered China market, it opened its first hotel in Beijing in 1984. After over 30 years of committed cultivation in the China market, up to the end of 2017, IHG has 328 hotels in operations and another over 300 in the development pipeline in Greater China region under eight distinctive brands, including InterContinental Hotels & Resorts, Hotel Indigo, EVEN Hotels, HUALUXE Hotels and Resorts, Crowne Plaza Hotels & Resorts, Holiday Inn Hotels & Resorts, Holiday Inn Express, and Kimpton Hotels and Restaurants.

Most recently, IHG closed the acquisition of Regent Hotels & Resorts, adding one more brand to its luxury brand family. Benefiting from the increasing maturity level of the China market, and also relying on the solid business size and the trend of growth, IHG started to expand from the hotel management segment to the franchise business. Since its launch in 2016, the franchise business has become another strong growth engine.

The obvious opportunity does increase the amount of players, both local and foreign, creating the challenge of competition.

AMC: What are the biggest challenges?

WW: For the company's business, one of the main challenges is the new digital world. Nowadays, the No. 1 social phenomenon in China is mobile digital connectivity and its wildly expanding usages in everyday life. Its capacity for adoption and sheer volume have pushed for quick changes in the whole B2C business environment, the hospitality industry included.

China's fast-moving digital landscape has profoundly influenced consumers' travel cycle and decision making. The customers demand and prefer to choose service providers with digital platforms that offer not only low prices, but also the convenience and ease of use with high reliability.

In the face of fast digitalisation and increased demand for mobility, the issue of

cyber security and related laws have been becoming more and more critical in the implementation of the new digital business environment — even more so now with the publicity of recent events surrounding private information breaches on famous digital platforms. The cyber security issue has caught everyone's attention, from government authorities to the general public.

It is a very crucial subject in our industry, and definitely one of the biggest challenges for a company's legal department. Various regulatory bodies have been promulgating numerous rules and regulations in this area, and the vague contents and guidelines have resulted in varying interpretations by different authorities.

We commit to be in compliance with the regulations/laws. However, it is extremely challenging when trying to understand and reach a moving and changing target.

AMC: What are the most important qualities of a good general counsel?
WW: I believe that legal knowledge, a business mindset and good communication skills are all key to being a good general counsel. Legal knowledge seems like a given part of the job, but it is useless without the ability to relate to business colleagues and communicate your expertise effectively. I started as a lawyer in the business world, gradually becoming a business legal partner, but the ultimate goal for any general counsel is to be a business leader with expertise in the legal field. That's why I have an MBA — so while I might not be able to run a business by myself, I can understand the business mindset and the goals that drive my colleagues.

Good communication, however, may be the most important quality of all. You will never be an expert in every area, but as long as you can understand issues quickly and communicate them effectively, that's what counts. Whether you are presenting to senior executives or facilitating legal training for those with no legal background, the ability to communicate allows you to fully harness your legal knowledge.

AMC: How is technology changing the way you work?
WW: Our profession has been slow to adopt technologies such as artificial intelligence. I certainly haven't seen any legal technology that has led to a big change in the way legal work is done, but the software we use on the business side for tracking the transition from leads to contracts has helped increase the efficiency of the legal team and identify areas for improvement. So this is a useful tool for us, but it doesn't change the legal work that we do.

AMC: How has the in-house legal function changed throughout the course of your career?
WW: I've seen my role change throughout my time as general counsel at different companies. However, this largely depends on the role that the legal function plays in the fundamental business of the company. At IHG, we are really a part of the business rather than a support function, as our business development is very much contract based. If the legal function plays a critical role in the business model, then you are able to contribute more directly to the success of the business - that's a very different way of working.

AMC: How do you work with external firms and other providers of legal services?
WW: When I first moved in-house, we used external lawyers for everything, from really high-end professional advice to processing work — and then gradually we internalised more of the work. At IHG, we have a big team and we absorb most of the work internally. We still go to external counsels, but it's for very specific functions. I'm going to them for the experienced lawyer that offers unique knowledge and experience: someone who I can ask very specific questions. Over the years, I've been fortunate to build up trust and respect with many external providers. They are my go-to lawyers. The other thing we seek out external counsel for is dispute matters in overseas jurisdictions.

AMC: What advice can you give to young lawyers starting out their careers today?
WW: I always tell young lawyers to start in a law firm. You should feel very fortunate to spend those first three years doing nothing except supporting your mentor and just learning the basics of legal drafting and research. Those are the fundamental skills you should establish first. I see a lot of young lawyers who want to go too fast and constantly move to different areas because they feel that being a generalist can make them more marketable. However, I think you should conquer one subject before you move on to become a generalist. Be patient and lay down a solid foundation.

AMC: What is your hinterland — what are your interests outside of the legal profession?
WW: I like to consider myself analogous to our EVEN brand — balanced. By working efficiently, I also have time to take care of my own wellbeing, which means doing yoga, reading and spending quality time with my family on many memorable trips.

"Good communication may be the most important quality of all... The ability to communicate allows you to fully harness your legal knowledge"

The thing about ...

Jiang Yong

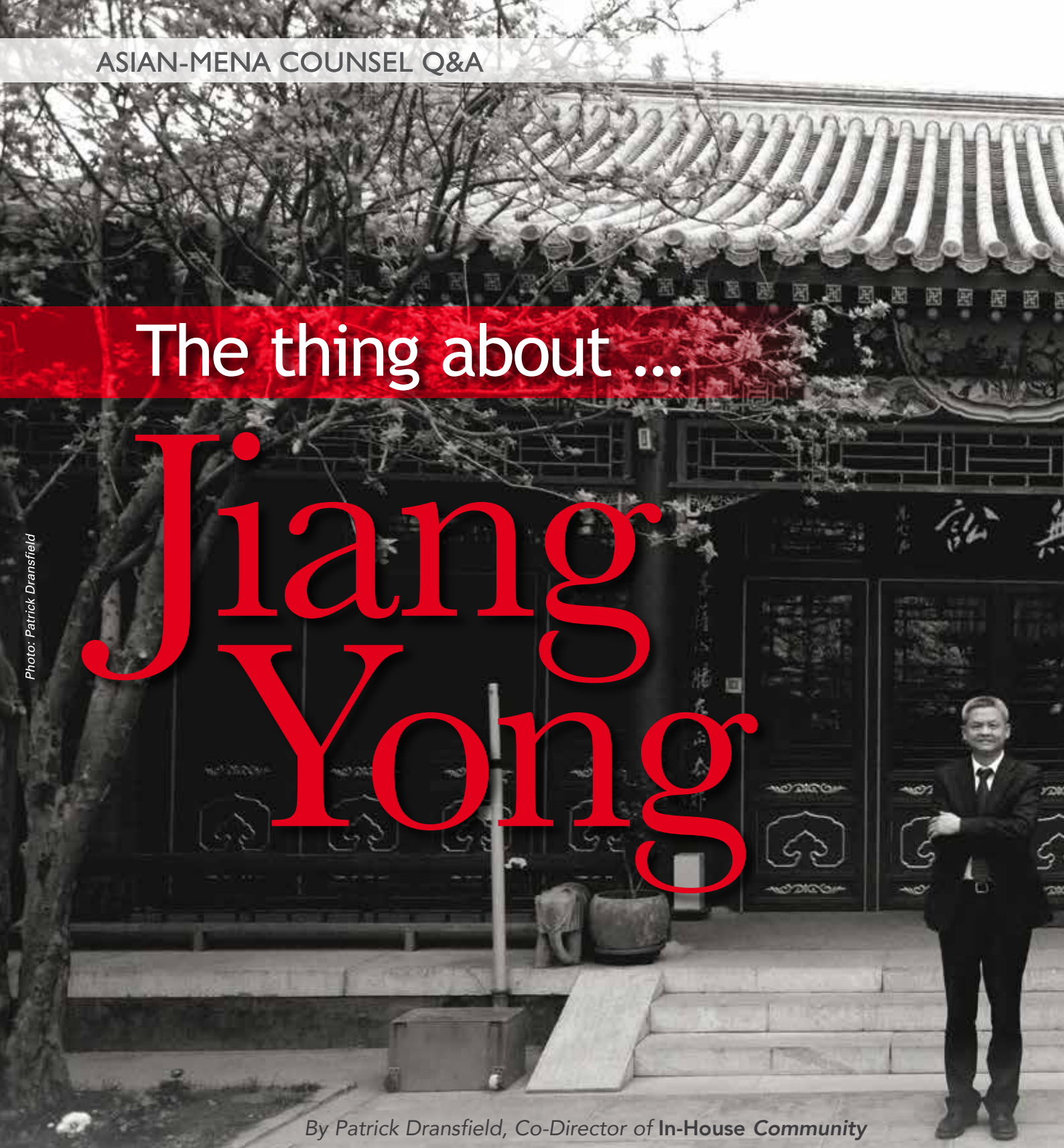
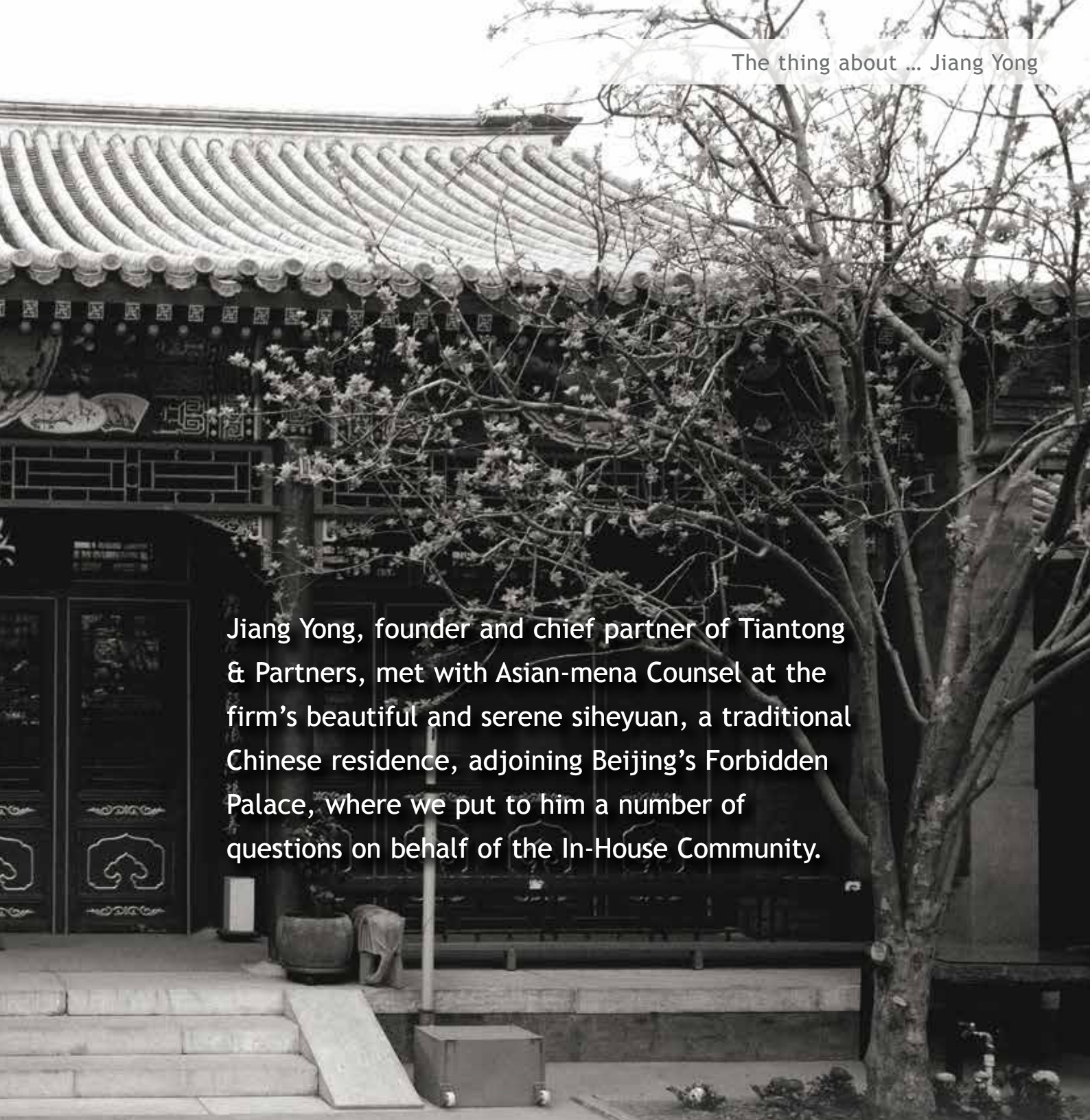


Photo: Patrick Dransfield

By Patrick Dransfield, Co-Director of **In-House *Community***

Asian-mena Counsel: Your stated aim is to live in a litigation-free world — a curious goal for a lawyer. How does this relate to Tiantong's mission and culture?

Jiang Yong: There are couplets in hanging in the main hall of our siheyuan which reads: (但愿人无讼，何妨我独闲). It means: If everyone was litigation-free, it would not matter that us lawyers were idle. Just as good doctors don't hope that people get ill, we believe the value of a lawyer is helping people solve and avoid disputes. The mission of Tiantong is to participate in the construction of a legal ecosystem with more fairness and justice, and our culture is led by the values of dedication, passion for excellence, innovation and openness. We expect to be a more constructive force in the legal ecosystem, maximise the value of lawyers, and make our contribution to the better realisation of fairness and justice.



Jiang Yong, founder and chief partner of Tiantong & Partners, met with Asian-mena Counsel at the firm's beautiful and serene siheyuan, a traditional Chinese residence, adjoining Beijing's Forbidden Palace, where we put to him a number of questions on behalf of the In-House Community.

AMC: Can you tell us about the location and the unusual design features of Tiantong's offices in China and their rationale?

JY: I have always believed that architecture is the best expression of brand. As a law firm concentrating on complex commercial and civil dispute resolution, we hope to express our passion for excellence through architecture. So, in Beijing, we choose the unique siheyuan near the Forbidden City. In Nanjing, we chose the top floor of the famous Jin Ling Hotel's Asia-Pacific Business Building. In Shenzhen, we chose the top office of Ping An Financial Centre, which is the 4th highest building in the world, to create the highest law firm in the world. In Chongqing, we chose the 52nd floor of the World Financial Centre to build the highest law firm in western China. All branch offices follow the same decoration style, presenting our ambition to build an integrated law firm across the nation.

Photo: Patrick Dransfield

"Just as good doctors don't hope that people get ill, we believe the value of a lawyer is helping people solve and avoid disputes"

AMC: Tiantong has the highest winning rates among all Chinese law firms before the Supreme Court and various high courts of China — what factors do you think contribute to the firm's success?

JY: I think the achievements we get today owe to our dedication. As I always said, dedication is the best gift in life, which could show us different sceneries. We concentrate on complex commercial and civil dispute resolution, so that we can develop real depth of expertise and build our organisational structure and business model around it, and find the best way to deal with it. Thanks to our continuous efforts and singular focus during the past 16 years, we keep improving.

AMC: Tiantong is noted for hiring graduates from China's top universities rather than lateral hires and yet also has the highest per lawyer revenues in China. Please describe how technology and the millennial generation are shaping Tiantong's practice of law. Do you subscribe to the view that 'law is a team sport'?

JY: The young generation brings energy and the spirit of innovation to Tiantong's legal practice. Their skilful use of technology and tools help Tiantong's Three Magic Weapons of Litigation*, especially visualisation and big data, to achieve better results. Growing up in the era of this explosion of information, they naturally have strong ability in information searching and processing, which is part of the essence of legal service. Also, their broad vision and interdisciplinary knowledge helps them to cope better with the cross-border challenge concerning issues in other fields.

I totally agree that law is a team sport, and our business model is built on that idea. Traditionally, one lawyer deals with the whole process of a case alone, but now we break the process into different parts and handle it through teamwork. Secretaries deal with routine work, litigation assistants deal with supplementary matters such as legal research, litigators determine litigation strategy and partners lead the whole programme. In this way, we make legal service more efficient.

AMC: Tiantong first came to our attention with regards to the firm's embracement of technology and social media, including having over 400,000 WeChat subscribers to the firm's content. Can you describe both the genesis and development of these innovations?

JY: Such innovations are closely linked with our spirit of openness and sharing. We are always glad to share our experiences with our industry and make a contribution to our legal ecosystem. The rise of the mobile internet perfectly corresponds to this spirit. When we share our experience through articles, people who are interested in this field naturally gather. Valuable and useful content can be communicated widely and accurately in this age. It is the constant high-quality sharing that makes us recognised by many legal practitioners.

AMC: In the past, most of Tiantong's cases have been referrals from other private practice lawyers rather than directly from clients. As in-house teams have grown in size and sophistication, do you see a change in who engages you?

JY: The source of our cases differs in different periods. In the earliest period, we got most cases directly from in-house. Later, as more and more lawyers recognised our proficiency, they were glad to refer cases to us or invite us to collaborate with them. The amount of cases referred by lawyers gradually grew up to nearly the same as cases from in-house. In recent years, as our influence among the in-house community grows, many in-house counsel prefer to contact us directly. Such cases increase obviously as a result.

> **"We concentrate on complex commercial and civil dispute resolution, so that we can develop real depth of expertise and build our organisational structure and business model around it"**

AMC: Jiang Yong, your career prior to founding Tiantong included being a judge on the Chinese Supreme Court. Do you think that this perspective allowed you to recognise business opportunities in Chinese litigation that were not appreciated by your corporate law peers?

JY: Yes. When I was in the Supreme Court, I found many lawyers didn't understand litigation very well. The idea that litigation was a competition of guanxi was quite popular at that time. But I knew that although the legal environment did have drawbacks, it was progressing as a whole. In most cases, lawyers lost not because of the malpractice of justices, but because of the bad job they did by themselves. They failed to persuade the judge. I believed if we put efforts in developing litigation skills, there would be a vast marketplace, and that was why we developed the Three Magic Weapons of Litigation in later years.

Actually, along with the promotion of judicial reform in China, judges' independent judgment is increasingly valued, and lawyers' ability to persuade judges becomes more important accordingly. We have been well prepared for that already. It's just like buying stocks at a low point and waiting for them to increase in value.

AMC: Who is your mentor?

JY: When I was in the third year of university, I followed Tian Wenchang for practical practice. He is a famous criminal defence lawyer in China and the way he works influenced me a lot. As to law firm management, I learned a lot from McKinsey. The idea of the Three Magic Weapons of Litigation is from them. When noticing how they abstracted many common tools and processes in their personalised consulting business, I recognised that we could do similar things in the field of litigation. Besides, in the process of Tiantong's national expansion, McKinsey's understanding towards integration and their specific measures also inspired me a lot.

"I believed if we put efforts in developing litigation skills, there would be a vast marketplace, and that was why we developed the Three Magic Weapons of Litigation"

Jiang Yong, founding and managing partner of Tiantong, with more than two decades' experience of practising law in the dispute resolution area, is solely dedicated to complex commercial and civil cases tried in China. He has devoted himself to making Tiantong one of the most reliable and respected law firms in China.

Grasping the trends in civil and commercial litigation in China, Jiang has creatively adapted the law firm's approach to litigation and process management. *He has established three signature approaches: visualisation, moot court and knowledge management and big data. He combines traditional law practice and new technology, which has helped to greatly increase the firm's efficiency. Meanwhile, he designed a unique three-level team structure, "litigation assistant -litigator-partner", so that the intelligence of the entire firm can be gathered to provide the best solutions to disputes for clients.

Jiang Yong earned his bachelor's degree from China University of Political Science and Law and MBA from Tsinghua University.

asian-mena Counsel

Do you receive the hard copy of *every issue* of ASIAN-MENA COUNSEL?

If not, subscribe today to receive all 10 issues per annum.

"ASIAN-MENA COUNSEL magazine and the In-House Congress series of annual events provide excellent forums for the corporate legal community of Asia and the Middle East to engage with one another and air our common concerns"

Peter Zhang, General Counsel, Sony Mobile China

COMPLETE AND RETURN FORM TO SUBSCRIBE TODAY

YES, I would like to receive a hard copy of every issue of ***asian-mena Counsel*** magazine (published 10 times a year) at US$299 p.a.

Payment method: ☐ Cheque ☐ Bank TT ☐ PayPal (details will be sent to you)

Name (Mr/Ms/Mrs)_____

Job Title _____

Company _____

Email _____

Address _____

_____

Tel _____ Fax _____

Date _____ Signature _____

Return by fax to: (852) 2575 0004 or Email: publications@inhousecommunity.com

Your 'at a glance' guide to some of the region's top service providers.

AMC *Indicates an Asian-mena Counsel Firm of the Year.* 2015 2016 2017

MR *An Asian-mena Counsel Most Responsive Firm of the Year.*

MR *An Asian-mena Counsel Honourable Mention Most Responsive Firm of the Year.*

One of this firm's five largest practice areas in this jurisdiction.

FS *Indicates a full service firm in this jurisdiction.*

Practice Area key:

- INV Alt' Investment Funds (inc. PE)
- COM Antitrust / Competition
- AV Aviation
- BF Banking & Finance
- CM Capital Markets
- REG Compliance / Regulatory
- CMA Corporate & M&A
- E Employment
- ENR Energy & Natural Resources
- ENV Environment
- FT FinTech
- INS Insurance
- IP Intellectual Property
- IA International Arbitration
- IF Islamic Finance
- LS Life Sciences / Healthcare
- LDR Litigation & Dispute Resolution
- MS Maritime & Shipping
- PF Projects & Project Finance (inc. Infrastructure)
- RE Real Estate / Construction
- RES Restructuring & Insolvency
- TX Taxation
- TMT Telecoms, Media & Technology

— Law Firms — Asia

CAMBODIA/LAOS/MYANMAR

CAMBODIA:

Bun & Associates
Tel: (855) 23 999 567
Email: info@bun-associates.com
Contact: Bun Youdy
Website: www.bun-associates.com
BF CMA INS RE TX

MAR & Associates
Tel: (855) 23 527 9777
Email: borana@mar-associates.com
Contact: MAR Samborana
Website: www.mar-associates.com
CMA E RE REG

SCL SP&P Company Limited (Cambodia) (SCL Law Group)
Tel: (856) 21 222 732-3
Email: varavudh@la.scl-law.com
Contact: Varavudh Meesaiyati
Website: www.siamcitylaw.com
BF CMA E IP TX

LAOS:

SCL Law Offices Limited (Lao PDR) (SCL Law Group)
Tel: (856) 21 222 732-3
Email: info@la.scl-law.com
Contact: Nilobon Tangprasit
Website: www.siamcitylaw.com
BF CMA E PF RES

MYANMAR:

Myanmar Legal Services Limited
Tel: (951) 657792, (951) 650740
Email: info@mlslyangon.com
Contacts: Daw Khin Cho Kyi (kckyi@mlslyangon.com)
Guillaume E. Stafford (gui@mlslyangon.com)
Website: www.myanmarlegalservices.com
CMA E ENR PF RE

Siam City Law (Myanmar) Company Limited (SCL Law Group)
Tel: (951) 653348-49
Email: siamcitylaw@siamcitylaw.com
Contact: Vira Kammee
Website: www.siamcitylaw.com
CM CMA E IP PF

CHINA

AWA IP (Beijing) Co., Ltd.
Tel: (86) 10 8573 1125
Email: ai-leen.lim@awa.com
Contact: Ai-Leen Lim
Website: www.awa.com
IP TMT

Broad & Bright
Tel: (86) 10 8513 1818
Email: broadbright@broadbright.com
Contact: Mr Jun Ji (Jun_ji@broadbright.com)
Website: www.broadbright.com
COM CMA ENR LDR TMT

East & Concord Partners
Tel: (86) 10 6590 6639
Email: Beijing@east-concord.com
Contact: Mr. Qi Zhou
Website: www.east-concord.com
BF CM CMA IP LDR

HHP Attorneys-At-Law
Tel: (86) 21 5047 3330
Email: Yao.Rao@hhp.com.cn
Contact: Mr. Yao Rao
Website: http://www.hhp.com.cn
BF CMA E LDR RE

Llinks Law Offices
Tel: (86) 21 31358666
Email: master@llinkslaw.com
Website: www.llinkslaw.com
BF CM CMA INV LDR

W. K. To & Co.
Tel: (86) 10 8587 5076
Email: wktoco@wktoco.com
Contact: Cindy Chen
Website: www.wktoco.com
CMA E LDR RE REG

HONG KONG

AWA Asia Limited
Tel: (852) 3959 8880
Email: ai-leen.lim@awa.com
Contact: Ai-Leen Lim
Website: www.awa.com
IP TMT

Vivien Teu & Co LLP (in Association with Llinks Law Offices)
Tel: (852) 2969 5300
Email: Vivien.teu@vteu.co
Contact: Vivien Teu, Managing Partner
Website: www.vteu.co
BF CM CMA INV REG

Walkers
Tel: (852) 2284 4566
Contact: Andy Randall (Managing Partner)
Website: www.walkersglobal.com
BF CM CMA INV RES

W. K. To & Co.
Tel: (852) 3628 0000
Email: mail@wktoco.com
Contact: Vincent To
Website: www.wktoco.com
CMA E LDR RE REG

INDIA

Anand and Anand
AMC 2015 2016 2017
Tel: (91) 120 4059300
Email: pravin@anandandanand.com
Contact: Pravin Anand - Managing Partner
Website: www.anandandanand.com
IP LDR

Clasis Law
Tel: (91) 11 4213 0000, (91) 22 4910 0000
Email: info@clasislaw.com
Contacts: Vineet Aneja, Mustafa Motiwala
Website: www.clasislaw.com
CMA E IP LDR REG

INDONESIA

Ali Budiardjo, Nugroho, Reksodiputro
AMC 2013 2014 2015
Tel: (62) 21 250 5125/5136
Email: info@abnrlaw.com
infosg@abnrlaw.com
Contacts: Emir Nurmansyah (enurmansyah@abnrlaw.com)
Nafis Adwani (nadwani@abnrlaw.com)
Agus Ahadi Deradjat (aderadjat@abnrlaw.com)
Website: www.abnrlaw.com
FS BF CM CMA ENR PF

Assegaf Hamzah & Partners
AMC 2015 2016 2017
Jakarta Office:
Tel: (62) 21 25557800
Email: info@ahp.co.id
Contacts: Fikri Assegaf (ahmad.assegaf@ahp.co.id)
Bono Adji (bono.adji@ahp.co.id)
Eri Hertiawan (eri.hertiawan@ahp.co.id)
Eko Basyuni (eko.basyuni@ahp.co.id)
Surabaya Office:
Tel: (62) 31 5116 4550
Contact: Yogi Marsono (yogi.marsono@ahp.co.id)
Website: www.ahp.co.id
MR BF CM CMA LDR PF

Lubis Ganie Surowidjojo
AMC 2015 2016 2017
Tel: (62) 21 831 5005, 831 5025
Email: lgs@lgslaw.co.id
Contacts: Timbul Thomas Lubis, Dr. M. Idwan ('Kiki') Ganie, Arief Tarunakarya Surowidjojo, Abdul Haris M Rum, Harjon Sinaga, Rofik Sungkar, Dini Retnoningsih, Mochamad Fajar Syamsualdi and Ahmad Jamal Assegaf.
Website: http://www.lgslaw.co.id
MR CMA COM INS LDR PF

Makarim & Taira S.
AMC 2015 2016 2017
Tel: (62) 21 252 1272, 520 0001
Email: info@makarim.com
Contact: Rahayu Ningsih Hoed
Website: www.makarim.com
FS BF CMA E LDR PF

Mochtar Karuwin Komar
AMC 2015 2016 2017
Tel: (62) 21 5711130
Email: mail@mkklaw.net, ek@mkklaw.net
Contact: Emir Kusumaatmadja
Website: www.mkklaw.net
AV CMA ENR LDR PF

Nasoetion & Atyanto
Tel: (62) 21 5140 0311
Email: atyanto@nacounsels.com
Contact: Genio Atyanto
Website: www.nacounsels.com
BF CM CMA FT TMT

SSEK Legal Consultants
AMC 2015 2016 2017
Tel: (62) 21 521 2038, 2953 2000
Email: ssek@ssek.com
Contact: Rusmaini Lenggogeni - Managing Partner
Website: www.ssek.com
Blog: Indonesian Insights (http://blog.ssek.com/)
Twitter: @ssek_lawfirm
FS BF CMA ENR MS RE

MALAYSIA

Azmi & Associates
AMC 2017
Tel: (603) 2118 5000
Email: general@azmilaw.com
Contact: Dato' Azmi Mohd Ali - Senior Partner
Website: www.azmilaw.com
MR BF CM CMA ENR PF

Raja, Darryl & Loh
AMC 2015 2016 2017
Tel: (603) 2694 9999
Email: rdl@rdl.com.my
Contact: Dato' M. Rajasekaran
Website: http://www.rajadarrylloh.com
MR CMA IP LDR RE TX

Trowers & Hamlins LLP
AMC 2015 2016 2017
Tel: (601) 2615 0186
Email: nwhite@trowers.com
Contact: Nick White - Partner
Website: www.trowers.com
MR BF CMA ENR IF PF

PHILIPPINES

ACCRALAW (Angara Abello Concepcion Regala and Cruz Law Offices)
AMC 2015 2016 2017
Tel: (632) 830 8000
Email: accra@accralaw.com
Contacts: Emerico O. De Guzman
Regina Padilla Geraldez
Neptali B. Salvanera
Website: www.accralaw.com
MR CMA E IP LDR TX

Morales Justiniano Peña & Lumagui
Tel: (632) 834 2551, (632) 832 7198, (632) 833 8534
Email: ramorales@primuslex.com
Contact: Mr. Rafael Morales - Managing Partner
Website: www.primuslex.com
BF CM CMA IP LDR

SyCip Salazar Hernandez & Gatmaitan
AMC 2015 2016 2017
Tel: (632) 9823500, 9823600, 9823700
Email: sshg@syciplaw.com
Contact: Hector M. de Leon, Jr. - Managing Partner
Website: www.syciplaw.com
MR BF CMA E ENR PF

Villaraza & Angangco
AMC 2017
Tel: (632) 9886088
Email: fm.acosta@thefirmva.com
Contact: Franchette M. Acosta
Website: www.thefirmva.com
CMA IP LDR REG RES

SINGAPORE

Advocatus Law LLP
Tel: (65) 6603 9200
Email: enquiry@advocatus.sg
Contact: Christopher Anand Daniel - Managing Partner
Email: christopher@advocatus.sg
Website: www.advocatus.sg
CMA E IA LDR RES

Eversheds Harry Elias LLP
Tel: (65) 6535 0550
Email: contactus@evershedsharryelias.com
Contact: Philip Fong - Managing Partner
Email: philipfong@eversheds-harryelias.com
Website: www.eversheds-harryelias.com
CMA IA LDR RE RES

Providence Law Asia LLC
Tel: (65) 6438 1969
Email: abraham@providencelawasia.com
Contact: Abraham Vergis - Managing Director
Website: www.providencelawasia.com/
CMA IA LDR RE RES

SOUTH KOREA

Bae, Kim & Lee LLC
AMC 2015 2016 2017
Tel: (82 2) 3404 0000
Email: bkl@bkl.co.kr
Contact: Kyong Sun Jung
Website: www.bkl.co.kr
MR FS BF CMA IA LDR RE

Cho & Partners AMC 2012
Tel: (82-2) 6207-6800
Email: ihseo@cholaw.com
Contacts: Tae-Yeon Cho, Ik Hyun Seo
Website: www.cholaw.com
IP LDR

HMP Law
Tel: (82-2) 772-2700
Email: desk@hmplaw.com
Contact: Mr Kyun Je Park
Website: www.hmplaw.com
CMA FT LS PF REG

Jipyong AMC 2012 2016
Tel: (82-2) 6200 1600
Email: hglee@jipyong.com
Contact: Haeng-Gyu Lee - Partner
Website: www.jipyong.com
FS BF COM CMA RE LDR

Kim & Chang AMC 2015 2016 2017
Tel: (82-2) 3703-1114
Email: lawkim@kimchang.com
Website: www.kimchang.com
MR FS COM BF CMA IP LDR

Lee & Ko
Tel: (82-2) 772 4000
Email: mail@leeko.com
Contact: Jae Hoon Kim
Website: www.leeko.com
CMA BF LDR TX IP

Lee International IP & Law Group
AMC 2014 2015 2017
Tel: (82 2) 2262 6000
Email: law@international.com.
Website: www.leeinternational.com
CMA IA IP LDR RE

SEUM Law
Tel: (82-2) 562 3115
Contacts: Steve Kim - Partner (steve.kim@seumlaw.com)
Steve Ahn - Partner (steve.ahn@seumlaw.com)
Woomi Cha (Woomi.cha@seumlaw.com)
Email: info@seumlaw.com
Website: www.seumlaw.com
BF CMA INV REG TMT

Shin & Kim AMC 2015 2016 2017
Tel: (82 2) 316 4114
Email: shinkim@shinkim.com
Contact Sinseob Kang - Managing Partner
Website: www.shinkim.com
MR FS COM BF CMA LDR RE

Yoon & Yang LLC AMC 2015 2016 2017
Tel: (82 2) 6003 7000
Email: yoonyang@yoonyang.com
Contacts: Seung Soon Lim, Seung Soon Choi, Jinsu Jeong
Website: www.yoonyang.com
MR COM E IP LDR TX

Yulchon LLC AMC 2015 2016 2017
Tel: (82-2) 528 5200
Email: mail@yulchon.com
Website: www.yulchon.com
MR FS COM CMA IP LDR TX

TAIWAN

Deep & Far Attorneys-at-Law
Tel: (8862) 25856688
Email: email@deepnfar.com.tw
Contact: Mr. C. F. Tsai
Website: www.deepnfar.com.tw
COM CM E IP LDR

THAILAND

Chandler MHM Limited
AMC 2015 2016 2017
Tel: (66) 2266 6485
Email: jessada.s@chandlermhm.com
satoshi.kawai@chandlermhm.com
Contacts: Jessada Sawatdipong, Satoshi Kawai
Website: www.chandlermhm.com
MR BF CMA ENR PF REG

Siam City Law Offices Limited (SCL Law Group) AMC 2016 2017
Tel: (66) 2 676 6667-8
Email: siamcitylaw@siamcitylaw.com
Contact: Chavalit Uttasart
Website: www.siamcitylaw.com
MR BF CMA E RE TX

Weerawong, Chinnavat & Partners Ltd.
AMC 2017
Tel: (66) 2 264 8000
Email: Chinnavat.c@weerawongcp.com
Veeranuch.t@weerawongcp.com
Contacts: Chinnavat Chinsangaram - Senior Partner
Veeranuch Thammavaranucupt - Senior Partner
Website: www.weerawongcp.com
MR BF CM CMA LDR RES

VIETNAM

Indochine Counsel AMC 2015
Ho Chi Minh Office:
Tel: (84) 28 3823 9640
Email: duc.dang@indochinecounsel.com
Contact: Mr Dang The Duc
Website: www.indochinecounsel.com
Hanoi Office:
Tel: (84) 24 3795 5261
Email: hanoi@indochinecounsel.com
CM CMA PF

Russin & Vecchi AMC 2015 2016 2017
HCM City:
Tel: (84) 28 3824-3026
Email: lawyers@russinvecchi.com.vn
Contacts: Sesto E Vecchi - Managing Partner
Nguyen Huu Minh Nhut - Partner
Nguyen Huu Hoai - Partner
Hanoi:
Tel: (84) 24 3825-1700
Email: lawyers@russinvecchi.com.vn
Contact: Mai Minh Hang - Partner
Website: www.russinvecchi.com.vn
MR CMA E IP INS TMT

VILAF AMC 2017
Tel: (84) 28 3827 7300, (84) 24 39348530
Email: duyen@vilaf.com.vn,
hien@vilaf.com.vn, anh@vilaf.com.vn
Contacts: Vo Ha Duyen, Nguyen Truc Hien, Dang Duong Anh
Website: www.vilaf.com
MR BF CM ENR LDR RE

— Law Firms — MIDDLE EAST

BAHRAIN

Trowers & Hamlins
Tel: (973) 1 751 5600
Email: bahrain@trowers.com
Contact: Louise Edwards - Office Manager
Website: www.trowers.com
BF CMA IF LDR RE

OMAN

Trowers & Hamlins
Tel: (968) 2 468 2900
Email: oman@trowers.com
Contact: Louise Edwards - Office Manager
Website: www.trowers.com
BF CMA LDR PF RE

UAE

Afridi & Angell AMC 2016
Tel: (971) 4 330 3900
Email: dubai@afridi-angell.com
Contact: Bashir Ahmed - Managing Partner
Website: www.afridi-angell.com
MR BF CMA LDR RE REG

Horizons & Co
Tel: (971) 4 354 4444
Email: info@horizlaw.ae
Contact: Adv. Ali Al Zarooni
Website: www.horizlaw.ae
CMA E LDR PF RE

Trowers & Hamlins LLP AMC 2015 2016
Dubai office:
Tel: (971) 4 351 9201
Email: dubai@trowers.com
Contact: Jehan Selim - Office Manager
Abu Dhabi office:
Tel: (971) 2 410 7600
Email: abudhabi@trowers.com
Contact: Jehan Selim - Office Manager
Website: www.trowers.com
MR BF CMA LDR PF RES

— Law Firms — North America

CANADA

Fasken Martineau
Tel: (416) 366-8381
Email: mstinson@fasken.com
Contact: Mark Stinson, Primary Contact
Website: www.fasken.com
BF CMA ENR LDR TMT

— Law Firms — Africa

JOHANNESBURG

Fasken Martineau
Tel: (27) 11 586 6000
Email: johannesburg@fasken.com
Contact: Blaize Vance - Regional Managing Partner
Website: www.fasken.com
CMA E ENR LDR PF

— Arbitration — Services

Beijing Arbitration Commission / Beijing International Arbitration Center (Concurrently use)
Tel: (86) 10 85659558
Email: xujie@bjac.org.cn
Contact: Mr. Terence Xu (許捷)
Website: www.bjac.org.cn

Hong Kong International Arbitration Centre
Tel: (852) 2525 2381
Email: adr@hkiac.org
Website: www.hkiac.org

Maxwell Chambers Pte Ltd
Tel: (65) 6595 9010
Email: info@maxwell-chambers.com
Website: http://maxwell-chambers.com

Shenzhen Court of International Arbitration (Shenzhen Arbitration commission)
Tel: (86) 755 83501700, (86) 755 25831662
Email: info@scia.com.cn
Website: www.scia.com.cn

Risk, Investigation — and Legal — Support Services

IMF Bentham
Tel: (65) 6622 5397, (65) 6622 5396
Contact: Tom Glasgow - Investment Manager (Asia)
Email: tglasgow@imf.sg
Website: www.imf.sg

Kroll
Tel: (852) 2884 7788
Contacts: Tad Kageyama: tkageyama@kroll.com
Colum Bancroft: cbancroft@kroll.com
Website: www.krolladvisory.com

LegalComet Pte Ltd (LEGALCOMET)
Tel: (65) 8118 1175
Contact: Michael Lew, Founder & CEO
Email: michael@legalcomet.com
Website: www.legalcomet.com

— Translation —

Pacific Legal Translations Limited
Specialist translators serving the legal community.
Tel: (852) 2705 9456
Email: translations@paclegal.com
Website: www.paclegal.com

— Recruitment —

ALS International
Tel: *Hong Kong* – (852) 2920 9100
Singapore – (65) 6557 4163
Beijing – (86) 10 6567 8729
Shanghai – (86) 10 6372 1098
Email: als@alsrecruit.com
Website: alsrecruit.com

Hughes-Castell
Tel: *Hong Kong* (852) 2520 1168
Tel: *Singapore* (65) 6220 2722
Tel: *Beijing* (86) 10 6581 1781
Tel: *Shanghai* (86) 21 2206 1200
Email: hughes@hughes-castell.com.hk
Website: www.hughes-castell.com

JLegal
Tel: (65) 6818 9701
Email: Singapore@jlegal.com
Website: www.jlegal.com

Legal Labs Recruitment
Tel: *Singapore* (65) 6236 0166
Tel: *Hong Kong* (852) 2526 2981
Email: resume@legallabs.com
Website: www.legallabs.com

Lewis Sanders
Tel: (852) 2537 7410
Email: recruit@lewissanders.com
Website: www.lewissanders.com

Pure
Tel: *Hong Kong* (852) 2499 1611
Email: *Hong Kong* infohk@puresearch.com
Tel: *Singapore* (65) 6407 1200
Email: *Singapore* infosg@puresearch.com
Website: www.puresearch.com

Taylor Root
Tel: *Singapore* (65) 6420 0500
Tel: *Hong Kong* (852) 2973 6333
Email: jamienewbold@taylorroot.com
Website: www.taylorroot.com

— Other Services —

MEDITATION

Kadampa Meditation Centre Hong Kong
KMC HK is a registered non-profit organisation. We offer systematic meditation and study programmes through drop-in classes, day courses, lunchtime meditations, weekend retreats and other classes.
Tel: (852) 2507 2237
Email: info@meditation.hk
Website: www.meditation.hk

SPORT & LEISURE

Splash Diving (HK) Limited
Learn to Dive and Fun Dive with the Winner of the PADI Outstanding Dive Centre/Resort Business Award!
Tel: (852) 9047 9603, (852) 2792 4495
Email: info@splashhk.com
Website: www.splashhk.com

— Charitable — Organisations

Impact India Foundation
An international initiative against avoidable disablement. Promoted by the UNDP, UNICEF and the World Health Organization in association with the Government of India.
Tel: (91) 22 6633 9605-7
Email: nkshirsagar@impactindia.org
Website: www.impactindia.org