



**The Chartered Institute of  
Arbitrators (East Asia Branch)**

**ACI Arb and MCI Arb Courses for HKIE Members**

**REPLY SLIP**

To: The Hong Kong Institution of Engineers, 9/F Island Beverley, No. 1 Great George Street,  
Causeway Bay (Attn: Mr David So)

- a) Introduction to International Commercial Arbitration (Saturday, 24 Sep 2016)
- b) Module 1: Law of Obligations and Civil Evidence (Friday evenings, 23 Sep to 18 Nov 2016)
- c) Module 2: Law of International Arbitration (Friday evenings, 25 Nov to 16 Dec 2016)

I hereby apply to participate in the above courses (please tick box) and enclose a brief CV showing my professional experience.

I also enclose a cheque payable to “**The Chartered Institute of Arbitrators (East Asia Branch)**” being sent to the HKIE for collection purposes with this reply slip:

- in the sum of HK\$18,000.00 for courses a), b) and c)
- in the sum of HK\$15,000.00 for courses b) and c)
- in the sum of HK\$8,000.00 for courses a) and c)
- in the sum of HK\$3,000.00 for course a)
- in the sum of HK\$5,000.00 for course c)

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_

HKIE Membership Class and Number: \_\_\_\_\_

Tel: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

For enquiry, please email Mr. Richard Leung at [richardleung@dvc.com.hk](mailto:richardleung@dvc.com.hk) or Ir Sam YS Chan at [samchan@member.hkie.org.hk](mailto:samchan@member.hkie.org.hk)

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**About the Chartered Institute of Arbitrators:**

The Chartered Institute of Arbitrators sets the global standard for professional education in dispute resolution, and CI Arb membership qualifications are globally recognized. To find out more about us please visit our website: [www.ciarb.org](http://www.ciarb.org)

## **The Chartered Institute of Arbitrators (East Asia Branch)**

**Course:** Introduction to International Commercial Arbitration

**Saturday 24 September 2016**

9:00 pm to 5:30 pm at the HKIE Headquarters  
9/F Island Beverley, No. 1 Great George Street, Causeway Bay

The Chartered Institute of Arbitrators (East Asia Branch) is pleased to collaborate with **Hong Kong Institution of Engineers** to run this course exclusively for members of HKIE leading to entry to the Chartered Institute of Arbitrators as an Associate, **ACI Arb**.

Completion of this course will entitle the candidates to progress to the next level to become **MCI Arb** by doing further courses i.e. **Module 1** (Law of Obligations and Civil Evidence) and **Module 2** (Law of International Arbitration).

### **How is the course delivered?**

The course is substantially teaching but with some discussion and assessment elements to help candidate to become conversant with arbitration settings. The candidate is expected to submit a written assignment demonstrating his/her understanding of arbitration practices after the course.

The Chartered Institute of Arbitrators has standard materials for Introductory Course titled “**Introduction to International Commercial Arbitration**” (2012 revision) with primary focus under UNCITRAL Model Law but containing references to other renowned arbitration rules and procedures as promulgated by various arbitral institutions/commissions all over the world. There will be power-points covering contents of **Hong Kong Arbitration Ordinance Cap 609**.

The contents cover 10 sessions:-

- |  |                                  |
|--|----------------------------------|
| (1) Essential Features of International Arbitration  | (6) Organising the Proceedings   |
| (2) Laws and Rules of Arbitration                    | (7) Hearings                     |
| (3) Composition of the Arbitral Tribunal             | (8) Costs and Interest           |
| (4) Jurisdiction and Powers of the Arbitral Tribunal | (9) Making the Award             |
| (5) Statements of Claim and Defence                  | (10) Recognition and Enforcement |

### **Entry Requirements:**

Applicants should hold recognized professional or industry qualifications appropriate to their profession. The programme covers the UNCITRAL law and HK Arbitration Ordinance Cap 609. It is therefore valuable for anyone wishing to be conversant with the law governing the arbitral process generally, whether as a party, advocate, witness, or potential arbitrator.

### **Registration**

The CI Arb (EAB) is now receiving registrations for the captioned course to become an Associate of the Institute with designation **ACI Arb**. Registrations will be processed on a first-come, first-served basis with due consideration on the candidate’s professional experience, and the number of

candidates is limited. Please attach a brief CV with your registration, showing your professional experience with a cheque for the course fee.

**Course fee:** HK\$3,000.00

### **Course Director and Tutors**

The course director will be an approved course director of the Chartered Institute who is a Chartered Arbitrator and a seasoned/well known arbitrator in the international arbitration community. He/she will be assisted by at least two tutors who are also experienced in international arbitration.

Tentatively, the teaching team consists of Mr. Richard Leung, Mr. David Fong and others. Mr. Leung is a practising barrister in Hong Kong. He holds various professional qualifications such as Chartered Arbitrator, Accredited Mediator, FCPA and Chartered Secretary. Mr. Leung is currently the chairman of the Chartered Institute of Arbitrators (East Asia Branch). Mr. Fong, vice chairman, is an experienced arbitrator and holds qualifications such as FCPA, FCI Arb.

## **The Chartered Institute of Arbitrators (East Asia Branch)**

### **MCI Arb Course for HKIE Members**

Module 1: Law of Obligations and Civil Evidence

Module 2: Law of International Arbitration

**11 Friday evenings starting from 23 Sep 2016**  
6:30 pm to 9:00 pm at the HKIE Headquarters

The Chartered Institute of Arbitrators (East Asia Branch) is pleased to collaborate with **Hong Kong Institution of Engineers** to run this course exclusively for members of HKIE who have completed the Introductory Course held in Nov 2015/ Sep 2016 and/or who are already ACI Arb. Upon completion of the course and passing of the necessary examinations, candidates can apply to become Member of the Chartered Institute of Arbitrators, **MCI Arb**.

#### **Module 1: Law of Obligations and Civil Evidence**

##### **What is the aim of the course?**

To provide an understanding of the law of England and Wales in relation to obligations and civil evidence that are relevant to how disputes may arise and be resolved. References to HK Laws (which are similar to English Laws) will also be mentioned for the benefits of Candidates.

This course is intended for individuals who may not have studied law previously and wish to gain an understanding of the elements of the law of obligations and civil evidence that affect matters in civil and commercial disputes. It is suitable for anyone with a general interest in dispute resolution and is essential for individuals who wish to go on to become qualified arbitrators, adjudicators or mediators. The level of knowledge developed by the course is equivalent to that of first degree law at university.

##### **What are the learning outcomes?**

On successful completion of this course candidates will be able to:

- explain the sources of law and demonstrate how these are used in a common law jurisdiction;
- evaluate the nature and significance of the different types of obligations which can exist between parties; the potential overlap between contractual and tortious claims;
- evaluate and apply contractual and tortious remedies;
- explain the rules of evidence relating to civil or commercial litigation;
- critically analyse a problem using the law of contract, the law of tort and the rules of evidence;

##### **What is covered within the syllabus?**

###### Introductory matters

- Nature of law and its place in society;
- Sources of law: legislation, binding judicial precedent, custom, text books;
- Administration of justice: courts, tribunals, private methods of dispute resolution.

###### Contract

- Types of contract: simple and specialty, requirement as to form;
- Formation of a valid contract: offer, acceptance, consideration, intention to create legal relations,

- capacity;
- Content of contract: representations, express terms, implied terms and exclusions;
- Vitiating factors: mistake, illegality, duress, undue influence, misrepresentation;
- Privity and third parties;
- Discharge of a contract: performance, agreement, frustration and breach;
- Remedies for non-performance: damages, specific performance, injunctions, rectification;
- Limitations;
- Agency: creation, obligations, duties, termination.

#### Tort

- Primary and vicarious liability;
- Negligence: duty of care, breach of duty, causation, remoteness;
- Damage: personal injury including nervous shock, damage to property, pure economic loss;
- Occupiers' liability;
- Direct and indirect interference: trespass to land, trespass to goods, trespass to the person, public and private nuisance, the rule in *Rylands v Fletcher*;
- Defences: *volenti non fit injuria*, contributory negligence, statutory authority;
- Limitations;
- Remedies: damages, injunctions;

#### Evidence

- Types: oral, documents, real;
- Witnesses: competence, of fact, of opinion;
- Proof: burden and standards;
- Admissibility: privilege, best evidence rule, hearsay, parol evidence rule, secret evidence, judicial notice;
- Relevance: probative value related to the matter in question;
- Weight: balance or preponderance of evidence;
- Disclosure of documents;
- Procedure: pre-hearing, during a hearing.

#### **How is the course delivered?**

The course is delivered over a period of approximately 8 evenings and with examination being taken soon afterwards. Candidates are expected to read the materials thoroughly beforehand.

#### **How will the Candidate be assessed?**

Assessment of this course is split into three parts:

- **Contract** - assignment (10% of overall mark) + 2½ -hour closed-book examination (40% of overall mark).
- **Tort** - assignment (5% of overall mark) + 1½ -hour closed-book examination (25% of overall mark).
- **Evidence** - assignment (20% of overall mark).

Details of the assessment are as follows:

To pass the module, candidates must achieve a minimum of 55% in each of the two examinations and a minimum overall mark of 55%.

- Candidates who fail an examination will be required to re-sit that examination.
- The assignments are not on a pass or fail basis, they each contribute to the overall mark.

#### **Module 2: Law of International Arbitration**

##### **What is the aim of the course?**

To provide candidates with a detailed knowledge of the UNCITRAL Model Law and Arbitration Rules underpinning the process and procedure of international (i.e. non-domestic) arbitration to enable them to understand and participate in such proceedings.

It is therefore valuable for anyone wishing to understand the law and practice of international arbitration generally, whether as a party, party representative or witness. It is also an essential step for anyone aiming for Fellowship and for those who aim to practice internationally as an arbitrator.

### **What are the learning outcomes?**

On successful completion of this course candidates will be able to:

- Define what is meant by the term "international" arbitration
- Explain the principles and specific legal requirements of an international arbitration:
  - ✓ The legal framework including limitations of matters that may legally be arbitrated;
  - ✓ The contractual nature of the appointment of an arbitrator;
  - ✓ The rights, duties and responsibilities of a party to an arbitration;
  - ✓ The range and limitations of an arbitrator's powers and jurisdiction;
  - ✓ The methods of initiating and processing an arbitration;
  - ✓ The relevance of the court regarding all stages in an arbitration;
  - ✓ The requirements of an enforceable award;
- Evaluate and apply the principles and legal requirements of an international arbitration;
- Identify, explain and apply the legal procedural principles, rules and agreements relevant to the conduct of an international arbitration.

### **What is covered within the syllabus?**

- Fundamental principles of the arbitration process;
- The UNCITRAL Model Law and Arbitration Rules;
- The arbitration agreement;
- Commencement of an arbitration and appointment of an arbitrator;
- Obligations of the tribunal, responsibilities and obligations of the parties;
- An arbitrator's jurisdiction and powers;
- The arbitration process: meetings, timetable, submissions, experts, disclosure, hearings;
- The powers of the court;
- Interest and costs;
- Essentials of an enforceable award;
- Challenges, appeals and enforcement.

### **How is the course delivered?**

The course is delivered over a period of approximately 3 evenings and with examination being taken soon afterwards. Candidates are expected to read the materials thoroughly beforehand.

### **How will the Candidate be assessed?**

Assessment of this course is split into two parts:

- A written assignment to be submitted during the course (20%).
- A 3-hour closed-book examination (80%).

Details of the assessment are as follows:

- The assignment. This assessment is not on a pass or fail basis. The mark achieved will contribute up to 20% of the final mark.
- The examination. This examination is on a pass or fail basis. Candidates must achieve a minimum of 55%. Candidates who fail the examination will be required to re-sit the examination.
- The overall assessment is based upon the combined marks of the assignment and examination. Candidates must achieve a minimum overall mark of 55% to pass the course.

The examination is closed book; no materials are permitted in the examination room except for an unmarked copy of the UNCITRAL Model Law (incorporating the 2006 amendments) and Arbitration Rules (2010 revision). Highlighting and underlining is permitted.

**Course fee:** HK\$15,000.00 (HK\$10,000 for Module 1 and HK\$5,000 for Module 2)

**Exemption:** Those having an LLB can apply for exemption from taking Module 1.

**Course Director and Tutors**

The course director will be an approved course director of the Chartered Institute who is a Chartered Arbitrator and a seasoned/well known arbitrator in the international arbitration community. He/she will be assisted by at least two tutors who are also experienced in international arbitration.

Tentatively, the teaching team consists of Mr. Richard Leung, Mr. David Fong and others. Mr. Leung is a practising barrister in Hong Kong. He holds various professional qualifications such as Chartered Arbitrator, Accredited Mediator, FCPA and Chartered Secretary. Mr. Leung is currently the chairman of the Chartered Institute of Arbitrators (East Asia Branch). Mr. Fong, vice chairman, is an experienced arbitrator and holds qualifications such as FCPA, FCI Arb. More details will be provided in due course. Medium of the course will be in English.