

CONGRESS PROGRAMME

All events will be held in the Kowloon Shangri-la Hotel, Orchid Room, Lower Level II, or in the Foyer outside, unless otherwise marked.

Monday, 11th May 2015

Monday, 11th May 2015		
Time	Event	Location
08:00-17:00	Registration	Orchid Room Foyer
09:00-09:45	<p>Opening Ceremony and Welcome Address</p> <p>Mr. Rinsky Yuen SC JP, Secretary for Justice, HKSAR Government</p> <p>Prof. Anthony Cheung Bing-leung GBS JP, Secretary for Transport and Housing, HKSAR Government</p> <p>Mr. Bruce Harris, Chairman, ICMA Steering Committee</p>	Orchid Room
09:45-11:00	<p>Plenary Session 1</p> <p><i>Moderator: Mr. Manfred Arnold</i></p> <p>Assessment of Damages in Charterparty Disputes: Post Breach Events - Do they Matter?</p> <p>The Hon. Sir Bernard Eder (<i>United Kingdom</i>)</p> <p>The Indemnity in Charterparties</p> <p>The Hon. Chief Justice James Allsop AO (<i>Australia</i>)</p> <p>An overview of recent NY awards of significance</p> <p>Mr. John D. Kimball (<i>USA</i>)</p> <p>The new development of China Maritime Arbitration</p> <p>Mr. Yu Jianlong (<i>China</i>)</p>	Orchid Room
11:00-11:30	Break	Orchid Room Foyer
11:30-12:45	<p>Concurrent Session 2a</p> <p>Maritime Arbitration – Development from around the world</p> <p><i>Moderator: Datuk Sundra Rajoo</i></p>	Orchid Room

	<p>Maritime Arbitrations in Myanmar</p> <p>Dato Jude Benny (<i>Singapore</i>)</p> <p>Institutional Maritime Arbitration in India - Latest Developments</p> <p>Mr. Niranjan Chakraborty (<i>India</i>)</p> <p>Changing Dynamics of Indian Arbitration - Catch 22 situation</p> <p>Mr. Amitava Majumdar (<i>India</i>)</p> <p>The development of arbitration and maritime issues in Indonesia</p> <p>Mr. Husseyn Umar (<i>Indonesia</i>)</p> <p>Disputes arising out of the developments in the shipping and offshore sectors in Brazil and Brazilian legal framework related to the alternative methods of dispute resolution</p> <p>Mrs. Camila Mendes Vianna Cardoso (<i>Brazil</i>)</p>	
	<p>Concurrent Session 2b</p> <p>General Charter Party Issues</p> <p>Moderator: Mr. Daryl Raibl</p> <p>The owner's vulnerability to the liabilities of the demise charterer</p> <p>Mr. Angus Stewart SC (<i>Australia</i>)</p> <p>The assessment of damages in borderline cases</p> <p>Mr. Mark Hamsher (<i>United Kingdom</i>)</p> <p>The issue of accelerated receipt faced in the quantification of long-term damages.</p> <p>Mr. Peter Daniel (<i>United Kingdom</i>)</p> <p>Alliances, Vessel Sharing Agreement, Slot charters and arbitration – a Civil Law approach</p> <p>Prof. Philippe Delebecque (<i>France</i>)</p> <p>The New MARPOL Annex VI Regulations, Requirements and Issues</p> <p>Mr. Michael G. Chalos (<i>USA</i>)</p>	
12:45-14:15	Lunch	Harbour Room
14:15-15:30	<p>Concurrent Session 3a</p> <p>Mediation and ADR</p> <p>Moderator: Mr. Arthur Bowring</p>	Orchid Room

	<p>"London Leading?"</p> <p>Mr. Jonathan S Lux <i>(United Kingdom)</i></p> <p>Mediation in the Context of Maritime Arbitration: Making Waves, or Drowning?</p> <p>Mr. David Owen QC <i>(United Kingdom)</i></p> <p>Mediation in developing countries – a chance for the shipping industry</p> <p>Dr. Christoph Hasche <i>(Germany)</i></p> <p>Enforceability of Multi Tiered Dispute Resolution Clauses</p> <p>Ms. Vasanti Selvaratnam QC <i>(United Kingdom)</i></p> <p>Good Faith Obligations as preconditions to arbitration in Singapore & Australia</p> <p>Mr. David Martin-Clark <i>(United Kingdom)</i></p>	
	<p>Concurrent Session 3b</p> <p>Contemporary Shipping Problems</p> <p>Moderator: Mr. Peter Swanson</p> <p>The use of Private Maritime Security Companies (PMSCs)</p> <p>Ms. Helen Tung <i>(United Kingdom)</i></p> <p>Irregular migration across the seas: problematic issues concerning the international rules on safeguard of live at sea</p> <p>Mr. Jean-Patrick Marcq <i>(France)</i></p> <p>The impact of the Nairobi Convention on ship wreck removal (WRC) on limitation of liability schemes</p> <p>Ms. Anniek Wouters <i>(Belgium)</i></p> <p>Banning Ransom Payments to Pirates: A Legal Analysis of the Human Rights and Commercial Implications on International Shipping</p> <p>Ms. Sofia Galani <i>(United Kingdom)</i></p> <p>A Study of the Implementation of the Maritime Labor Convention 2006 in China</p> <p>Ms. Yu Shihui <i>(China)</i></p>	
15:30-16:00	Break	Orchid Room Foyer
16:00-17:15	<p>Concurrent Session 4a</p> <p>Maritime Arbitration</p> <p>Moderator: Mr. Peter Wong</p>	Orchid Room

	<p>Maritime arbitration in the context of international commercial arbitration</p> <p>Mr. Mario Riccomagno <i>(Italy)</i></p> <p>Arbitrators Should Decide Disputes on Commercial Principles, NOT the Law</p> <p>Mr. Jack Vayda <i>(USA)</i></p> <p>Direct Actions and Maritime Arbitration (How to combine the qualities of English and French arbitrations)</p> <p>Mr. Patrick Simon <i>(France)</i></p> <p>Maritime Trade in Malaysia – With Special Emphasis on FOB and CIF contracts</p> <p>Datuk Sundra Rajoo <i>(Malaysia)</i></p> <p>Recourse to anti-suit injunction in international shipping litigation</p> <p>Mr. Francesco S. Lauro <i>(Italy)</i></p>	
	<p>Concurrent Session 4b</p> <p>Bills of Lading Issues</p> <p>Moderator: Mr. Peter Schaumburg-Müller</p> <p>Recognition of incorporation of arbitration clauses in bills of lading under PRC law and its practical implications</p> <p>Mr. Lianjun Li <i>(Hong Kong)</i></p> <p>Enforcement of arbitration clauses in bills of lading</p> <p>Dr. Melis Özdel <i>(United Kingdom)</i></p> <p>The concept of the "holder" of a Bill of Lading under COGSA, 1992</p> <p>Mr. Michael Tselentis QC <i>(United Kingdom)</i></p> <p>Recognition of incorporation of arbitration clauses in bills of lading</p> <p>Mr. Ian Gaunt <i>(United Kingdom)</i></p> <p>How to protect cargo interests under the Korean Maritime Law</p> <p>Capt. In-Hyeon Kim <i>(Korea)</i></p>	
18:00-20:00	Welcome Cocktail and Reception	The Harbour Room

Tuesday, 12th May 2015

Time	Event	Location
08:00-17:00	Registration	Orchid Room Foyer
09:00-10:00	<p>Cedric Barclay Memorial Lecture</p> <p>“Contributions to the English law of contract that started life as maritime arbitrations in Cedric's day”</p> <p>Lord Phillips of Worth Matravers, <i>the former President of the Supreme Court of the United Kingdom</i></p>	Orchid Room
10:00-10:30	Break	Orchid Room Foyer
10:30-12:15	<p>Concurrent Session 5a</p> <p>P.R. China Arbitration law & practice (Group discussion)</p> <p>Moderator: Prof. Chu Beiping</p> <p>Shipbuilding Contract Disputes & CMAC Standard Newbuilding Form - In the perspective of CMAC Mrs. Jiang Hong and Mr. Huang Chenliang (<i>China</i>)</p> <p>New Developments of Judicial Support for Maritime Arbitration (<i>China</i>) Ms. Xu Wei (<i>China</i>)</p> <p>The Concurrent Hearing Procedure under the New CMAC Rules Prof. Chu Beiping and Ms. Wang Wei (<i>China</i>)</p> <p>The Procedure of Emergency Arbitrator under Chinese Arbitration Laws Mr. Shi Qiang and Prof. Chu Beiping (<i>China</i>)</p> <p>ON Research of Establishing the Appeal Mechanism Concerning Ruling of Judicial Review of Foreign Arbitration Dr. Han Lixin and Mr. Ren Xianlong (<i>China</i>)</p> <p>On Setting Aside Arbitral Awards Involving Foreign Elements in China Prof. Zhou Qinghua (<i>China</i>)</p> <p>International Congress of Maritime Arbitrators and China Maritime Arbitration Prof. Wang Guohua and Mr. Tong Yao (<i>China</i>)</p> <p>Concurrent Session 5b</p> <p>General Charter Party Issues</p> <p>Moderator: Mr. James J. Warfield</p>	Orchid Room

	<p>Steering between a rock and a hard place: The relevance of negligence by the Master in safe berth/ port and dangerous cargo cases</p> <p>Mr. Sean O'Sullivan QC (<i>United Kingdom</i>)</p> <p>How unsafe does a port need to be in order to be legally unsafe? The "Ocean Victory"</p> <p>Mr. Glenn Winter (<i>United Kingdom</i>)</p> <p>Scope of Safe Port/Berth Warranty Under U.S. Maritime Law</p> <p>Mr. Rahul Wanchoo (<i>USA</i>)</p> <p>The Case for Apportioned Fault in Safe Berth/Port Cases under US Law</p> <p>Mr. Manfred Arnold <i>and</i> Mr. Don Murnane (<i>USA</i>)</p> <p>Court of Appeal in Ocean Victory – unsafe port?</p> <p>Mr. Stephen Hofmeyr QC (<i>United Kingdom</i>)</p>	
12:15-14:15	Lunch	Harbour Room
14:15-15:30	<p>Concurrent Session 6a</p> <p>Maritime Arbitration – problems of costs and delay, third-party funding</p> <p>Moderator: Mr. Ernest Yang</p> <p>Third Party Funding in Arbitration</p> <p>Mr. Jern-Fei Ng (<i>United Kingdom</i>)</p> <p>Costs controlling</p> <p>Mr. Alexander Gunning QC (<i>United Kingdom</i>)</p> <p>In-house legal costs</p> <p>Ms. Clare Ambrose (<i>United Kingdom</i>)</p> <p>Reasonable Costs of Arbitration - What is Reasonable - a Canadian Context</p> <p>Mr. JJ McIntyre (<i>Canada</i>)</p> <p>The waiting game - Arbitrator's delay and what to do about it</p> <p>Ms. Esther Mallach <i>and</i> Mr. Jan Wölper (<i>Germany</i>)</p> <p>Concurrent Session 6b</p> <p>Contemporary Shipping Problems</p> <p>Moderator: Mr. Byung-Suk CHUNG</p> <p>Application of Hamburg Rules 1978 in China</p>	Orchid Room

	<p>Prof. Wang Pengnan (<i>China</i>)</p> <p>Reform of Japanese Maritime Law</p> <p>Mr. Yosuke Tanaka (<i>Japan</i>)</p> <p>Claims against the Pilot</p> <p>Mr. Mitsuhiro Toda (<i>Japan</i>)</p> <p>Marine spatial planning (msp) and management of oceans and seas (mocs) - conflicts and ADR</p> <p>Mr. John Prasad Menezes (<i>India</i>)</p> <p>The Scope and Extent of the Exercise of Maritime Lien</p> <p>Capt. Lee Fook Choon (<i>Singapore/Hong Kong</i>)</p>	
15:30-16:00	Break	Orchid Room Foyer
16:00-17:15	<p>Concurrent Session 7a</p> <p>Maritime Arbitration – jurisdictional issues, multi-party/multi-contract; and miscellaneous</p> <p>Moderator: Mr. Lawrence Teh</p> <p>Some issues of jurisdiction</p> <p>Mr. Richard Lord QC (<i>United Kingdom</i>)</p> <p>Consolidation of Disputes Under Section 2 of the SMA Rules</p> <p>Mr. David Martowski (<i>USA</i>)</p> <p>Resolving multi-party and multi-contract issues in maritime arbitrations</p> <p>Ms. Mary Thomson (<i>Hong Kong</i>)</p> <p>Redocumentation of cargoes in the tanker trade</p> <p>Mr. Bengt E. Nergaard</p> <p>Concurrent Session 7b</p> <p>General Charter Party and Bills of Lading Issues</p> <p>Moderator: Mr. Clive Aston</p> <p>Understanding Performance Claims</p> <p>Mr. Brian Williamson (<i>United Kingdom</i>)</p> <p>Delivery of cargo without production of original bills of lading in China</p>	Orchid Room

	<p>Mr. Nicholas Poynder (<i>United Kingdom</i>) and Ms. Hu Xiaoli (<i>China</i>)</p> <p>Bulk grain cargoes and the scourge of the paper shortage</p> <p>Mr. Tony Brown (<i>United Kingdom</i>) and Dong Li (<i>Canada</i>)</p> <p>Suspect fuel and suspect reasoning - Are time charterers really liable for supplying unsuitable fuel?</p> <p>Mr. Charles Baker (<i>United Kingdom</i>)</p> <p>To Lien, or not to Lien - The Lien of Cargo in Chinese Waters</p> <p>Mr. Weidong Chen (<i>China</i>)</p>	
18:00-20:00	<p>Tour of Hong Kong International Arbitration Centre, followed by Visit and Cocktail at the Hong Kong Maritime Museum</p>	

Wednesday, 13th May 2015

Time	Event	Location
	<p>HK Summit 2015</p> <p>International Council for Commercial Arbitration (ICCA) and Hong Kong International Arbitration Centre (HKIAC)</p>	
	<p>Choice of Two Exclusive ICMA Tours</p>	
	<p>ICCA Cup Closing Dinner</p> <p>Event Date: 13 May 2015 (Wednesday)</p> <p>Time: 18:00 - 22:30</p> <p>Venue: Hong Kong Jockey Club Racecourse (Happy Valley)</p> <p>Registration Fee: HKD1,300 per person</p> <p>Dress Code: Lounge Suit/Cocktail Dress</p>	

Thursday, 14th May 2015

Time	Event	Location
08:00-17:00	Registration	Orchid Room Foyer
09:00-10:30	Mock Arbitration	Orchid Room

Organized by 20 Essex Street and Quadrant Chambers

Arbitrators:

1. [David Owen QC](#) 2. [Lawrence Teh](#) 3. [David Martowski](#)

Counsel for Party A:

[David Lewis QC](#)

[Simon Milnes](#)

Counsel for Party B:

[Robert Thomas QC](#)

[Stewart Buckingham](#)

Witnesses:

[Simon Croall QC](#)

[Sara Masters QC](#)

Commentators:

[Duncan Matthews QC](#)

[Simon Kverndal QC](#)

Materials

10:30-11:00

Break

Orchid Room Foyer

11:00-12:15

Concurrent Session 8a

**Maritime Arbitration – challenge, cultural issues and bias;
and miscellaneous**

Moderator: Mr. Philip Yang

[Cultural sensitivity and its importance for international arbitration](#)

[Mr. Simon Croall QC and Mr. James Turner QC \(United Kingdom\)](#)

[Growing potential for procedural misconduct in unadministered maritime arbitrations](#)

[Mr. Jayems Dhingra \(Singapore\)](#)

[Online maritime dispute resolution. Could the nuances of cultural diversity and power balance be embedded in the software code?](#)

[Dr. Constantina Sampani \(United Kingdom\)](#)

[The Panamanian “flag arrest” a valuable tool in compelling arbitrations, obtaining security or enforcing an award](#)

Orchid Room

	<p>Mr. Francisco (Paco) Carreira-Pitti (<i>Republic of Panama</i>)</p> <p>Revisiting Common Law Solutions to Foreign Maritime Liens</p> <p>Dr. Poomintr Sooksripaisarnkit (<i>Hong Kong</i>)</p> <hr/> <p>Concurrent Session 8b</p> <p>General Charter Party and Bills of Lading Issues</p> <p>Moderator: Mr. Roger Moisey</p> <p>Letters of indemnity, oil for shipping and trade?</p> <p>Dr. Felipe Arizon (<i>Spain</i>)</p> <p>Indemnity claims under Charters</p> <p>Ms. Alison Shaw-Lloyd (<i>United Kingdom</i>)</p> <p>Study on the Reservation or Abolition of Nautical Fault Exemption System</p> <p>Ms. Wang Shumin; Ms. Yang Xin (<i>China</i>)</p> <p>Comparative study on damages for detention: does it exist under Turkish law</p> <p>Prof. Elvin Batmaz Silahtaroglu (<i>Turkey</i>)</p> <p>Maximum length of demurrage in case of WIPON/WIBON clauses: to wait or not to wait?</p> <p>Dr. Banu Bozabali Bozkurt (<i>Turkey</i>)</p>	
12:15-14:15	Lunch	Harbour Room
14:15-15:30	<p>Concurrent Session 9a</p> <p>Maritime Arbitration</p> <p>Moderator: Mr. Henry Li Hai</p> <p>Perils in interim measures/reliefs in International Maritime Arbitration</p> <p>Mr. Ethelwald O Mendes (<i>India</i>)</p> <p>Recognition and Enforcement of Foreign Arbitral Award in China</p> <p>Mr. Dihuang Song (<i>China</i>)</p> <p>Enforcement of LMAA Arbitral Award in China</p> <p>Mr. Niu Lei (<i>China</i>)</p> <p>Enforcement of Foreign Arbitral Awards, the Meaning of "Commercial Men" and when is it too late to raise a challenge</p>	Orchid Room

	<p>Mr. Timothy Elsworth <i>(United Kingdom)</i></p> <p>Enforcing the unenforceable. The procedural and legal issues involved in seeking to enforce an award which has been refused enforcement by, set aside by, or are subject to a pending appeal before, the supervisory court</p> <p>Mr. Malcolm Holmes QC <i>(Australia)</i></p> <p>Concurrent Session 9b</p> <p>Ship Sales, Shipbuilding and Offshore issues</p> <p>Moderator: Mr. Lianjun Li</p> <p>The Application of the Prevention Principle in the Shipbuilding Context – a Cuckoo's egg?</p> <p>Mr. Simon Kverndal QC <i>(United Kingdom)</i></p> <p>The Prevention Principle Across the Common and Civil Law Divide and the Maritime Construction Industry</p> <p>Prof. Douglas Samuel Jones <i>(Australia)</i></p> <p>The Limitation on the Shipbuilder's Right to Retain the Ship for Building Payments</p> <p>Mr. Guowei Gu <i>(China)</i></p> <p>PRC Shipbuilding disputes –Reshaping the Legal Landscape for London Arbitration in China The Potential Role of Ipso Facto Clauses</p> <p>Mr. Peter Murray <i>and</i> Mr. Michael Murray <i>(China)</i></p> <p>Deliverability under the SAJ form legal and practical issues</p> <p>Mr. Simon Croall QC <i>(United Kingdom)</i></p>	
15:30-16:00	Break	Orchid Room Foyer
16:00-17:15	<p>Concurrent Session 10a</p> <p>Maritime Arbitration</p> <p>Moderator: Mr. Søren Larsen</p> <p>Singapore Arbitration - Divergence and Harmony In the Shared Common Law Experience</p> <p>Mr. Mark Sachs <i>(Singapore)</i></p> <p>BIMCO Dispute resolution clause under Singapore Chamber of Maritime Arbitration (SCMA) – Association with maritime contracts and implications</p>	Orchid Room

	<p>Mr. Francis Lansakara <i>(Singapore)</i></p> <p>A Fusion of Principles and Rules: Expedited Arbitral Determination of Collision Claims and its Potential Application in Cases involving Ships Crossing the Singapore Straits</p> <p>Mr. Hakirat Singh <i>(Singapore)</i></p> <p>The evolving role of SCMA in Singapore's arbitration landscape</p> <p>Mr. Lee Wai Pong <i>(Singapore)</i></p>	
	<p>Concurrent Session 10b</p> <p>Ship Sales, Shipbuilding and Offshore issues</p> <p>Moderator: Mr. David Martowski</p> <p>Charterparty & shipbuilding contract termination: current issues</p> <p>Mr. Roderick Cordara QC SC <i>(United Kingdom)</i></p> <p>Shipbuilding arbitration and refund guarantees – the impact of a PRC court injunction on Hong Kong proceedings</p> <p>Mr. Bill Amos <i>(Hong Kong)</i></p> <p>Legal issues & disputes arising from sale of ships (completed and under construction)</p> <p>Mr. Peter S K Koh <i>(Canada)</i></p> <p>Shipbuilding, Ship Sales and the Sale of Goods Act 1979</p> <p>Mr. Nicholas Vineall QC <i>(United Kingdom)</i></p> <p>As Is: as you were? Getting round The Union Power in Ship Sale & Purchase</p> <p>Mr. Robert Thomas QC <i>(United Kingdom)</i></p>	
18:30-19:30	Gala Dinner Cocktail	The Grand Ballroom Foyer
19:30-22:00	Gala Dinner	The Grand Ballroom

Friday 15th May 2015

Time	Event	Location
08:00-11:30	Registration	Orchid Room Foyer
09:00-10:00	<p>Hong Kong Session</p> <p>Opening Addresses to be delivered by:- (1) Mr Frank Poon, Solicitor General; and (2)</p>	Orchid Room

	<p>Mr Joseph Lai, Permanent Secretary for Transport and Housing (Transport)</p> <p>Presentations to be delivered by:- (1) Mr Kingsley Koo, Chairman of the Hong Kong Shipowners Association; (2) Mr Chris Howse, Founding Partner of Howse Williams Bowers; and (3) Mr Danny Mok, full time arbitrator.</p>	
10:00-10:30	Break	Orchid Room Foyer
10:30-11:45	<p>Concurrent Session 11a</p> <p>Maritime Arbitration and Ship Finance</p> <p>Moderator: Mr. Li Chenbiao</p> <p>The Application of Mandatory Law to Determination of Rights in Maritime Arbitration Mr. Anthony J Pruzinsky (USA)</p> <p>Documents Submission in International Arbitration: A Double-Edged Sword Mr. Abdelhak Attalah (United Arab Emirates)</p> <p>A Comparative Study on Bareboat Charter and Ship Finance Lease Prof. Guo Ping (China)</p> <p>The development of the financial industry in Shanghai after the establishment of Shanghai Free Trade Zone ("FTZ") Mr. Sheng Chen (China)</p>	Orchid Room
	<p>Concurrent Session 11b</p> <p>Contemporary Shipping Problems – arrest of ships, etc</p> <p>Moderator: Mr. Peter McQueen</p> <p>On two recent in rem decisions of the Hong Kong Admiralty Court Prof. Anselmo Reyes (Hong Kong)</p> <p>Procedural Safeguards Against Oppressive Ship Arrest Mr. Toh Kian Sing, SC (Singapore) and Dr. Ulrich Stahl LL.B. (Cantab.) (Germany)</p> <p>Circumstances in Which a Right of Arrest of a Vessel in Hong Kong Survives an Arbitration Award : Recent Hong Kong Court of Appeal Decision in the "Alas" Mr. Damien Laracy (Hong Kong)</p> <p>A common law action in rem for enforcement of arbitral awards after The Indian Grace (No. 2). Has The Alas gone too far?</p>	

	<p>Mr. David Fong (<i>Hong Kong</i>)</p> <p>Seaworthiness - A Case Study – Vessels in Tow</p> <p>Mr. Michael T. Monahan (<i>USA</i>)</p>	
11:45-12:15	Official ICMA Business	Orchid Room
12:15	End of Congress	