



International Academy of Mediators

ON-LINE BOARD MEETING Tuesday the 28th July 2020

HONG KONG SYMPOSIUM UPDATE

I attach a recommendation from the Hong Kong Mediation Council about the proposed Symposium for 27th October 2020. It makes grim reading. The current restrictions on non HK residents entering HK are not related to the ongoing political difficulties, but, in my opinion, create an unacceptable uncertainty for those of us who have set aside a week in October to take part in this symposium, and an unacceptable further financial risk for IAM over and above the potential loss of the US\$ 10,000 odd that we have already funded.

I know that the recommendation from the HKMC will be a huge personal disappointment to all of you who were supporting this venture and some of whom have already lost travel costs paid in advance of the first aborted date. It is a tragedy which seems to be part of Hong Kong's unfortunate recent history. I will present a verbal **confidential** report on the political situation to the Board.

The proposed series of three consecutive virtual seminars was a suggestion I made in a long zoom meeting I had with Jody and CW Ling, the immediate past chairman, and does present us with an opportunity to try out an idea which has emerged from my preliminary discussions and responses from the non-American IAM members as part of Task Force exercise I have been asked to conduct at the last Board meeting. I am still waiting for some responses, but I have enough to present some very preliminary draft conclusions to the Board prior to my contacting the members from USA and Canada who have kindly offered to help. Once we have completed that series of consultation, I am aiming to present a full report to the Board by the end of the year.

In all the circumstances and with great personal sadness I propose that we accept the proposal recommended by the HKMC. If the Board agrees, I will then write and confirm that the Chief Justice is still willing to present a keynote address, and seek confirmation from all our speakers and presenters, that they are content to take part. In addition, I and two of our UK members (Phillip Howell-Richardson and Nicholas Pryor) have agreed to give pro bono online advocacy training co-hosted by HKMC in conjunction with the Hong Kong Bar Association. Subject to HKMC approval, the fees payable by those attending may to some extent be used towards recouping some of the lost US\$10,000 deposit.

I would hope that IAM members might be attracted to taking part in one of the regional Symposiums by attending themselves or helping to organise a session, or even perhaps offering some sponsorship by taking one of the packages which Jody and her Core Group will put together.

27th July 2020

Michel Kallipetis QC

President Elect

IAM-HKMC Symposium on 27 October 2020
Note of recommendation from the Sub-Committee of the
Hong Kong Mediation Council

A. Background

1. As a result of the current COVID-19 pandemic, the captioned Symposium has been postponed from 18 March 2020 to 27 October 2020. From the outset it has been planned that the Symposium will feature IAM members from UK, Europe, US, New Zealand and Singapore coming to Hong Kong to participate as speakers.
2. Since 25 March 2020, the Hong Kong Government has barred all non-HK residents (except those coming from the PRC, Taiwan and Macau) from entering the territory at all; it is not even a matter of undergoing a period of compulsory quarantine.¹
3. In July, the sub-committee of HKMC (“**Sub-Committee**”) met twice to discuss the way forward given the current limitations on travellers coming to Hong Kong. Since then the Hong Kong Government has imposed further restrictions on gatherings public places in response to a third wave of COVID-19 infections.²
4. Since February 2019, the Ballroom of Harbour Grand Hong Kong Hotel (“**Hotel**”) has been reserved by HKMC. In March 2019, IAM funded a sum of deposit, HK\$79,500 (approx. USD10,192), representing 50% of the minimum charges. Up to February 2020, the Sub-Committee has obtained promises of sponsorships from various sources (primarily Hong Kong law firms) of around HKD220,000 (USD28,205). Geoffrey Ma, the Chief Justice of Hong Kong, has agreed to be the keynote speaker at the Symposium on 27 October 2020.
5. Given the ongoing pandemic situation in Hong Kong and beyond, the Sub-Committee has considered three options:
 - **Postpone** the Symposium
 - Conduct a **hybrid** version, whereby the Hong Kong audience and speakers participate in person while the overseas speakers join online; and
 - Conduct a **full online** version of the Symposium.
6. The Sub-Committee also sought information from the Hotel on the time and other terms for a further postponement (the Symposium has been postponed twice, one in October 2019 and then in February 2020). In gist, the Hotel may still require the Symposium to proceed provided that the Hong Kong Government’s restrictions on the number of people gathering will be relaxed by then. The inability of the overseas speakers to participate will not be a consideration for the Hotel management. If we request to postpone the Symposium further, say, one year from 27 October 2020, it is unclear (or unlikely) that the Hotel will be agreeable at this stage.³

¹ <https://www.coronavirus.gov.hk/eng/inbound-travel.html>

² https://www.coronavirus.gov.hk/eng/social_distancing-faq.html#FAOC1

³ Please see Appendix 1 of the email response from the Hotel dated 13 July 2020.

7. On 15 July 2020 the Sub-Committee met and came up with the following views and recommendations.

B. The Sub-Committee's views and recommendations

1. Option 1 – Postpone the Symposium

Pros

- a. The initial format of the Symposium can be maintained. At the same time, IAM can achieve its initial objective of establishing its presence in Asia when its speakers can meet mediators and other stakeholders in Hong Kong in person.
- b. The deposit paid to the Hotel can be utilised.

Cons

- a. It is difficult to predict when the restrictions on travelling will be uplifted. While it provides the maximum flexibility if a 12-months extension can be granted, it is unlikely that the Hotel will be agreeable to the request. A shorter period of extension will not be helpful, as it is improbable that the global pandemic will be end, say, in six months' time.
- b. While the postponed date of 27 October 2020 has been made known to the sponsors, it is unclear if they will consider withdrawing their sponsorship when another postponement is announced. It will add to the difficulty in raising funds caused by the shrinkage in the global economy.

Hence, the Sub-Committee does not consider that postponement is a viable option.

2. Option 2 – Conduct a hybrid version

Pros

The deposit paid to the Hotel can be utilised.

Cons

- a. According to the response from the Hotel, it does not offer a stable internet connection to enable the event to be conducted smoothly. The audience may not be able to see or hear the overseas participants clearly, and interaction between the speakers and the floor will not be possible. That may cause a loss of attention and a lot of frustration to the audience.
- b. Further, we have enquired if the Symposium can be moved to one of the Salon Rooms in the Hotel since there may be fewer participants. However, on the basis of the Hotel's response, it is not a favourable option, since this will not lead to the cut-down of expenditure.

- c. Due to the limited bandwidth of the Hotel's internet, an additional sum of around HK\$20,000.00 (around USD 2,564) has to be spent on strengthening the internet connection.
- d. The Symposium will not hold the same level of attraction to sponsors and participants when overseas speakers cannot attend in person. At the same time, the minimum required spending of HK\$159,500 will not be reduced or waived in the absence of an applicable *force majeure* clause.⁴ The risk of running a financial loss is therefore increased.

Hence, the Sub-Committee does not consider that conducting a hybrid version is a viable option.

3. Option 3 – a full online Symposium

Pros

- a. The Symposium can proceed on the scheduled date. There will not be any physical restrictions on IAM speakers to participate. We can reach out to a broader audience in Asia and other continents. The Hong Kong International Arbitration Centre can host the online sessions.
- b. Given the IAM speakers come from different time zones, and the limited attention span of an online audience, the format of the Symposium will need to be changed. The format is highly flexible (please see the suggestions below).
- c. Although the entire deposit is likely to be forfeited by the Hotel, the total expenditure will be much lower under this option. An online program can be launched with minimal further expenditure. The financial commitment of IAM and HKMC will be more certain, and the risk of further financial loss can be minimized.

Cons

- a. The deposit will be forfeited.
- b. IAM speakers and representatives will not be able to meet with the Hong Kong participants in person.
- c. For the time being, we need to assume that the current sponsors may withdraw or substantially curtail their pledged sponsorships. To make up for this loss, we will need to locate more sponsors and cast our net much wider than Hong Kong law firms.
- d. The ticket prices will need to be substantially lowered from the current "early bird" price of HK\$980 to something in line with countless other webinar offerings on the market (most of which can be accessed free of charge).

⁴ See Appendix 2 the letter from the Hotel with T&C dated 19 February 2019

The Sub-Committee takes the view that conducting the Symposium fully online is the most viable option. We, therefore, would like to propose as per paragraph 4 below.

4. The Sub-Committee's suggestions

- a. It is proposed that the Symposium will be conducted entirely online over the course of three days, namely, 27, 28 and 29 October 2020. The programme will be changed to two shorter, 90-minute sessions for each day (“Capsules”).
- b. For each day, speakers from one of three discrete regions or time zones will be featured. For instance:
 - a. On Day 1, the Chief Justice can still give the keynote speech (whether live or pre-recorded), followed by other speakers from the Asia-Pacific region (Hong Kong, Mainland China, Singapore, Australia and New Zealand).
 - b. On Day 2, speakers from the UK and Europe will be featured.
 - c. On Day 3, speakers from North America will be showcased.
- c. The programme rundown, speaker line-up and the range of topics for the Capsules will be revamped in light of the altered format and an enlarged online audience from different countries around the world.
- d. It may be a good idea to set up three regional committees (Asia-Pacific, UK/Europe, North America) each of which will be in charge of designing the day's programme and locating relevant sponsorship and promoting ticket sales.
- e. The Sub-Committee will reach out to current sponsors and persuade them to continue with their financial support. As far as possible, IAM and HKMC will try to recoup the loss of deposit and to make up for the probable decline in sponsorship income. In our view, it will be easier to obtain from a larger number of sponsors each a smaller amount of money.
- f. For this purpose we need to expand our reach to sponsors from other parts of the world outside Hong Kong and prepare a new sponsorship package to provide new forms of incentive (e.g. assigning speaker slots to sponsoring law firms, providing free training to their members).

5. Conclusion

It is unfortunate that the Symposium has been postponed twice for reasons beyond our control, and the original intention for this event may not be fully achieved. We are not alone in this. Many conference organisers and mediation bodies around the world are facing the same problem. It is hoped that the changed model will bring about opportunities to both organizations under the “new normal” of online meetings and training. HKMC will

continue to work with IAM in full force to ensure the success of the Symposium.

Appendix 1

Email Response from Harbour Grand Hotel of 13 July 2020:

From: Ada Au (Harbour Grand Hong Kong Catering - Senior Catering Sales Manager)
<adaa@hghkcatering.com>
Sent: Monday, July 13, 2020 11:28 AM
To: Sam Wei <sam@hkiac.org>
Cc: 'cwling@dvc.hk' <cwling@dvc.hk>; 'jody.sin@theresolution.com.hk'
<jody.sin@theresolution.com.hk>
Subject: RE: [Revised Event Contract] Harbour Grand Hong Kong - The Hong Kong Mediation Council Meeting on 27 October 2020 (c /o Hong Kong International Arbitration Centre)

Dear Sam,

Thank you for your email and hope you are well.

AS per your enquires, kindly find details as follows:

1. Changing the booking to (one of) the Salon Rooms?

With our deposit made and subject to availability, would it be possible for us to move away from the Grand Ballroom to one of the Salon Rooms? We may explore with the co-organiser to perhaps run a hybrid of physical seminar and online video conferencing instead. We may just need a smaller venue in this case.

Answer: For your event which can be moved to our Salon Rooms, but the minimum food & beverage charge spending should be maintained the same at HK\$145,000 plus 10% service charge per day for the venue usage from 0900hrs-1700hrs inclusive as per signed contract and addendum. Thus I will suggest to keep using the ballroom even to arrange the live streaming event instead finally.

2. Hotel's Internet connection and bandwidth

How fast is the connection speed of the Hotel's internet and WIFI, in Grand Ballroom and in the Salon Rooms' level?

**Answer: For the internet at our Ballroom (1/F), the fixed internet bandwidth approx: 20MB. For the previous live streaming event at Ballroom, guest self-arranged the LAN cable and we can offer the internet socket with fixed IP address for their usage.
For the WIFI services, the bandwidth approx: 10MB**

For Salon Rooms (5/F), the internet bandwidth approx: 15MB to use our fixed internet socket & WIFI services with the bandwidth approx: 5-8MB

Kindly share that the bandwidth will be more stable if you use our fixed internet socket, you should self-arranged LAN cable which can be arranged a testing around 3 weeks prior to event date.

3. Further postponing the booking

Any chance for further postponing the booking of Grand Ballroom? Eg. if the HK government would introduce any ban on social gathering closer to 27 Oct 2020?

Answer: If the government is extended the “prohibition on group gathering” regulation until Oct 2020, we will specially seek for our management team approval for the event postponement. Please remind that the minimum charge and meeting package are subject to change upon new date is confirmed.

For more further details, please feel free to reach me at **2121 2640 / 6900 0903**.

Best regards,
Ada Au
Senior Sales Manager