

**2022 UNCITRAL RCAP@10 – “The Road Ahead: Regional trade, global standards
and the future of legal harmonization”**

Presentation on Hong Kong initiatives on ODR – Speaking Notes

1. Importance of ODR and HK’s focus on ODR

- UNCITRAL Technical Notes on ODR in 2016 as a response to sharp increase of online cross-border transactions and rapid growth of e-commerce
- Study by APEC Business Advisory Council – 94% of MSMEs think dispute resolution as one of the greatest challenges faced with trading across borders.
- APEC EC endorsed APEC ODR Framework in 2019 to encourage MSMEs to use ODR for B2B disputes.
 - ◆ APEC ODR Framework fully launched in May 2022 with 3 ODR service providers listed, including eBRAM Centre from Hong Kong.
- Development of LawTech/ODR is major policy directive for Hong Kong Government.
 - ◆ COVID-19 ODR Scheme launched in 2020 as response to COVID, offering speedy and cost-effective means to resolve COVID disputes.
 - ◆ In line with the APEC ODR Framework and operated by eBRAM Centre.
- Also promoting greater use of ODR in the Greater Bay Area
 - ◆ Greater Bay Area – 56000 km² with more than 71 million population
 - ◆ Chief Executive’s Policy Address this year – implement and promote a standard online mediation platform for GBA by the end of next year.

2. iGLIP on ODR – “Inclusive Global Legal Innovation Platform” on Online Dispute Resolution

- Set up in early 2021, supported by the DOJ Project Office for collaboration with UNCITRAL
- DOJ Project Office – established in 2020, work on cooperation envisaged under MOU between HKSAR Government and UNCITRAL for collaboration relating to International Trade Law in Nov. 2019.
- iGLIP on ODR – 30 member states from all continents
- Objectives of iGLIP on ODR:
 - ◆ Keep track of developments and issues from emerging technologies in ODR;
 - ◆ Provide a platform which is a forum to facilitate discussion,

- collaborative knowledge sharing and creative problem solving;
- ◆ Explore, discuss and develop innovative legal tools to address novel issues arising from ODR, and facilitate harmonization of new and existing legal tools.

3. iGLIP on ODR's first meeting – March 2021

- Stocktaking exercise to explore current trends in this area
- Discussed the topic of “platforms for international trade and their linkage to dispute resolution” and “online platforms for international dispute resolution”.
- As a result of this meeting, the UNCITRAL Commission in July 2021 endorsed the continued collaboration between the UNCITRAL Secretariat and Hong Kong DOJ.

4. iGLIP on ODR's Second meeting – November 2021

- Sharing and review of latest developments in ODR
- Discussed on the theme of access to justice and the role of ODR, in particular on exploring the development of an international legal instrument to facilitate access to justice through use of ODR.
 - ◆ May include minimum core standards that would apply to ODR proceedings, providers and platforms.
 - ◆ Possibility for collaboration between States to support parties and neutrals to receive equal access to appropriate technology and basic infrastructure.
- Summary report of this meeting also formed a backdrop in the discussion regarding online platforms for dispute resolution in Colloquium held during UNCITRAL WGII in March/April this year.

5. Conclusion

- Hope that iGLIP on ODR continues to be a useful platform for experts to discuss and explore issues and legal tools to address ODR issues.
- Aim to stimulate further discussion on this issue and continue our good collaboration with UNCITRAL.