How eBRAM can use technology to help with deal-making and deal resolving

Presented by
Nick Chan, MH
Chairman, eBRAM Centre
Vice Chairman, The Law Society of Hong Kong’s InnoTech Committee and Belt and Road Committee
Partner of Squire Patton Boggs
Nick Chan (Medal of Honour), is the Chairman of eBRAM Centre, an NGO registered in Hong Kong that is dedicated to promote the use of technology to assist with deal-making and cost-effectively resolve disputes between parties and projects concerning the Belt and Road Initiative and beyond.

Nick is also a Council Member and Chairman of the Standing Committee on Compliance and the Public Policy Committee of The Law Society of Hong Kong.

Nick is a Partner at a global law firm Squire Patton Boggs, where he has responsibility for certain practice areas for the Asia Pacific region. He also has in-house experience at technology companies and have a degree in computer science.
PRESENTATION AGENDA

01 INTRODUCTION OF CASE SCENARIO
5G cross-border infrastructure projects

02 Mr. Nick CHAN, MH, Chairman of eBRAM
How eBRAM can use technology to help in deal making

03 Ms. Vivien Lam
Issues arisen in cross-border transaction and investment

04 Mr. Amirali B Nasir, MH, JP
Islamic financing and capital market

05 Ms. Hannah Ha
Issues arisen in Merger and Acquisitions

06 Mr. Steven Sieker
Cross-border Tax Regimes

07 Q&A
Countries among the Belt and Road would like to take a coordinated approach to build, buy, convert, interconnect and operate a network of 5G-enabled mobile radio towers.
CASE SCENARIO
5G ENABLED MOBILE TOWER
Countries among the Belt and Road would like to take a coordinated approach to build, buy, convert, interconnect and operate a network of 5G-enabled mobile radio towers.
A China State Owned Enterprise with its international operations headquartered and operated out of Hong Kong has decided to take on the lead task to negotiate for the establishment and coordinated management of 5G-enabled radio towers.
Imagine if …

SPEAKING DIFFERENT LANGUAGES
LANGUAGE BARRIERS

INSTANT MESSENGERS
DELETION OF RECORD IS EASY

LEGAL UNCERTAINTY
BATTLE OF FORMS IN CONTRACT

WHICH ONE IS THE FINAL ‘OFFER’ AND IS THERE REALLY AN ‘ACCEPTANCE’?
WHAT IS THE ACTUAL TERMS OF THE CONTRACT?
Can you help identify other challenges we need to overcome?
How eBRAM can use technology to help with deal-making

**E-CONFERENCE**
Platform for the parties to negotiate in a cross-border deal

**ADVANCE TECHNOLOGY**
Technology such as BlockChain, Real-time translation to support deal making

**SUPPORT FROM HK LEGAL PROFESSIONS**
Connect the large and diversified legal pool and other professional sectors to those in need
HOW TECHNOLOGY HELPS BLOCKCHAIN & REAL-TIME TRANSLATION
EASY SHARE OF DOCUMENTS ONE CLICK AND EVERYONE HAS A COPY
ENSURE AUTHENTICITY
TIME-STAMPS ALL DOCUMENTS WITH CENTRAL PLATFORM TO STORE AND RETRIEVE INFORMATION AND AGREEMENTS
REAL-TIME LANGUAGE TRANSLATION BREAKS LANGUAGE BARRIERS
SYSTEM CENTRALIZED IN HONG KONG SAR

LAW-ABIDING SOCIETY WITH THE CORNERSTONE OF THE RULE OF LAW AND WORLD CLASS LEGAL SYSTEM
THINK AHEAD - NOT JUST DEAL MAKING, BUT ALSO **DISPUTE RESOLVING**

Dispute resolution and Belt and Road

**CROSS-BORDER DISPUTES ARE BOUND TO HAPPEN**

- Over **65-100+** jurisdictions are involved, including many jurisdictions which Chinese business are not familiar with.
- Commercially sound to resolve disputes by Online Disputes Resolution.
- Helpful with cross-border infrastructure projects.
HKSAR AS A NEUTRAL FORUM
ONE COUNTRY, TWO SYSTEMS

01 MULTI-LINGUAL LANGUAGE CAPABILITIES
Both English and Chinese are official languages

02 GOOD KNOWLEDGE OF DIFFERENT LEGAL SYSTEMS
Common law system with good knowledge of civil law

03 RECIPROCITY
Reciprocity on enforceability of arbitral awards with PRC and Macao

04 LARGE AND DIVERSIFIED LEGAL POOL
~9,500 solicitors & 1,400 barrister
~1,500 registered foreign lawyers from over 30 jurisdictions with over 80 registered foreign law firms
DATA PRIVACY
Robust Data Privacy Laws

EXTENSIVE CONNECTION
Extensive connection with World-class arbitrators, mediators and other professionals
HKSAR AS A NEUTRAL FORUM
HIGH INTERNATIONAL RANKING

WORLD NO.4 IN THE EFFICIENCY OF LEGAL FRAMEWORK IN SETTLING DISPUTE
*World Economic Forum’s Global Competitiveness Report 2017-2018

ASIA’S NO.2 IN THE WORLDWIDE GOVERNANCE INDICATORS PROJECT
*Conducted by the World Bank Group
HK Scored above 90 (out of 100) in respect of rule of law

ASIA’S NO.1 AND WORLD NO.2 IN THE HUMAN FREEDOM INDEX
*Human Freedom index 2017 (Cato Institute)
HK scored 8.88 (out of 10) with Integrity of Legal System scored at 8.3 out of 10

HK ARBITRAL AWARDS ENFORCEABLE IN 150 CONTRACTING STATES
*Parties to the New York Convention
HKSAR AS A NEUTRAL FORUM
ROBUST DATA PROTECTION LAWS &
effect of China’s cybersecurity law
HKSAR AS A NEUTRAL FORUM

ARBITRATION SPECIFIC

INDEPENDENT AND PRO-ADR JUDICIARY

NETWORK OF ENFORCEMENT OF ARBITRAL AWARD

NO RESTRICTION ON ADVISING ARBITRATION IN HK BY FOREIGN ATTORNEYS

ENFORCEABILITY OF AWARDS
Awards can be enforced in all State parties to the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards and with China (Arrangement Concerning Mutual Enforcement of Arbitral Award between the Mainland and HKSAR)

UPCOMING THIRD PARTY FUNDING OF ARBITRATION

HK SAR

AS A NEUTRAL FORUM

ARBITRATION SPECIFIC
## ADVANTAGES OF MOVING DISPUTE RESOLUTION FROM OFFLINE TO ONLINE

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<thead>
<tr>
<th>WHAT HAS TO BE DONE?</th>
<th>ONLINE</th>
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<td><strong>TRADITIONAL</strong></td>
<td><strong>EASY ACCESS TO EXPERT FROM PLATFORM</strong></td>
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<td>Takes time and cost to find expert (through personal network, with potential objection from the other party)</td>
<td>Reduce transportation costs</td>
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<td>Experts fly to the physical location where arbitration takes place to explain their states of laws and seeks reimbursement from parties</td>
<td>Centralised translation services</td>
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<td>Translation of legal document from their language to English</td>
<td>Secured document from and to online platform</td>
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<td>Send bundles of hundreds of pages with risk of losing files</td>
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FEASIBILITY OF ‘SMART CONTRACT’ WILL BE CONSIDERED

‘SELF-EXECUTING’ ‘CONNECTED’ ‘DATA DRIVEN’

Break down agreement into ‘if/then’ statement
BACK TO THE CASE SCENARIO

How does eBRAM use technology to help in the 5G infrastructure project?

- Records all communications and documents
- Increase legal certainty
- Break the language barriers
- Enhance cybersecurity of all documentary evidences
- Possibility of Smart contract - contract can be entered more efficiently than ever
- Cost and time saving in dispute resolution via online mediation, conciliation and arbitration
More about eBRAM
More about eBRAM
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THIS IS A PREVIEW AND THE FINAL INTERFACE IS SUBJECT TO CHANGE
More about eBRAM
Q&A

How eBRAM can use technology to help with deal-making and deal resolving?