



**CONSULTATION PAPER ON THE PROPOSED AMENDMENT  
TO THE ARBITRATION ORDINANCE (CAP 609)  
("Consultation Paper")**

**SUBMISSIONS**

The Law Society in principle supports the proposed amendments to the Arbitration Ordinance, Cap 609 in the Consultation Paper concerning the implementation of the "*Arrangement Concerning Reciprocal Recognition and Enforcement of Arbitral Awards*" between the Hong Kong SAR and the Macao SAR ("**the Arrangement**"), and the miscellaneous amendments.

We have the following comments on the draft bill:

- (1) Article 5(1) of the Arrangement states that if a legal entity or any other organisation applies to the relevant court, in Hong Kong or in Macao, for recognition and enforcement of an arbitral award, the application *shall* contain, its name, address and *the name, duties and address of its legal representative or principal responsible person* [italics supplied]. There is an inconsistency between the information required by the Arrangement and the draft bill which requires clarification. We recommend a review of section 98C, as set out in clauses 10 and 14(8).
- (2) "*legal representative or principal responsible person*"  
The concept of "*a legal representative or principal responsible person*" is not commonly used in Hong Kong. We recommend these terms be defined, if these are introduced into the legislation.

- (3) There is a typographical error in clause 13 of Part 4. The words “section 13” in that clause should cite “section 14”.

**The Law Society of Hong Kong**

**5 February 2013**