



**The Singapore Institute of Arbitrators  
&  
ST Education & Training Pte Ltd**

**Jointly presents**

**Understanding the Chinese Legal Process  
and its Perspective  
on International Trade and Shipping Law**

**Shanghai Senior Maritime Judge Mr Xin Hai and  
eminent Shanghai lawyer Mr Jin Yu Lai**

This Seminar will give participants an opportunity to know at first hand the working of the Chinese Maritime Court, a very important branch of the Chinese Judiciary dealing exclusively with all aspects of maritime disputes - insurance, international trade, oil & gas, contracts of carriage, logistics, offshore, towage, salvage etc. It is a rare privilege to hear from an eminent judge the structure of the court, quality of its judges, updates on procedures, legal effects of precedents, appeal process, the enforcement of foreign arbitral awards etc

To help the business and shipping sectors to avoid unnecessary pitfalls when conducting business in PRC, Mr. Jin Yu Lai will discuss the effects of a series of significant court decisions, which clearly point to the Chinese Judiciary's thinking in the areas of ambiguity of the jurisdiction clause, release of cargo without Bill of Lading, refusal of Chinese consignees to take delivery of defective cargo, subrogation rights of insurers and how the practical effects of the use of Maritime Special Procedures to preserve evidence.

**Date** : **Monday, 3<sup>rd</sup> October 2005**  
**Time** : **9:00 am to 5:00 pm (registration starts at 8:30 am)**  
**Venue** : **Temasek Club (1 Portsdown Road Singapore 139295)**  
**Fees** : **SGD300.00**

**FOR WHOM:** arbitrators, legal advisors, lawyers, dispute management consultants, shipowners, chartered vessel operators, maritime claims adjustors, surveyors, insurance brokers, mariners, ship brokers, traders and export/import companies.

Seminar notes in English will be given to all participants

**MPA Maritime Cluster Fund:**

**The MPA Maritime Cluster Fund will be providing a 30% fee subsidy under their Maritime Cluster Fund Scheme for the above course. To be qualified for the subsidy, participants must Singapore Citizens or Permanent Residents sponsored by Companies registered and incorporated in Singapore.**

**Seminar Programme**

8:30 to 9:00 am	Registration
9:00 to 9:10 am	Chairman's welcome address
9:10 to 9:20 am	Speech by the Guest-of-Honour
9:20 to 10:40 am	'Is the Chinese Judiciary up the Mark as the Legal Guardian of a Rising Economic Power?' by Judge Mr. Xin Hai (in Mandarin with English summary by Capt Lee Fook Choon)
10:40 to 11:00 am	<i>Morning coffee break</i>
11:00 to 12:30 pm	'The Evolving Chinese Judiciary as a Force for Good in PRC' by Judge Mr. Xin Hai (in Mandarin with English summary by Capt Lee Fook Choon)
12:30 to 2:00 pm	<i>Buffet lunch</i>
2:00 to 3:30 pm	'The Implications & Dynamics of Chinese Judicial Decisions in Shipping & International Trade' by Mr. Jin Yu Lai (in Mandarin with English summary by Capt Lee Fook Choon)
3:30 to 3:50 pm	<i>Afternoon coffee break</i>
3:50 to 5:00 pm	"Viability of Litigation vs Arbitration in China" by Capt Lee Fook Choon (in English)
	<i>THE END</i>

### About the Speakers

**His Honour Senior Maritime Judge Mr. Xin Hai** had accumulated 15 years of judicial experience and has presided and issued judgments on more than 500 cases of maritime disputes. Quite a number of his judgments had been award-winning written judgments and had been variously published in the PRC Supreme Court's Digest, Research and Instruction Directive and Law Reports. He had also published many papers in the China Maritime Law Review and had also participated in an exchange programme with the Wisconsin Judiciary College in 2003.

**Mr. Jin Yu Lai** is the managing partner of Shanghai Kai-Rong Law Firm. He is also a listed arbitrator with the prestigious China Maritime Arbitration Commission and mediator with CCPIT (China Council for the Promotion of International Trade). Mr. Jin's expertise is in international trade, maritime, insurance and aviation matters and had to date, argued more than 500 litigation cases before the Chinese Courts on behalf of trading house, shipping companies, insurers, airlines, liability insurers etc. Mr. Jin received the award as one of the top ten outstanding lawyers in Shanghai in 1994 and in 1996, received the Shanghai Bar Association's award as one of the top ten outstanding young lawyers in Shanghai. He is also a Fellow of the USA Academy of Trial Lawyers.

### About the Chairman:

**Capt Lee Fook Choon**, Master Mariner, LLM, FCI Arb, ACII, Chartered Arbitrator, Chartered Insurance Practitioner, a marine loss adjuster by training, has been actively involved in maritime arbitration and transnational mediation efforts since 1992. He is a panel arbitrator with the Chartered Institute of Arbitrators, UK, Singapore International Arbitration Centre, Hong Kong International Arbitration Centre, Regional Arbitration Centre (KL) and the China Maritime Arbitration Commission. He is presently the head of Integral Marine Consultants, Director of Toplis & Harding (Marine & Recoveries) Ltd, Hong Kong, Consultant to Huazheng Adjusters Co Ltd, Shanghai.

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**This event is recognized by the Law Society of Singapore under its vMCPD Programme. Programme Category: Professional Practice / Practice Area Category 4 (Dispute Resolution)/ Training Level – Intermediate/ Assigned CPD Hours – 5 Hours 50 Mins.**

## Chinese Legal System

Many in the business community, particularly those from the common law jurisdictions, are not familiar with the Chinese legal system. China is a civil law country and while the legal system is not entirely perfect, there is much maligned view over the sancticity of the rule of law in China. The speed and depth of China's rise to become an economic power is unrivalled in history. From 1979 to 2004, more than 300 million people had been lifted out of poverty and moved into the middle class ranks. For instance, China today is the largest steel producer in the world and from nowhere, had risen to become the third largest shipbuilding nation in the world after South Korea and Japan. It is also the third largest trading nation in the world, besides leading in many other industrial fields. The current five year plan will also see China rising to become an IT power in its own right.

To conduct business with or in China, we cannot choose to ignore the working of its legal system. To do so is to put ourselves in perils in the areas of international trade, shipping, finance, insurance, intellectual property rights or aviation. Judge Xin Hai and Mr. Jin Yu Lai are two eminent Chinese legal practitioners whose wealth of inside knowledge can help us to gain a better insight of the structure of the Chinese judiciary, the quality of judges, the emphasis of strict compliance of procedural rules in litigation in China, the weight of higher courts' past precedents in judicial decisions, and the conditions which would allow leave for appeal to higher courts. Above whether the Chinese judiciary is supportive of domestic and international arbitration and the enforcement of foreign arbitral awards in China.

Mr Jin Yu Lai will also examine the effects of the Maritime Special Procedures Law in the preservation of evidence in PRC, the implications of current decisions on the issues ranging from challenges of jurisdictions, release of cargo against letter of indemnity (a common practice), rejection of seemingly defective goods in PRC and the law of subrogation in China.



## REGISTRATION FORM

### Seminar on Understanding the Chinese Legal Process and its Perspective on International Trade and Shipping Law

**Date: 03 October 2005**

For more than one booking, please photocopy this form.  
Please use BLOCK CAPITAL to complete all details.

Surname (Family Name):

Mr/ Mrs/ Ms/ Others:

First Name(s):

Job Title / Function:

Company:

Company Address:

Nature of Business:

Email Address:

Telephone No.(s):

Fax No.:

Please fax / post the completed Registration Form to:  
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