



香 港 仲 裁 司 學 會

HONG KONG INSTITUTE OF ARBITRATORS

*Patron: The Hon Mr Justice Andrew Li,
Chief Justice of the Court of Final Appeal*

14 June 2007

Office of the Government Chief Information officer
Commerce, Industry and Technology Bureau
15/F Wanchai Tower
12 Harbour Road, Wan Chai
Hong Kong
Attn: Systems Manager (H)41

Dear Sir/Madam,

**Comments on the Consultation Paper
on the Review on Administration of Internet Domain Names in Hong Kong**

Hong Kong Institute of Arbitrators (HKI Arb) is a Hong Kong company limited by guarantee established in September 1996. A group of Hong Kong professional people interested in arbitration, mediation and other kinds of dispute resolution got together to form Hong Kong's own arbitration institute. It has charitable status and is non-profit making. A main objective is to promote arbitration and other alternative methods of dispute resolution (ADR) in Hong Kong which is a service centre for Asia and gateway to China. HKI Arb will be involved in the training of arbitrators and mediators and the setting of appropriate standards of conduct for arbitrators and mediators in Hong Kong. It is involved in law reform relevant both to arbitration and mediation. It is working to develop ties with other organisations involved in arbitration and ADR, particularly those within China and in the Asia region.

We believe that the .hk ccTLD should be regarded as a public asset of Hong Kong and be administered for the best interest of the Hong Kong community.



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To this end, we consider that it is desirable to utilize the expertise and participations of professionals and stakeholders in the administration of the .hk ccTLD. This, in our view, would help enhancing the independence of the Hong Kong Internet Registration Corporation Limited (“HKIRC”).

We see the setting-up of the Consultative and Advisory Panel (“the CAP”), as beneficial for helping the Board of Directors focus on the operational and administrative matters of HKIRC, while allowing a transparent and independent system of monitoring via the CAP.

As regards the Board of Directors, we note the new proposal grouping of the existing 6 classes of memberships into 3 new classes, namely Demand Class, Supply Class and Representative Association Class. We also note that the Consultation Paper does not provide details as to how the existing members would be re-grouped. However, this must mean a significant reduction of the number of directors and there is only one elected director from a class notwithstanding that there can clearly be conflicting interests within that class. This, we believe, can create problems in practice. We certainly support the principle of participation from membership. However, we consider that, with the CAP, the role of the Board of Directors should mainly be focused on operational and administrative issues concerning HKIRC and the interests of stakeholders from such classes are sufficiently represented via their participation at the CAP. Hence, from this perspective, we see that the elected members of the Board of Directors should be elected from the overall membership, without distinction of classes.



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It is also highlighted in paragraph 15 of the Consultation Paper that maintenance of appropriate complaints handling and disputes resolution processes is one of the priorities of HKIRC. With the changing technologies for the internet and for dispute resolution, we do agree that domain name disputes and other related complaints are key areas that need to be attended to for the better administration of the .hk ccTLD. In this regard, we consider it to be desirable for at least a member from the alternative dispute resolution community to be included for invitation to the CAP.

If we can be of further assistance please do not hesitate to revert back to us.

Yours faithfully,

Gary Soo
President