ALTERNATIVE DISPUTE RESOLUTION OF SHAREHOLDER DISPUTES IN HONG KONG

The landscape of shareholder dispute resolution in Hong Kong has changed vastly since the launch of the Civil Justice Reform in 2009. Key initiatives – the voluntary court-connected scheme and reform of the statutory unfair prejudice provisions – were employed to promote the greater use of alternative dispute resolution (ADR) in shareholder disputes. While the Hong Kong government and judiciary introduced such schemes to prove the legitimacy of extrajudicial over court-based litigation processes, their success is still uncertain. In this book, sociolegal theory and sociological institutionalism are used to develop a theoretical framework for analyzing the key stages of institutionalization. The author analyzes how procedural innovations could acquire legitimacy through different types of legal and non-legal inducement mechanisms within the institutionalization process. Recommendations on codifying and innovating ADR policy in Hong Kong shareholder disputes are made, with comparisons to similar policies in the United Kingdom, South Africa and New Zealand.

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ALTERNATIVE DISPUTE RESOLUTION OF SHAREHOLDER DISPUTES IN HONG KONG

Institutionalizing Its Effective Use

IDA KWAN LUN MAK

The University of Hong Kong
This book is dedicated to my parents, 
William Mak Kin-wah and Mary Chan Yuen-han
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FOREWORD

The time has been reached when there is a critical need for fundamental rethinking as to the need for alternative forms of dispute resolution (ADR) of shareholder disputes. The burgeoning case load in Hong Kong and other major common law jurisdictions requires research and detailed study, a challenge which Dr Ida Mak Kwan-lun has undertaken with skill and thoughtfulness. *Alternative Dispute Resolution of Shareholder Disputes in Hong Kong: Institutionalizing Its Effective Use* is a totally new work rather than a revised or re-worked edition of an earlier book and Dr Mak has taken the opportunity to survey the field from a fresh perspective, unencumbered by the baggage of the past – and fresh thinking is the hallmark of this book. Dr Mak’s work is therefore significant and very timely. The book gives the reader a thorough, stimulating and scholarly treatment of what by any measure has become a very complex corpus of rules. Its excellent analysis will, without doubt, inform the current debate on this important topic. The book deserves to occupy a central place on the bookshelves of practitioners, policymakers and academic commentators.

John Lowry
*Professor Emeritus, University College London*
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