

HERBERT SMITH FREEHILLS DUO TO CO-CHAIR HONG KONG LAW REFORM COMMISSION CONSULTATION ON "SUCCESS FEES" IN ARBITRATION

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News

[The Law Reform Commission of Hong Kong](#) has appointed Herbert Smith Freehills' [Kathryn Sanger](#) and [Briana Young](#) to co-chair a study on the introduction of outcome-related fee structures – or "success fees" – in arbitration.

The study will be conducted by a new sub-committee of the Law Reform Commission.

Arbitration is an important industry in Hong Kong, with the city consistently ranked among the top four venues for tribunal hearings worldwide.

"Success fees are now standard in many of Hong Kong's competitor markets, such as the US and the UK, so this is an important element in the industry's future competitiveness," said co-chair Kathryn Sanger.

"I'm honoured to chair the sub-committee with Briana, and to lead the consultation on possible changes to the system in Hong Kong."

By permitting success fees, lawyers can share with clients in the risk and reward of complex arbitration cases.

"As practitioners, we are seeing increased demand for these types of pricing structures from clients," said co-chair Briana Young. "The study will allow us to carefully assess the risks and benefits for Hong Kong, and outline any legislative and regulatory changes required."

The study follows the recent innovative changes that allow parties to Hong Kong-seated arbitrations to apply to the Chinese courts for injunctive relief in support of the arbitration. No other arbitral seat benefits from such support from the Chinese courts.

The Hong Kong Department of Justice release is available [here](#).

ABOUT THE CO-CHAIRS

Kathryn Sanger has over 15 years' experience of advising clients on arbitration and litigation proceedings in Asia Pacific. A partner at Herbert Smith Freehills since 2016, she also sits as an arbitrator, is listed on the [Hong Kong International Arbitration Centre's \(HKIAC\) List of Arbitrators](#), and is also a member of the Users Council of the [Singapore International Arbitration Centre](#).

She was a Council Member of the HKIAC between 2008 and 2019, and served on the HKIAC Executive Committee. Kathryn also chaired the HKIAC's appointments committee between 2013 and 2018, and has served on its rules and proceedings committees. In the latter role, she assisted the Department of Justice to draft legislation dealing with the enforcement of emergency arbitrator relief in Hong Kong.

Briana Young is a foreign legal consultant at Herbert Smith Freehills, advising colleagues and clients on all aspects of international arbitration law and public international law

She has also been closely involved in the development of Hong Kong's third-party funding legislation, and of the HKIAC Administered Arbitration Rules. Briana is a member of the HKIAC Council and Proceedings Committee, and Co-Chair of HKIAC's Taskforce on Third Party Funding. She speaks and writes on a range of arbitration-related issues, with a focus on arbitration in the Asia-Pacific region.

The other members of the sub-committee are: CM Chan, Consultant, Anthony Siu & Co; Matthew Gearing, QC, Partner, Allen & Overy; Dr Benny Lo, Barrister; and José-Antonio Maurellet, SC, Barrister.

KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



KATHRYN SANGER

PARTNER, HONG
KONG

+852 21014029
kathryn.sanger@hsf.com



MAY TAI

MANAGING PARTNER,
ASIA, HONG KONG

+852 21014031
may.tai@hsf.com



**JUSTIN
D'AGOSTINO**

CHIEF EXECUTIVE
OFFICER AND
PARTNER, HONG
KONG

+852 21014010
Justin.DAgostino@hsf.com

MEDIA CONTACT

For further information on this news article, please contact:

**SALLY GREIG, HEAD OF
COMMUNICATIONS, ASIA**

HONG KONG

Tel: +852 21014624

Email: sally.greig@hsf.com