



立法會秘書處 法律事務部
LEGAL SERVICE DIVISION
LEGISLATIVE COUNCIL SECRETARIAT

來函檔號 YOUR REF : LP 19/00/4C
本函檔號 OUR REF : LS/S/29/12-13
電話 TELEPHONE : 3919 3506

傳真 FAX : 2877 5029
電郵 E-MAIL : bloo@legco.gov.hk

By Fax (2524 2171) and
Email (adr@hkiac.org)

22 July 2013

Ms. Chiann Bao
Secretary-General
Hong Kong International Arbitration Centre
38th Floor Two Exchange Square
8 Connaught Place
Hong Kong

Dear Ms. Bao,

**Arbitration (Appointment of Arbitrators and
Mediators and Decision on Number of Arbitrators) Rules**

I refer to your letter dated 18 July 2013 and my telephone conversation with your Mr Dennis Cai earlier today.

To assist the Subcommittee on Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules (the Subcommittee) in scrutinizing the above Rules, I should be grateful for your early reply (in both languages) on the following issues:

Rule 4

- (a) In relation to rule 4(2), please consider whether it is necessary to amend the reference to "任期屆滿" in the Chinese text to cover the case of a former member of the Appointment Advisory Board who has resigned without serving the full term of his appointment. If so, please propose an amendment for the Subcommittee's consideration.

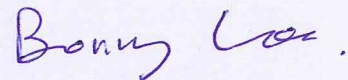
Rule 13

- (b) In relation to rule 13(2), it is noted that in your letter dated 12 October 2012 to the Panel on Administration of Justice and Legal Services (LC Paper No. CB(4)40/12-13(03)) it was explained that your fees would be calculated on the basis of certain predetermined "working unit" rates (i.e. HK\$20 for Case Administrator, HK\$110 for Secretary-General, HK\$46 for Deputy Secretary-General and HK\$36.70 for Counsel) and overheads allocation (i.e. HK\$7.67 per staff member per working unit). Please clarify:
- (i) In what circumstances would HKIAC charge more than HK\$8,000 under the new Rules? Would HKIAC charge HK\$8,000 where its costs of manpower and overheads do not exceed HK\$8,000, but actual incurred amounts where such costs exceed HK\$8,000 (to be capped at HK\$15,000)?
- (ii) Would the above working unit and overheads rates be displayed and publicized in accordance with rule 13(3) so that an applicant would know in advance how the application fee (which could be anywhere between HK\$8,000 and HK\$15,000) would be calculated?

Chinese text

- (c) As regards the inconsistent use of "證明" and "核證" to refer to "certify", "certifying" and "certification", please reconsider whether opportunity would be taken to also change the references to "證明" in rules 6(2)(c), 8(2)(c) and 10(2)(c) to "核證" for the sake of consistency, given that amendments would be proposed to rule 15 (transitional) (and possibly the Chinese text of rule 4(2)) in any event.

Yours sincerely,



(Mr Bonny LOO)
Assistant Legal Adviser

cc. DoJ (Attn.: Mr LEE Tin-yan, ASG(Atg) (By Fax: 3543 0350)
Mr Manuel NG, GC (By Fax: 2845 2215))

LA