

立法會
Legislative Council

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Tel : 3919 3300

Date : 31 October 2013

From : Clerk to the Legislative Council

To : All Members of the Legislative Council

Council meeting of 6 November 2013

**Proposed resolution under the
Interpretation and General Clauses Ordinance**

The Secretary for Justice will move, at the Council meeting of 6 November 2013, a proposed resolution under section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) in relation to the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules, published in the Gazette as Legal Notice No. 115 of 2013. The proposed resolution is attached for Members' consideration. The President has directed that it be printed in the terms in which it was handed in on the Agenda of the Council.

2. The speech, in both Chinese and English, which the Secretary will deliver when moving the proposed resolution is also attached.

(Odelia LEUNG)
for Clerk to the Legislative Council

Encl.

Interpretation and General Clauses Ordinance

Resolution

(Under section 34(2) of the Interpretation and General Clauses Ordinance
(Cap. 1))

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

Resolved that the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules, published in the Gazette as Legal Notice No. 115 of 2013 and laid on the table of the Legislative Council on 3 July 2013, be amended as set out in the Schedule.

Schedule

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

- 1. Rule 4 amended (appointments to Appointment Advisory Board)**
Rule 4(2), Chinese text—
Repeal
“任期屆滿後”
Substitute
“離任之日起計”.
- 2. Rule 6 amended (procedure for requesting for appointment of arbitrator)**
Rule 6(2)(c), Chinese text—
Repeal
“證明”
Substitute
“核證”.
- 3. Rule 8 amended (procedure for seeking decision on number of arbitrators)**
Rule 8(2)(c), Chinese text—
Repeal
“證明”
Substitute

“核證”。

4. Rule 10 amended (procedure for applying for appointment of mediator)

Rule 10(2)(c), Chinese text—

Repeal

“證明”

Substitute

“核證”。

5. Rule 13 amended (fees)

(1) Rule 13(2)—

Repeal

“charge, for the exercise of any of the functions referred to in subrule (1), a fee (*determined fee*) of an amount”

Substitute

“from time to time vary the fee referred to in subrule (1), and the fee so varied (*determined fee*) must be a fee”.

(2) Rule 13(2)(b), after “functions”—

Add

“referred to in subrule (1)”.

6. Rule 15 amended (transitional)

Rule 15—

Repeal

“has continued to have effect by virtue of section 4 of Schedule 3 to the Ordinance”

Substitute

“was in force immediately before the repeal”.

Meeting of Legislative Council on 6 November 2013

Motion to Amend

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

made under the Interpretation and General Clauses Ordinance

Speech by the Secretary for Justice

(refer to the final speech to be delivered at LegCo meeting)

President,

I move that the motion as set out in the paper delivered to Members be passed. The motion is to propose amendments to the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules.

This set of Rules was made by the Hong Kong International Arbitration Centre (“HKIAC”) under section 13(3) of the Arbitration Ordinance (Cap. 609), which came into effect on 1 June 2011, with the prior approval of the Chief Justice. The Rules are an adaptation of the existing Arbitration (Appointment of Arbitrators and Umpires) Rules (Cap. 341, sub. leg. B).

This set of Rules is intended to facilitate the HKIAC's performance of the following functions, namely:

- (1) the default appointment by the HKIAC of an arbitrator under section 24 of the new Arbitration Ordinance;
- (2) the decision by the HKIAC on the number of arbitrators under section 23(3) of the new Arbitration Ordinance;
and
- (3) the default appointment by the HKIAC of a mediator under section 32(1) of the new Arbitration Ordinance.

The Rules were tabled at the Legislative Council on 3 July 2013. A subcommittee was subsequently formed by the House Committee to scrutinize the Rules.

At the meeting of the Subcommittee held on 18 September 2013, the HKIAC's representative agreed that certain amendments proposed by the Legal Adviser to the Subcommittee should be made to the Rules. These

amendments have the support of the Subcommittee.

Most of these proposed amendments relate to the drafting aspects of both the English and Chinese texts of the Rules and have no impact on the substance of the provisions in question. The Administration has no objection to these proposed amendments. In the circumstances, I move this motion to propose the amendments agreed between the HKIAC and the Subcommittee.

I would like to take this opportunity to express my appreciation of the efforts made by Honourable Dennis Kwok, the Chairman of the Subcommittee, and other Members of the Subcommittee.

President, I move that the motion be passed. Thank you.

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