

**L.N. 76 of 2019**

**Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) (Amendment) Rules 2019**

(Made by the Hong Kong International Arbitration Centre under section 13(3) of the Arbitration Ordinance (Cap. 609) with the approval of the Chief Justice)

**1. Commencement**

These Rules come into operation on 1 August 2019.

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

The Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules (Cap. 609 sub. leg. C) are amended as set out in rules 3 to 10.

**3. Rule 6 amended (procedure for requesting for appointment of arbitrator)**

(1) Rule 6(2)(b), after “13”—

**Add**

“(if applicable)”.

(2) Rule 6(3)(a)—

**Repeal**

“at the last known address or addresses of that other party or those other parties”

**Substitute**

“in accordance with section 10 of the Ordinance”.

(3) Rule 6—

**Repeal subrule (4).**

**4. Rule 7 amended (appointment of suitable person as arbitrator by HKIAC)**

Rule 7(4)—

**Repeal**

“must”

**Substitute**

“may”.

**5. Rule 8 amended (procedure for seeking decision on number of arbitrators)**

(1) Rule 8(2)(b), after “13”—

**Add**

“(if applicable)”.

(2) Rule 8(3)(a)—

**Repeal**

“at the last known address or addresses of that other party or those other parties”

**Substitute**

“in accordance with section 10 of the Ordinance”.

(3) Rule 8—

**Repeal subrule (4).**

**6. Rule 9 amended (decision by HKIAC on number of arbitrators)**

Rule 9(6)—

**Repeal**

“must”

**Substitute**

“may”.

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

(1) Rule 10(2)(b), after “13”—

**Add**

“(if applicable)”.

(2) Rule 10(3)(a)—

**Repeal**

“at the last known address or addresses of that other party or those other parties”

**Substitute**

“in accordance with section 10 of the Ordinance”.

(3) Rule 10—

**Repeal subrule (4).**

**8. Rule 13 amended (fees)**

(1) Rule 13(1)—

**Repeal**

“subrule (2)”

**Substitute**

“subrules (2) and (2A)”.

(2) After rule 13(2)—

**Add**

“(2A) The HKIAC may, if it considers reasonable in any particular case, waive any of the fees referred to in subrule (1).”.

**9. Rule 13A added**

After rule 13—

**Add**

**“13A. Time limits**

- (1) The HKIAC may, if the circumstances of any particular case so justify, amend any of the time limits provided in these Rules, whether the time limit has expired.
- (2) However, the HKIAC must not amend any time limits agreed by the parties.”.

**10. Schedule amended (forms)**

- (1) The Schedule, Form 1, item 7—

**Repeal**

“FEE: A cheque payable to “Hong Kong International Arbitration Centre” for HK\$                      for payment of the HKIAC’s fee is enclosed.

(The HKIAC to set out the fee payable.)”

**Substitute**

“FEE: \*A payment of the HKIAC’s fees in the amount of HK\$                      (if applicable) has been made. A copy of the payment receipt is enclosed. / A payment of the HKIAC’s fees in the amount of HK\$                      (if applicable) is enclosed.

(The HKIAC to set out the fees payable. The methods of payment are specified at <http://www.hkiac.org>.)

\* Delete as appropriate”.

- (2) The Schedule, Form 2, item 4—

**Repeal**

“THE APPOINTMENT OF ARBITRATORS”

**Substitute**

“A DECISION ON THE NUMBER OF ARBITRATORS”.

- (3) The Schedule, Form 2, item 7—

**Repeal**

“FEE: A cheque payable to “Hong Kong International Arbitration Centre” for HK\$                      for payment of the HKIAC’s fee is enclosed.

(The HKIAC to set out the fee payable.)”

**Substitute**

“FEE: \*A payment of the HKIAC’s fees in the amount of HK\$                      (if applicable) has been made. A copy of the payment receipt is enclosed. / A payment of the HKIAC’s fees in the amount of HK\$                      (if applicable) is enclosed.

(The HKIAC to set out the fees payable. The methods of payment are specified at <http://www.hkiac.org>.)

\* Delete as appropriate”.

- (4) The Schedule, Form 3, item 7—

**Repeal**

“FEE: A cheque payable to “Hong Kong International Arbitration Centre” for HK\$                      for payment of the HKIAC’s fee is enclosed.

(The HKIAC to set out the fee payable.)”

**Substitute**

“FEE: \*A payment of the HKIAC’s fees in the amount of HK\$ (if applicable) has been made. A copy of the payment receipt is enclosed. / A payment of the HKIAC’s fees in the amount of HK\$ (if applicable) is enclosed.

(The HKIAC to set out the fees payable. The methods of payment are specified at <http://www.hkiac.org>.)

\* Delete as appropriate”.

Approved this 9th day of May 2019.

Geoffrey MA  
Chief Justice

Made this 9th day of May 2019.

Matthew GEARING  
Chairman,  
Hong Kong International  
Arbitration Centre

---

## Explanatory Note

With the approval of the Chief Justice, the Hong Kong International Arbitration Centre (*HKIAC*) makes the following four amendments to the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules (Cap. 609 sub. leg. C) (*Rules*)—

- (a) fees—with a view to reducing a party's costs in seeking an appointment or a decision from the HKIAC under the Rules in low-value arbitrations, the HKIAC may waive its fees for exercising any of its functions as the default appointing authority under the Arbitration Ordinance (Cap. 609) (*Ordinance*) in appropriate cases (see the amendments to rules 6(2)(b), 8(2)(b) and 10(2)(b) of, and item 7 of Forms 1, 2 and 3 in the Schedule to, the Rules and the newly added rule 13(2A));
- (b) delivery of a request or an application—the HKIAC amends the relevant provisions of the Rules to require a party to deliver the following to the other party in accordance with section 10 of the Ordinance: a request for the HKIAC's appointment of an arbitrator, an application for the HKIAC's decision on the number of arbitrators and an application for the HKIAC's appointment of a mediator (see the amendments to rules 6(3)(a), 8(3)(a) and 10(3)(a) of the Rules). The HKIAC also repeals the existing rules 6(4), 8(4) and 10(4) of the Rules to avoid any confusion as to the permitted method of delivering a request or an application under the Rules;
- (c) time limits—the HKIAC has been given the power to amend the time limits provided in the Rules if the

circumstances of any particular case so justify. The HKIAC is not empowered to amend any time limits agreed by the parties (see the newly added rule 13A); and

- (d) the HKIAC's discretion to proceed—the HKIAC has been given the discretion to proceed to make an appointment of an arbitrator or make a decision on the number of arbitrators after the respective time limit under rule 7(4) or 9(6) of the Rules has expired (see the amendments to rules 7(4) and 9(6) of the Rules).