

CONTENTS

<i>Table of Cases</i>	xxiii
<i>Table of Legislation</i>	xxvii
<i>List of Abbreviations</i>	xxxvii

1. Introduction to Arbitration in Hong Kong

A. Hong Kong—‘Asia’s World City’	1.02
1. Strategic location	1.07
2. Strong industry expertise	1.10
3. Developed legal framework	1.13
4. Independent judiciary	1.16
5. Free choice of arbitral procedures, legal representation, and arbitrators	1.21
6. Worldwide enforceability of Hong Kong awards	1.24
B. HKIAC	1.25
C. The Hong Kong Arbitration Community	1.28
D. Investor-State Arbitration	1.32
E. The ‘China Connection’	1.36
1. Insights on China-related disputes	1.36
2. Legal stability	1.40

2. The Legal Arbitration Framework

A. The Hong Kong Arbitration Ordinance	2.01
1. Historical development of Hong Kong arbitration law	2.01
2. Structure and scope of the Arbitration Ordinance	2.15
3. Key features of the Arbitration Ordinance	2.19
B. Arbitration-Related Court System	2.20
C. Judicial Support of Arbitration	2.25
D. Enforcement of Hong Kong Arbitral Awards	2.29
E. Sovereign and Crown Immunity in Hong Kong	2.34

3. Introduction to HKIAC

A. History of HKIAC	3.04
B. Organizational Structure	3.11
1. HKIAC management bodies	3.12
(a) Finance and Administration Committee	3.16
(b) Appointments Committee	3.17
(c) Proceedings Committee	3.20
2. HKIAC Secretariat	3.23
3. HKIAC Users’ Council	3.26
4. HK45	3.27
5. HKMAG	3.29

C. Arbitration at HKIAC	3.30
1. Administering arbitrations under the HKIAC Administered Arbitration Rules	3.31
(a) Multiple-party and multiple-contract provisions	3.34
(b) Twin-track fee regime and standard terms of appointment	3.35
(c) Emergency arbitrator procedures	3.36
(d) Expedited procedure	3.37
(e) Prima facie power to proceed	3.38
2. Administering arbitrations under other rules issued by HKIAC	3.40
3. Administering arbitrations under the UNCITRAL Rules	3.42
4. Appointing authority in ad hoc cases seated in Hong Kong	3.47
D. Mediation at HKIAC	3.50
E. Adjudication Service	3.55
F. Domain Name Disputes at HKIAC	3.56
1. Generic Top-Level Domains (gTLDs)	3.61
(a) Uniform Domain Name Dispute Resolution Policy (UDRP)	3.61
(b) Uniform Rapid Suspension System (URS)	3.63
(c) Trademark Post Delegation Dispute Resolution Procedure (Trademark-PDDRP)	3.65
(d) Registrar Transfer Dispute Resolution Policy (RTDRP)	3.66
(e) cTLDs	3.67
(f) Internet keywords and wireless keywords	3.71
G. Other Services at HKIAC	3.72
1. Hearing facilities	3.72
2. Tribunal secretary service and training	3.76
3. Fundholding service	3.81
4. Authentication service	3.83
5. Secretariat support service	3.85
H. Case Statistics	3.86
I. Overview of the Arbitration Process under the HKIAC Rules	3.90
4. Model Arbitration Clauses	
A. The Nature and Scope of Model Arbitration Clauses	4.02
1. The purpose of a model clause	4.02
2. Elements of the HKIAC model clauses	4.05
(a) Agreement for binding arbitration	4.05
(b) Scope of disputes covered	4.06
(c) Selection of an arbitral seat (or place of the arbitration)	4.09
(d) Use of an arbitral institution and its rules	4.12
(e) Number of arbitrators	4.15
(f) Language of the arbitration	4.17
(g) Law governing the arbitration agreement	4.19
B. HKIAC Model Clauses	4.23
1. Arbitration under HKIAC Rules	4.24
2. Arbitration administered by HKIAC under UNCITRAL Rules	4.26
3. Ad hoc arbitration under the UNCITRAL Rules	4.27
4. Domestic arbitration	4.28

C. Other Considerations	4.29
1. Mandatory national laws: substantive or procedural	4.29
2. Conditions precedent	4.31
3. Procedural considerations	4.33
4. Multiple parties or multiple contracts	4.34
5. General Provisions of the HKIAC Rules (Articles 1–3)	
A. Article 1—Scope of Application	5.02
1. Article 1.1: Arbitration agreements to which the Rules apply	5.02
(a) Purpose	5.02
(b) Arbitration agreement	5.03
2. Article 1.2: Relationship with other arbitration rules	5.06
3. Articles 1.3 and 1.4: Commencement and exclusion of certain provisions	5.07
B. Article 2—Notices and Calculation of Periods of Time	5.10
1. Article 2.1: Delivery method and address	5.12
(a) Acceptable methods of delivery	5.12
(b) Notification address	5.14
2. Article 2.2: Date of receipt	5.18
(a) Purpose	5.18
(b) Determining the date of receipt	5.19
3. Articles 2.3 and 2.4: Calculation of periods of time	5.20
(a) Time limits under the Rules	5.20
(b) Calculation of time	5.21
C. Article 3—Interpretation of Rules	5.22
1. Article 3.1: Power to interpret the HKIAC Rules	5.22
2. Article 3.2: Reasons and finality of the decision	5.23
(a) Reasons	5.23
(b) Finality	5.24
3. Article 3.3: References to HKIAC	5.25
4. Articles 3.4–3.10: Definitions	5.26
(a) ‘Claimant’, ‘Respondent’, ‘additional party’, ‘party’, ‘claim’ and ‘arbitral tribunal’	5.27
(b) ‘Award’	5.28
(c) ‘Seat’ of arbitration	5.29
5. Article 3.11: Schedules	5.30
6. Article 3.12: Practice notes	5.31
7. Article 3.13: Prevailing language	5.32
6. Commencement of the Arbitration (Articles 4 and 5, Schedule 1)	
A. Article 4—Submitting a Dispute to Arbitration	6.03
1. Article 4.1	6.03
(a) Writing and form requirements	6.04
(b) Delivery of Notice to HKIAC	6.05
(c) Processing the Notice	6.08
2. Article 4.2	6.11
3. Article 4.3	6.15
(a) A demand that the dispute be referred to arbitration	6.18
(b) Contact details of the parties and their counsel	6.22

(c) The arbitration agreement(s) invoked	6.25
(d) A reference to the contract(s) or other legal instrument(s) out of or in relation to which the dispute arises	6.29
(e) Description of the general nature of the claim and an indication of the amount involved	6.31
(f) The relief or remedy sought	6.34
(g) A proposal as to the number of arbitrators	6.36
(h) The claimant's proposal regarding the designation of an arbitrator	6.39
(i) Confirmation of service	6.43
(j) Amendments to the Notice	6.47
4. Article 4.4	6.50
5. Article 4.5	6.56
6. Article 4.6	6.58
7. Article 4.7	6.60
8. Article 4.8	6.64
B. Article 5—Answer to the Notice of Arbitration	6.68
1. Article 5.1	6.71
(a) Time limit for submitting the Answer	6.71
(b) Form requirement	6.73
(c) Contact information of the respondent	6.75
(d) Any plea that an arbitral tribunal constituted under these Rules lacks jurisdiction	6.76
(e) The respondent's comments on the nature of the claim and the amount in dispute	6.79
(f) The respondent's answer to the claimant's relief or remedy	6.81
(g) The respondent's proposal as to the number of arbitrators	6.82
(h) The respondent's proposal regarding the designation of an arbitrator	6.84
(i) Confirmation of service	6.88
2. Article 5.2	6.90
3. Article 5.3	6.92
4. Article 5.4	6.94
5. Article 5.5	6.98
6. Article 5.6	6.102
C. Schedule 1—Registration and Administrative Fees	6.104
1. Schedule 1—Paragraph 1.1	6.105
2. Schedule 1—Paragraph 1.2	6.108
3. Schedule 1—Paragraph 1.3	6.109
4. Schedule 1—Paragraph 2.1	6.111
5. Schedule 1—Paragraph 2.2	6.115
6. Schedule 1—Paragraph 2.3	6.116
7. Schedule 1—Paragraph 2.4	6.118
8. Schedule 1—Paragraph 2.5	6.120
9. Schedule 1—Paragraph 2.6	6.121
7. Arbitral Tribunal (Articles 6–12, Schedules 2 and 3)	
A. Article 6—Number of Arbitrators	7.04
1. Article 6.1	7.08
(a) The parties' agreement on the number of arbitrators	7.08
(b) Determination of the number of arbitrators by HKIAC	7.15
2. Article 6.2	7.20

B. Article 7—Appointment of a Sole Arbitrator	7.22
1. Article 7.1	7.26
2. Article 7.2	7.29
(a) Procedure for the appointment of a sole arbitrator by HKIAC	7.31
(b) Considerations for appointing a sole arbitrator	7.32
C. Article 8—Appointment of Three Arbitrators	7.35
1. Article 8.1	7.39
(a) Appointment of co-arbitrators	7.40
(b) Appointment of the Third and Presiding Arbitrator	7.46
2. Article 8.2	7.51
(a) Regular appointment procedure	7.53
(b) HKIAC's power to appoint all arbitrators	7.56
3. Article 8.3	7.71
D. Article 9—Confirmation of the Arbitral Tribunal	7.72
1. Article 9.1	7.75
2. Article 9.2	7.85
E. Article 10, Schedules 2 and 3—Fees and Expenses of the Arbitral Tribunal	7.87
1. Article 10.1	7.91
2. Article 10.2	7.96
3. Article 10.3	7.100
4. Schedule 2—Section 1	7.104
5. Schedule 3—Section 1	7.109
6. Schedules 2 and 3—Section 2	7.113
7. Schedule 2—Section 3	7.119
8. Schedule 3—Section 3	7.122
9. Schedules 2 and 3—Section 4	7.124
10. Schedules 2 and 3—Section 5	7.125
11. Schedule 2—Section 6	7.127
12. Schedule 3—Section 6	7.129
13. Schedules 2 and 3—Section 7	7.137
14. Schedules 2 and 3—Section 8	7.139
15. Schedule 2—Section 9	7.141
16. Schedule 2—Section 10	7.147
F. Article 11—Qualifications and Challenge of the Arbitral Tribunal	7.152
1. Article 11.1	7.155
(a) Duty of impartiality and independence	7.156
(b) Ongoing duty throughout the arbitration	7.158
2. Article 11.2	7.159
(a) The nationality requirement	7.159
(b) Determination of nationality	7.162
3. Article 11.3	7.164
4. Article 11.4	7.165
(a) Content of the Declaration	7.166
(b) Duty of disclosure	7.173
(c) Ongoing duty to disclose	7.176
5. Article 11.5	7.179
6. Article 11.6	7.186
(a) Justifiable doubts as to an arbitrator's impartiality or independence	7.189

(b) Lack of qualifications agreed by the parties	7.192
(c) De jure or de facto unable to perform functions or failure to act without undue delay	7.194
7. Article 11.7	7.197
8. Article 11.8	7.204
9. Article 11.9	7.207
(a) Determination of the challenge by HKIAC	7.207
(b) Finality of HKIAC decision on challenge under Hong Kong law	7.213
(c) Status of proceedings while challenge pending	7.215
10. Article 11.10	7.218
G. Article 12—Replacement of an Arbitrator	7.220
1. Article 12.1	7.221
2. Article 12.2	7.224
3. Article 12.3	7.227
8. Emergency Relief and Interim Measures of Protection (Articles 23 and 24, Schedule 4)	
A. Article 23.1 and Schedule 4—Emergency Relief from an Emergency Arbitrator	8.06
1. Article 23.1—application for emergency relief	8.09
(a) The need for emergency relief	8.09
(b) Definition of ‘emergency relief’	8.13
(c) Factors to be considered by an emergency arbitrator when granting emergency relief	8.15
(d) Types of emergency relief that can be granted by an emergency arbitrator	8.18
2. Schedule 4—paragraph 1	8.20
3. Schedule 4—paragraphs 2–4	8.24
(a) Service of an application for emergency relief	8.24
(b) Components of an application for emergency relief	8.26
4. Schedule 4—paragraph 6	8.28
5. Schedule 4—paragraph 5	8.32
6. Schedule 4—paragraph 7	8.37
7. Schedule 4—paragraph 8	8.38
8. Schedule 4—paragraph 9	8.45
9. Schedule 4—paragraph 10	8.48
10. Schedule 4—paragraph 11	8.49
11. Schedule 4—paragraphs 12 and 13	8.54
12. Schedule 4—paragraph 14	8.57
13. Schedule 4—paragraph 15	8.61
14. Schedule 4—paragraph 16	8.67
15. Schedule 4—paragraph 17	8.70
16. Schedule 4—paragraph 18	8.71
17. Schedule 4—paragraph 19	8.73
18. Schedule 4—paragraphs 20 and 21	8.74
19. Schedule 4—paragraph 22	8.76
20. Schedule 4—paragraph 23	8.78
21. Schedule 4—paragraph 24	8.79

B. Articles 23.2–23.8—Interim Relief from an Arbitral Tribunal	8.81
1. Article 23.2—tribunal may order interim measures	8.84
2. Article 23.3—types of interim measures	8.86
(a) Definition of interim measures	8.86
(b) Types and forms of interim measures	8.87
(c) Other provisional measures available from arbitral tribunals under Hong Kong law	8.92
3. Article 23.4—factors to consider before ordering interim measures	8.96
4. Article 23.5—modification, suspension, or termination of interim measures	8.101
5. Articles 23.6—security in connection with an interim measure	8.103
6. Article 23.7—material change in circumstances	8.105
7. Article 23.8—liability for costs and damages	8.106
C. Article 23.9—Interim Relief from a Court	8.108
1. Article 23.9—request for interim measures by a court	8.108
(a) Advantages and disadvantages of seeking interim relief from courts and arbitral tribunals	8.109
(b) Statutory power of the Hong Kong courts to issue interim relief	8.111
D. Article 24—Security for Costs	8.119
1. Article 24—order for security for costs	8.119
9. Conduct of the Arbitration (Articles 13–22, 25–26, 30–31)	
A. Article 13—General Provisions	9.02
1. Article 13.1—arbitral tribunal’s power to adopt suitable procedures	9.03
(a) The arbitral tribunal’s power to determine the procedures	9.03
(b) Subject to the HKIAC Rules	9.07
(c) Avoiding unnecessary delay or expense	9.08
(d) Ensuring equal treatment of the parties and a reasonable opportunity to present their case	9.10
2. Article 13.2—provisional timetable	9.19
3. Article 13.3—communication of documents or information	9.22
4. Article 13.4—appointment of a tribunal secretary	9.26
(a) Need for tribunal secretaries	9.26
(b) Appointment of a tribunal secretary	9.30
(c) Appointment of an HKIAC Secretariat member as tribunal secretary	9.34
(d) Impartiality and independence of a tribunal secretary	9.38
(e) Role of a tribunal secretary	9.40
(f) Remuneration of a tribunal secretary	9.45
5. Article 13.5—ensuring the fair and efficient conduct of the arbitration	9.48
6. Article 13.6—party representation	9.52
(a) Free choice of legal representation	9.52
(b) Subject to Article 13.5	9.54
(c) Communication of the details of the party representatives	9.56
(d) Proof of authority	9.57
7. Article 13.7—matters not expressly provided for in the Rules	9.59
8. Article 13.8—ensuring that an award is valid	9.61

B. Article 14—Seat and Venue of the Arbitration	9.62
1. Article 14.1—seat of the arbitration	9.63
(a) Parties are free to agree on any seat of arbitration	9.63
(b) Hong Kong as the default seat	9.69
(c) The arbitral tribunal's discretion to choose another seat	9.73
2. Article 14.2—venue of hearings and meetings	9.75
C. Article 15—Language of the Arbitration	9.80
1. Article 15.1—arbitral tribunal's power to determine the language(s) of the arbitration	9.81
(a) Parties are free to agree on any language of arbitration	9.81
(b) Languages used by HKIAC	9.83
(c) The arbitral tribunal must determine the language(s) of the arbitration absent party agreement	9.87
2. Article 15.2—translation of documents	9.89
D. Articles 16–18 and 20–21—Written Submissions	9.94
1. Article 16.1—filing a Statement of Claim	9.97
(a) Form of the Statement of Claim	9.97
(b) The time limit for filing the Statement of Claim	9.99
(c) Delivery of the Statement of Claim	9.101
2. Article 16.2—contents of the Statement of Claim	9.102
3. Article 16.3—documents annexed to the Statement of Claim	9.104
4. Article 16.4—varying the Statement of Claim's requirements	9.106
5. Article 17.1—filing a Statement of Defence	9.107
6. Article 17.2—contents of the Statement of Defence	9.108
(a) Basic contents of the Statement of Defence	9.108
(b) Objection to the arbitral tribunal's jurisdiction or the proper constitution of the tribunal	9.110
7. Article 17.3—counterclaims and set-off defences	9.112
8. Article 17.4—documents annexed to the Statement of Defence	9.113
9. Article 17.5—varying the Statement of Defence's requirements	9.114
10. Article 18.1—amendments to claims or defences	9.115
11. Article 18.2—adjustment of HKIAC's Administrative Fees and the arbitral tribunal's fees	9.121
12. Article 20—further written statements	9.122
13. Article 21—time period for written statements	9.125
(a) Time periods for communication of written statements	9.125
(b) Extension of time	9.126
E. Article 19—Jurisdiction of the Arbitral Tribunal	9.129
1. Article 19.1	9.131
2. Article 19.2	9.135
3. Article 19.3	9.137
4. Article 19.4	9.142
5. Article 19.5	9.149
F. Article 22—Evidence and Hearings	9.150
1. Article 22.1—burden of proof	9.151
2. Article 22.2—assessment of evidence	9.153
3. Article 22.3—production of documents	9.156
(a) Document production process	9.156

(b) Documents that are relevant to the case and material to its outcome	9.160
(c) Admission and exclusion of evidence	9.162
4. Article 22.4—oral hearings	9.165
(a) The arbitral tribunal's power to hold oral hearings	9.166
(b) Notice of hearing	9.171
5. Article 22.5—witnesses and experts	9.173
(a) Who can be a witness or an expert?	9.173
(b) Notice of witness or expert	9.177
6. Article 22.6—translation and transcript	9.179
(a) Translation of oral statements	9.179
(b) Record of the hearing	9.181
7. Article 22.7—privacy of hearings and cross-examination	9.183
(a) Privacy of hearings	9.183
(b) Sequestration of witnesses or experts	9.185
(c) Cross-examination of witnesses or experts	9.188
G. Article 25—Tribunal-Appointed Experts	9.191
1. Article 25.1—appointment of an expert by the arbitral tribunal	9.193
(a) Arbitral tribunal's powers to appoint experts	9.193
(b) Terms of reference	9.196
(c) Expert to produce a written report	9.197
2. Article 25.2—provision of information to tribunal-appointed expert	9.201
3. Article 25.3—communication of tribunal-appointed expert report to the parties	9.203
4. Article 25.4—examination of tribunal-appointed expert by the parties	9.206
5. Article 25.5—impartiality and independence of tribunal-appointed expert	9.209
H. Article 26—Default	9.211
1. Article 26.1—failure to submit Statement of Claim	9.213
2. Article 26.2—failure to submit Statement of Defence	9.217
3. Article 26.3—failure to present case	9.220
I. Article 30—Closure of Proceedings	9.223
1. Article 30.1—closing the proceedings	9.224
2. Article 30.2—reopening the proceedings	9.227
J. Article 31—Waiver of Right to Object	9.229
10. Complex Arbitrations (Articles 27–29)	
A. Article 27—Joinder of Additional Parties	10.11
1. Article 27.1—arbitral tribunal's power to order joinder	10.18
(a) Definition of 'additional party'	10.18
(b) Arbitral tribunal decides requests for joinder	10.23
(c) Prima facie basis for decision	10.24
(d) Definition of 'an arbitration agreement under these Rules giving rise to the arbitration'	10.25
(e) 'Including any arbitration under Articles 28 or 29'	10.26
2. Article 27.2—effect of tribunal's decision to order joinder	10.30
3. Article 27.3—submission of Request for Joinder	10.31
4. Article 27.4—content of Request for Joinder	10.34
(a) Content of Request	10.34

(b) Express Request for joinder	10.37
(c) Status of a joined party	10.38
(d) Service of Request for Joinder	10.39
5. Article 27.5—Answer to the Request for Joinder	10.41
(a) Not applicable where Request for Joinder submitted under Article 27.6	10.41
(b) Content of Answer	10.42
(c) Service of Answer to the Request for Joinder	10.43
(d) Objections to jurisdiction	10.44
(e) Objections to the constitution of the tribunal	10.45
(f) Additional party's comments on particulars in the Request for Joinder	10.49
(g) Additional party's answer to the relief or remedy sought in the Request for Joinder	10.52
(h) Claims by the additional party against any other party to the arbitration	10.53
6. Article 27.6—third party wishing to be joined as an additional party	10.54
7. Article 27.7—parties' comments on Request for Joinder	10.57
8. Article 27.8—HKIAC's power to order joinder	10.60
9. Article 27.9—HKIAC's decision without prejudice	10.64
10. Article 27.10—date of commencement of arbitration against joined party	10.65
11. Article 27.11—revocation of appointment	10.67
(a) Deemed waiver of right to designate arbitrators	10.68
(b) 'In these circumstances, HKIAC shall appoint the entire tribunal'	10.69
(c) 'HKIAC may revoke the appointment of any arbitrators already designated or confirmed'	10.73
12. Article 27.12—consequences of revocation of appointment	10.76
(a) Act or order before appointment revoked	10.76
(b) Entitlement to fees	10.79
13. Article 27.13—waiver of right to object	10.80
(a) Challenge	10.81
(b) Resisting enforcement	10.83
14. Article 27.14—adjustment of Administrative Fees or arbitral tribunal's fees	10.84
B. Article 28—Consolidation of Arbitrations	10.86
1. Article 28.1—conditions for consolidation	10.97
(a) Power to consolidate	10.97
(b) Article 28.1(a): consolidation with party agreement	10.100
(c) Article 28.1(b): claims under the same arbitration agreement	10.103
(d) Article 28.1(c): claims raising common issues of law or fact in same or similar transaction	10.106
(e) Consolidation under Schedule 2 of the Arbitration Ordinance	10.119
(f) Contents of a Request for Consolidation	10.121
2. Article 28.2—service of the Request for Consolidation	10.126
3. Article 28.3—relevant factors to determine whether to consolidate	10.130
4. Article 28.4—decision on Request for Consolidation	10.133
5. Article 28.5—consolidation without prejudice to earlier acts by a court	10.137
6. Article 28.6—revocation of appointment	10.139
(a) Deemed waiver of right to designate arbitrators	10.139
(b) 'In these circumstances, HKIAC shall appoint the entire tribunal'	10.141
(c) 'HKIAC may revoke the appointment of any arbitrators already designated or confirmed'	10.143

7. Article 28.7—revocation of appointment is without prejudice	10.145
(a) Act or order before appointment revoked	10.145
(b) Entitlement to fees	10.146
(c) Limitation periods	10.147
8. Article 28.8—waiver of any objection following consolidation	10.148
(a) Challenge	10.149
(b) Resisting enforcement	10.151
9. Article 28.9—adjustment of Administrative Fees and tribunal's fees	10.152
(a) HKIAC's Administrative Fees	10.152
(b) Tribunal's fees	10.153
(c) Costs of a consolidated arbitration	10.156
C. Article 29—Single Arbitration under Multiple Contracts	10.157
1. Article 29.1—single arbitration under multiple contracts	10.160
2. Article 29.2—waiver of any objection	10.168
11. Awards, Decisions, and Orders of the Arbitral Tribunal (Articles 32–40)	
A. Article 32—Decisions	11.02
1. Article 32.1—majority rulings	11.02
2. Article 33.1—definition of costs	11.04
B. Article 33—Costs of the Arbitration	11.04
1. Article 33.1—definition of costs	11.04
(a) Preliminary issues	11.05
(b) Heads of costs	11.07
(c) Factors relevant to the assessment of costs	11.08
2. Article 33.2—apportionment of costs	11.13
(a) Costs follow the event	11.14
(b) Costs lie where they fall	11.15
(c) Issues-based allocation	11.16
3. Article 33.3—limiting recoverable legal fees	11.17
4. Article 33.4—consolidated proceedings	11.21
5. Article 33.5—determination of costs following termination of proceedings prior to issuance of award	11.22
C. Article 34—Form and Effect of the Award	11.25
1. Article 34.1—type of award	11.25
2. Article 34.2—form and binding nature of an award	11.26
(a) Final and binding effect of awards	11.26
(b) Waiver	11.29
3. Article 34.3—compliance with an award by the parties	11.32
4. Article 34.4—reasoning	11.34
(a) Duty to give reasons	11.34
(b) Form of reasons	11.38
(c) Exceptions to the duty to give reasons	11.39
5. Article 34.5—execution of the award	11.42
(a) Signatures of arbitral tribunal	11.43
(b) Date of the arbitral award	11.44
(c) Seat of arbitration	11.45
6. Article 34.6—transmission of the award	11.47

D. Article 35—Applicable Law, <i>Amiable Compositeur</i>	11.51
1. Article 35.1—applicable law	11.51
(a) Parties' choice of law	11.53
(b) Consequence of parties' failure to designate a law	11.56
2. Article 35.2— <i>amiable compositeur</i>	11.59
3. Article 35.3—applicable contractual terms and trade usages	11.62
E. Article 36—Settlement or Other Grounds for Termination	11.67
1. Article 36.1—settlement of the dispute	11.68
(a) Termination order	11.69
(b) Consent award	11.71
(c) Termination prior to constitution of the arbitral tribunal	11.75
2. Article 36.2—continuation of the arbitration is unnecessary or impossible	11.77
3. Article 36.3—communication of the termination order or consent award	11.81
(a) Termination order	11.82
(b) Consent award	11.84
F. Article 37—Correction of the Award	11.86
1. Article 37.1—request for correction of an award by a party	11.86
2. Article 37.2—time period within which a correction may be made	11.89
3. Article 37.3—corrections initiated by the arbitral tribunal	11.92
4. Article 37.4—further corrections	11.93
5. Article 37.5—form of corrections	11.95
G. Article 38—Interpretation of the Award	11.97
1. Article 38.1—request for interpretation of an award by a party	11.97
2. Article 38.2—time period within which an interpretation may be made	11.100
3. Article 38.3—further interpretation	11.103
4. Article 38.4—form of interpretation	11.105
H. Article 39—Additional Award	11.107
1. Article 39.1—request for an additional award by a party	11.107
2. Article 39.2—time period within which an additional award may be made	11.110
3. Article 39.4—form	11.114
I. Article 40—Deposits for Costs	11.115
1. Article 40.1—request for initial deposits	11.115
(a) Purpose of the request for initial deposits	11.115
(b) Timing of the request	11.116
(c) Amount of the initial deposit	11.117
(d) Payment of the initial deposit	11.122
2. Article 40.2—separate deposits	11.128
3. Article 40.3—supplementary deposits	11.129
4. Article 40.4—failure to pay	11.131
5. Article 40.5—accounting in final award	11.134
6. Article 40.6—deposit holding accounts	11.135
12. Miscellaneous Provisions (Articles 41–43)	
A. Article 41—Expedited Procedure	12.02
1. Article 41.1—application for the Expedited Procedure	12.06
(a) Amount in dispute	12.09
(b) Agreement by the parties	12.12
(c) In cases of exceptional urgency	12.15

2. Article 41.2—Expedited Procedure rules	12.17
(a) Number of arbitrators	12.18
(b) Time limits	12.20
(c) Pleadings	12.21
(d) Hearings	12.22
(e) Award	12.24
3. Article 41.3—application of expedited procedure for consolidated proceedings under Article 28 or arbitrations commenced under Article 29	12.26
B. Article 42—Confidentiality	12.27
1. Articles 42.1 and 42.2—the duty of confidentiality	12.30
2. Article 42.3—exceptions to the duty of confidentiality	12.32
3. Articles 42.4 and 42.5—confidentiality of deliberations and award	12.36
C. Article 43—Exclusion of Liability	12.38
1. Article 43.1—exclusion of liability	12.39
2. Article 43.2—witnesses in legal or other proceedings	12.43
<u>Appendix 1. Summary of Advantages of Arbitrating in Hong Kong</u>	<u>287</u>
<u>Appendix 2. Summary of Advantages of Arbitrating at HKIAC</u>	<u>289</u>
<u>Appendix 3. Administered Arbitration Rules 2013</u>	<u>291</u>
<u>Appendix 4. HKIAC Practice Notes</u>	<u>317</u>
<u>Appendix 5. Arbitrator’s Declaration of Acceptance and Statement of Availability, Impartiality, and Independence</u>	<u>325</u>
<u>Appendix 6. HKIAC Model Arbitration Clauses</u>	<u>326</u>
<u>Appendix 7. Hong Kong International Arbitration Centre Procedures for the Administration of Arbitration under the UNCITRAL Arbitration Rules</u>	<u>329</u>
<u>Appendix 8. HKIAC Guidelines on the Use of a Secretary to the Arbitral Tribunal</u>	<u>336</u>
<u>Appendix 9. Hong Kong Arbitration Ordinance (Cap 609)</u>	<u>340</u>
<u>Appendix 10. Arbitration (Appointment of Arbitrators and Mediators and Decisions on Number of Arbitrators) Rules (Cap 609C)</u>	<u>396</u>
<u>Appendix 11. HKIAC Case Statistics</u>	<u>407</u>
<u>Appendix 12. Statistics on Enforcement of Arbitral Awards in Hong Kong 2009 to 2015</u>	<u>408</u>
<u><i>Index</i></u>	<u>415</u>