

以2015年至2019年间贸仲香港仲裁中心适用2015版贸仲规则并以香港为仲裁地的仲裁案件统计

关于时长、费用和仲裁员的数据报告



A COLLECTION OF DATA ON PERIOD, PAYMENT AND PEOPLE

From CIETAC Hong Kong Arbitration Center—administered (under CIETAC Arbitration Rules 2015)
Hong Kong-seated cases during 2015 to 2019



中国国际贸易仲裁委员会
香港仲裁中心

CHINA INTERNATIONAL ECONOMIC AND TRADE ARBITRATION COMMISSION
HONG KONG ARBITRATION CENTER

Introduction



The China International Economic and Trade Arbitration Commission (the “CIETAC”) is the most experienced international arbitration institution with headquarters in China, having administered over 40,000 cases during its more than 60-year history.



CIETAC Hong Kong Arbitration Center is CIETAC’s first sub-commission outside Chinese mainland. We commenced administration of arbitration cases on and after 1 January 2015, with CIETAC Arbitration Rules (effective as of 1 January 2015, the “Rules”) and Hong Kong arbitral procedural laws to apply by default.



We are pleased to release the data on the themes of period, payment & people which cover internal administrative information on the duration, cost and nomination of arbitrators that the users are expected to know. The data reflect all Hong Kong-seated cases administered by CIETAC Hong Kong Arbitration Center under the Rules in which a final award or a decision of dismissal was issued between 1 January 2015 and 31 December 2019.

* The data do not cover ad hoc arbitration cases or cases under other institutional rules but administered by CIETAC Hong Kong Arbitration Center.



How long is it from the commencement to the final result?

DURATION	MINIMUM	MAXIMUM	MEAN	MEDIAN
Summary procedure	2.97 months	16.50 months	8.17 months	6.90 months
General procedure	7.50 months	26.17 months	13.29 months	9.00 months
Overall	2.97 months	26.17 months	9.73 months	9.00 months

Explanatory notes

- The “duration” refers to the period between the date of Notice of Arbitration and the date of the final award or the date of the Decision on Dismissal (if the parties settle and the claimant withdraws its application).
- All the Hong Kong-seated cases administered by CIETAC Hong Kong Arbitration Center under the Rules and that were concluded between 2015 and 2019 have been considered.
- The results reflect the best efforts made by CIETAC Hong Kong Arbitration Center to facilitate efficient arbitration process at a common-law seat of Hong Kong.
- No emergency arbitrator procedures were taken into account.
- Period of suspension of the arbitral proceedings (as per Article 45 of the Rules) were excluded.



How long does it take to form the arbitral tribunal?

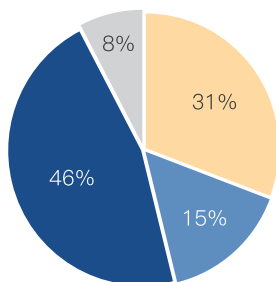
DURATION	MINIMUM	MAXIMUM	MEAN	MEDIAN
Summary procedure	39 days	140 days	70 days	52 days
General procedure	40 days	174 days	83 days	56 days
Overall	39 days	174 days	75 days	56 days

Explanatory notes

- The “duration” refers to the period between the date of Notice of Arbitration and the date of the Notice of Formation of the Arbitral Tribunal.
- Major causes of delay in forming the arbitral tribunal were:
 - Late advancement of arbitrators’ remuneration and costs
 - Nominee arbitrator’s rejection of nomination (because of conflict of interests or time schedule)
- All the Hong Kong–seated cases administered by CIETAC Hong Kong Arbitration Center under the Rules and that the arbitral tribunal were formed between 2015 and 2019 have been considered.
- No emergency arbitrator procedures were taken into account.



Approving of extension to draft arbitral awards beyond its time limit – how often does it happen?



- 0 time
- 1 time
- 2 times
- > 2 times

Explanatory notes

- According to the Rules, the time limit set for general procedure at CIETAC Hong Kong Arbitration Center is 6 months and for the summary procedure, 3 months (both are calculated from the date of Notice of Formation of the Arbitral Tribunal). If in a case the arbitral tribunal has justified reasons to apply for extension, the President of the Arbitration Court (the “President”) of CIETAC will approve of the same (as per Article 48 of the Rules).
- About 31% of all cases concluded between 2015 and 2019 had no extension decision made at all. Only 8% of all cases, each of which had more than 2 times of approval to extend (or to further extend) by the President.
- Reasons for extension vary. During our research, the below were however frequently submitted reasons for (the approval of) extension:
 - Parties’ own causes (parties’ own agreement on a more relaxed or complicated time schedule for preparing settlement, pleadings and discovery)
 - Schedules of hearing cannot match between the tribunal members and the parties
 - Challenge to jurisdiction



How much do you pay for an arbitration commenced at CIETAC Hong Kong Arbitration Center?

CHARGE	MEAN	COST DIVIDED BY AMOUNT IN DISPUTE
institutional	55,509 HKD	0.28%
sole-arbitrator tribunal	69,608 HKD	2.77%
3-member tribunal	733,259 HKD	1.86%

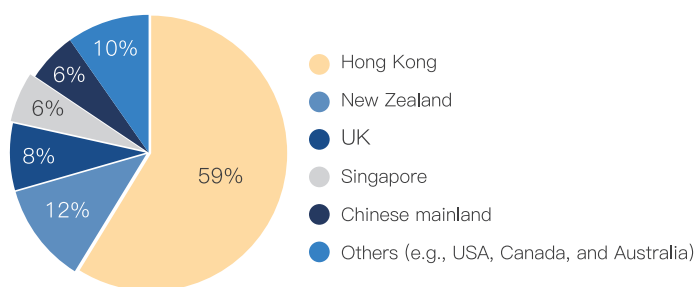
AMOUNT IN DISPUTE	MINIMUM	MAXIMUM	MEAN
Sole-arbitrator tribunal	334,121 HKD	9,257,953 HKD	2,514,247 HKD
3-member tribunal	6,658,000 HKD	94,200,000 HKD	39,373,280 HKD
Overall	334,121 HKD	94,200,000 HKD	19,882,746 HKD

Explanatory notes

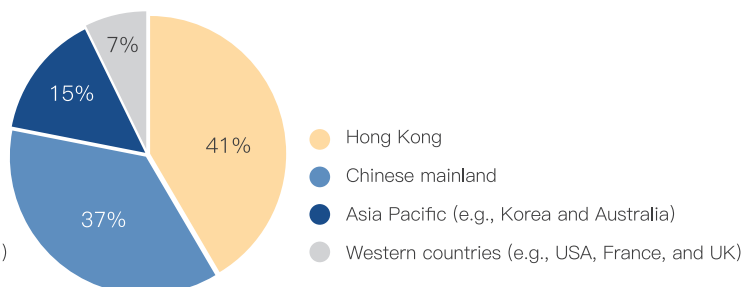
- The institutional charge includes registration fee (8,000 HKD) and administrative fee described under the Rules which is by reference to an ad valorem fee scale. The institutional charge further includes remuneration of a case manager assigned to the case and the cost of hearing facilities (if parties choose to have their hearings at CIETAC premises). For the tribunal charge (both for sole-arbitrator and 3-member tribunals), it also includes tribunal's expenses such as hotel and travel. Parties are expected to jointly advance the institutional and tribunal charges.
- Under the Rules, parties also have the option to agree that the arbitral tribunals charge by hourly rate (currently capped by 7,000 HKD/hour). But our research found parties' overwhelming preference of payment by reference to an ad valorem fee scale.
- For institutional charge, the cost divided by amount in dispute is calculated by dividing the mean figure of institutional charge by the mean figure of amount in dispute (overall).
- From the tables it can be concluded that an average CIETAC Hong Kong Arbitration Centre arbitration case cost about 3.1% (sole-arbitrator tribunal) or 2.1% (3-member tribunal) out of the dispute amount.



Arbitrators – where are they from?



Institutional nomination



Parties' nomination

Explanatory notes

- For arbitrators labelled Hong Kong, he or she either holds a Passport issued by Hong Kong SAR, or is a Hong Kong (PR) ID card holder. If an arbitrator holds more than 2 passports, the nationality of his or hers for the purpose of this research will be the first one he or she put forward to in his or her submission of CV to CIETAC.
- The pies demonstrate the nationality composition of tribunals with a Hong Kong seat formed after 1 January 2015 administered by CIETAC Hong Kong Arbitration Center under the Rules.
- Institutional nomination takes place when a party fails to nominate an arbitrator, or parties fail to jointly nominate a sole-arbitrator or presiding arbitrator under the Rules.



联系方式 ENQUIRY

电话 Tel: +852 2529 8066

传真 Fax: +852 2529 8266

网址 Website: www.cietachk.org

邮箱 Email: hk@cietac.org

贸仲香港仲裁中心示范仲裁条款 CIETAC HONG KONG MODEL ARBITRATION CLAUSE

我们推荐您将下列示范条款并入待签署的合同中，以便合同履行时若发生争议，可交由贸仲香港仲裁中心通过仲裁解决：

“凡因本合同引起的或与本合同有关的任何争议，均应提交中国国际经济贸易仲裁委员会香港仲裁中心，按照申请仲裁时该会现行有效的仲裁规则进行仲裁。仲裁裁决是终局的，对双方均有约束力。”

You are recommended to include the following clause into your future contract(s), so that any dispute arising from the contract(s) can be submitted to CIETAC Hong Kong Arbitration Center for arbitration:

“Any dispute arising from or in connection with this contract shall be submitted to China International Economic and Trade Arbitration Commission (CIETAC) Hong Kong Arbitration Center for arbitration which shall be conducted in accordance with the CIETAC’s arbitration rules in effect at the time of applying for arbitration. The arbitral award is final and binding upon both parties.”