



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

A COLLECTION OF DATA ON PERIOD, PAYMENT AND PEOPLE



关于时长、费用和仲裁员的数据报告

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



中国国际经济贸易仲裁委员会
香港仲裁中心
CHINA INTERNATIONAL ECONOMIC AND TRADE ARBITRATION COMMISSION
HONG KONG ARBITRATION CENTER

前言



中国国际经济贸易仲裁委员会（下称“贸仲”）是中国经验最丰富的国际仲裁机构。贸仲自设立以来，60余年间受理了超过40,000件仲裁案件。



贸仲香港仲裁中心（下称“贸仲香港”）是贸仲在中国内地以外设立的第一家分支机构。自2015年1月1日起，贸仲香港正式受理仲裁案件，并默认适用贸仲《仲裁规则》（2015版，下称“《规则》”）和香港仲裁程序法。



为便于当事人进一步了解贸仲香港的仲裁服务，贸仲香港在研究并分析了仲裁案件时长、费用和仲裁员信息等内部数据后，发布本数据报告。本数据报告反映了由贸仲香港根据《规则》管理的、仲裁地在香港并且最终裁决或撤案决定在2015年1月1日至2019年12月31日之间作出的全部案件信息。

* 本数据报告不包括贸仲香港处理的临时仲裁案件或由贸仲香港管理的适用其他机构规则的仲裁案件信息。



在贸仲香港仲裁，从开始到获得最终结果需要多长时间？

时长	最小值	最大值	平均值	中间值
简易程序案件	2.97 个月	16.50 个月	8.17 个月	6.90 个月
普通程序案件	7.50 个月	26.17 个月	13.29 个月	9.00 个月
全部案件	2.97 个月	26.17 个月	9.73 个月	9.00 个月

数据说明

- “时长”是指自仲裁通知发出之日起至最终裁决作出之日或（因当事人和解、申请人撤回仲裁申请）撤案决定作出之日止所持续的时间。
- 以上数据涵盖了由贸仲香港根据《规则》管理的、仲裁地在香港的、在2015年至2019年间结案的全部仲裁案件信息。
- 以上数据反映出贸仲香港为提升香港这一普通法域域的仲裁程序的效率所做出的努力和取得的成果。
- 以上数据不涵盖适用紧急仲裁员程序的案件。
- “时长”不包括仲裁程序的中止期间（适用《规则》第45条）。

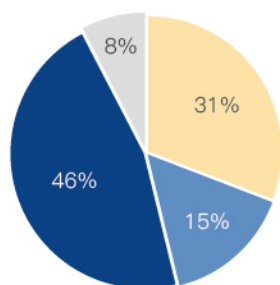
? 在贸仲香港仲裁，组庭需要多长时间？

时长	最小值	最大值	平均值	中间值
简易程序案件	39 天	140 天	70 天	52 天
普通程序案件	40 天	174 天	83 天	56 天
全部案件	39 天	174 天	75 天	56 天

数据说明

- “时长”指自仲裁通知发出日至组庭通知发出日之间的持续时间。
- 造成组庭延误的主要原因有：
 - 当事人迟延预付仲裁员的报酬和费用；
 - 被选定的仲裁员（因时间冲突或利害冲突）拒绝接受委任。
- 以上数据涵盖由贸仲香港根据《规则》管理的、仲裁地在香港的、在2015年至2019年间组庭的全部仲裁案件信息。
- 以上数据不涵盖紧急仲裁员程序案件。

? 贸仲香港的案件经常“延期”吗？



- 0 次
- 1 次
- 2 次
- > 2 次

数据说明

- 根据《规则》，贸仲香港管理的案件适用普通程序的，裁决作出期限为6个月；适用简易程序的，裁决作出期限为3个月（均自组庭之日起计算）。如果仲裁庭有正当理由和必要申请延长裁决作出期限的，贸仲仲裁院院长（下称“院长”）可以批准延期作出裁决（适用《规则》第48条）。
- 在2015年至2019年间结案的仲裁案件中，约31%的案件没有延期；仅有8%的案件，院长对个案批准延期超过两次。
- 研究发现，以下（批准）延长裁决作出期限的原因较为常见：
 - 当事人自身原因（例如双方当事人协议达成更宽松或更复杂的案件时间表，以便准备和解、提交书面意见或进行证据开示）；
 - 仲裁庭与当事人无法就开庭日期达成一致；
 - 管辖权异议。



在贸仲香港仲裁，仲裁费用是多少？

费用来源	平均值	费用在争议金额中占比
机构费用	55,509 港元	0.28%
独任仲裁庭	69,608 港元	2.77%
三人仲裁庭	733,259 港元	1.86%

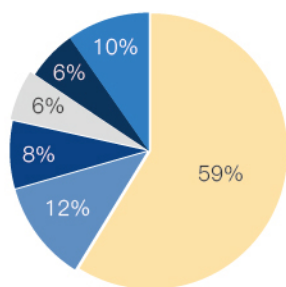
争议金额	最小值	最大值	平均值
独任仲裁庭审理	334,121 港元	9,257,953 港元	2,514,247 港元
三人仲裁庭审理	6,658,000 港元	94,200,000 港元	39,373,280 港元
全部案件	334,121 港元	94,200,000 港元	19,882,746 港元

数据说明

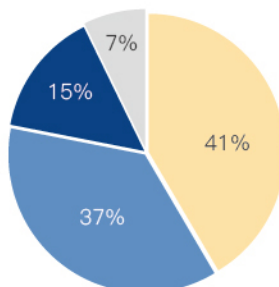
- “机构费用”包括《规则》规定的案件受理费（8,000港元）和根据争议金额计算的机构管理费。不同于其他国际仲裁机构，贸仲香港的机构费用里已包括案件经办人报酬及开庭设施使用费（如果当事人选择使用贸仲及其分会的开庭设施进行开庭）。仲裁庭费用通常由双方当事人分担预付金；仲裁庭费用（包括独任仲裁庭费用和三人仲裁庭费用）已包括仲裁庭的住宿和差旅费。
- 根据《规则》，当事人还可选择按小时费率支付仲裁庭费用（目前以每小时7,000港元为上限）。但研究发现，当事人普遍倾向于根据争议金额计算仲裁庭费用。
- 机构费用在争议金额中占比是通过（全部案件）机构费用平均值除以（全部案件）争议金额平均值得出。
- 根据上表可以总结出：在贸仲香港仲裁，独任仲裁庭案件的平均仲裁费用约为争议金额的3.1%，三人仲裁庭案件的平均仲裁费用约为争议金额的2.1%。



贸仲香港仲裁案件的仲裁员目前主要来自哪些国家和地区？



机构委任



当事人选定

数据说明

- 列为“中国香港”地区的仲裁员为持有香港特区护照或者香港（永久居民）身份证的仲裁员。为统计之便，如果仲裁员持有两本或超过两本护照，其国籍仅以该仲裁员向贸仲提交简历时所列明的第一国籍为准。
- 以上数据涵盖了2015年后组庭的，由贸仲香港根据《规则》管理的、以香港为仲裁地的全部案件中仲裁员籍属信息。
- 根据《规则》，一方当事人未选定仲裁员，或双方当事人未共同选定独任仲裁员/首席仲裁员时，方由“机构委任”仲裁员或独任/首席仲裁员。



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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.”



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%

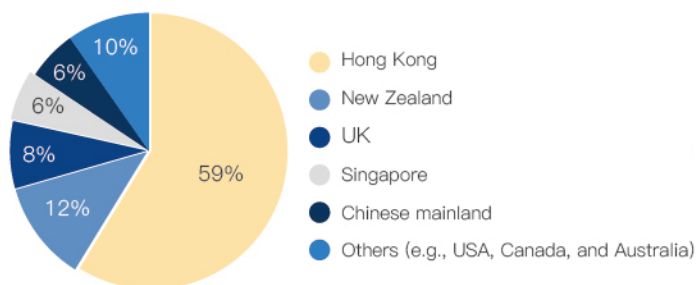
AMOUNT IN DISPUTE	MINIMUM	MAXIMUM	MEAN
Sole-arbitrator tribunal	334,121 HKD	9,257,953 HKD	2,514,247 HKD
3-member tribunal	6,658,000 HKD	94,200,000 HKD	39,373,280 HKD
Overall	334,121 HKD	94,200,000 HKD	19,882,746 HKD

Explanatory notes

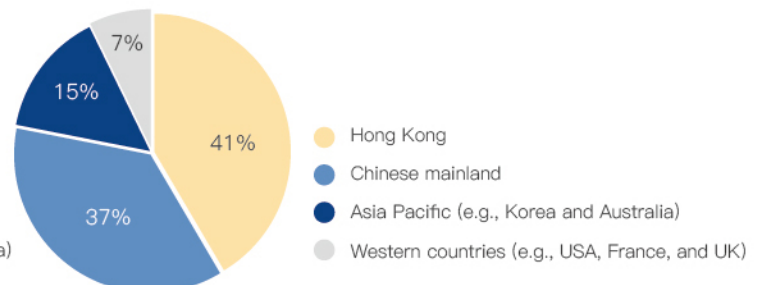
- The institutional charge includes registration fee (8,000 HKD) and administrative fee described under the Rules which is by reference to an ad valorem fee scale. The institutional charge further includes remuneration of a case manager assigned to the case and the cost of hearing facilities (if parties 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.



How long does it take to form the arbitral tribunal?

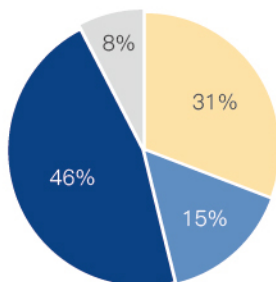
DURATION	MINIMUM	MAXIMUM	MEAN	MEDIAN
Summary procedure	39 days	140 days	70 days	52 days
General procedure	40 days	174 days	83 days	56 days
Overall	39 days	174 days	75 days	56 days

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

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.