China International Economic and Trade Arbitration Commission Hong Kong Arbitration Center
Rules as Appointing Authority in Ad Hoc Arbitrations

Article 1 Scope of Application

These Rules apply in cases where the China International Economic and Trade Arbitration Commission (“CIETAC”) Hong Kong Arbitration Center acts as appointing authority of arbitrators or provides services in the following circumstances:

(a) where the parties have agreed to refer their disputes to arbitration under the United Nations Commission on International Trade Law Arbitration Rules (“UNCITRAL Arbitration Rules”);

(b) where the parties have agreed to refer their disputes to arbitration under other ad hoc arbitration rules; and/or

(c) in other non-institutional arbitration cases conducted in accordance with provisions of law or agreement of the parties.

Article 2 Functions as Appointing Authority

When acting as appointing authority, the functions of the CIETAC Hong Kong Arbitration Center include the following:

(a) to appoint an arbitrator at the request of a party;

(b) to decide on the number of arbitrators to be appointed at the request of a party;

(c) to decide on challenges to arbitrators at the request of a party;

(d) to determine arbitrator’s fees and his/her Terms of Appointment at the request of a party or an arbitrator;

(e) to undertake financial management of the arbitration, including but not limited to collection of deposits and arrangement for payment of arbitrator’s fee and actual expenses at the request of a party or an arbitral tribunal;

(f) to provide oral hearing services, including but not limited to provision of hearing room(s), of audio and video recording facilities, arrangement for translation and stenography services at the request of a party or an arbitral tribunal;

(g) to provide tribunal secretary service at the request of a party or an arbitral tribunal; and

(h) to provide other services at the request of a party or an arbitral tribunal.
**Article 3  Appointment Committee**

1. The functions of the CIETAC Hong Kong Arbitration Center as appointing authority under these Rules are carried out by an Appointment Committee (“Committee”). The Committee consists of five (5) to seven (7) experienced arbitration professionals appointed by CIETAC. The Vice Chairman of CIETAC authorised by Chairman of CIETAC shall act as Chairperson of the Committee.

2. The Committee members shall be appointed for a term of three (3) years. Committee members may be re-appointed for consecutive terms. During his/her term, a Committee member shall not be appointed by the Committee as arbitrator to arbitrations referred to in Article 1 of these Rules, but a Committee member is not prevented from acting in the aforementioned arbitrations as arbitrator nominated by a party or parties. When acting in the aforementioned arbitrations as arbitrator nominated by a party or parties, the Committee member must not carry out any function of the Committee for those arbitrations.

**Article 4  Submission of Information**

1. When submitting requests referred to in Article 2 of these Rules, a party or an arbitral tribunal shall provide the following information and documents to the CIETAC Hong Kong Arbitration Center:

   (a) arbitral claims;

   (b) the names, addresses, telephone numbers, fax numbers and email addresses of the parties and their representative(s), if any;

   (c) arbitration clause or a separate arbitration agreement;

   (d) notice of arbitration and its attachment(s) served by the requesting party on the other party or parties, and proof of their delivery; and

   (e) name(s) and contact details of the arbitrator(s) already nominated or appointed, if any.

2. The CIETAC Hong Kong Arbitration Center may, if it considers necessary, request for submission of further information and documents from the party or parties and/or the arbitrator(s).

**Article 5  Appointment of Arbitrator**

1. Any arbitrator to be appointed shall meet any qualifications required of an arbitrator as prescribed by the applicable law and/or any qualifications required of an arbitrator by the agreement of the parties.

2. The appointment of an arbitrator may be made from the CIETAC’s Panel of Arbitrators in effect, or from outside the CIETAC’s Panel of Arbitrators.
3. When making appointment of an arbitrator, apart from the factors specified in the above paragraphs in this Article, the following factors shall also be taken into account:

(a) the nature of the dispute;

(b) the nationality or nationalities of the parties;

(c) any general suggestion(s) made by the party or parties in regard to appointment of an arbitrator; and

(d) whether the qualified candidate arbitrator(s) may accept the appointment.

4. Before making an appointment of an arbitrator as per the request of a party, the CIETAC Hong Kong Arbitration Center shall afford the other party or parties an opportunity to provide information relevant to the appointment. The CIETAC Hong Kong Arbitration Center may in its discretion refuse to make an appointment based on information provided by the other party or parties.

5. After making an appointment of an arbitrator, the CIETAC Hong Kong Arbitration Center shall notify the parties in writing of such appointment.

Article 6 List-Procedure

1. Unless otherwise agreed by the parties, when acting as appointing authority to appoint a sole arbitrator or a presiding arbitrator of a three-arbitrator tribunal under the UNCITRAL Arbitration Rules, the CIETAC Hong Kong Arbitration Center shall in general follow the list-procedure set forth in Article 8(2) and 9(3) of the UNCITRAL Arbitration Rules. If a party fails to make a timely appointment of the second arbitrator of a three-arbitrator tribunal, the CIETAC Hong Kong Arbitration Center shall, at the request of the other party or parties, follow the procedure set forth in Article 9(2) of the UNCITRAL Arbitration Rules.

2. Unless otherwise agreed by the parties, when acting as appointing authority to appoint a sole arbitrator or a presiding arbitrator of a three-arbitrator tribunal under other circumstances, the CIETAC Hong Kong Arbitration Center shall follow a list-procedure. If a party fails to make a timely nomination of the second arbitrator of a three-arbitrator tribunal, the CIETAC Hong Kong Arbitration Center shall, at the request of the other party or parties, directly appoint an arbitrator whom it deems suitable. Unless otherwise agreed by the parties, the list-procedure to be followed by the CIETAC Hong Kong Arbitration Center is as follows:

(a) the CIETAC Hong Kong Arbitration Center shall prepare an identical list of three (3) to five (5) candidates which shall be delivered to each party respectively;

(b) within fifteen (15) days of receiving such list, each party may return the list to the CIETAC Hong Kong Arbitration Center after deleting from the list the
candidate(s) to whom it objects and ranking the remaining candidates in its order of preference;

(c) upon expiration of the time limit set forth in the preceding sub-paragraph, the CIETAC Hong Kong Arbitration Center shall appoint an arbitrator from among the candidates on the returned lists in accordance with the order of preference indicated by each party; and

(d) if for any reason the appointment of an arbitrator cannot be made in accordance with the list-procedure set forth in the preceding sub-paragraphs (a) to (c), the CIETAC Hong Kong Arbitration Center may directly appoint an arbitrator whom it deems suitable.

3. In the event that an arbitrator is unable to fulfil his/her functions due to challenge or any other reason, a substitute arbitrator shall be appointed by the CIETAC Hong Kong Arbitration Center in accordance with the provisions set forth above in this Article.

Article 7 Decision on Number of Arbitrators

1. In the event that the parties have not agreed on the number of arbitrators, the CIETAC Hong Kong Arbitration Center may, as per any party’s request, decide on whether the arbitral tribunal shall be composed of a sole arbitrator or three arbitrators. When making such decision, the CIETAC Hong Kong Arbitration Center shall take into account the following factors:

(a) the amount in dispute;

(b) the complexity of the dispute;

(c) the nationality or nationalities of the parties;

(d) the number of suitable candidate arbitrators for the dispute; and

(e) the urgency of the case.

2. Before making such decision, the CIETAC Hong Kong Arbitration Center shall afford an opportunity to the other party or parties to express its opinion or their opinions on the number of arbitrators.

3. After making the decision on the number of arbitrators, the CIETAC Hong Kong Arbitration Center shall notify the parties in writing of such decision.

Article 8 Disclosure

1. When accepting the appointment, the arbitrator shall submit to the CIETAC Hong Kong Arbitration Center a signed Declaration and disclose any facts or circumstances likely to give rise to justifiable doubts as to his/her impartiality or
independence. After acceptance of appointment, if any circumstances that need to be disclosed arise during the arbitral proceedings, the arbitrator shall promptly disclose such circumstances to the CIETAC Hong Kong Arbitration Center, the parties and the other members of the arbitral tribunal (if any) in writing.

2. The signed Declaration of the arbitrator shall be made in the format that is in line with the requirements of the CIETAC Hong Kong Arbitration Center. After receiving such Declaration, the CIETAC Hong Kong Arbitration Center shall forward a copy of the Declaration to each party and the other members of the arbitral tribunal (if any).

Article 9 Challenge

Unless otherwise agreed by the parties, the CIETAC Hong Kong Arbitration Center shall decide all challenges to arbitrators in arbitrations carried out under the CIETAC Hong Kong Arbitration Center as an appointing authority. The CIETAC Hong Kong Arbitration Center shall make such decisions in accordance with the relevant provisions on challenge of arbitrators in the applicable arbitration laws and arbitration rules and may, where necessary, refer to the International Bar Association’s Guidelines on Conflicts of Interest in International Arbitration.

Article 10 Determination of Arbitrator’s Fees and Actual Expenses

1. The arbitrator’s fees and actual expenses shall be agreed upon by the parties and the arbitrator(s).

2. Where the parties and the arbitrator(s) cannot agree upon the arbitrator’s fees and actual expenses, the CIETAC Hong Kong Arbitration Center may determine the arbitrator’s fees and actual expenses at the request of a party or an arbitrator.

3. The parties and arbitrator(s) may agree to sign Terms of Appointment in relation to the arbitrator’s fees and actual expenses. At the request of a party or an arbitrator, the CIETAC Hong Kong Arbitration Center may verify such Terms of Appointment.

Article 11 Fees of Appointing Authority

The CIETAC Hong Kong Arbitration Center may charge the following fees:

1. Fee for appointment of arbitrator. This fee shall be paid by the requesting party when submitting a request for appointment of arbitrator. The sum is specified in Article 1 of the Fee Schedule of the CIETAC Hong Kong Arbitration Center as Appointing Authority in Ad Hoc arbitrations (“Fee Schedule”) in the Appendix.

2. Fee for decision on number of arbitrators. This fee shall be paid by the requesting party when submitting a request for decision of number of arbitrators. The sum is specified in Article 2 of the Fee Schedule in the Appendix.
3. Fee for decision on challenge. This fee shall be paid by the requesting party when submitting a challenge of arbitrator. The sum is specified in Article 3 of the Fee Schedule in the Appendix.

4. Fee for services rendered under Article 2(d) to (h) of these Rules. This fee shall be collected by the CIETAC Hong Kong Arbitration Center. The sum is specified in Article 4 of the Fee Schedule in the Appendix.

**Article 12  Deposits**

1. The CIETAC Hong Kong Arbitration Center shall request payment of deposits payable towards the arbitrator’s fees and actual expenses set forth in Article 10 of these Rules and the fee for other services rendered under Article 11(4) of these Rules. The deposits may be paid by instalments. The first instalment shall be paid immediately after appointment of an arbitrator.

2. Unless otherwise agreed by the parties, the aforementioned deposits shall in principle be payable in equal share by the requesting party or parties and the other party or parties.

3. Unless otherwise agreed by the parties, the aforementioned deposits shall be held in a bank account designated by the CIETAC Hong Kong Arbitration Center.

**Article 13  Exclusion of Liability**

1. Neither the CIETAC, the Appointment Committee, the CIETAC Hong Kong Arbitration Center nor its employees shall be liable for any negligence, act or omission in connection with performance of any duties under these Rules.

2. The parties are jointly and severally liable to the arbitrator’s fees and actual expenses set forth in Article 10 of these Rules and to the fee for other services rendered under Article 11(4) of these Rules. The CIETAC Hong Kong Arbitration Center only collects payment of deposits set forth in Article 12 of these Rules as delegated by the arbitral tribunal. Except for payment of deposits to an arbitrator as per arbitral tribunal’s decisions and for refund to a party, the CIETAC Hong Kong Arbitration Center assumes no liability for payment to any arbitral tribunal or any party.

**Article 14  UNCITRAL Arbitration Rules**

The UNCITRAL Arbitration Rules referred to in these Rules shall be the 2013 UNCITRAL Arbitration Rules. Where the parties agree to apply other versions of the UNCITRAL Arbitration Rules, the corresponding provisions of the 2013 UNCITRAL Arbitration Rules relevant to these Rules shall be substituted by those of the applicable version of the UNCITRAL Arbitration Rules.
Article 15 Supplementary Provisions

1. These Rules shall be effective as of July 1, 2017 and shall be implemented by the CIETAC Hong Kong Arbitration Center. CIETAC may provide the parties with the relevant arbitration services under these Rules in accordance with the provisions of the applicable law and others.

2. These Rules shall be interpreted by CIETAC.
Appendix

Fee Schedule of the CIETAC Hong Kong Arbitration Center as Appointing Authority in Ad Hoc Arbitrations

Article 1  Fee for Appointment of Arbitrator

The fee for appointment of each arbitrator under Article 2(a) of these Rules by the CIETAC Hong Kong Arbitration Center is HKD 8,000. This fee shall be part of the costs of arbitration and shall be deposited by the party or parties submitting the request of appointment. The final apportionment of this fee among the parties shall be determined by the arbitral tribunal.

Article 2  Fee for Decision on Number of Arbitrators

The fee for decision on the number of arbitrators to be appointed under Article 2(b) of these Rules by the CIETAC Hong Kong Arbitration Center is HKD 8,000 per decision. This fee shall be part of the costs of arbitration and shall be deposited by the party or parties submitting the request. The final apportionment of this fee among the parties shall be determined by the arbitral tribunal.

Article 3  Fee for Decision on Challenge

The fee for decision on challenge of each arbitrator under Article 2(c) of these Rules by the CIETAC Hong Kong Arbitration Center is HKD 50,000. This fee shall be part of the costs of arbitration and shall be deposited by the party or parties submitting the request. The final apportionment of this fee among the parties shall be determined by the arbitral tribunal.

Article 4  Fee for Other Services Rendered

The fee for other services rendered under Articles 2(d) to (h) of these Rules by the CIETAC Hong Kong Arbitration Center shall be as follows:

1) the fee for determining arbitrator’s fees and an arbitrator’s Terms of Appointment is HKD 8,000 each time;

2) the fee for financial management of arbitration shall be fixed depending on the actual working hours spent by the employee(s) of the CIETAC Hong Kong Arbitration Center based on an hourly rate of HKD 1,000;

3) the rental rate for each hearing room together with audio and video recording
facilities is HKD 3,000 per half day;

4) the fee for translation and stenography services by third party or third parties shall be proposed by such third party or third parties, and shall be payable upon confirmation of the parties; and

5) the fee for tribunal secretary service shall be fixed by the CIETAC Hong Kong Arbitration Center depending on the circumstances of the arbitration and the qualification of the tribunal secretary.

The aforementioned fees shall be part of the costs of arbitration and shall be deposited by the party or parties submitting the request. The final apportionment of these fees shall be determined by the arbitral tribunal.