

一般程序

聲請人提交**仲裁聲請書** + 聲請費美金 1,000 元 (第 7 條) → 國際仲裁中心

(本中心) 將**仲裁之開始**通知當事人 (第 7.6(a) 條) + 決定**預付費用** (第 42.1 條) → 相對人於收到聲請書後 30 日內提交**仲裁答辯書** (第 8 條)

仲裁人之選定

當事人如未約定**仲裁人人數** → 三名仲裁人 (第 10 條), 若為獨任仲裁人 → 第 11 條; 若為三名仲裁人 → 第 12 條

本中心確認**仲裁人之選定** (第 13 條)

仲裁庭決定**仲裁費用** (第 43 條)

當事人如無約定**仲裁地**: 香港為仲裁地, 但仲裁庭得認定更為合適之仲裁地 (第 19.1 條)

當事人如無約定就裁決實體爭議之**適用法律**: 仲裁庭決定適當之法律或法律規則 (第 31.2 條)

書面文件

仲裁請求理由書 (已包括於仲裁聲請書者不在此限: 第 21 條) → **仲裁答辯理由書** (已包括於仲裁答辯書者不在此限: 第 22 條) → 修正或補充理由 (第 23 條)

詢問會

(仲裁庭若決定僅以文件為基礎進行審理則不在此限: 第 24.3 條)

自仲裁庭組成之日起六個月內**審理終結**: 第 30.1 條 (得由本中心延展期限)

仲裁判斷

仲裁庭於審理終結日起六週內下**最終仲裁判斷**: 第 33.1 條 (得由本中心延展期限)

收到**仲裁判斷書**起 30 日內

仲裁判斷之更正及解釋 (聲請送達後 30 日內: 第 37 條)

補充仲裁判斷 (聲請送達後 60 日內: 第 38 條)

其他可能進行之程序

- 複數契約之單一仲裁聲請書: 本中心決定**單一仲裁程序** (第 9 條)
- 當事人如無約定**仲裁語言**: 本中心初步決定採用中文或英文 (第 7.2 條), 但仲裁庭得認定更為合適之語言 (第 20.1 條)
- 於仲裁人選定確認前、確認時起至仲裁結束前之**仲裁人聲明** (第 14 條)
- 於仲裁庭組成前向本中心聲請**簡易仲裁程序** (第 41 條): 爭議金額低於美金 250,000 元、經當事人同意或有特殊緊急情況
- **聲請仲裁人迴避** (第 16 條): 迴避聲請 + 聲請費美金 6,000 元 → 若於迴避聲請書送達後 15 日內當事人未同意且仲裁人未自行迴避, 由本中心決定 (本中心亦得暫停仲裁程序)
- **對管轄權之異議** (第 18 條): 於仲裁答辯理由書或反請求答辯書提出前, 或於該書面內提出之。於仲裁庭組成前由本中心決定, 於仲裁庭組成後由仲裁庭決定 (並得繼續仲裁程序)
- 於仲裁庭組成前之**緊急措施** (第 26.1 條 + 附件 1) 或仲裁庭組成後之**臨時措施** (第 26.2–26.9 條)
- **追加當事人** (第 27 條): 追加當事人之聲請 + 聲請費美金 2,500 元 → 追加聲請答辯書 → 由仲裁庭決定 (於仲裁庭組成前則由本中心決定)
- **仲裁程序之合併** (第 28 條): 合併仲裁程序之聲請 + 聲請費美金 2,500 元 → 由本中心決定
- 於最終仲裁判斷前之**和解**: 仲裁庭基於當事人之聲請所作和解判斷 (第 35 條) 或依規則為終止仲裁程序之裁斷 (第 36 條)

其他條文: 定義 (第 2 條)、通知 (第 5 條)、期限 (第 6 條) 以及幣別 (第 46 條); 異議權之放棄 (第 3 條)、代理 (第 4 條) 以及缺席 (第 29 條); 仲裁人之替換 (第 17 條)、專家 (第 25 條)、仲裁庭之決定 (第 32 條) 以及報酬 (第 44 條、附件 2 或 3); 本中心之費用 (第 45 條); 單方接觸之限制 (第 15 條)、保密性 (第 39 條) 以及免責 (第 40 條)

Arbitration under CAAI Rules

USUAL PROCEDURES

Claimant submits **Notice of Arbitration** + application fee USD 1,000 (Art. 7) → CAAI notifies **commencement of arbitration** (Art. 7.6(a)) + determines **Deposits for Costs** (Art. 42.1) → Respondent submits **Answer to Notice of Arbitration** within 30 days of receiving Notice of Arbitration (Art. 8).



Appointment of arbitrators If without parties' agreement on **number of arbitrators** → 3 arbitrators (Art. 10). If sole arbitrator → Art. 11. If 3 arbitrators → Art. 12.



CAAI confirms appointment (Art. 13).
Tribunal determines Costs of Arbitration (Art. 43).



Parties' agreement on **seat of arbitration**? If no → Hong Kong, subject to Tribunal's determination of another more appropriate seat (Art. 19.1).
Parties' agreement on **applicable law** for substance of dispute? If no → Tribunal determines the applicable law or rules of law (Art. 31.2).



Written submissions

Statement of Claim (unless contained in Notice of Arbitration: Art. 21) → **Statement of Defence** (unless contained in Answer to Notice of Arbitration: Art. 22) → any amendment or supplement (Art. 23).



Hearings (unless Tribunal decides on documents-only: Art. 24.3).



Closure of Proceedings by Tribunal within six months from its constitution: Art. 30.1 (extendable by CAAI).



Award Tribunal's **final award** within six weeks from closure of proceedings: Art. 33.1 (extendable by CAAI).



Correction or interpretation of award (within 30 days of receiving request: Art. 37)

Additional award (within 60 days of receiving request: Art. 38)

POTENTIAL PROCEDURES

- Single Notice of Arbitration for multiple contracts: CAAI decides on **single arbitration** (Art. 9).
- Parties' agreement on **language of arbitration**? If no → CAAI's preliminary decision on either Chinese or English (Art. 7.2) subject to Tribunal's determination of another more appropriate language (Art. 20.1).
- **Arbitrator's disclosure** before and upon confirmation and throughout arbitration (Art. 14).
- Application to CAAI for **Expedited Procedure** before Tribunal's constitution (Art. 41): Amount in dispute < USD 250,000 or parties' agreement or exceptional urgency.
- **Challenge of arbitrators** (Art. 16): Notice of Challenge + challenge fee USD 6,000 → If parties don't agree on challenge or the challenged arbitrator doesn't withdraw within 15 days of receiving Notice of Challenge, CAAI decides (and may suspend arbitration).
- **Challenge to jurisdiction** (Art. 18): CAAI decides if before Tribunal's constitution. Tribunal decides if after its constitution but before or in Statement of Defence or Reply to Counterclaim (and may continue arbitration).
- **Emergency Measures** before Tribunal's constitution (Art. 26.1 + Schedule 1) or **Interim Measures** after Tribunal's constitution (Art. 26.2-26.9).
- **Joinder of Additional Party** (Art. 27): Request for Joinder + request fee USD 2,500 → Answer to Request for Joinder → Tribunal decides (or CAAI if before Tribunal's constitution).
- **Consolidation of Arbitrations** (Art. 28): Request for Consolidation + request fee USD 2,500 → CAAI decides.
- **Settlement** before Tribunal's final award: Tribunal's consent award at parties' request (Art. 35) or Termination Order (Art. 36).

Other provisions: definitions (Art. 2), notices (Art. 5), time limits (Art. 6) & currency (Art. 46); parties' waiver (Art. 3), representation (Art. 4) & default (Art. 29); arbitrators' replacement (Art. 17), experts (Art. 25), Tribunal's decision-making (Art. 32) & fees (Art. 44, Schedule 2 or 3); CAAI's fees (Art. 45); restrictions on *ex parte* communication (Art. 15), confidentiality (Art. 39) & liability (Art. 40)