

LC: Speech by SJ to amend the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules

Acting President,

I move that the motion as set out in the paper delivered to Members be passed. The motion is to propose amendments to the Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) Rules.

This set of Rules was made by the Hong Kong International Arbitration Centre (HKIAC) under section 13(3) of the Arbitration Ordinance (Cap. 609), which came into effect on June 1, 2011, with the prior approval of the Chief Justice. The Rules are an adaptation of the existing Arbitration (Appointment of Arbitrators and Umpires) Rules (Cap. 341, sub. leg. B).

This set of Rules is intended to facilitate the HKIAC's performance of the following functions, namely:

- (1) the default appointment by the HKIAC of an arbitrator under section 24 of the new Arbitration Ordinance;
- (2) the decision by the HKIAC on the number of arbitrators under section 23(3) of the new Arbitration Ordinance; and
- (3) the default appointment by the HKIAC of a mediator under section 32(1) of the new Arbitration Ordinance.

The Rules were tabled at the Legislative Council on July 3, 2013. A subcommittee was subsequently formed by the House Committee to scrutinise the Rules.

At the meeting of the Subcommittee held on September 18, 2013, the HKIAC's representative agreed that certain amendments proposed by the Legal Adviser to the Subcommittee

should be made to the Rules. These amendments have the support of the Subcommittee.

Most of these proposed amendments relate to the drafting aspects of both the English and Chinese texts of the Rules and have no impact on the substance of the provisions in question. The Administration has no objection to these proposed amendments. In the circumstances, I move this motion to propose the amendments agreed between the HKIAC and the Subcommittee.

I would like to take this opportunity to express my appreciation of the efforts made by Hon Dennis Kwok, the Chairman of the Subcommittee, and other Members of the Subcommittee.

Acting President, I move that the motion be passed. Thank you.

Ends/Wednesday, November 6, 2013