



Practice Note on the Challenge of an Arbitrator

Effective 31 October 2014

1. This Practice Note shall govern a challenge to an arbitrator (the "Challenged Arbitrator") in arbitrations administered by HKIAC under any of the following rules :
 - (a) 2013 HKIAC Administered Arbitration Rules;
 - (b) 2008 HKIAC Administered Arbitration Rules;
 - (c) any other arbitration rules issued by HKIAC which designate HKIAC to decide challenges to arbitrators;
 - (d) 2010 UNCITRAL Arbitration Rules (with or without paragraph 4 of Article 1 as introduced in 2013);
 - (e) 1976 UNCITRAL Arbitration Rules;

and in any other arbitration in which the parties agree this Practice Note shall apply.

2. This Practice Note replaces the Hong Kong International Arbitration Centre Challenge Rules adopted on 25 March 2008 (the "Challenge Rules") and the Practice Note on the Challenge of an Arbitrator effective on 1 November 2013. This Practice Note shall be treated as the Challenge Rules referred to in Article 11.7 of the 2008 HKIAC Administered Arbitration Rules.
3. An arbitrator may be challenged on any grounds specified in the applicable arbitration rules or law.
4. A party wishing to challenge an arbitrator shall submit, within 15 days after the confirmation of the appointment of the arbitrator has been notified to the challenging party or within 15 days after that party became aware or ought reasonably to have become aware of the circumstances giving rise to the challenge, a Notice of Challenge and any accompanying documents to HKIAC (the "Notice of Challenge"). The Notice of Challenge shall at the same time be sent to all other parties to the arbitration, the Challenged Arbitrator and, where applicable, the other members of the arbitral tribunal.
5. The Notice of Challenge shall:
 - (a) be in writing and shall state the reasons for the challenge; and
 - (b) be accompanied by payment, by cheque or transfer to the account of HKIAC, of a non-refundable Challenge Registration Fee of HKD 50,000 on account of HKIAC's fees and expenses. If the party submitting the Notice of Challenge fails to pay the Challenge Registration Fee the challenge will be dismissed.
6. HKIAC may, at any time during the challenge proceedings, require the party making the challenge to deposit a further sum or sums to meet its additional fees and expenses, taking into account, inter alia, the nature of the case and the nature and amount of work



performed by HKIAC. That party shall be given the opportunity to make written representations to HKIAC before any decision is made as to the amount of such further sum or sums. If the party which submitted the challenge fails to pay the increased fees and expenses within the time limit fixed by HKIAC, the challenge may be dismissed.

7. If a challenge has been presented to another person or body before a Notice of Challenge is submitted to HKIAC, the party submitting the Notice shall forward to HKIAC a letter requesting HKIAC to make a determination accompanied by a copy of the original challenge and supporting documents. The letter of request shall at the same time be sent to all other parties to the arbitration, the Challenged Arbitrator and, where applicable, the other members of the arbitral tribunal.
8. Unless the Challenged Arbitrator withdraws or the non-challenging party agrees to the challenge, HKIAC shall determine the challenge.
9. The grounds of a challenge shall, in principle, be limited to those set out in the Notice of Challenge. The challenging party may amend or supplement the grounds of challenge only if HKIAC considers it appropriate to allow such amendment having regard to the circumstances of the case and having consulted with the non-challenging party and the Challenged Arbitrator.
10. Following receipt of a Notice of Challenge pursuant to paragraph 4 above, each other party to the arbitration and the Challenged Arbitrator may submit an Answer to the Notice of Challenge, within such time as HKIAC shall direct.
11. The challenging party shall thereafter be given, within such time as HKIAC shall direct, an opportunity to comment on the Answers to the Notice of Challenge submitted pursuant to paragraph 10.
12. Copies of any Answer to the Notice of Challenge and comments made thereon shall be submitted to HKIAC, all other parties to the arbitration, the Challenged Arbitrator and, where applicable, the other members of the arbitral tribunal.
13. HKIAC shall determine the challenge on the basis of written evidence and written submissions alone, unless it decides that it is appropriate to hold one or more hearings.
14. HKIAC's determination of the challenge shall be communicated to the parties, the Challenged Arbitrator and, where applicable, the other members of the arbitral tribunal in writing. HKIAC has no obligation to give reasons for its determination.
15. Notices, documents and decisions submitted or produced in accordance with this Practice Note shall be communicated to the parties, the arbitral tribunal and HKIAC in accordance with any method specified in the arbitration agreement(s) or in any applicable arbitration rules or law.
16. In the event of any discrepancy or inconsistency between this Practice Note and any provision (a) of the arbitration agreement(s), or (b) of any applicable arbitration rules or law, that provision shall prevail.