

Hong Kong International Arbitration Centre

Short Form Arbitration Rules

Effective From 1 August 1992

These Rules are published by Hong Kong International Arbitration Centre (HKIAC) for use by parties who agree to make use of a short form of procedure to resolve disputes. They were developed by the Royal Institution of Chartered Surveyors (Hong Kong Branch) for use with the Minor Works form of contract but have been published by HKIAC as they are suitable for use in a wide range of commercial disputes both in the construction industry and in other areas of business.

Preliminary

Article 1 These Rules shall apply to arbitrations conducted according to shortened forms of procedure, whether by hearing or on documents only.

Commencement of Arbitration

Article 2 An application for arbitration shall be made to the Hong Kong International Arbitration Centre, by the party or parties on the attached form or on a photocopy of the attached form. When the Hong Kong International Arbitration Centre is satisfied that an application has been validly made, it shall appoint or confirm the appointment of an Arbitrator.

Procedure

Article 3 Unless the Arbitrator is of the opinion that a preliminary meeting is necessary, all procedural matters in the arbitration shall, failing agreement between the parties, be settled by directions of the Arbitrator set out in correspondence.

Article 4 Within 14 days of receipt of the Arbitrator's directions under Article 3, the Claimant shall submit to the Arbitrator and to the Respondent a Statement of Claim containing:

- (a) a brief statement of that party's principal arguments of fact and law and of the remedies sought;
- (b) copies of all relevant documents on which that party will rely.

Article 5 Within 14 days of receipt of the Claimant's Statement of Claim case file, the Respondent shall submit to the Arbitrator and to the Claimant a Statement of Defence containing:

- (a) a brief statement of his principal arguments of fact and law;
- (b) any counterclaim, together with a brief statement of the remedies sought;
- (c) copies of all relevant documents on which that party will rely.

Article 6 Within 7 days of receipt of the Respondent's Statement of Defence case file the Claimant shall submit:

- (a) any reply that that party wishes to make;
- (b) a defence to the counterclaim (if any);
- (c) any other relevant documents on which that party will rely for this purpose.

Article 7 The Arbitrator may, in his discretion, permit the parties to make further replies to each other's cases, but shall in every case have the power to determine when the submissions of statements are complete.

- Article 8* The Arbitrator may require the parties to submit to him and to each other such further documents or information as he considers to be necessary to his decision.
- Article 9* The Arbitrator shall be entitled to proceed with the arbitration notwithstanding the failure or refusal of any party to comply with these Rules or with the Arbitrator's written orders or written directions. Such power shall extend to the Arbitrator proceeding ex-parte providing the Arbitrator has given due written notice of his intention to so proceed.
- Article 10* The Arbitrator may at anytime during the course of the arbitration conduct a site visit in the presence of the parties.
- Article 11* Where the parties elect a procedure by way of a hearing, the Arbitrator shall fix a date for the hearing at the earliest opportunity.
- Article 12* Where the procedure is to be by way of documents-only, the Arbitrator may call the parties to an informal hearing for the purpose of seeking further clarification of statements made in the case file.
- Article 13* If, during the course of the arbitration, the Arbitrator concludes that the dispute is incapable of proper resolution in accordance with Articles 3-12 above, he shall conduct the arbitration in accordance with the Hong Kong international Arbitration Centre's Domestic Arbitration Rules save insofar as these have already been complied with. The arbitration shall unless otherwise directed by the Arbitrator, continue from the point already reached.
- Article 14* The Arbitrator shall have the power to extend any of the time limits stipulated in these Rules.

Costs

- Article 15* The Arbitrator shall, unless the parties otherwise agree, determine the costs of the award and of the reference.

Award

- Article 16* The Arbitrator shall use his best endeavours to render an award within one month of the hearing or, in the case of documents only arbitrations, within one month of the receipt of the last document or the holding of an informal hearing whichever is later. Unless otherwise agreed the Arbitrator shall provide a concise reasoned award in writing.

**HONG KONG INTERNATIONAL ARBITRATION CENTRE
SHORT FORM ARBITRATION RULES**

APPLICATION FOR ARBITRATION

This form should be used only where both parties have agreed that their dispute or difference shall be arbitrated under these Rules. This agreement may be by:

- (i) a joint application on this form by both parties or;
- (ii) an arbitration clause included in a contract which specifically refers to arbitration using these Rules.

This form may validly be submitted by only one party where disputes or differences arise out of or in relation to a written contract containing such an arbitration clause. Where there is no such written arbitration clause this form must be signed by both parties. Both joint and unilateral applicants should fill in full details of both parties.

1 THIS APPLICATION IS SUBMITTED JOINTLY/UNILATERALLY*

I/we* the undersigned hereby apply to Hong Kong International Arbitration Centre (HKIAC) for all disputes or differences arising out of or in connection with the contract/agreement detailed below to be referred to arbitration under the HKIAC Short Form Arbitration Rules for the time being in force.

2 DETAILS OF PARTIES:

Claimant:

Name _____

Address _____

Tel No _____

Fax No _____

Solicitors/Advisers (If Any):

Name _____

Address _____

Tel No _____

Fax No _____

Respondent:

Name _____

Address _____

Tel No _____

Fax No _____

Solicitors/Advisers (If Any):

Name _____

Address _____

Tel No _____

Fax No _____

3 CONTRACT/AGREEMENT: (Enclose a copy or summarise briefly)

* Delete as appropriate

4 **ARBITRATION CLAUSE OR AGREEMENT:** (A copy is attached to this application. This is essential in the case of a unilateral application.)

5 **DISPUTE:** (Brief particulars of nature, circumstances and location, of dispute, issue for arbitration and amount at issue are all that are required at this stage. The parties will be asked to make detailed submissions in due course.)

6 **ARBITRATOR:**
(a) HKIAC are hereby requested to appoint an arbitrator *, or
(b) An arbitrator has been agreed upon by the parties.* His or her details are as follows:

Name _____

Address _____

Tel No _____

Fax No _____

7 **OTHER RELEVANT DETAILS:** (e.g. unilateral application: date on which party was requested to concur in appointment of arbitrator, names of arbitrators proposed etc)

* Delete as appropriate

8 **REGISTRATION/APPOINTMENT FEE:** A cheque for HK\$4,000.00# (payable to Hong Kong International Arbitration Centre) in respect of the registration/appointment fee is enclosed.

9 **ARBITRATION RULES** - In the case of a joint application: We the parties to the application confirm that we are each in possession of a copy of the Hong Kong International Arbitration Centre Short Form Arbitration Rules and agree to be bound by these Rules and by the award of the Arbitrator appointed to determine the dispute.

10 **SIGNED:** (Joint applications must be signed by both parties. Unilateral applications need only be signed by one party.)

_____ Date: _____
(Claimant)

_____ Date: _____
(Respondent)

* Delete as appropriate

Subject to change without notice.