



# HKIAC and Innovations in Cross-Border Dispute Resolution and Access to Justice

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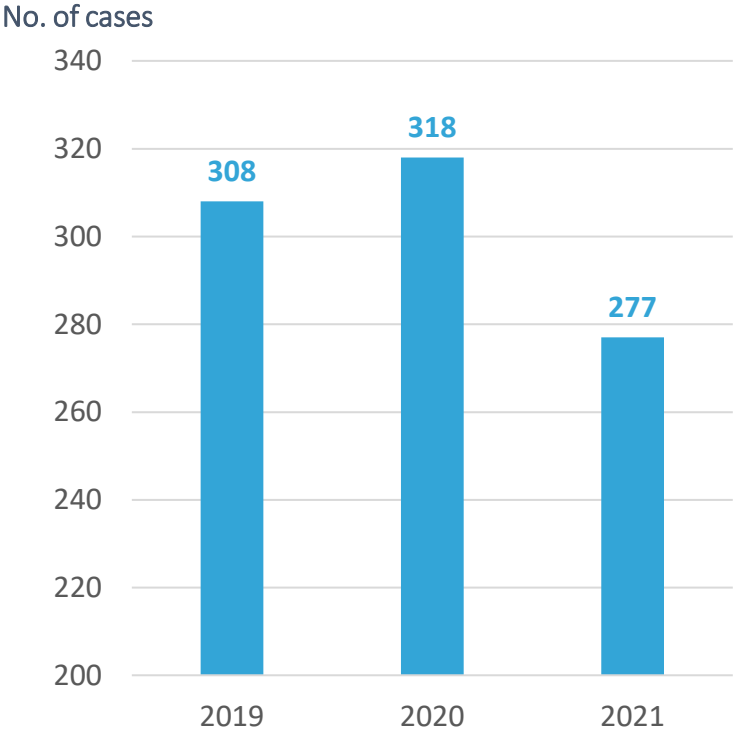


# ARBITRATION CASELOAD

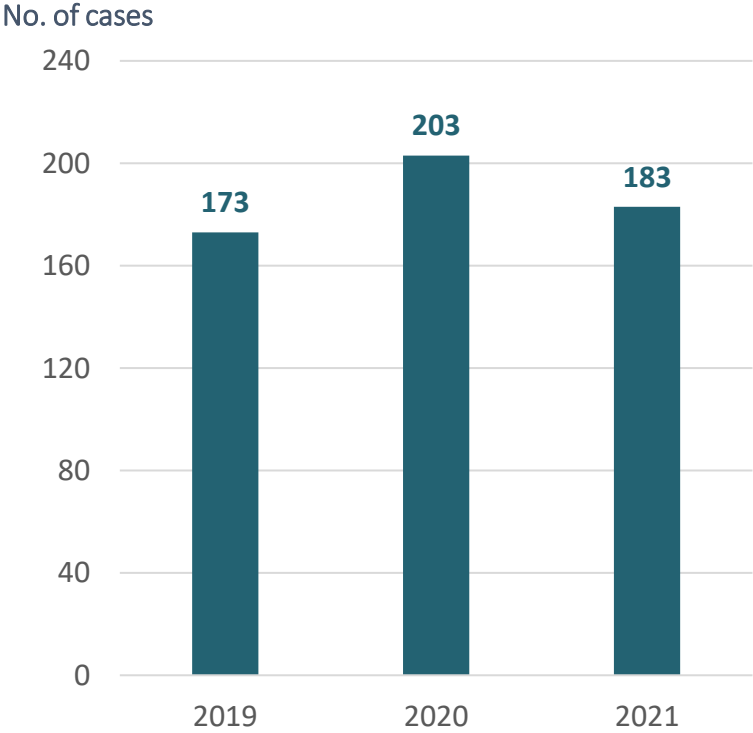


## 2021 arbitration statistics

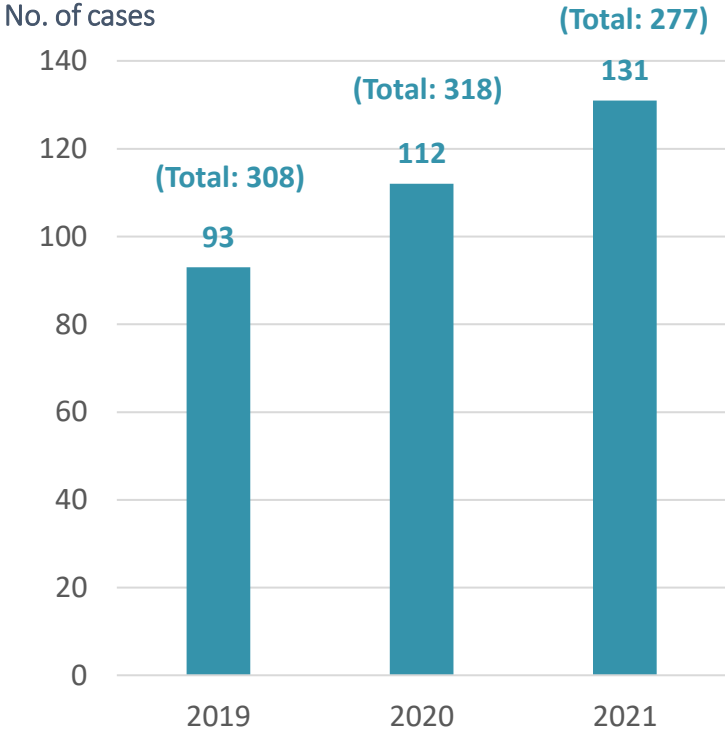
Total HKIAC arbitration cases



Total arbitration cases administered by HKIAC

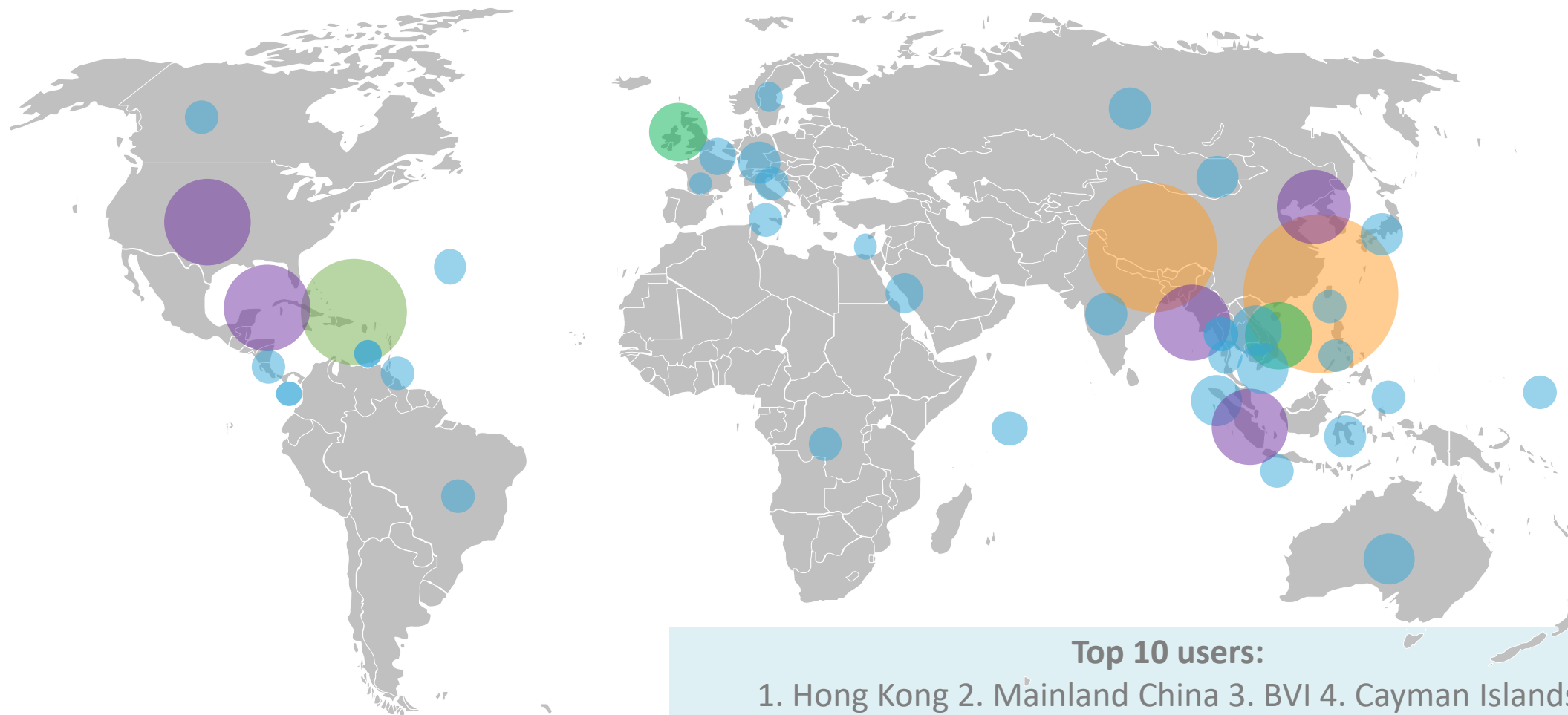


HKIAC arbitration cases commenced with multiple parties or multiple contracts



# ARBITRATION CASELOAD BY PARTY NATIONALITY 2021

Parties from 41 jurisdictions



## Top 10 users:

1. Hong Kong
2. Mainland China
3. BVI
4. Cayman Islands
5. USA
6. Singapore
7. South Korea
8. UK
9. Japan, Seychelles



## Key Objectives



**Time and cost saving measures**



**Efficiency in complex arbitrations**



**Relevance to developments in international arbitration**

# KEY FEATURES: 2018 HKIAC ADMINISTERED ARBITRATION RULES



## Cost saving measures



- Arbitrator fee choice system (Hourly rate / amount in dispute)
- Cap on arbitrator hourly rate (HK\$6,500, approx. US\$800)
- Cap on emergency arbitrator fees
- Tribunal secretary service

## Time saving measures



- Early determination procedure
- Time limit for issuing awards
- Expedited procedure
- Emergency arbitrator procedure

## Efficiency in complex arbitrations



- Consolidation of two or more arbitrations
- Single arbitration under multiple contracts
- Joinder of additional parties
- Multiple arbitrations conducted concurrently

## Relevance to recent developments



- Use of ADR in arbitration (e.g., arb-med-arb)
- Addressing third party funding arrangements
- Delivery and storage of documents through online repository, including Case Connect



## Relevance to Developments in International Arbitration

Use of ADR in arbitration (e.g., arb-med-arb)

Addressing third-party funding arrangements

Encourage effective use of technology

**Art. 3.1**

**Delivery of documents through an  
online repository system**

**Art. 13.1**

**Encourage the arbitral tribunal to use  
technology**



# HK-PRC ARRANGEMENT ON INTERIM MEASURES

Arrangement entered into on 1 October 2019



PRC courts can now order interim measures in aid of arbitrations seated outside of Mainland China – **in Hong Kong only**



Parties to HK-seated arbitrations administered by qualified institutions (HKIAC) may obtain preservation of assets, evidence, conduct from Mainland courts



Reciprocal arrangement but **key development** is access to Mainland Courts for HK-seated arbitrations

# HKIAC STATISTICS UNDER THE INTERIM MEASURES ARRANGEMENT



Parties to **Hong Kong-seated** arbitrations administered by **HKIAC** may seek interim relief from Mainland Chinese courts



83 applications (assets, evidence and conduct)



Court orders granted **RMB 13.3 billion** (USD 2.1 billion) worth of assets



83.7% foreign, 16.3% Mainland Chinese **applicants**

68.2% Mainland Chinese, 31.8% foreign **respondents**



# Additional Route to Mainland Interim Relief and Enforcement with CICC



Decision made on 22 June 2022 by SPC



**First arbitral institution outside the Mainland to be included in the “One-Stop” Platform for Diversified International Commercial Dispute Resolution of the China International Commercial Court**



**More effective alternative to the current arrangements between the Mainland and the Hong Kong SAR for interim relief and enforcement of arbitral awards**



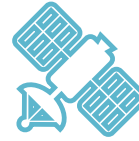
**Parties in qualifying HKIAC cases will benefit from direct access to the CICC for interim relief and enforcement of arbitral awards on the Mainland**

# HKIAC EXPERIENCE WITH VIRTUAL HEARINGS



## Virtual hearings have been used in a variety of cases

- Simple procedural hearings
  - Full merits hearings
- Fully/partially virtual hearings
- Multiple locations/time zones
  - Remote transcription
  - Remote interpretation
- Electronic presentation of evidence



## Most hearings in 2021 have been virtual

- 138 hearings
- 73% virtual (101)
- 73 partially virtual
- 28 fully virtual



## What kinds of virtual hearings has HKIAC held?

HKIAC cases  
ICC, SIAC, SCC, *ad hoc*  
cases

Court proceedings in  
Hong Kong, Singapore,  
Canada, Kuala Lumpur,  
Thailand

# HKIAC Case Digest



Database launched in December 2021



**A searchable database of anonymised and summarised procedural decisions taken by HKIAC**



**Provides subscribers with insight into HKIAC's procedural decision-making, including analyses by the HKIAC's Proceedings and Appointments Committees, under various rules**



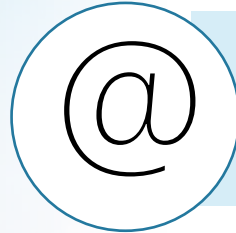
**Awarded Best Innovation by an Individual or Organisation at the 12th annual GAR Awards ceremony during Paris Arbitration Week 2022**

# HKIAC Case Connect

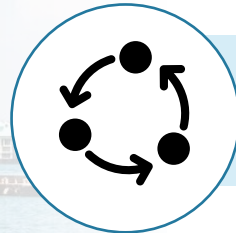
## Online Case Management



Central repository for parties and arbitrators to communicate and share relevant documents and dates for arbitration matters

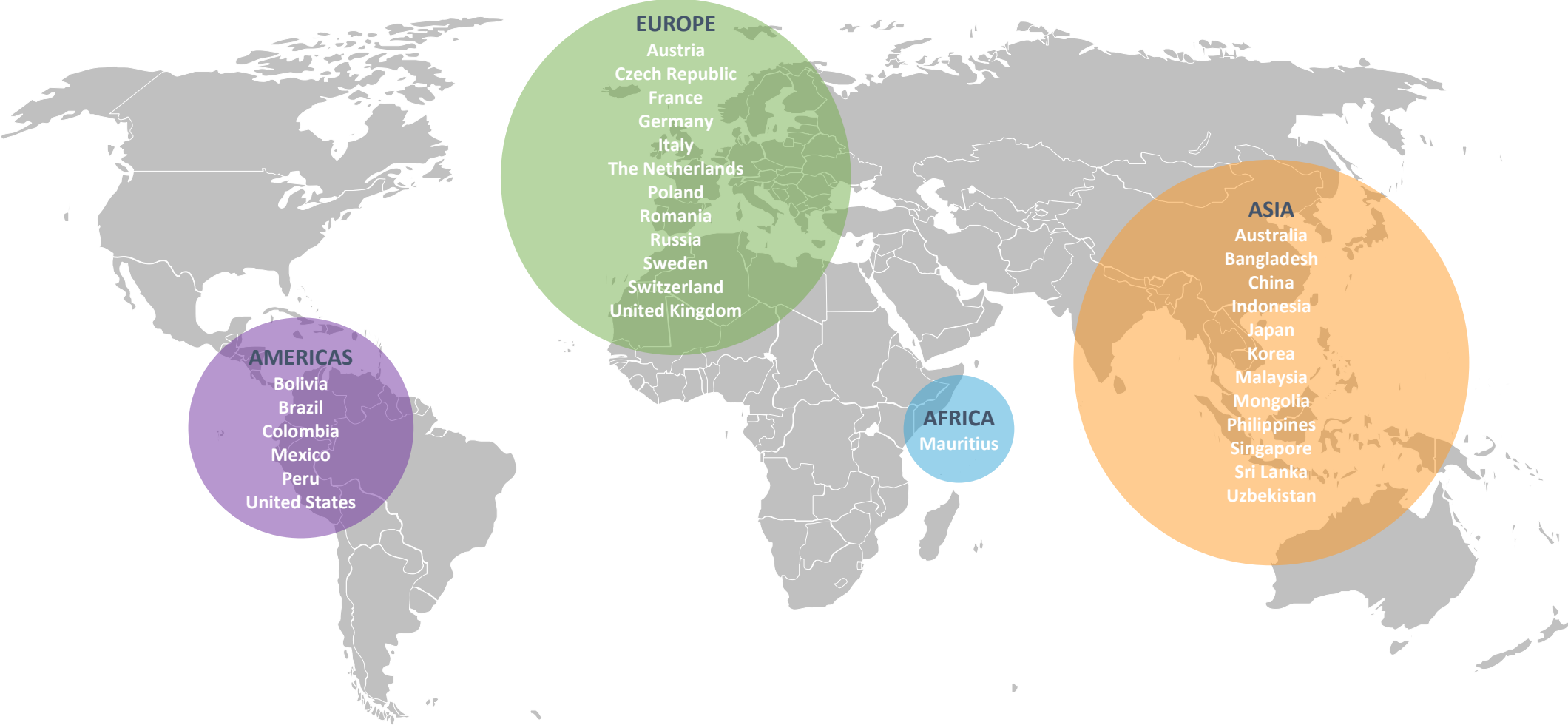


Upload documents, set and trace deadlines and hearing dates on a shared calendar. All documents, dates, contact details, and case information in one place



Allows centralization and ease of access to arbitration materials, lowers logistic costs, improves security

# HKIAC COOPERATION AGREEMENTS





# QUESTIONS



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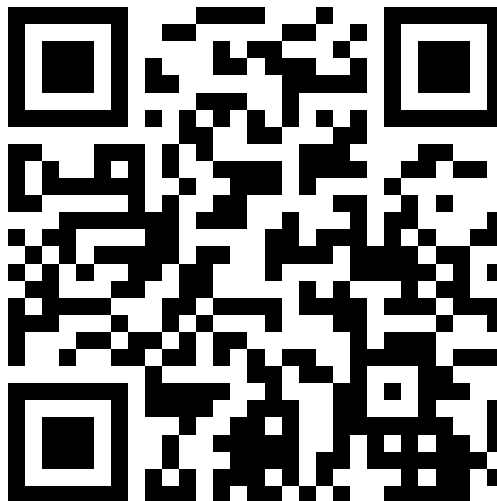




## 2018 Administered Arbitration Rules



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