

Hong Kong International Arbitration Centre Challenge Rules
(adopted by the Council of the Hong Kong International
Arbitration Centre on 25 March 2008)

1. A challenge to an arbitrator or umpire ('the challenged arbitrator') which is to be determined by the Hong Kong International Arbitration Centre ('the HKIAC') shall be dealt with in accordance with these rules.

2. The Council of the HKIAC ('the Council') shall determine a challenge. In order to come to its determination, the Council may appoint a sub-committee of no more than three persons to oversee procedural matters, to consider the evidence and submissions made in respect of that evidence and to make recommendations to the Council to assist the Council in coming to its determination.

3. (a) A challenge and accompanying documents shall be addressed to the Secretariat of the Hong Kong International Arbitration Centre ('the Secretariat').

(b) A challenge shall be accompanied by a cheque drawn on a Hong Kong bank or a bank draft or by telegraphic transfer (A/C No.:004-567-190897-001 with HSBC, No.1 Queen's Road Central, Hong Kong; Swift Code: HSBC HK HHH HK – please notify HKIAC when the transfer is completed) for a sum of HK\$50,000.00 as a non-refundable registration fee on account of the Hong Kong International Arbitration Centre's fees and expenses.

- (c) The Council may require the party making a challenge to deposit a further sum or sums to meet any additional fees and expenses. The party making the challenge shall, however, be given the opportunity to make written representations to the Council (through the Secretariat) before any decision is made as to the amount of such further sum or sums. The Council shall not be obliged to deal further with a challenge until such further deposit has been made.
- 4. (a) A challenge and accompanying documents shall be copied to the other parties to the arbitration and to the arbitration tribunal.

(b) If a challenge to an arbitrator or umpire has been presented to another person before being presented to the Council, the party requesting the Council to make a determination shall forward to the Secretariat a letter of request to this effect accompanied by a copy of the original challenge and supporting documents. The letter of request shall be copied to the other party to the arbitration and to the arbitration tribunal.
- 5. The grounds of a challenge shall be limited to the grounds set out in the original challenge. Any new grounds will have to be the subject of a new challenge.
- 6. (a) A challenge having been made, the other parties to the arbitration and the challenged arbitrator shall be given an opportunity to answer that challenge. The party making the challenge shall thereafter be given an opportunity to respond to each and every answer.

- (b) All answers to a challenge and responses to such answers shall be made within such time as the Council shall direct.
- (c) All answers to a challenge and responses to such answers shall be copied to the other parties.

7. The Council shall determine a challenge on the basis of written evidence and written submissions alone.

8. The Council's determination in respect of any challenge shall be given to the parties in writing. The Council may in its sole discretion decide whether to support such determination with reasons.
