

(Dated 11 Feb 2020)

Hong Kong Institute of Arbitrators
Model Arbitration Clauses

Introduction

The Administered Arbitration Rules attached hereto (“**Rules**”) have been adopted by the Hong Kong Institute of Arbitrators (“**Institute**”) for use by parties who seek to avoid the costs and delay of formalities, and to benefit from the convenience of light-touch administered arbitration. The Rules take effect as at 11 February 2020.

Application

These Rules may be adopted in an arbitration agreement or in a dispute resolution clause of an agreement at any time before or after a dispute has arisen. They may be adopted for international or domestic arbitral proceedings with Hong Kong as the seat of arbitration.

Model Clause 1

Where parties to a contract wish to resolve their potential dispute by arbitration under the Rules before it has arisen, they may incorporate the following terms into their contract:

“Any dispute arising out of or in connection with this contract shall be settled by arbitration in Hong Kong under the Administered Arbitration Rules of the Hong Kong Institute of Arbitrators in force at time the Notice of Arbitration is submitted thereto.”

Model Clause 2

Where parties to an existing dispute have not entered into an agreement to arbitrate, they may agree to refer the dispute to arbitration under the Rules in the following terms:

“We, the undersigned, agree to refer to arbitration in Hong Kong, all the disputes arising out of or in connection with the following contract, under the Administered Arbitration Rules of the Hong Kong Institute of Arbitrators.

The terms of the contract between the parties dated ____ are as follows:

[Brief description of the contract]

signed by: (Claimant)

signed by: (Respondent)

Date: