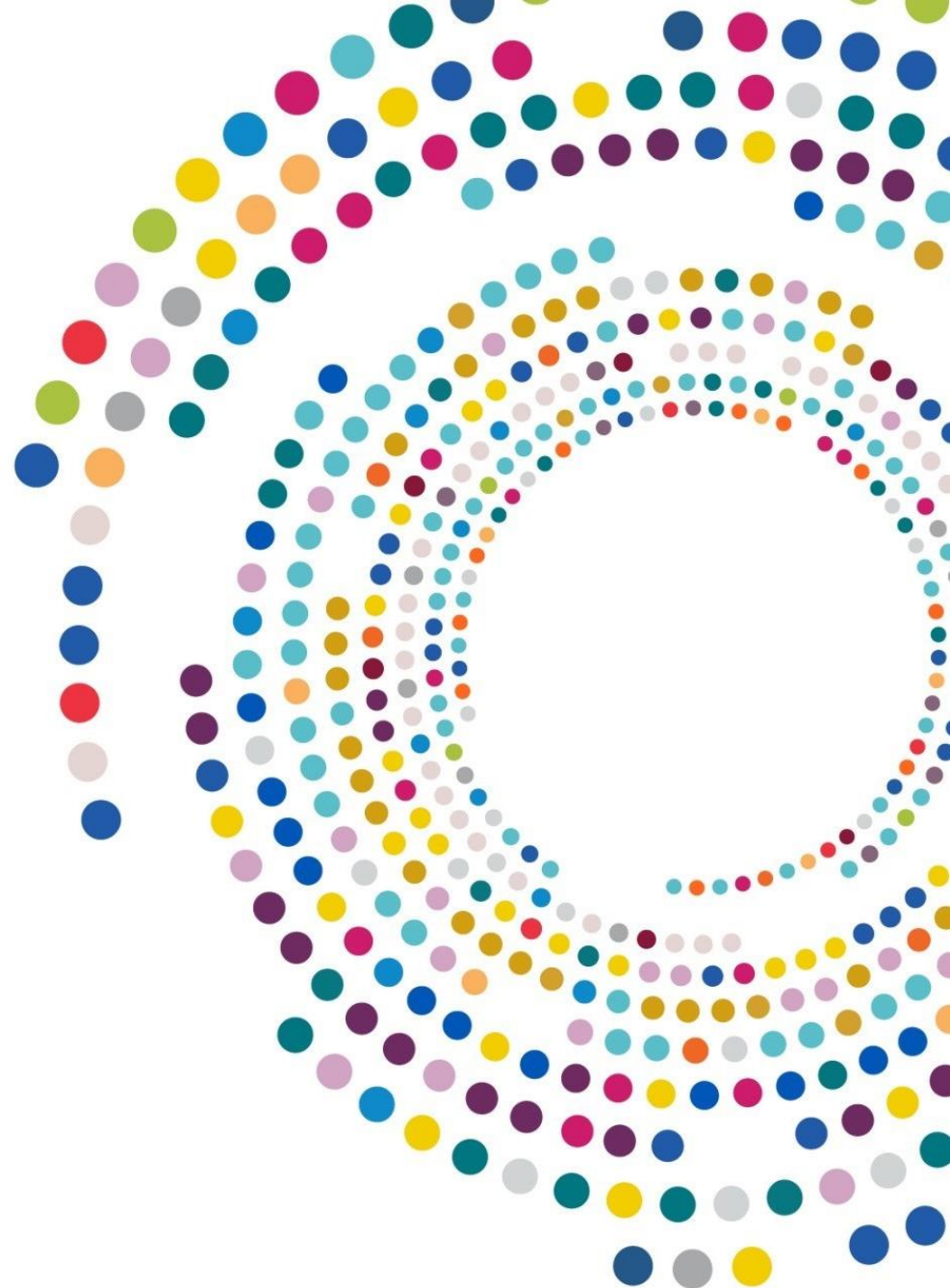


**DUE PROCESS
CONCERNING DISCOVERY
AND PRODUCTION OF
DOCUMENTS IN
ARBITRATION IN HONG
KONG**

**香港仲裁中正当程序之
文件披露与交换**



Introduction

简介

- What is Discovery?
文件披露是什么？
- Discovery in Common Law Court Proceedings
普通法法院程序中的文件披露

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- Hong Kong Arbitration Ordinance (Cap.609)
香港法例第609章 《仲裁条例》
 - Agreed Procedure
仲裁双方协定的程序
 - IBA Rules on Taking of Evidence
《国际律师协会国际仲裁取证规则》
 - 2018 HKIAC Administered Arbitration Rules
2018香港国际仲裁中心机构仲裁规则
 - Case Law
判例法

Best Practice to Conduct Discovery

文件披露的最佳惯例

- International best practice
国际最佳惯例
- Redfern Schedule
Redfern（雷德范）申请表
- Advantage of Redfern Schedule
Redfern申请表的优点

-
- Article V(1)b of the New York Convention
《纽约公约》第五(1)b条
 - Does denial of discovery by an arbitral tribunal give rise to grounds under Article V(1)b to set aside an award or refuse enforcement?
当仲裁庭拒绝一方提出的文件披露要求时，会否构成在第五(1)b条下撤销裁决或拒绝执行裁决的理由？
 - Tribunal's conduct must be “*serious or egregious*”: *Grand Pacific Holdings Ltd v Pacific China Holdings Ltd* [2012] 4 HKLRD 1
仲裁庭的行为必须是「严重或过分」的
 - Hong Kong Courts follow a pro enforcement bias under the New York Convention
香港法院为遵从《纽约公约》的原则，倾向承认并执行仲裁庭的裁
决

Questions?

欢迎提问

