Procedure for nominating and appointing an adjudicator

1. Before appointing an adjudicator, HKICM undertake appropriate checks and be satisfied that an individual does not have a conflict of interest in respect of the appointment, or circumstances exist that give rise to justifiable doubts as to the individual's independence or impartiality.

2. HKICM set out the following methodologies for nominating and appointing an adjudicator within 7 working days after the date on which an adjudication notice is served:

   (i) Shortlist at least 5 candidates from the panel after checking their availabilities and conflict of interest (CoI);
   (ii) Amongst the candidates, nominate at least 2 candidates to the adjudicating parties with their CVs (which should include the adjudication/arbitration/mediation cases handled by the candidate in the past 3 years, with a general description of the nature of the claim and the amount involved in each case), fees, and declaration/ disclosures as to CoI;
   (iii) Allowing at least 2 working days for parties to raise concerns on CoI of the candidates and indicate their preferences;
   (iv) Appoint candidate according to the indicated preferences of both the claimant and respondent or if the preference does not coincide, appoint candidate according to the HKICM's proposed criteria (e.g. candidates' relevant experience); and
   (v) The entire process shall be completed within 7 working days after the date on which the adjudication notice is served on the HKICM.

3. HKICM use templates of correspondence with the parties and the adjudicator to be appointed that reflect its proposed nominating procedure with its application, as per Annexes A to D to the Guidance Notes for the ANB adoption.

4. Adjudicators and HKICM shall follow the Development Bureau's Guideline on Conflicts of Interest in Adjudication, and the circumstances under which a person is ineligible to act as an adjudicator for a payment dispute as outlined in the Ordinance, including General Standards (1) to (7) and the explanations to the General Standards in Part I of the International Bar Association "IBA Guidelines on Conflicts of Interest in International Arbitration" (2024 Edition) Guidelines, with necessary modifications and the express deviations set out in paragraph 5 below, to the evaluation of existence of conflict of interest and justifiable doubts under section 28 and the obligation to disclose conflict of interest and justifiable doubts under section 29 of the Ordinance.

Remarks:

a. The content of adjudication notice has been outlined in the Ordinance and detailed in the template Form A of HKICM Adjudication Rules.
b. The requirements on declaration and disclosure by adjudicator candidates during nomination stage have been outlined in the Ordinance and detailed in the template Form B of HKICM Adjudication Rules.