

# 淺談新加坡仲裁之規範及原則

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# Overview

- Arbitration in Singapore
  - Commencing the arbitration
  - The arbitration process
  - The hearing
  - Enforcement
- Costs of Arbitration
- Third-Party Funding



# Arbitration in Singapore

- Singapore as hub of arbitration
  - Singapore International Arbitration Centre
  - Permanent Court of Arbitration office
  - International Chamber of Commerce
  - Singapore Chamber of Maritime Arbitration
  - World Intellectual Property Organization Arbitration & Mediation Centre
  - American Arbitration Association
- 2021 Queen Mary University of London International Arbitration Survey: Singapore is among the top 5 most preferred seat for arbitration

# Arbitration in Singapore: Commencing the Arbitration

- What does the dispute resolution clause say?
  - Seat of arbitration
  - Which rules are applicable
  - Governing law
  - Appointment of arbitrator
  - Multi-tiered arbitration clause
- Filing of the Notice of Arbitration/Request for Arbitration
  - Response to notice of arbitration
  - Counterclaims
  - Most arbitration institutions require filing fees and deposits

# Arbitration in Singapore: The Arbitration Process

- Procedural Conference/Procedural Orders
- Jurisdictional challenge ( 仲裁管轄權異議 )
- Document disclosure ( 文件揭示 ) and document production ( 文件提出 )
  - Redfern schedule
- Interim reliefs ( 臨時救濟 )

# Arbitration in Singapore: The Arbitration Process

- Procedural tools
  - Emergency arbitrator (緊急仲裁員)
    - SIAC Rules 2016, Schedule I; ICC Rules 2021, Article 29, Appendix V
  - Consolidation (合併仲裁)
    - SIAC Rules 2016, Rule 8; ICC Rules 2021, Rule 10
  - Multi-Contract (多份合約)
    - SIAC Rules 2016, Rule 6; ICC Rules 2021, Rule 9
  - Joinder (當事人的追加)
    - SIAC Rules 2016, Rule 7; ICC Rules 2021, Rule 7
  - Expedited arbitration (快速程序)
    - SIAC Rules 2016, Rule 5; ICC Rules 2021, Article 30
  - Early dismissal of claims or defences/summary dismissal (早期駁回仲裁申請和答辯)
    - SIAC Rules 2016, Rule 29; ICC Rules 2021, Article 22

# Arbitration in Singapore: The Hearing

- Factual Witnesses and Expert Witness
  - Interpreter
  - Direct examination
  - cross-examination
  - Re-examination

# Arbitration in Singapore: Enforcement

- Singapore is a party to the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Award (commonly known as New York Convention).
- Setting aside of arbitration awards ( 撤銷仲裁裁決 )
  - Limited grounds to set aside
  - No appeals on merits

# Costs of Arbitration

- What are the costs involved in arbitration:
  - Legal professional fees;
  - Arbitral institution fees;
  - Tribunal's fees;
  - Translation fees;
  - Hearing fees, *e.g.* transcription, interpretation, hearing room; and
  - Expert fees

# Third-Party Funding

- Third-party funding ( 第三方資助 ) involves the funding of a claim by a funder who has no connection to the dispute. The funder will agree to finance some or all of the party's fees in exchange for a share of the recovered damages.
- The two key benefits:
  - Potential Claimant who may not have the requisite funds to initiate/sustain a claim in international arbitration can now turn to professional third-party funders to assist in bearing the costs
  - Offers an additional source of financing and means of managing the financial risks of the proceedings.