The Arbitration Law of the People's Republic of China (as Amended in 2025)

The Arbitration Law of the People's Republic of China first entered into force in 1995. It underwent two minor revisions in 2009 and 2017. On 12 September 2025, the Standing Committee of the National People’s Congress adopted the Amendment to the Arbitration Law of the People’s Republic of China. The Law as amended (“**the Amended Law**”) will take effect on 1 March 2026.

The Amended Law aims to modernize China’s arbitration framework and align the framework with international practices. It strives to promote use of arbitration in international commercial disputes and enhance the attractiveness of foreign investment in China.

This newsletter outlines, non-exclusively, a few articles in the Amended Law which may be of interest to the professionals in the Hong Kong SAR. The titles in the following are added for ease of reference. As there is no official English translation of the Amended Law available at the time of this writing, the Chinese text of the articles is excerpted below. The Amended Law can be found here.

- **Recognition of seat of arbitration**

  “当事人可以书面约定仲裁地。除当事人对仲裁程序的适用法另有约定外，以仲裁地作为仲裁程序的适用法及司法管辖法院的确定依据。仲裁裁决视为在仲裁地作出 …”。(Article 81 of the Amended Law)

- **Setting aside and non-enforcement of arbitral awards**

  “当事人申请撤销裁决的，应当自收到裁决书之日起三个月内提出”。(Article 72, ditto)

“当事人提出证据证明裁决有下列情形之一的，可以向仲裁机构所在地的中级人民法院申请撤销裁决：
（一）没有仲裁协议；
（二）裁决的事项不属于仲裁协议的范围或者仲裁机构无权仲裁；
（三）仲裁庭的组成或者仲裁的程序违反法定程序；
（四）裁决所根据的证据是伪造的；
（五）对方当事人隐瞒了足以影响公正裁决的证据；
（六）仲裁员在仲裁该案时有索贿受贿、徇私舞弊、枉法裁决行为。

人民法院经组成合议庭审查核实裁决有前款规定情形之一的，应当裁定撤销。

人民法院认定该裁决违背公共利益的，应当裁定撤销”。(Article 71, ditto)

- **Jurisdiction**

“在中华人民共和国领域内作出的发生法律效力的仲裁裁决，当事人请求执行的，如果被执行人或者其财产不在中华人民共和国领域内，当事人可以直接向有管辖权的外国法院申请承认和执行”。(Article 85, ditto)

- **Foreign arbitration institutions set up in free trade zones**

“支持仲裁机构到中华人民共和国境外设立业务机构，开展仲裁活动。
根据经济社会发展和改革开放需要，可以允许境外仲裁机构在国务院批准设立的自由贸易试验区、海南自由贸易港等区域内依照国家有关规定设立业务机构，开展涉外仲裁活动”。(Article 86, ditto)

- **Scope of disputes**

“仲裁机构、仲裁庭可以依照有关国际投资条约、协定关于将投资争端提交仲裁的规定，按照争议双方约定的仲裁规则办理国际投资仲裁案件”。(Article 94, ditto)

- **Possibility of online arbitration**

“仲裁活动可以通过信息网络在线进行，但当事人明确表示不同意的除外。
仲裁活动通过信息网络在线进行的，与线下仲裁活动具有同等法律效力”。
(Article 11, ditto)

- **Institutional opportunities for Hong Kong arbitrators and practitioners**

“鼓励涉外仲裁当事人选择中华人民共和国（包括特别行政区）的仲裁机构、约定中华人民共和国（包括特别行政区）作为仲裁地进行仲裁”。(Article 87, ditto)

“ … 仲裁机构可以从具有法律、经济贸易、海事海商、科学技术等专门知识的境外人士中聘任仲裁员”。(Article 22, ditto)

- **Ad hoc arbitration**

“涉外海事纠纷或者在经国务院批准设立的自由贸易试验区、海南自由贸易港以及国家规定的其他区域内设立登记的企业之间发生的涉外纠纷，当事人书面约定仲裁的，可以选择由仲裁机构进行；也可以选择以中华人民共和国为仲裁地，由符合本法规定条件的人员组成仲裁庭按照约定的仲裁规则进行，该仲裁庭应当在组庭后三个工作日内将当事人名称、仲裁地、仲裁庭的组成情况、仲裁规则向仲裁协会备案…”。(Article 82, ditto)

Mr. Huen Wong, SBS, BBS, JP, an arbitrator of the Financial Dispute Resolution Centre, welcomed this latest reform.

“The revision of the PRC Arbitration Law is a transformative development and opens a window for local arbitrators and professionals; in particular, we welcome the introduction of ad hoc arbitration for foreign related disputes. That said, Article 82 may require some further elucidation before ad hoc arbitration can be fully implemented in the Chinese Mainland.” Huen Wong suggested.

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