

Government launches Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong

The Government launched today (June 29) the Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong (the Scheme). It aims to provide facilitation for eligible non-Hong Kong residents participating in arbitral proceedings in Hong Kong on a short-term basis in order to strengthen Hong Kong's position as an international centre for legal and dispute resolution services in the Asia-Pacific region, and be in line with the Belt and Road Initiative as well as the Guangdong-Hong Kong-Macao Greater Bay Area Development.

Under the Scheme, nationals of countries who may visit Hong Kong visa-free (visa-free nationals) and are in possession of the "Letter of proof" (the Letter) are allowed to participate in arbitral proceedings in Hong Kong as visitors, i.e. they will not be required to obtain employment visas. The duration that they may stay in Hong Kong for participating in arbitral proceedings shall not exceed the current visa-free period for visit. The Scheme will run on a trial basis for two years.

The Scheme covers the following four categories of visa-free nationals, namely (i) arbitrators; (ii) expert and factual witnesses; (iii) counsel in the arbitration; and (iv) parties to the arbitration (Eligible Persons).

Persons who are seeking to benefit from the Scheme shall obtain the Letter confirming that they are Eligible Persons participating in arbitral proceedings in Hong Kong:

(a) For arbitrations that are being administered by an arbitral institution, the Letter shall be issued by one of those qualified arbitral and dispute resolution institutions and permanent offices in Hong Kong which satisfies the criteria set out under Article 2(1) of the "Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the HKSAR". For details of the list of institutions and permanent offices and their contact details, please visit the Department of Justice (DoJ) website (www.doj.gov.hk/eng/public/interim_measures_outcome.html and www.doj.gov.hk/pdf/2019/list_of_institutions_e.pdf).

(b) For ad hoc arbitrations (i.e. arbitrations not administered by an arbitral institution) that are held in reputable venue(s) with established and well-equipped hearing

facilities (namely, the Hong Kong International Arbitration Centre and the DoJ), the Letter shall be issued by such venue providers.

The DoJ has issued a Guidance Note on the Scheme to the abovementioned arbitral institutions.

The Scheme will be reviewed in two years' time. Subject to the review, it may be extended to those Eligible Persons coming from other jurisdictions including the Mainland of China.

It should however be noted that in view of COVID-19, with effect from March 25, 2020, until further notice, all non-Hong Kong residents coming from overseas countries and regions by plane will be denied entry to Hong Kong, and non-Hong Kong residents coming from the Mainland, Macao and Taiwan will be denied entry to Hong Kong if they have been to any overseas countries and regions in the past 14 days. Persons covered by the Scheme are also subject to the entry restriction for the time being.

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