

Relevant provisions of Arbitration (Amendment) Ordinance 2021 to come into operation tomorrow

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Part 2 of the Arbitration (Amendment) Ordinance 2021 will come into operation tomorrow (May 19) to fully implement the Supplemental Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the Hong Kong Special Administrative Region (Supplemental Arrangement) signed between the Government of the Hong Kong Special Administrative Region (HKSAR) and the Supreme People's Court of the People's Republic of China on November 27, 2020.

The purpose of signing the Supplemental Arrangement is to amend the Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the HKSAR (Arrangement) which came into effect on February 1, 2000, and bring it more fully in line with the current practice of international arbitration.

The Supplemental Arrangement amends the Arrangement, inter alia, by re-defining the scope of application of the Arrangement by way of following the seat of arbitration approach and removing the previous restriction of the Arrangement in order to allow parties to make simultaneous applications to both the courts of the Mainland and the HKSAR for enforcement of an arbitral award, so as to comply with the prevailing international arbitration practice under the Convention on the Recognition and Enforcement of Foreign Arbitral Awards. The relevant amendments are implemented through the Arbitration (Amendment) Ordinance 2021.

A spokesman for the Department of Justice said that the implementation of the Supplemental Arrangement in full will be conducive to the promotion of the development of Hong Kong's legal and dispute resolution services. Hong Kong's status as an international legal hub for legal, deal-making and dispute resolution services will be further enhanced.

Ends/Tuesday, May 18, 2021