

Government announces expansion and extension of Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong

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The Government announced today (February 28) the expansion and extension of the Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong. The Pilot Scheme is extended for two years from March 1, 2023, to February 28, 2025; and is expanded to cover all visitors, including those who require a visit visa or entry permit to enter Hong Kong (Visa-required Nationals) and residents of the Mainland, Macao and Taiwan. It further raises Hong Kong's profile as an international arbitration hub, in line with the National 14th Five-Year Plan, the Belt and Road Initiative and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area.

The Government launched the Pilot Scheme on June 29, 2020, to provide immigration facilitation for eligible nationals of countries who may visit Hong Kong visa-free (Visa-free Nationals) to participate in arbitral proceedings in Hong Kong on a short-term basis. It covered 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). Eligible Persons who were Visa-free Nationals and in possession of a letter of proof (the Letter) were allowed to participate in arbitral proceedings in Hong Kong as visitors without the need to obtain an employment visa. The duration that they may stay in Hong Kong for participating in arbitral proceedings shall not exceed the current visa-free period for visit. It was to be reviewed in two years' time.

Upon review, the scope of the Pilot Scheme is now expanded to also cover Eligible Persons who are Visa-required Nationals and residents of the Mainland, Macao and Taiwan. For the avoidance of doubt, such persons are still required to apply for the requisite visit visa or entry permit in order to enter Hong Kong. Eligible Persons are permitted to stay in Hong Kong for participating in arbitral proceedings for a period not exceeding the period for which they are permitted to remain in Hong Kong as a visitor.

Persons who seek to benefit from the Pilot Scheme shall, prior to their entry into Hong Kong, 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/en/community\\_engagement/announcements/interim\\_measures\\_outcome.html](http://www.doj.gov.hk/en/community_engagement/announcements/interim_measures_outcome.html)).

(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 revised Guidance Note on the Pilot Scheme to the above-mentioned arbitral and dispute resolution institutions. Eligible Persons shall produce the Letter upon inspection by the Immigration Department or the relevant authorities, if required. The arbitral institutions (for administered arbitrations) or venue providers (for ad hoc arbitrations) shall keep proper records of the Letters issued by them.

The Pilot Scheme will provide convenience for everyone to participate in arbitral proceedings in Hong Kong. Parties to arbitral proceedings in Hong Kong will thus have a wider range of choices of arbitrators and other related professionals, such as legal counsel and expert witnesses. The Pilot Scheme would further attract more parties to choose Hong Kong as the seat of arbitration and strengthen Hong Kong's competitiveness as a centre for international legal and dispute resolution services in the Asia-Pacific region. The Pilot Scheme will be reviewed in two years' time.

Ends/Tuesday, February 28, 2023