

## Insights

# VISA-FREE ARRANGEMENT FOR PERSONS PARTICIPATING IN ARBITRAL PROCEEDINGS IN HONG KONG

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## Introduction

On 29 June 2020, the HKSAR Government launched a Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong (“the Scheme”). The Scheme facilitates short-term entry into Hong Kong of eligible persons participating in arbitral proceedings. It was implemented with a view to strengthen Hong Kong’s position as an international centre for legal and dispute resolution service in the Asia-pacific region.

This is a very welcome development and will enhance further the attractiveness of Hong Kong as a premier international arbitration venue.

## The Scheme: An Overview

Under the Scheme, nationals of countries who, under existing visa requirements published by the HKSAR Immigration Department, may visit Hong Kong visa-free can participate in arbitral proceedings in Hong Kong as visitors without being required to first obtain employment visas (which to date has been the case).

Such eligible persons may stay in Hong Kong for the purposes of participating in arbitral proceedings for a period not exceeding the current visa-free period applicable to their particular countries. An exhaustive list of visa-free countries with their applicable periods of stay can be found [here](#).

The Scheme is running on a trial basis for two years from 29 June 2020.

## Who is eligible?

Four categories of arbitration participants are eligible under the Scheme:

- (i) Arbitrators;
- (ii) expert and factual witnesses;

- (iii) counsel in the arbitration; and
- (iv) parties to the arbitration.

## **How to benefit from the Scheme?**

A person seeking to benefit from the Scheme needs first to obtain a Letter which confirms his participation in arbitral proceedings held in Hong Kong:

(a) For arbitrations administered by an arbitral institution, the Letter should be issued by one of the qualified arbitral and dispute resolution institutions 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”. A list of such institutions as at 26 June 2020 can be found [here](#).

(b) For ad hoc arbitrations not administered by an arbitral institution, the Letter should be provided by the venue provider(s). The HKSAR Government considers the HKIAC and the HKSAR Department of Justice reputable venues with established and well-equipped hearing facilities for this purpose.

## **Any entry restrictions?**

Note that all eligible persons under the Scheme are subject to the prevailing entry restrictions imposed from time to time by the HKSAR Government.

In particular, the HKSAR Government actively has been reviewing and implementing entry restrictions and quarantine requirements for inbound travelers in view of COVID-19. Persons coming or planning to come to Hong Kong to participate in arbitral proceedings should refer to the [latest entry and quarantine procedures](#) published by the HKSAR Government.

## **RELATED PRACTICE AREAS**

- Litigation & Dispute Resolution
- Business & Commercial Disputes
- International Arbitration

## MEET THE TEAM



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