

Government announces mechanism for legal and dispute resolution services providers to apply for exemption from compulsory quarantine arrangement

The Government announced today (May 19) the mechanism for the following legal practitioners, arbitrators or mediators providing necessary professional services in arbitration, mediation or litigation proceedings to apply for exemption from the compulsory quarantine arrangement. The Department of Justice (DoJ) has started processing applications today.

The Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No.2) Regulation 2020 commenced on April 29, 2020, amending the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C) (amended Regulation). The expiry date of the amended Regulation has been extended to June 7, 2020. In accordance with the newly added section 4(1)(b) in the amended Regulation, the Chief Secretary for Administration may designate any person or category of persons for exemption from the compulsory quarantine arrangement if he is satisfied that the person's or persons' travelling is necessary for purposes relating to the provision of professional services in the interest of Hong Kong's economic development.

In accordance with the above-mentioned provision, the Chief Secretary for Administration has exempted the following categories of persons from the compulsory quarantine arrangement:

(i) An arbitrator, mediator or qualified legal practitioner acting as a counsel for a party in arbitration or mediation proceedings administered by a relevant body listed in the Appendix or in litigation proceedings in court, who returns to Hong Kong from the Mainland, Macao or Taiwan after provision of necessary professional services in the aforesaid proceedings there; or

(ii) An arbitrator, mediator or qualified legal practitioner acting as a counsel for a party in arbitration or mediation proceedings administered by a relevant body listed in the Appendix or in litigation proceedings in court, who travels from the Mainland, Macao or Taiwan to Hong Kong to provide necessary professional services in the aforesaid proceedings in Hong Kong.

An exempted person must only travel to and stay in the area/city where the services are provided for the purpose of provision of the intended services as approved, and must take every precautionary measure to ensure personal hygiene and avoid unnecessary social contact. After arriving in or returning to Hong Kong, the exempted person will be subject to medical surveillance arranged by the Department of Health for a period of 14 days. The person will be required to wear masks and check body temperature daily, and report to the Department of Health on any discomfort.

Currently, travellers to the Mainland and Macao would still be subject to the 14-day compulsory quarantine requirement imposed by the Mainland and Macao authorities. The Government of the Hong Kong Special Administrative Region is discussing with authorities in the Mainland and Macao on mutual recognition of COVID-19 testing results conducted by recognised medical laboratories, with a view to exempting the quarantine requirement for Hong Kong travellers to these places. Details of the arrangement will be announced when available.

The details of the exemption arrangement for legal and dispute resolution services providers and the application form are available on the DoJ's website (www.doj.gov.hk/eng/public/20200519_sj01.html). Eligible legal practitioners, arbitrators or mediators should submit the completed application form with all required supporting documents to the DoJ by email (idar@doj.gov.hk).

In processing the applications, the DoJ may consult the relevant legal professional bodies or arbitration or mediation bodies, as well as the relevant government bureaux/departments, when necessary. The DoJ will issue authorisation letters to the exempted persons, setting out the details and conditions of exemption.

For witnesses (including experts) or other persons involved in the above arbitration, mediation and litigation proceedings, separate applications may be made to the DoJ, which will be considered on a case-by-case basis under the relevant statutory exemption provisions.