

Government announces mechanism for legal practitioners providing services for important and large-scale commercial transactions to apply for exemption from compulsory quarantine arrangement

The Government announced today (June 15) the mechanism for legal practitioners providing necessary professional services in relation to important and large-scale commercial transactions 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 Regulation (Cap. 599C) has been extended until July 7, 2020. In accordance with section 4(1)(b) of the 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.

Pursuant to the above-mentioned provision, the Chief Secretary for Administration has recently exempted the following categories of persons from the compulsory quarantine arrangement:

A qualified legal practitioner acting for a party in an important and large-scale commercial transaction, being transactions for listing on the Stock Exchange of Hong Kong or notifiable transactions of listed companies under the applicable listing rules of the Stock Exchange of Hong Kong, who either (i) travels from the Mainland, Macao or Taiwan to Hong Kong to provide necessary legal services that require on-site physical presence in relation to the aforesaid transaction or (ii) returns to Hong Kong from the Mainland, Macao or Taiwan after provision of necessary legal services that require on-site physical presence in relation to the aforesaid transaction.

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 above exemption arrangement for legal practitioners and the application form are available on the DoJ's website (www.doj.gov.hk/eng/public/20200519_sj01.html). Eligible legal practitioners 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 bodies, when necessary. The DoJ will issue authorisation letters to the exempted persons, setting out the details and conditions of exemption.

The new mechanism has been launched in addition to the mechanism implemented since May 19 which allows legal practitioners, arbitrators and mediators providing necessary professional services in arbitration, mediation or litigation proceedings to apply for exemption from the compulsory quarantine requirement under the Regulation. Both mechanisms are conducive to promoting Hong Kong's economic development.