

Hong Kong and Mainland China sign arrangement on interim measures in aid of arbitral proceedings

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April 3, 2019

On April 2, 2019, Hong Kong and Mainland China signed the “Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region.”

Although the arrangement has not yet come into force, its signing represents a significant step for Hong Kong by proving once again its unique position as an international arbitration center. It will be the only jurisdiction able to make formal requests to courts in Mainland China to grant interim measures against Chinese counterparties to preserve assets and evidence in China, pending the outcome of arbitral proceedings administered by a list of institutions to be further confirmed by both sides.

Hong Kong already has a mechanism for granting interim measures in aid of foreign proceedings under section 21M of the High Court Ordinance (Cap. 4), and also in aid of foreign arbitral proceedings under section 45 of the Arbitration Ordinance (Cap. 609); this is recognized by the arrangement. However, no such formal mechanism has previously existed in Mainland China in respect of legal proceedings or arbitral proceedings commenced outside of Mainland China.

When the arrangement comes into force, Chinese courts will be obliged to consider applications by parties to Hong Kong arbitral proceedings for interim measures in China. The arrangement sets out in detail the documentation and information required to be submitted to Chinese courts, which shall be translated into Chinese.

Hong Kong has always been one of the top choices for international parties pursuing arbitration, due to its efficiency, transparency and reputation for fairness. With the arrangement in place, we expect to see more institutional arbitrations in Hong Kong in disputes having a Chinese element.

About Dentons

Dentons' arbitration and litigation team in Hong Kong and throughout Mainland China is uniquely positioned to help our clients navigate arbitration proceedings in Hong Kong and obtain interim orders from Chinese courts. In particular, our dedicated Greater Bay Area Arbitration team is the market leader for arbitration matters around the GBA.

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