Introduction

On 2 April 2019, the Hong Kong Government and the Mainland Supreme People's Court 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* (the “Arrangement”). The Arrangement allows parties to arbitral proceedings seated in Hong Kong to apply, at any time before an arbitral award is made, to Mainland courts for interim measures including property preservation, evidence preservation and conduct preservation.

The Supreme People's Court announced on 26 September 2019 that the Arrangement will come into force on 1 October 2019. The announcement confirms that interim relief will be available from Mainland courts in support of arbitrations administered by the following arbitral institutions in Hong Kong:

- Hong Kong International Arbitration Centre
- China International Economic and Trade Arbitration Commission Hong Kong Arbitration Center
- International Court of Arbitration of the International Chamber of Commerce – Asia Office
- Hong Kong Maritime Arbitration Group
- South China International Arbitration Center (HK)
- eBRAM International Online Dispute Resolution Centre

It is agreed between the Hong Kong Government and the Mainland Supreme People's Court that the Arrangement only covers commercial arbitration and not investor-state disputes.

Under the Arrangement, a party to arbitral proceedings in Hong Kong may apply for interim relief, in accordance with the provisions of the PRC Civil Procedure Law, to the Intermediate People's Court of the place of residence of the counterparty or the place where the property or evidence is situated. Applications may be made before or after an arbitral institution has accepted the arbitration case. If an application is made before such acceptance and is granted by an Intermediate People's Court, then unless the relevant Intermediate People's Court receives a letter from the arbitral institution certifying acceptance of the case within 30 days of the granting of interim measures, such measures would be discharged. If the application is made after the arbitral institution has accepted the case, the application shall be made to the institution which would forward the application to the competent Mainland court.

The coming into effect of the Arrangement marks another important development in establishing Hong Kong as the preferred seat of arbitrations for China-related disputes. After the Arrangement has come into force, access to interim relief from the Mainland courts will be available in support of arbitral proceedings administered by the designated arbitral institutions, whether commenced before or after that effective date.
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