

## HKIAC GUIDELINES FOR VIRTUAL HEARINGS

### INTRODUCTION

HKIAC has administered multiple hearings that are either partially or fully virtual. HKIAC's virtual hearing services may be used for arbitrations administered by HKIAC and those that are not.

Full information on HKIAC's virtual hearing services is available [here](#).

Whether or not a virtual hearing, in part or in full, is suitable for a particular matter remains a matter for the parties and the arbitral tribunal.

These Guidelines are based on HKIAC's experience and aim to ensure that participants experience a seamless and effective virtual hearing. They apply to hearings that are fully or partially virtual.

### GUIDELINES

- 1. Contact the HKIAC as early as possible** to discuss hearing dates and virtual hearing services required, even if not all details are certain.
- 2. Liaise as early as possible with all other parties and the arbitral tribunal.** This will avoid late changes to arrangements and wasted time. This is also relevant in respect of hearing procedural orders or protocols issued by the tribunal.
- 3. Complete HKIAC's [online enquiry form](#).** This form focuses participants on **five services** that are key to organising a fully or partially virtual hearing:
  - a. video conferencing;
  - b. audio conferencing;
  - c. electronic bundling and presentation of evidence;
  - d. transcription services; and
  - e. interpretation services.

A member of the HKIAC team will respond within 24 hours to **discuss your needs**. HKIAC will provide a breakdown of the costs early on and make suggestions to ensure your hearing proceeds as seamlessly and effectively as possible.

- 4. Arrange testing with all participants in advance of the hearing.** HKIAC arranges testing and will assist in training participants as required.
- 5. HKIAC can provide:**
  - a. **IP-based encrypted video conferencing** that supports up to eight different locations;
  - b. **cloud-based video conferencing** compatible with all major video conferencing platforms (Zoom, Cisco Webex, Microsoft Teams, Bluejeans).

When using cloud-based systems, participants should use LAN/Ethernet internet connections instead of WiFi connections to the extent possible, or ensure that they have access to high-quality, secured WiFi networks. Technical specifications differ between platforms and many factors affect stability. HKIAC can advise on appropriate technical specifications.

6. In addition to the primary system, HKIAC will arrange a **back-up system** for each hearing in consultation with the participants.
7. Arrange to have an IT specialist in attendance at all times (“**hearing manager**”). HKIAC provides hearing managers to monitor the proceedings and provide IT support as needed. HKIAC can provide support across **all time zones**.
8. Turn all **other devices** to mute and flight-mode and disable alerts. This will avoid feedback/audio disruption. When relying on WiFi connections, participants should minimise the use of other devices to ensure maximum bandwidth.
9. **Ensure the confidentiality and security of virtual hearings**, particularly when using cloud-based platforms. To achieve this:
  - a. all cloud-based video conferences should be password protected;
  - b. a list of participants, their full names, roles, professional affiliation, and details of the locations from which they will be joining the hearing, should be agreed and circulated to the parties and the tribunal in advance;
  - c. the tribunal or hearing manager shall only allow individuals on the approved list of participants to join the hearing. Any change to the list of participants shall be immediately circulated to the parties and the tribunal and notified to the hearing manager;
  - d. where the parties and/or the tribunal have separate virtual break-out rooms facilitated by separate video-conferencing sessions, these shall be password protected. Separate lists of participants to those rooms shall be provided to the hearing manager, who shall adhere to them strictly.
10. When **appearing by video conference**, participants should:
  - a. mute microphones unless speaking;
  - b. use physical gestures to announce that they wish to speak, e.g., by raising a hand and keeping it raised, or use the raise hand function on the electronic system if available;
  - c. avoid speaking at the same time as any other participant;

- d. avoid back-lighting such as sitting in front of a window or bright light. Back-lighting will prevent the participant being seen clearly on screen;
- e. ensure their camera is positioned at eye-level;
- f. look at the camera, not their screen;
- g. use a headset with integrated microphone where possible to protect the privacy of the proceedings at their location and improve audio quality for all participants;
- h. avoid wearing a face-mask when cameras that automatically track speakers by facial movement are being used. If that is not possible, manually operated cameras should be used.

**11. Where a **witness or expert** is participating in a video conference remotely, it may be necessary:**

- a. to arrange, where possible, for a hearing invigilator to attend at the same premises as the witness or expert, to ensure the integrity of the premises (i.e., that there is no person or recording-device present that was not approved or agreed);
- b. to arrange for a 360-degree viewing of the room by video at the beginning of each session of the virtual hearing to ensure the integrity of the room;
- c. for the tribunal to recall the witness's or expert's obligation of truthfulness including by presenting their evidence in the manner agreed and without improper influence (by administering an oath, declaration, affirmation or otherwise).

**12. Ensure that evidence bundles and documents that are to be shared virtually are supplied to the relevant service provide ("**EPE manager**") **well in advance of the hearing date** in order for the EPE manager to familiarise themselves with the bundles. The parties should also notify the EPE manager if there are certain exhibits which require annotation or guidance from the parties (e.g., technical blueprints, large maps).**

**13. Where **transcription services** are required, participants shall inform all parties, the tribunal and HKIAC as soon as possible. The parties must specify whether real-time display is required and whether transcription shall be provided remotely or in-person at a specified location (if the hearing is partially virtual). HKIAC will arrange testing with transcribers as necessary. Any **audio recording** of the hearing (including separate audio feeds for multiple languages) and circulation thereof is subject to party agreement or tribunal direction.**

**14. Where **interpretation services** are required, participants shall inform all parties, the tribunal and HKIAC as soon as possible. The parties must specify whether interpretation will be simultaneous or consecutive to allow appropriate audio arrangements to be made. Consecutive interpretation simplifies the audio arrangements but requires more time than simultaneous interpretation. HKIAC will arrange testing with interpreters as necessary.**