

For discussion on

3 July 2023

**Legislative Council Panel on
Administration of Justice and Legal Services**

**Mainland and overseas visits conducted by the Department of Justice
in the first half of 2023**

Introduction

1. As the only common law jurisdiction in the country, Hong Kong has a wealth of legal and dispute resolution professionals with cross-regional experience, giving us an edge on the provision of professional and quality legal and dispute resolution services to the Asia-Pacific region and beyond. The National 14th Five-Year Plan gives clear support for Hong Kong to position ourselves strategically as a centre for international legal and dispute resolution services in the Asia-Pacific region. To align with the policy objective to “dovetail with national strategies to create strong impetus for growth”, the Department of Justice (DoJ) has been exerting all efforts to strengthen the advancement of the rule of law, to integrate proactively into the overall development of the country, to promote the strength of Hong Kong’s legal and dispute resolution services within and outside the country on all fronts, and to tell the good stories of Hong Kong. Such efforts serve to consolidate Hong Kong’s status as a centre for international legal and dispute resolution services in the Asia-Pacific region.

Visits in the first half of 2023

Overseas

(a) Trip to the Middle East

2. The Chief Executive led the Deputy Secretary for Justice (DSJ) and other government officials and representatives of the business sector to visit Saudi Arabia and the United Arab Emirates in the Middle East from 4 to 10 February 2023 to exchange views with their political and business leaders and pay visits to local enterprises, with a view to promoting exchanges and co-operation between Hong Kong and the Middle East on various fronts.

3. The DSJ took the opportunity to present a clear picture of the well-established common law system of Hong Kong to local political and business representatives, which can interface with major Middle Eastern economies in international trade, thus bringing a unique strength to the business environment. As the Middle East is seeing development in arbitration-related fields, many local business representatives have indicated interest to learn more about the commercial arbitration and mediation services of Hong Kong, and expressed their wish to strengthen co-operation with Hong Kong by inviting Hong Kong legal professionals to assist in promoting the growth of local arbitration services. The trip also marks a new page for promoting Hong Kong's legal and dispute resolution services in the Middle East.

(b) Visit to Europe

4. From 6 to 12 March 2023, the DSJ visited four European countries, namely Italy, Austria, Switzerland and the Netherlands, to meet with leaders of

various international organisations, prominent figures of political and business sectors and representatives of different countries and economies in the World Trade Organization (WTO). During his exchanges with European business and industry leaders, the DSJ introduced the sound and robust legal system of Hong Kong and our rule of law situation and gave an update on the city's latest legal developments, accentuating our unique advantages of enjoying the strong support from the Motherland while being closely connected to the world under "One Country, Two Systems", so as to promote our legal and dispute resolution services and tell the good stories of Hong Kong.

5. The visit to Europe was conducive to closer connections and collaboration between the DoJ and international organisations. The DSJ called on a total of seven international organisations, including three prominent private international law organisations headquartered in Europe, namely the International Institute for the Unification of Private Law (UNIDROIT), the Hague Conference on Private International Law (HCCH) and the United Nations Commission on International Trade Law (UNCITRAL), and met with the representatives of different international organisations to explore opportunities for further co-operation between these organisations and Hong Kong.

6. The visit achieved fruitful and good results. For instance, at the meeting with the Secretary-General of UNIDROIT, Professor Ignacio Tirado, and the UNIDROIT management in Rome, Italy, the proposed themes of the Asia-Pacific Private International Law Summit to be co-organised in 2024 were discussed. UNIDROIT also indicated it was actively considering establishing its presence in Hong Kong by setting up a liaison office in Hong Kong in the future. During the visit to Vienna, Austria, co-operation, in particular, in promoting online dispute resolution under the Asia-Pacific Economic Cooperation and in nurturing Hong Kong's talents in the practice of foreign-related legal affairs was discussed

with UNCITRAL, with a view to contributing to the strengthening of foreign-related rule of law in our country. The HCCH confirmed that an international conference entitled “the HCCH Asia Pacific Week” would be held in September this year in celebration of its 130th anniversary. In the Netherlands, the DSJ also garnered very positive feedback at the meeting with the Permanent Court of Arbitration, which deemed the interim measures arrangements in arbitration between Hong Kong and the Mainland an immensely strong advantage, highlighting the internationally-acclaimed edge of Hong Kong in arbitration under “One Country, Two Systems”. During the meeting with Ngozi Okonjo-Iweala, Director-General of the WTO, in Geneva, various issues of mutual concern were discussed which laid an even more solid foundation for future works. The DSJ also visited the Advisory Centre on World Trade Organization Law to explore opportunities for future co-operation between the Hong Kong Special Administrative Region (HKSAR) and the WTO, and met with judges of the International Court of Justice to discuss issues on international law and possible future exchanges.

7. During his visit to Europe, the DSJ attended a number of seminars in which he delivered speeches to promote Hong Kong’s sound and robust legal system to the local political and business communities, with a view to consolidating Hong Kong’s status as the centre for international legal and dispute resolution services in the Asia-Pacific region. He also introduced how Hong Kong could leverage its strengths to make contributions under the rules-based multilateral trading system.

8. The DSJ also called on six ambassadors of the local Chinese embassies and international organisations to introduce to them Hong Kong’s latest legal developments and to keep abreast of the latest developments of the United Nations and various international organisations.

9. The visit to Europe was constructive and propitious. It facilitated direct communication between Hong Kong and the business and legal communities of the four countries as well as the representatives of various international organisations, giving them an insight into the unique strengths of Hong Kong’s legal system and the opportunities for international investment brought about by the social stability of our city following the implementation of the Hong Kong National Security Law and the improvement of the electoral system.

(c) First stop in ASEAN - Thailand

10. To consolidate Hong Kong’s status as the centre for international legal and dispute resolution services in the Asia-Pacific region, the DoJ and the Hong Kong Trade Development Council (HKTDC) launched an international promotional campaign entitled “Resolve2Win” in ASEAN in March 2023. The DSJ led a delegation comprising 30 Hong Kong legal professionals to visit Bangkok, Thailand from 16 to 18 March 2023.

11. “Resolve2Win - Legal Services of Hong Kong, Opportunities for All” which was held in Bangkok attracted more than 200 participants from different sectors including the financial, legal and professional services. Under the themes “Hong Kong as a Deal-making and Dispute Resolution Hub” and “Online Dispute Resolution on the Rising Trend”, lawyers and experts on international arbitration and mediation from Hong Kong introduced the city’s full-fledged legal services, the latest developments in mediation and arbitration, and the most recent LawTech services in Hong Kong during different discussion sessions. The promotional campaign fostered exchanges and created more opportunities for businesses and the legal and dispute resolution services sector of both places. In his subsequent keynote speech, the DSJ pointed out that national strategies

including the 14th Five-Year Plan, the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Development and the Belt and Road Initiative not only have injected continuous impetus into the growth of Hong Kong, but also brought opportunities to ASEAN member states.

12. On the same occasion, the DoJ also promoted the “Mediate First” Pledge overseas for the first time and the response was overwhelming. A total of 35 legal and business organisations, enterprises and individuals in Thailand signed the Pledge, signifying a closer relationship between Hong Kong and Thailand in promoting mediation. The DoJ will continue to bring the brand of “Mediate First” to other places.

13. The DSJ met the Secretary-General of the Office of the Judiciary of Thailand, Mr Teerasak Ngeeywijit, during the visit to further explore enhancing the existing collaboration with the Office of the Judiciary. The DSJ also called on the Minister Counsellor of the Embassy of the People’s Republic of China in the Kingdom of Thailand, Mr Yang Xin, and updated him on the latest legal developments in Hong Kong.

14. The visit to Bangkok instigated a closer tie between the legal services sector of Hong Kong and Thailand. In addition to visiting the Thailand Arbitration Center for exchanges on the development and promotion of alternative dispute resolution, the delegation also visited the Thai-Chinese Chamber of Commerce and the Lawyers Council of Thailand to discuss the development of the legal profession and issues of mutual interest. Future collaboration opportunities were explored with the Lawyers Council of Thailand, with a view to fostering closer ties between the legal sector of the two places.

The Mainland

(a) Beijing

15. The Secretary for Justice (SJ) together with relevant Law Officers visited Beijing from 28 May to 2 June 2023 to meet the senior officials of 11 ministries and commissions of the Central Government, including the Legislative Affairs Commission (LAC) and the HKSAR Basic Law Committee of the Standing Committee of the National People's Congress (NPCSC), the Supreme People's Court (SPC), the Supreme People's Procuratorate (SPP), the National Supervisory Commission (NSC), the Ministry of Justice (MoJ), the National Development and Reform Commission (NDRC), the State-owned Assets Supervision and Administration Commission (SASAC) of the State Council, the Ministry of Commerce (MoC), the Ministry of Foreign Affairs (MFA) as well as the Hong Kong and Macao Affairs Office (HKMAO) of the State Council, keeping them abreast of Hong Kong's rule of law situation and the progress of the DoJ's key policy initiatives. Views were exchanged on topics such as strengthening exchanges and co-operation in legal and dispute resolution services between the Mainland and Hong Kong, fully leveraging Hong Kong's unique advantages of enjoying strong support from the Motherland and global connections under "One Country, Two Systems", as well as promoting the development of the rule of law in the country and the city.

Improving the legal regulatory interface and integration of mechanisms between Hong Kong and the Mainland

16. The DoJ explored with, among others, the LAC and the HKSAR Basic Law Committee of the NPCSC, the SPC and the MoJ issues such as enhancing the arrangements on mutual legal assistance between the Mainland and Hong

Kong, deepening the integration of legal systems and mechanism within the GBA, the pilot measures for Hong Kong and Macao lawyers to practise in the GBA and the application of national laws in the HKSAR. Specific implementation details were also examined.

Further leveraging the strengths of Hong Kong's legal and dispute resolution services

17. The DoJ actively explored measures for further leveraging the strengths of Hong Kong's common law system with the NDRC, the SASAC of the State Council and the MoC, etc. in order to enhance stakeholders' understanding of our legal system and dispute resolution services. Through actively participating in projects with international organisations, the DoJ will further promote Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region, participate in and contribute to the country's work plan on the Belt and Road Initiative.

Strengthening talent exchanges and training of foreign-related legal talent

18. The DoJ discussed with, among others, the SPP, the NSC and the MFA ways to strengthen the development and training for officers of both places and share work experience in various areas, sustain co-operation with international organisations and further leverage Hong Kong's strengths as the only common law jurisdiction in the country for training legal talent in the practice of foreign-related legal affairs and public international law.

Reporting on DoJ's work

19. Besides, during his visit to Beijing, the SJ also reported to different ministries, in particular the HKMAO of the State Council, on the latest development on areas relating to the rule of law in Hong Kong, including safeguarding of national security, promotion of Hong Kong as the centre for international legal and dispute resolution services in the Asia-Pacific region, enhancement of our legal professional services, implementation of national laws, systematic review of the statutory laws, and rule of law education.

20. The fruitful visit to Beijing facilitated communication between the DoJ and various ministries. To further take forward the initiatives, the DoJ has set specific and targeted short-, medium- and long-term goals and is taking necessary actions to implement them as soon as possible. It will continue to fully and faithfully implement the principle of “One Country, Two Systems”, safeguard national sovereignty, security and development interests, and further leverage Hong Kong’s unique advantages as the only common law jurisdiction in the country, so as to harness the city’s strengths to meet the country’s needs and proactively integrate into the national development, thereby contributing to the great rejuvenation of the Chinese nation.

(b) GBA

Visit in April

21. Advancing the integration of legal systems and co-operation within the GBA is one of the key policy initiatives of the DoJ. The DSJ led a team of DoJ colleagues to visit Guangzhou and Shenzhen on 19 April 2023 to further implement and take forward the work of the working group on Guangdong-Hong Kong co-operation on legal and dispute resolution services and the working group on Hong Kong-Shenzhen legal co-operation in collaboration with the Department

of Justice of Guangdong Province. He also renewed the Co-operative Arrangement on Legal Matters between Shenzhen Municipal People's Government and the Department of Justice of the Hong Kong Special Administrative Region Government with the Shenzhen Municipal People's Government to provide a robust exchange platform for the relevant government departments and legal sectors in the two places, to implement the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area's deployment requirements and to pursue closer co-operation in advancing the rule of law in the GBA. Issues including the work direction of the newly established GBA Task Force, the GBA Legal Professional Examination, the GBA Cross-Boundary Disputes Mediation Model Rules and the adoption of Hong Kong law and choosing to arbitrate in Hong Kong for Hong Kong enterprises in the GBA were explored between the two places to proactively enhance the integration of legal practices in the GBA in order to promote its high value-added development.

22. The DSJ also visited the Shenzhen Qianhai Cooperation Zone People's Court and the Shenzhen Court of International Arbitration to exchange views on the co-operation in and development of dispute resolution related to Hong Kong, including the use of technology.

Visit in June

23. To further deepen legal co-operation with Guangzhou and Shenzhen, the SJ led a delegation comprising 20 representatives from two legal professional bodies, the Intellectual Property Department and the Department of Justice to visit Guangzhou and Shenzhen from 8 to 10 June 2023 to see for themselves and further understand the latest developments in the Mainland legal system and the role and opportunities of the GBA as the leading area on China's path to modernisation.

24. The SJ and the delegation visited the People's Government of Guangdong Province, Guangzhou Intellectual Property Court, Guangzhou Internet Court, Nansha International Arbitration Center, First International Commercial Court of the SPC and Shenzhen Qianhai Cooperation Zone People's Court. During the visit, they also met with the senior officials of the High People's Court of Guangdong Province and the Shenzhen Intermediate People's Court.

25. The SJ and the delegation first discussed with the People's Government of Guangdong Province the taking forward of the work of the working group on Guangdong-Hong Kong co-operation on legal and dispute resolution services and the preparatory work for the fifth Guangdong-Hong Kong-Macao Greater Bay Area Legal Departments Joint Conference. They also exchanged views on the taking forward of the trial measure of the GBA Legal Professional Examination.

26. The SJ and the delegation then visited the Guangzhou Intellectual Property Court, Guangzhou Internet Court, First International Commercial Court of the SPC and Shenzhen Qianhai Cooperation Zone People's Court to learn about the organisation structure and the work of the Courts, in particular on the procedures of online mediation and litigation, and discussed how the Courts capitalise on innovative technology to resolve disputes in a more efficient and convenient manner. The SJ also met with the President of the High People's Court of Guangdong Province to actively explore different modes of co-operation and exchanges. Both agreed to deepen collaboration.

27. The delegation also had roundtable meetings with the Guangzhou Internet Court and Shenzhen Qianhai Cooperation Zone People's Court respectively to exchange views on important issues of mutual interest such as the latest development of intellectual property law on both sides, adjudication of foreign-

related intellectual property rights cases, practical experience in handling intellectual property cases, the practice of adoption of Hong Kong law by Hong Kong enterprises in the Qianhai Court and the practice on proof of Hong Kong law. The sharing on thematic topics by stakeholder of both places facilitated mutual understanding on the relevant issues and fostered collaboration of the legal sectors of both places, including agreeing to promote the use of mediation in resolving intellectual property disputes, to jointly promote the adoption of Hong Kong law by Hong Kong enterprises, to further expand the pool of legal talent in Hong Kong laws, and to deepen the professional exchanges and mutual learning on the proof of Hong Kong law, thereby contributing to the building of a rule-based business environment in the GBA.

28. In addition, the SJ and the delegation also visited the Nansha Planning Exhibition Hall, the Nansha International Arbitration Centre and the headquarters of Tencent in Shenzhen to learn about the latest development of Guangzhou Nansha New Area, most recent initiatives in arbitration in Nansha, as well as the vision and initiatives on deepening Nansha's co-operation with Hong Kong and Macau. They also learned about the work and vision of Tencent in the development and application of innovative technology and discussed with the Dean of and representatives from Tencent Research Institute how innovative technology would affect and bring challenges to different sectors and the legal regulatory regime and ways to further enhance the efficiency and standard of professional services by utilising innovative technology.

29. The three-day visit to Guangzhou and Shenzhen was very fruitful. The DoJ will continue to spare no effort to take forward the alignment of rules and exchanges of talent, with a view to jointly pursuing mutual and win-win co-operation in the construction of the GBA. The DoJ will also encourage the Hong Kong legal sector to continue to anchor to the principle of "learning,

sharing, and exploring" so as to contribute to the high-quality development of the GBA and further enhance the protection of the rule of law and wisdom.

Visits in the second half of 2023

30. The DoJ is planning to continue its outreach efforts with relevant organisations in the second half of 2023. Scheduled programmes include:

(a) The Hong Kong Legal Services Forum

31. The DoJ will co-organise the 6th Hong Kong Legal Services Forum with the HKTDC in Chengdu in late August 2023. The Forum is one of the flagship events of the DoJ to promote Hong Kong's legal and dispute resolution services in the Mainland, which has received positive responses from different sectors since it was held in various Mainland cities in 2010. The Forum will bring together seasoned representatives from Hong Kong's legal sector to promote the strengths of Hong Kong's international legal and dispute resolution services and the latest developments in the industry to Mainland enterprises and users, thereby creating business opportunities. The SJ will lead a delegation from Hong Kong's legal sector to attend the Forum.

(b) Visits to the GBA with youth representatives

32. To assist in promoting upward mobility for young people and their more proactive integration into the overall development of the country, the DoJ is planning to bring young people, including young legal professionals and/or law students, to cities of the GBA in the second half of 2023, where exchanges between Hong Kong and Mainland talent and capacity building activities will be

held to enable them to seize the significant opportunities brought about by national policies such as the 14th Five-Year Plan and the GBA development.

Conclusion

33. Our Mainland and overseas visits in the first half of 2023 have achieved fruitful outcomes, not only allowing the DoJ and the legal sector to strengthen exchange with representatives of the political and business communities and the judicial, legal and dispute resolution sectors in the Mainland and beyond, promoting collaboration between Hong Kong's legal and dispute resolution institutions and the local counterparts, and facilitating Hong Kong's integration into the overall development of the country, but also enhancing the proper understanding of the international community about Hong Kong. The responses that the DoJ received from international organisations have been most positive and constructive, bearing witness to the unshaken recognition and belief of the international community in Hong Kong's legal system and a vote of confidence in the consolidation of Hong Kong's status as the centre for international legal and dispute resolution services in the Asia-Pacific region. The DoJ will continue to orient its effort to promote Hong Kong's strengths as the centre for international legal and dispute resolution services in the Asia-Pacific region to the local, Mainland and international communities. We will stage more mega events of interest to the legal sector, and further encourage and lead the sector to strengthen its active integration with national development strategies to contribute to the development of the country and Hong Kong.

Department of Justice

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