

Robust legal system enhances Hong Kong's strength:
SJ(with photo)

A robust legal system had, among other factors, enhanced Hong Kong's strength as a strategic springboard to Mainland China and the Asia Pacific, the Secretary for Justice, Mr Wong Yan Lung, SC, said today (October 8, Toronto time) at a luncheon hosted by the Canadian Club of Toronto and supported by the Hong Kong-Canada Business Association (Toronto).

Addressing about 160 business and community leaders, professionals, academics as well as government officials, Mr Wong said that this strength, together with a deep pool of local and overseas talent, healthy supply of capital, vast international network as well as excellent trading, financial and professional services, had made Hong Kong a platform for China's integration with the rest of the world.

Elaborating on Hong Kong's robust legal system, the Secretary for Justice said the rule of law and "One Country, Two Systems" were working well in Hong Kong, as was confirmed by reports prepared by independent outside observers including international rating agencies as well as the governments of the United States, United Kingdom and European Union.

"Common law is not only preserved but is actually enriched by the Basic Law. Since 1997, we have further moved on from the predominantly English basis to attain a more international jurisprudential repertoire, with Canada being one of the contributors. As guaranteed by the Basic Law, precedents from other common law jurisdictions can be referred to in our courts.

"Hong Kong's Court of Final Appeal (CFA) is of international acclaim and much trusted by the people of Hong Kong as well as the international business community. Judgements delivered by our CFA are of high jurisprudential value not just in Hong Kong. They have been cited in the Supreme Court of Canada, House of Lords in the UK, as well as the Federal Court of Australia," Mr Wong said.

He noted that judicial independence, as one of the pillars of Hong Kong's success, was guaranteed by the Basic Law. Protection of fundamental human rights and freedoms was also guaranteed on a constitutional level in the Basic Law.

The legal profession in Hong Kong remained strong and independent, offering a wide spectrum of expertise to a variety of private and corporate clientele, he added.

He also highlighted the Government's efforts and achievements in protecting intellectual property rights and maintaining a corruption-free society to illustrate Hong Kong's strong respect for the rule of law.

On the promotion of Hong Kong as a leading international dispute resolution centre, the Secretary for Justice said that as large international disputes involving Chinese parties were on the rise, some international arbitration bodies were already moving east into the Asia Pacific region.

"For example, the International Court of Arbitration (ICA) of the International Chamber of Commerce (ICC), which is based in Paris, has opened its first branch of Secretariat in Hong Kong.

"This is a significant move by an international arbitration institution of high repute and a show of confidence in Hong Kong's position as a centre of dispute resolution," he said.

Turning to Hong Kong's role as a strategic springboard to China, Mr Wong said the Government would boost Hong Kong's connectivity with the Mainland further and enhance its role as an off-shore centre for Renminbi.

"Perhaps the biggest advantage for overseas firms is our unique free trade pact with the Mainland, the Closer Economic Partnership Arrangement (CEPA).

"CEPA provides preferential access to Mainland markets and sectors for Hong Kong registered companies, including foreign firms incorporated in Hong Kong. Under CEPA, all Hong Kong products enjoy zero import tariffs into the Mainland. And service suppliers in 42 areas can receive preferential treatment in the form of lower barriers to entry for their services on the Mainland," he said.

Mr Wong also highlighted the increasing co-operation between the courts of Hong Kong and of Mainland China regarding mutual recognition and enforcement of court judgements.

He said a landmark agreement was signed in July 2007

between the Department of Justice and the Supreme People's Court in Mainland China to facilitate mutual enforcement of judgements in certain commercial disputes.

"We hope this will be the prototype of many others to come, and will provide further incentive for international investors to make use of Hong Kong's legal services and judicial process."

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