

The Department's links

with other jurisdictions



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The HKSAR's legal system has the same roots and applies many of the same principles as other common law jurisdictions around the world. Just as lawyers in the HKSAR refer to case law from diverse common law jurisdictions such as England, Australia, New Zealand, Canada and South Africa, so decisions of HKSAR courts can assist lawyers researching overseas. Besides, in cases concerning human rights, references were often made by lawyers and courts of the HKSAR to European jurisprudence on similar issues.

Since 1997, the HKSAR's status as a Special Administrative Region of the People's Republic of China has meant that, in addition to continuing to foster strong links with the common law world, mutual understanding with the Mainland of our two legal systems is also important.

The sharing of experience with lawyers in other jurisdictions plays an important role in legal life, a fact reflected in the composition of the HKSAR's Court of Final Appeal, which at every full hearing has included one judge from another common law jurisdiction. In short, given the HKSAR's status as an international financial and commercial centre and as the pace of globalisation continues, it becomes more and more important to maintain close ties with other jurisdictions.

Visits

The Secretary for Justice and the Law Officers regularly meet visitors from the Mainland and overseas, both lawyers and non-lawyers. The Secretary for Justice personally met numerous visitors or delegations from overseas and the Mainland between 2012 and 2014. Those from overseas included the Minister of Justice of New Zealand, Attorney General of Singapore, Minister of Justice of Mongolia, and Chairman of the



The Secretary for Justice, Mr Rimsky Yuen, SC (first left), delivering a keynote speech at the 120th anniversary of the Hague Conference on Private International Law held in the Hague in April 2013



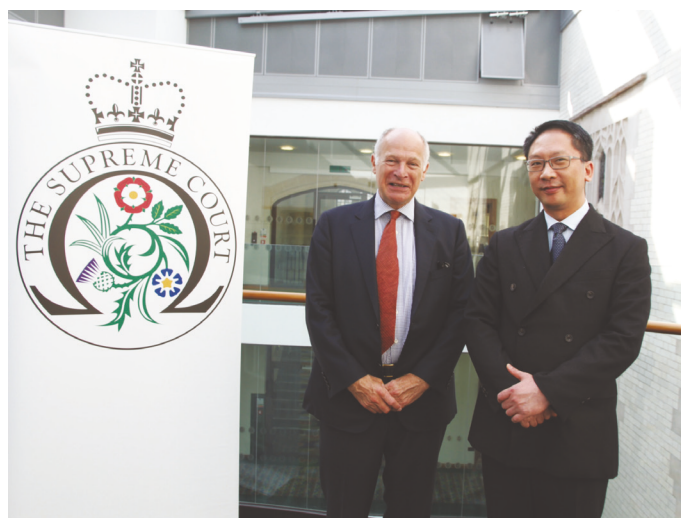
The Secretary for Justice (second left) meeting with the Korea Bar Association during an official visit in Seoul in November 2013

Bar Council of England and Wales. Visitors from the Mainland included senior judges from the Supreme People's Court and senior officials from the Supreme People's Procuratorate, the National Development and Reform Commission, the Ministry of Justice, the Department of Treaty and Law of the Ministry of Foreign Affairs, and Departments of Justice at the provincial and municipal levels. Other members of the Department met a wide range of visitors to the Department from 2012 to 2014. Members of

the Department also gave briefings on the HKSAR's legal system to many distinguished visitors from the Mainland and overseas, including lawyers, legislators, journalists and consular officials.

The Secretary for Justice and the Law Officers themselves from time to time visit their counterparts or undertake duties in other jurisdictions. For instance, in 2012 and 2013, the Secretary for Justice met officials of the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Foreign Affairs, the National Development and Reform Commission, the Ministry of Justice and other law departments in Beijing, and visited Shenzhen, Guangzhou, Xiamen, Tianjin and Qingdao, to discuss measures to further enhance legal co-operation between the HKSAR and the Mainland. The Secretary for Justice also visited The Hague, London, Seoul, Singapore, Vietnam and Cambodia, meeting senior government officials, legal practitioners and important contacts in each jurisdiction.

In September 2013, the Law Officer (International Law) led a delegation of counsel on a legal study visit to Beijing and Harbin. Organisations which the delegation visited included the Ministry of Justice,



The Secretary for Justice (right) with the President of the Supreme Court, Lord Neuberger, during an official visit in London in September 2013

the Legislative Affairs Commission of the National People's Congress and the Legislative Affairs Office of the State Council.

In 2012 and 2013, two State Counsel of the Civil Division of the Attorney General's Chambers of Singapore (Singapore AGC) were attached to the Civil Division of the Department each for five weeks. The State Counsel were interested in areas of law relating to land resumption and judicial review in



The Secretary for Justice (second left) holds discussions with officials of the Tianjin Municipal Bureau of Justice and the Tianjin Bar Association in October 2013. Also attending the session is the Law Officer (International Law), Ms Amelia Luk (first left)



The Secretary for Justice (left) meets with the Minister of Justice, Mr Ang Vong Vathana, in Phnom Penh, Cambodia, in February 2014



Counsel of the Department visit the Singapore International Arbitration Centre



Counsel of the Department attend the 18th Commonwealth Law Conference in Cape Town, South Africa

particular. Attachment programmes were therefore tailored for the State Counsel with focus on exposure to these areas of law.

A Deputy Principal Government Counsel and a

Government Counsel were attached to the Civil Division of the Singapore AGC for one week in January 2013, with the primary objective of gaining some insight in its work management system and the development of alternative dispute resolution and their application to the different types of civil litigation work handled by the Singapore AGC.

In September 2014, the Law Officer (International Law) received a delegation from Thailand, which was on a legal study visit to Hong Kong, and exchanged views on the operation of a number of international conventions.

Conferences and seminars in the Mainland and overseas

Counsel of the Department regularly attend conferences and seminars in the Mainland or overseas to keep abreast of legal developments and law reform in other jurisdictions and to learn from the experience of others. From 2012 to 2014, major conferences attended by the Department's counsel included:

- 75th Biennial Conference of the International Law Association in Sofia, Bulgaria (August 2012)
- Conference on International Recovery of Maintenance in the EU and Worldwide in Heidelberg, Germany (March 2013)
- 18th Commonwealth Law Conference in Cape Town, South Africa (April 2013)
- Asia-Pacific Regional Arbitration Group Conference in Beijing (June 2013) and Melbourne (March 2014)
- 8th International Forum on the e-APP (electronic Apostille Program) in Montevideo, Uruguay (October 2013)
- 76th Biennial Conference of the International Law Association in Washington, DC, the United States (April 2014)