

HK an ideal place for arbitration: SJ in Kuala Lumpur

Hong Kong is an ideal place for international businesses to conduct arbitration with its excellent facilities, highly qualified arbitration professionals, openness to professionals from elsewhere, and a mature and trusted legal system that is based on the common law.

This was said by the Secretary for Justice, Mr Wong Yan Lung, SC, in Kuala Lumpur today (November 25) when addressing a luncheon jointly organised by the Asian Strategy and Leadership Institute and the Hong Kong Economic and Trade Office in Singapore.

The luncheon was one of the key events in Mr Wong's trip to Malaysia and Singapore to promote Hong Kong as an international dispute resolution centre.

"Such advantages are further strengthened by the fact that Hong Kong arbitral awards are enforceable not only in more than 130 contracting states to the 1958 New York Convention, but that they are also enforceable in Mainland China by virtue of a separate arrangement signed by my Department and the Supreme People's Court in 1999 to facilitate reciprocal enforcement of arbitral awards," he said.

"The Hong Kong International Arbitration Centre (HKIAC), our own home-grown arbitration body, just celebrated its 25th anniversary last week. The Centre handled over 300 international arbitration cases last year, which puts us, in terms of caseload, No. 2 in Asia.

"As large international arbitration cases involving Chinese parties are on the rise, some international arbitration bodies are 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 ever branch of Secretariat in Hong Kong," Mr Wong continued, adding that 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.

Two weeks ago, Hong Kong reached another milestone in its development as a world-class international arbitration centre with the enactment of a new Arbitration Ordinance, making its arbitration law more user-friendly to the international business community.

"Hong Kong has also signed a Co-operation Arrangement with the China Council for the Promotion of International Trade. One of the aims of the Arrangement is to strengthen the co-operation between the Hong Kong arbitration and mediation bodies and their Mainland counterparts like the China International Economic and Trade Arbitration Commission (CIETAC)," Mr Wong said.

He noted that the arrangement was another confirmation of the role of Hong Kong in providing legal services for, and fostering legal co-operation with the Mainland, as she continued to march into the global economy.

"Hong Kong lawyers as well as other professionals are taking advantage of CEPA to tap into China's service markers. By virtue of this Arrangement, we have an edge over other foreign lawyers in terms of association with Mainland Law Firms as well as greater latitude as to the legal practice in the Mainland. Up to July 2010, a total of 65 representative offices have been set up by Hong Kong law firms in 14 Mainland cities.

"The Hong Kong legal profession consists of both local talents and experts from other jurisdictions, who are well-versed with financial and international trade matters, many of whom have extensive experience in assisting the international business communities to establish their business in the Mainland or to collaborate with Mainland enterprises.

"With the added advantage of sharing the same cultural heritage and speaking the same language as their Mainland counterparts, our legal professionals are well suited to assist the foreign business community, including that of Malaysia, to expand into the Mainland market," Mr Wong added.

While in Kuala Lumpur, Mr Wong also met with the Minister in the Prime Minister's Department (Law and Parliamentary Affairs), Dato' Seri Mohamed Nazri bin Tan Sri Abdul Aziz; the President of the Court of Appeal, Tan Sri Dato' Seri Alauddin bin Dato' Mohd. Sheriff; and the Solicitor General of Malaysia, Datuk Idrus bin Harun. Mr Wong also called on the Malaysian Mediation Centre and the Kuala Lumpur Regional Centre for Arbitration.

Mr Wong will meet counterparts and senior members of the Judiciary in Singapore tomorrow (November 26). He will also call on the Lion City's arbitration and mediation centres before returning to Hong Kong on Saturday.

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