

SJ introduces advantages of Hong Kong's legal services

The Secretary for Justice, Mr Rimsky Yuen, SC, introduced the advantages of Hong Kong's legal services at the Hong Kong Legal Services Forum held in Guangzhou today (September 13).

Officiating at the forum's opening ceremony this morning together with the Vice-Governor of Guangdong Province, Mr Xu Ruisheng, Mr Yuen said that thanks to Hong Kong's excellent geographical location and flourishing business opportunities, many renowned international law firms have chosen to set up branch offices in Hong Kong, offering a wide range of legal services and providing favourable conditions for Hong Kong to develop and enhance the competitiveness of legal services.

Mr Yuen said that the Hong Kong Special Administrative Region Government has spared no efforts in promoting the development of dispute resolution methods other than litigation. The Mediation Ordinance was enacted in June this year. Additionally, the Hong Kong Mediation Accreditation Association Limited was incorporated and established last month. This industry-led body will perform important roles such as accreditation of mediators in Hong Kong and disciplinary functions, marking a significant milestone in the development of mediation in Hong Kong.

As regards arbitration, the new Arbitration Ordinance which came into effect in June 2011 in Hong Kong is modelled on the UNCITRAL Model Law adopted by the United Nations Commission on International Trade Law. The Ordinance reinforces the advantages of arbitration, respecting the parties' autonomy as well as saving them time and expense, and at the same time protecting confidentiality in arbitration proceedings and related court hearings.

Mr Yuen said that the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) Supplement VIII, signed in December 2011, had put forth new measures to foster closer co-operation between the legal professions of the Mainland and Hong Kong, and to explore ways of improving the mode of association of law firms of the two places.

Under CEPA Supplement IX, signed in June 2012, Hong Kong law firms that have set up representative offices in the Mainland are allowed to operate in association with one to three Mainland law firms. It is expected that the new measures will positively enhance co-operation between Guangdong and Hong Kong lawyers.

Mr Yuen said, "In the outline of the National 12th Five-Year Plan, our country has given particular emphasis on the need to deepen Hong Kong-Guangdong co-operation and implement the Framework Agreement on Hong Kong/Guangdong Co-operation. With the benefit of the platform provided by the Framework Agreement, we will actively seek to enhance co-operation with our counterparts in Guangdong and promote the implementation of the pilot measures in Qianhai, Shenzhen, for developing legal and arbitration services. In particular, we hope under appropriate circumstances, enterprises operating in Qianhai shall be allowed to choose Hong Kong laws as the applicable law for their business contracts and to encourage them to choose arbitration as a means of resolving commercial disputes."

Under the theme "Hong Kong Legal Services - Think Global, Think Hong Kong", the Legal Services Forum this year was jointly organised by the Department of Justice, the Hong Kong Trade Development Council, the Law Society of Hong Kong, the Hong Kong Bar Association, the Hong Kong International Arbitration Centre, and the International Court of Arbitration of the International Chamber of Commerce (Asia Office).

Around 700 legal and arbitration services professionals, government officials and business representatives in Hong Kong and Guangdong Province attended the forum and discussed a number of related legal issues, including enterprise financing and governance, as well as the advantages of using Hong Kong's arbitration services in resolving business disputes and matters of concern.

The forum's speakers included the Chairman of the Hong Kong Bar Association, Mr Kumar Ramanathan, SC; the President of the Law Society of Hong Kong, Mr Dieter Yih; the Chairman of the Hong Kong International Arbitration Centre, Mr Huen Wong; and the Director and Counsel of the Secretariat of the International Chamber of Commerce International Court of Arbitration (Asia Office), Ms Khong Cheng-ye. Mr Ronald Arculli, the Ex-Chairman of Hong Kong Exchanges and Clearing Limited, also gave a keynote speech at the luncheon.

A mock arbitration and a case study were conducted in the afternoon to demonstrate dispute resolution by way of arbitration as well as to examine legal issues that Mainland enterprises could encounter in overseas investment, mergers and acquisitions, and so forth.

Ends/Thursday, September 13, 2012