

Speech by SJ at opening ceremony of Hong Kong Legal Services Forum in Guangzhou

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Following is the translation of the speech by the Secretary for Justice, Mr Rimsky Yuen, SC, at the opening ceremony of the Hong Kong Legal Services Forum - "Hong Kong Legal Services - Think Global, Think Hong Kong" - organised by the Department of Justice in Guangzhou this morning (September 13):

Distinguished Vice-Governor Mr Xu, distinguished guests, ladies and gentlemen,

Good morning. Let me welcome all of you to the Hong Kong Legal Services Forum.

Mainland enterprises have a great demand for high-end legal and commercial dispute resolution services, whether for establishing their operations, for "going global" or expanding their business. With a view to establishing mutual interest and benefits, the Department of Justice (DoJ) held the first Hong Kong Legal Services Forum in Shanghai in 2010. This is the second time we have hosted the Forum.

Guangzhou is the economic centre of southern China as well as an important gateway for the opening up of the country. Over half of the cases in Mainland China involving parties from Hong Kong, Macau and Taiwan were dealt with by courts in Guangdong Province. The DoJ and the co-organisers (Note 1) have therefore decided to host the Second Forum in Guangzhou to enable the legal and arbitration communities of Hong Kong to share with their Guangdong counterparts their experience and to strengthen co-operation.

Under the principle of "One Country, Two Systems" enshrined in the Basic Law, the Hong Kong Special Administrative Region (HKSAR) still maintains its common law system which is familiar to the international community. Hong Kong lawyers have all along been providing high-quality legal services in various areas such as civil and business law. In addition, thanks to our excellent geographical location, advanced telecommunication networks 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. All these have provided favourable conditions for Hong Kong to develop and enhance the competitiveness of our legal services.

Moreover, the HKSAR Government has spared no efforts in promoting the development of dispute resolution methods other than litigation. The Mediation

Ordinance was just enacted in June this year, and we believe that it will help promote a wider and more effective use of mediation in Hong Kong to resolve disputes. The "Hong Kong Mediation Accreditation Association Limited" was incorporated and established last month. This is an industry-led body which will perform important roles such as accreditation of mediators in Hong Kong and disciplinary functions. The establishment of the Association is 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, including respect for the parties' autonomy as well as the savings in time and cost for them, and at the same time protects confidentiality in arbitration proceedings and related court hearings.

We have also made continuous efforts to internationalise our arbitration services. Apart from the existing Hong Kong International Arbitration Centre, the International Court of Arbitration of the International Chamber of Commerce opened a branch of its Secretariat in Hong Kong in 2008. Moreover, the China International Economic and Trade Arbitration Commission has decided to establish its office in Hong Kong on September 24. This will boost the competitiveness of Hong Kong as the place for international arbitration.

In the past two to three years, good progress has been made in the co-operation between the legal professions of the Mainland and Hong Kong. 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 believed that the new measures will positively enhance co-operation between Guangdong and Hong Kong lawyers.

In the Outline of the National 12th Five-Year Plan, our country has given particular emphasis to 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, 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.

The Forum today will create an excellent opportunity for fostering future co-operation. I would like to extend my sincere gratitude to all co-organisers and supporting organisations which have rendered assistance to the Forum, including the People's Government of Guangdong Province, the Higher People's Court of Guangdong Province, the justice departments and bureaux as well as lawyers associations of various municipalities. Last but not least, I would also like to thank all the guest speakers and each of the participants in the Forum.

On that note, may I wish the Forum a great success with fruitful outcomes. Thank you.

Note 1: The co-organisers are the Hong Kong Trade Development Council, the Hong Kong Bar Association, the Law Society of Hong Kong, the Hong Kong International Arbitration Centre and the International Court of Arbitration of the International Chamber of Commerce.

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