

Speech by Secretary for Justice at 2017 Colloquium on International Law: Common Future in Asia (English only)

Following is a speech by the Secretary for Justice, Mr Rimsky Yuen, SC, at the 2017 Colloquium on International Law: Common Future in Asia jointly held by the Chinese Society of International Law and the Asian Academy of International Law today (July 7):

President of Chinese Society of International Law Dr Li Shishi, Chairman of the Asian Academy of International Law, Professor Teresa Cheng, SC, distinguished guests, ladies and gentlemen,

On behalf of the Government of the Hong Kong Special Administrative Region (SAR), I would like to extend to all of you our warmest welcome.

I would also like to take this opportunity to express our utmost gratitude to the Chinese Society of International Law (CSIL) and the Asian Academy of International Law (AAIL) for jointly organising this important Colloquium in the Hong Kong SAR. Thanks to their efforts, we are graced by the presence of top judges, prominent officials and renowned experts to speak on various topical and challenging subjects of international law.

I do not think I need to preach the importance of international law at this globalised age. It affects not just states or international organisations, but human activities on many different fronts. At the same time, the more globalised our world is, the more challenges we face in tackling international law issues. This Colloquium offers a valuable opportunity for us to reflect upon as well as to exchange views on contemporary legal issues in relation to various topical subjects.

The Hong Kong SAR is just a tiny spot on a world map.

However, the Hong Kong SAR is a truly international city, and well known as an international financial and commercial centre, as well as a hub for logistical and other activities. Under the "one country, two systems" policy and as constitutionally guaranteed under our Basic Law, the Hong Kong SAR enjoys a high degree of autonomy with a social and legal system different and distinct from those of the Mainland.

In the context of international relations, while foreign affairs are the responsibility of the Central People's Government, the Hong Kong SAR has been authorised by the Central People's Government under the Basic Law to conduct relevant external affairs. Pursuant to such authorisation, the Hong Kong SAR may on its own, using the name "Hong Kong, China", conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields, including the economic, trade, financial and monetary, shipping, communications, tourism, cultural and sports fields.

Further, in the area of air services, the Hong Kong SAR Government may, acting under specific authorisations from the Central People's Government, negotiate and conclude air service agreements. The Hong Kong SAR Government may also, with the assistance or authorisation of the Central People's Government, make appropriate arrangements with foreign states for reciprocal juridical assistance, covering the surrender of fugitives, transfer of sentenced persons, and mutual legal assistance in criminal matters.

Under these unique arrangements, the Hong Kong SAR has developed an effective and close relationship with the international community in the past 20 years. Currently, there are over 240 bilateral agreements between the Hong Kong SAR and other countries and regions, covering a wide range of fields including civil aviation, trade, investment,

criminal justice co-operation, avoidance of double taxation and tax information exchange. These are in addition to over 250 multilateral conventions that have been applied to the Hong Kong SAR, some of which do not apply to the rest of China.

The high degree of autonomy enjoyed by the Hong Kong SAR extends to its participation in international organisations and conferences not limited to states. Using the name "Hong Kong, China", the Hong Kong SAR participates as a full member in organisations of this kind, such as the World Trade Organization, the World Customs Organization, the Asia-Pacific Economic Cooperation (APEC) and the Asian Infrastructure Investment Bank which we joined recently.

For those international organisations and conferences limited to states, representatives from the Hong Kong SAR Government may participate in them as members of the Chinese delegation. In such capacity, we participate in, for instance, the World Intellectual Property Organization, the International Civil Aviation Organization, the Hague Conference on Private International Law, and the World Health Organization (WHO). In the case of the WHO, with the support of the Central People's Government, our former Director of Health, Dr Margaret Chan, who will be speaking at the Colloquium later today, has been elected and also recently completed her term as Director-General of the WHO.

Indeed, we have very good collaboration with various renowned international organisations. Apart from the offices set up in the Hong Kong SAR by the International Monetary Fund, the Bank for International Settlements and the Hague Conference on Private International Law, we also concluded, with the support of the Central People's Government, especially the Ministry of Foreign Affairs, an administrative arrangement with the Permanent Court of

Arbitration in 2015 concerning the conduct of dispute settlement proceedings, including investor-state dispute resolution, in the Hong Kong SAR.

The Department of Justice from time to time sends representatives to participate in, as well as support, events organised by international organisations. Examples include events organised by the Hague Conference on Private International Law in Hong Kong and other parts of the Asia Pacific region. In addition, we have collaborated with the United Nations Commission on International Trade Law (UNCITRAL) in its technical assistance and capacity building activities, including those through the platform of APEC. As a matter of fact, I just returned to Hong Kong from Vienna yesterday, after attending the 50th annual session of the UNCITRAL Congress.

As part of our initiative in strengthening Hong Kong's position as an international legal and dispute resolution services hub in the Asia Pacific region, the Hong Kong SAR Government has put in place a plan to provide office space in some government buildings at the heart of Hong Kong's Central district dedicated to forming a "legal hub", for the accommodation of a number of renowned local, regional and international law-related organisations, including the AAIL. We believe this would facilitate the important work of the AAIL, enhance synergy and co-operation among these organisations, as well as create a favourable environment to attract more reputable law-related organisations to establish presences in Hong Kong.

All these have consolidated the Hong Kong SAR's status as an international city. As such, we are uniquely positioned to participate in the Belt and Road Initiative, a strategic programme which seeks to facilitate connectivity, unimpeded trade, financial integration and people-to-people bonds.

In this regard, it is pertinent to note that the Initiative covers more than 60 countries with very different social, economic and legal systems, as well as different experiences in respect of international dispute settlement, and there is an obvious need to promote greater awareness and understanding of the relevant international rules on trade, investment, finance and maritime transport applicable to these countries with a view to facilitating the trade and economic co-operation under the Initiative.

There is likewise a genuine need to consider the question of how to foster a better international law regime to facilitate the activities brought about by the Initiative. One of the many issues that merits consideration is how cross-border dispute resolution can be more effectively conducted. This involves careful study on the appropriate legal framework to be applied, the need to further harmonise international arbitration law, how to promote the healthy development of cross-border dispute resolution along the countries in the context of the Initiative, as well as what supporting infrastructure should be established. Needless to say, dispute resolution is only one of the many examples, and international law concerns a lot more such as environment, aviation, human rights, trade and so on. Not only does it resemble domestic law in the way that both affect our daily lives, it also becomes an indispensable consideration in policy formulation.

I also wish to stress that international law is very important in that it allows states to enjoy their rights, and assumes their obligations and responsibilities on an equal footing. By participating in the making and interpreting of international law, it is conducive to promoting mutual respect among states and forging with world development.

Against this background, the establishment of the AAIL is very timely. With its vision set to enhance and reinforce Asia's role in the formation of international law,

international relations and policy formulation, it has established itself, in just about a year's time, as a strong and reputable body comprising highly prestigious local and international experts in international law and arbitration to advance its objectives. Its contribution to enhancing the understanding of international law among judges, legal practitioners, government officials and students is highly commendable.

Ladies and gentlemen, may I conclude by reiterating the importance we attach to the Hong Kong SAR's attributes as an international city. The Hong Kong SAR would not be the Hong Kong we know unless we remain international. As an international city, we place great importance in matters with international dimensions, including of course our role and position in international law. Let me also stress that we attach importance to international law not just because we are concerned with international trade or economic development, but because we also believe that the Hong Kong SAR, with its strong commitment to upholding the rule of law, can have a significant role to play in fostering international rule of law. For that purpose, the Department of Justice stands ready to participate in activities that can achieve that very objective.

On this note, I wish all of you a very fruitful and successful colloquium. For those coming from outside Hong Kong, I also wish that you will have an enjoyable stay here and can spare some time to experience the vibrancy of Asia's world city.

Thank you.

Ends/Friday, July 7, 2017