

**Speech by SJ, Mr Paul Lam, SC, at the Award Ceremony of
the Foreign Direct Investment International Arbitration**

Moot (FDI Moot) Shenzhen 2022 (English only)

1. Mr. Cao (Mr. Cao Saixian, the Director of Foreign Affairs Office of the People's Government of Shenzhen), Dr. Liu (Dr. Liu Xiaochun, President of the SCIA), Prof. Malanczuk (Prof. Peter Malanczuk, Member of the SCIA Council), Ms. Park (Ms. Ji Yoon Park, Chief Representative of the Korean Commercial Arbitration Board Shanghai Office), Mr. Ng (Mr. Jern-Fei Ng, QC, Barrister at Temple Chambers), distinguished guests, ladies and gentleman. Good afternoon.
2. The FDI Moot is one of the most prestigious moot competitions in the world with a unique focus on investor-state arbitration. The FDI Moot Shenzhen, as the full-fledged National Round organised by the SCIA, provides an enriching platform to facilitate exchanges between law students nationwide and prepare them for the Global Round in London in November this year. It is enlightening to see the active participation of the 42 teams from the Mainland, Hong Kong and Macao. To the teams who have made their way to the Elimination Round held over these two days, well done!
3. This year marks the 25th anniversary of the establishment of the Hong Kong Special Administrative Region. As remarked by President Xi Jinping during his visit to Hong Kong last month, the practice of "One Country, Two Systems" is well-recognized globally, and has brought about valuable experience and profound inspirations, serving the fundamental interests of the whole country and the nation including Hong Kong and Macao.
4. Under the principle of "One Country, Two Systems", the Central Government has provided staunch support for maintaining Hong

Kong's long-term prosperity and development. The National 14th Five-Year Plan supports Hong Kong in establishing itself as a centre for international legal and dispute resolution services in the Asia-Pacific region. The Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) further advances the connectivity of the three places, and encourages Hong Kong to leverage on its advantages for integrated development.

5. To complement the national development strategies, the Hong Kong SAR Government continues to enhance the local legal and arbitration infrastructure and strengthen cooperation with the Mainland. In 2019, the legal departments of Guangdong, Hong Kong and Macao set up a joint conference mechanism to conduct regular exchange on various GBA-related legal issues. Following the promulgation of the GBA Mediator Accreditation Standards and the GBA Mediator Code of Conduct Best Practice, the three places are actively exploring other collaborations such as the establishment of a list of GBA arbitrators.
6. The GBA Legal Professional Examination, which aims to facilitate the flow of talents within the GBA, has been successfully held for two consecutive years. Hong Kong legal practitioners who have obtained the required practice qualifications could provide legal services in the nine Mainland municipalities in the GBA on specified civil and commercial legal matters to which Mainland law applies. It would complement the professional services of the Mainland and Hong Kong lawyers, and is conducive to strengthening the rule of law in the GBA.
7. In light of the Belt and Road Initiative, arbitration has emerged as the preferred mechanism to resolve cross-border investment disputes, which also dovetails with the objective of this Moot. With the unwavering support from the Central Government, the Asian-African Legal Consultative Organization (AALCO) established its sixth global regional centre in Hong Kong last November. The AALCO Hong Kong Regional Arbitration Centre aims to promote international

commercial arbitration in the Asian-African regions, and is particularly suitable for investor-state arbitration given its country-neutral nature. Hong Kong, as the home to professional talents and well-respected institutions, will continue to provide quality arbitration services to Chinese and international parties in line with the global infrastructure development.

8. On the institutional level, arbitral bodies in the Mainland and Hong Kong have been taking proactive steps to jointly address the increasing demand for efficacy in arbitration services. The SCIA, in particular, has been leading by example. In recent years, SCIA has signed MOUs with a number of arbitral institutions in Hong Kong, for example, with eBRAM Centre to promote online dispute resolution and lawtech¹, and with Hong Kong International Arbitration Centre to foster closer cooperation in areas such as the recommendation of panel of arbitrators and mutual assistance of facilities².
9. With the committed efforts of the SCIA, the GBA International Arbitration Centre established in Hetao Shenzhen-Hong Kong Science and Technology Innovation Cooperation Zone in May last year³ solidifies the importance of consolidating professional legal and dispute resolution services from the three jurisdictions⁴, providing an excellent platform for diverse legal exchanges and creating synergy to support the long-term development of the GBA.

¹ https://www.ebram.org/news_event_item.html?id=57

² <http://www.scia.com.cn/home/index/newsdetail/id/2779.html>

³ http://www.moj.gov.cn/pub/sfbgw/fzgz/fzgzggflfw/fzgzggflfw/202105/t20210525_411156.html

⁴ On 6 September 2021, eBRAM International Online Dispute Resolution Centre, South China International Arbitration Center (HK) and Des Voeux Chambers signed Cooperation Agreements to settle in the GBA International Arbitration Centre. (<http://www.scia.com.cn/en/index/newsdetail/id/3638.html>)

As at 13 December 2021, a total of 8 institutions, including the 3 above-named HK institutions, 4 Macao institutions and Guangdong, Hong Kong & Macao Arbitration & Mediation Alliance have signed agreement to set up their presences in the Centre. (<http://www.scia.com.cn/home/index/newsdetail/id/3045.html>)

10. Arbitrators in Hong Kong are quick to grasp the vast opportunities in the Mainland. In the new SCIA Panel of Arbitrators announced in February 2022, out of the 1,549 arbitrators from 114 countries and regions, there are 149 Hong Kong arbitrators. This is a remarkable number, equivalent to about 26% of the total number of arbitrators from regions outside the Mainland.⁵ With such clear indication of increasing demand and growing recognition for Hong Kong's arbitration services in the Mainland, I have no doubt that there will only be more and enhanced integration of arbitration resources between the two jurisdictions in the years to come.
11. To conclude, the close-knit cooperation between the Mainland and Hong Kong has created abundant and unprecedented opportunities for working lawyers and aspiring lawyers like you all to tap into the GBA legal and arbitration market. I thank the SCIA for organising this Moot and preparing students for real-life arbitration practice in good time. Last but not least, congratulations to all participating teams and awardees of this moot competition. I am sure you have all benefitted from the intellectual exchanges and had an enjoyable experience. Thank you very much.

⁵ <http://www.scia.com.cn/home/index/newsdetail/id/3019.html> (Out of the 1,549 arbitrators from 114 countries, there are a total of 568 arbitrators from regions outside the Mainland, including 149 from Hong Kong, 18 from Macao, 17 from Taiwan, and 384 from foreign countries)