

Speech by SJ at opening ceremony of 20th Willem C Vis East International
Commercial Arbitration Moot (English only) (with photo)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the opening ceremony of 20th Willem C Vis East International Commercial Arbitration Moot today (March 19):

Ms Barrington (Director of the Vis East Moot Foundation, Ms Louise Barrington), Ms Tung (Deputy Director of the Vis East Moot Foundation, Ms Sherlin Tung), distinguished guests, ladies and gentlemen,

Good evening. It is my great pleasure to join you at the opening ceremony of the 20th Willem C Vis East International Commercial Arbitration Moot (Moot), and I wish to express my warmest welcome to all of you. It is enlightening to see the active participation of the 111 university teams, consisting of 560 students and coaches, and over 400 registered arbitrators attending from around the world. I would also like to extend a special welcome to our distinguished guests and speakers, who have travelled from near and far to be here with us today.

20th anniversary Vis East Moot

Tonight we kick start the Moot by celebrating its 20th anniversary. On behalf of the Department of Justice (DoJ) of the Hong Kong Special Administrative Region (HKSAR) Government, may I first express my appreciation to Ms Barrington, Ms Tung and the Vis East Moot Foundation for their tremendous efforts and passion for holding the Moot in the past two decades. It has provided a great platform to educate and foster the use of arbitration and to nurture new generations of international lawyers and arbitrators. The Moot problem involves a dispute arising from a cross-border transaction relating to the sale or purchase of goods under the United Nations Convention on Contracts for the International Sale of Goods (CISG) and other uniform international commercial law. The case preparation and oral hearings before arbitration practitioners and academics would provide valuable opportunities for students to not only develop and improve their research, advocacy and communication skills, but also to learn from other teams who are trained in another legal culture.

Hosted in Hong Kong, the Moot has earned a reputation as one of the most

prestigious mooting competitions in the world. We are honoured and would continue to offer our support to the Moot in the coming years.

"Hello Hong Kong"

Apart from welcoming you to the 20th anniversary of the Moot, we must also celebrate being able to greet you in person after three years of holding the Moot virtually due to the global COVID-19 pandemic. We are thrilled to see all of you participating in the Moot in person. The best parts of the Moot are the interaction, experience sharing, and the social and networking events for students, coaches and arbitrators during the coming week.

After three years of travel restrictions, the HKSAR Government has launched a brand new promotional campaign. I am sure you have heard of it. It's the "Hello Hong Kong" - to tell the world the good stories of our city and to unveil a series of exciting tourism experiences, cultural attractions and business opportunities. We are ready and very keen on presenting the best of Hong Kong to our overseas friends, so they can feel the vibrancy and dynamism of our city.

Youth work and capacity building

The DoJ values the opportunity in co-organising the Moot as we see the importance in nurturing the youth and capacity building. We believe that we have an important role to play in the future and career of young law students by providing them with opportunities to learn, grow, and network. By building the capacity of the next generation, we are ensuring that the legal and arbitration professionals will continue to thrive and make a positive impact on society.

Opportunities in Hong Kong's legal and dispute resolution profession

In this connection, let me take this opportunity to share with you some of the achievements and goalposts lying ahead for Hong Kong's legal and dispute resolution profession.

Unique benefits under "one country, two systems": Gateway to GBA and Greater China

Under the principle of "one country, two systems", Hong Kong continues to be the

only common law jurisdiction within our country, where our law is enacted bilingually in both Chinese and English. The common law system provides a degree of certainty and predictability. It follows the same legal tradition as the world's major economies and aligns with international business rules. Because of our cultural ties to the Mainland, our strategic geographical location, our East-meets-West culture and our outstanding legal and financial system, Hong Kong can act as a "super-connector" between the Mainland and the global market by bringing professional services, skills and talents to Mainland cities.

Hong Kong has all along been enjoying strong support from the Central Government. For example, the National 14th Five-Year Plan, the Belt and Road Initiative and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) explicitly support Hong Kong's development into a centre for international legal and dispute resolution services in the Asia-Pacific region.

Over the years, Hong Kong and the Mainland authorities have concluded three mutual legal assistance arrangements pertaining to arbitration, namely (1) Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the HKSAR (1999 Arrangement), (2) Supplemental Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the HKSAR (2020 Supplemental Arrangement) and (3) Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the HKSAR recently (Interim Measures Arrangement). These arrangements are working well and play an important role in facilitating exchanges between the arbitration and legal sectors of the two jurisdictions.

As a signatory to the New York Convention, arbitral awards made in Hong Kong can be enforced and recognised internationally. Since Hong Kong's return to the motherland in 1997, the New York Convention no longer applies to the enforcement of Hong Kong awards in the Mainland and vice versa. Therefore, the 1999 Arrangement and the 2020 Supplemental Arrangement provide, in the alternative, a simple and effective mechanism on reciprocal enforcement and recognition of arbitral awards between the two jurisdictions.

Under the Interim Measures Arrangement, Hong Kong became the first jurisdiction outside the Mainland where, as a seat of arbitration, parties to arbitral proceedings administered by designated arbitral institutions are able to apply directly to the Mainland courts for interim measures, including property preservation,

evidence preservation and conduct preservation.

Strategically positioned as a gateway to cities in the GBA, Hong Kong enjoys a geographical advantage in providing international legal and dispute resolution services to users in the GBA. The Legal Hub, located at the heart of Hong Kong's central business district, houses an array of internationally reputable institutions to offer arbitration and dispute resolution services. I welcome you all to visit the Legal Hub in the coming week, where some rounds of the oral arguments will take place there.

Strong legal infrastructure

Some of you may recall that the DoJ hosted the CISG Conference together with the opening ceremony of the Moot last year virtually. The Sale of Goods (United Nations Convention) Ordinance (Cap. 641), which implements the CISG, had already come into force in Hong Kong on December 1, 2022. The application of the CISG to the HKSAR would allow for a uniform sales law to govern Hong Kong businesses' international sales transactions, enabling businesses to trade with their overseas counterparts on a fair and level playing field. This would undoubtedly enhance Hong Kong's legal infrastructure for the international sale of goods and further its reputation as an international hub for trade and dispute resolution.

In 2022, we unlocked a new feature for our arbitration law, which allowed the use of certain outcome-related fee structures for arbitration (ORFSA) agreements in Hong Kong. With ORFSA and third-party funding, arbitration users and lawyers are given greater flexibility in devising fee arrangements and funding modes that suit their financial and business needs.

Overall, the DoJ is committed to exploring new initiatives with a view to consolidating Hong Kong's status as an international legal hub for legal, deal-making and dispute resolution services. We believe the edge of Hong Kong's arbitration landscape is facilitative to business and deal making, and that is why according to the International Arbitration Surveys conducted by Queen Mary University of London, Hong Kong has been continuously ranked amongst the top five preferred seats for arbitration globally since 2015.

Strong pool of international and multilingual talents

Hong Kong has an international and diversified pool of legal and dispute resolution talents. As at February 2023, there are over 1 600 practising barristers, over 11 000 practising solicitors and over 1 400 registered foreign lawyers from 34 different jurisdictions in Hong Kong. There are over 930 Hong Kong solicitors' firms and over 70 registered foreign law firms. The presence of such an array of international and multilingual lawyers enables Hong Kong to provide top quality legal services in different areas of civil and commercial law.

As the Chief Executive has mentioned in the 2022 Policy Address, our Government strives to be more proactive and aggressive in attracting and nurturing talents in different professional fields. On this note, I welcome all of you to come to Hong Kong for further studies and developing a career in law and arbitration.

Conclusion

Lastly, I wish the Moot every success and all participants would gain the most from this fruitful and memorable experience and most importantly enjoy the Hong Kong hospitality. Thank you.

Ends/Sunday, March 19, 2023