

Speech by DSJ at HCCH Asia Pacific Week 2023 (English only) (with photo)

Following is the speech by the Deputy Secretary for Justice, Mr Cheung Kwok-kwan, at the closing of the HCCH Asia Pacific Week 2023 - Access to Justice and Sustainable Development: The Impact of the HCCH in an Inter-Connected World today (September 14):

Dr Goh Escolar (Deputy Secretary General of the Hague Conference on Private International Law (HCCH), Dr Gérardine Goh Escolar), distinguished guests, ladies and gentlemen,

I am very glad to have you with us and that the Asia Pacific Week 2023 ends on a high note today. I would like to express my appreciation to the Permanent Bureau of the HCCH for hosting this meaningful and impactful event in Hong Kong. I wish also to thank the HCCH Regional Office for Asia and the Pacific, as well as the Faculty of Law of the University of Hong Kong, for their contribution and support. My gratitude goes to all the speakers for their insightful presentations and comments, and to all our audience for your active participation.

I recall the reception hosted by China in March this year for the distinguished delegates who attended the HCCH Council on General Affairs and Policy meeting in The Hague. On that occasion, I extended our warm invitation to all the prominent guests to come to Hong Kong in person for the sixth HCCH Asia Pacific Week in celebration of the 130th anniversary of the HCCH, as supported by the Department of Justice of the Government of the Hong Kong Special Administrative Region (HKSAR). I am glad to see some familiar faces and know that you have accepted the invitation to come to Hong Kong.

At the reception in March, I also briefly introduced to you about Hong Kong as an international legal and dispute resolution services centre in the Asia-Pacific region and now, you have come to witness the unique strength of Hong Kong by yourselves. Under the principle of "one country, two systems", Hong Kong is the only common law jurisdiction in China and our bilingual common law system has a strong heritage and is reputable in the global community. It is in touch with the developments and changing needs of the contemporary world. Our courts exercise judicial power independently, free from any interference. And the rule of law tradition is also firmly enshrined under the Basic Law.

The focus of this year's Asia Pacific Week is on three core values in our modern-day legal landscape: access to justice, sustainable development, and inter-connectedness. This is perfectly in line with the Belt and Road (B&R) Initiative launched 10 years ago. As a significant development strategy, the B&R Initiative aims at promoting co-operation and enhancing inter-connectedness among countries and regions along the B&R routes, which at the same time facilitates access to justice and sustainable developments. To celebrate this 10-year milestone, the HKSAR Government is in tandem organising a two-day Belt and Road Summit officially launched yesterday, and we are honoured to have Dr Bernasconi, the Secretary-General of the HCCH, sharing his invaluable insights on how the Hague instruments could promote trade and investment in the B&R region through the progressive unification of private international law rules. We are grateful for the Secretary-General's support and participation, in-person, in all these events in Hong Kong including, of course, this Asia Pacific Week. It testifies the long-standing partnership between Hong Kong and the HCCH, made possible by the support of our Central Government, in various global and regional legal initiatives, and shows the many possibilities of co-operation in alignment with the B&R Initiative.

In the context of the diverse legal systems of the B&R countries, we stand ready to make contributions to the harmonisation of private international law rules for better co-ordination of private relationships in international situations. Hong Kong has abundant experience in bridging the common and civil law divide. Our Basic Law makes it possible for Hong Kong to establish a comprehensive mutual legal assistance (MLA) framework between the Mainland and Hong Kong. The Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Development Plan also provides a fertile ground for the convergence of legal practices, and the advancement of MLA among the three distinct jurisdictions within one country. Indeed, the GBA Task Force which I am now chairing is working towards the enhancement of our co-operation in a wide range of civil and commercial matters, so as to provide further convenience and benefits to individuals and businesses living and working in the GBA.

The Hong Kong-Mainland MLA framework currently consists of nine arrangements covering a wide range of civil and commercial matters, including service of documents, taking of evidence and recognition and enforcement of judgments.

Many of these arrangements are modelled on the relevant Hague Conventions

such as the Hague Service Convention, Evidence Convention and the Judgments Convention, which serve to bridge the gaps between civil law and common law legal systems and our arrangements with the Mainland provide an excellent illustration on the importance and value of the Hague Conventions in bridging such gaps.

Hong Kong has indeed been privileged to participate in the work of the HCCH for more than two decades. Since 1998, representatives of the HKSAR, as members of the Chinese delegation, have taken part in the meetings and other work of the HCCH. Working closely with our counterparts in the Central Government and the Macao SAR, we participated in the Special Commission meetings and the Diplomatic Sessions.

We are also honoured to contribute to the work of the HCCH through various means. For instance, two Informal Working Groups under the Judgments Project, together with the inaugural global conference promoting the Convention shortly after its adoption, were successfully held in Hong Kong in 2019. In addition, we concluded a memorandum of understanding for the technical arrangements relating to the secondment of legal professionals between the HCCH and the HKSAR in 2020 and a counsel from my Department is also on secondment to the Permanent Bureau in The Hague at the moment.

Ladies and gentlemen, by hosting this Asia Pacific Week in Hong Kong in celebration of the 130th anniversary for the HCCH in the Asia-Pacific region and the world, it sends a clear message that Hong Kong is now back on world stage. We cherish the reunion with our old friends, and the bonding forged with our new guests.

We hope you all have had an enjoyable stay here, experiencing first-hand the attractive, vibrant and dynamic life of Hong Kong, our beloved city. We look forward to welcoming you all again in Hong Kong for other meetings, business or just vacation in the near future. Thank you.

Ends/Thursday, September 14, 2023