

Speech by SJ at Law Society of Hong Kong's International Summit 2023 (English only) (with photo)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the Law Society of Hong Kong's International Summit 2023 in celebration of the 10th Anniversary of the Belt and Road Initiative today (October 11):

Deputy Director Liu Guangyuan (Deputy Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region), Deputy Commissioner Fang Jianming (Deputy Commissioner of the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region), Mr C M Chan, President of the Law Society of Hong Kong, distinguished guests, ladies and gentlemen,

Good morning. I am delighted and honoured to join you today at the International Summit 2023 in celebration of the 10th Anniversary of the Belt and Road Initiative. I sincerely thank the Law Society of Hong Kong for organising the sixth Belt and Road Conference themed "Peace and Prosperity on the Belt and Road".

The Belt and Road Initiative was launched by President Xi Jinping back in 2013. As the Belt and Road Initiative enters its second decade, the report of the 20th National Congress of the Chinese Communist Party highlighted the importance in promoting the high-standard opening up, and among other things, the high-quality development of the Belt and Road Initiative.

The theme of the Summit today is very succinct in English, "Peace and Prosperity on the Belt and Road", and very comprehensive in Chinese, "以法治推進和諧共生的現代化高質量發展", which would be translated as "promoting a peaceful and shared modern high-quality development through the rule of law."

Peace, prosperity as well as the Belt and Road Initiative

Peace and prosperity are indeed two of the most essential elements of the Belt and Road Initiative. President Xi, in his speech at the opening ceremony of the Belt and Road Forum for International Cooperation on May 14, 2017, stressed and explained

five characteristics of the Belt and Road Initiative. Two of them are precisely peace and prosperity.

President Xi said, and I quote, "First, we must build the Belt and Road Initiative into a road of peace, 和平之路. The ancient Silk Road prospered during times of peace and declined during times of war. The construction of the 'Belt and Road' cannot be separated from a peaceful and tranquil environment ... Countries should respect each other's sovereignty, dignity, and territorial integrity, respect each other's development paths and social systems, and respect each other's core interests and major concerns ... We must establish a common, comprehensive, co-operative and sustainable security concept and create a security pattern that is jointly built and shared. We must focus on resolving hot spots and insist on political solutions; we must focus on mediation and uphold fairness and justice; we must focus on promoting counter-terrorism, treating both the symptoms and root causes, and eliminating poverty, backwardness and social injustice."

President Xi then said, "Second, we must build the Belt and Road Initiative into a road to prosperity, 繁榮之路. Development is the key to solving all problems. To promote the construction of the 'Belt and Road', we must focus on the fundamental issue of development, release the development potential of all countries, and achieve great economic integration, great development linkage, and great sharing of results."

These two characteristics of the Belt and Road Initiative, namely "peace" and "prosperity", are inter-related and share a causal link. Peace is a prerequisite to prosperity whereas prosperity is conducive to promoting and maintaining peace. This is sheer common sense.

Peace, prosperity and the rule of law

The critical question is how to ensure that the Belt and Road Initiative will possess and maintain these two essential characteristics. I trust that the answer must lie in the rule of law. President Xi sent a letter to the China rule of law international forum in Guangzhou on November 10, 2019, in which he said that "promoting the joint construction of the 'Belt and Road' requires the protection of the rule of law", and he expressed the hope that "everyone will actively promote the development and improvement of relevant legal systems, so that the rule of law can better play in the

process of jointly building the 'Belt and Road' effect."

One of the primary functions of law is to resolve disputes by peaceful means. At the international level, Article 33 in Chapter IV of the Charter of the United Nations provides that any dispute that is likely to endanger the maintenance of international peace and security should first be addressed through negotiation, mediation or other peaceful means. At the domestic level, peaceful legal means, including mediation, have been used to resolve disputes between individuals in most if not all jurisdictions.

The relationship between prosperity and rule of law is self-evident. President Xi has repeatedly mentioned that the rule of law is the best business environment. The importance of the rule of law to achieving sustainable development is recognised by Target 3 in Goal 16 of the Sustainable Development Goals set by the United Nations in 2015, as one of its targets is to "Promote the rule of law at the national and international levels and ensure equal access to justice for all."

Hong Kong's unique advantages under "one country, two systems"

Hong Kong has always been an active participant, contributor and beneficiary of the Belt and Road Initiative. The Central People's Government has affirmed time and again that it fully supports Hong Kong in its efforts to seize historic opportunities offered by our country's national strategies, including the high-quality Belt and Road Initiative. In particular, Hong Kong shall make good use of its distinctive status and advantages offered and safeguarded by the principle of "one country, two systems". One of such distinctive advantages is, of course, Hong Kong's high degree of rule of law founded upon our common law system.

Most recently, Vice Premier of the State Council of the People's Republic of China Mr Ding Xuexiang in his keynote speech delivered at the opening of the eighth Belt and Road Summit in Hong Kong on September 13, 2023, expressed four hopes on Hong Kong, with the third one being that Hong Kong shall focus on the provision of professional services including legal service.

Under the principle of "one country, two systems", Hong Kong is the only common law jurisdiction in China. Our judicial system is open and independent, and enjoys a renowned reputation. Many of our court judgments have been cited in other common law jurisdictions. Our statutes are written in both English and Chinese. Our civil and commercial laws align with international standards and practices. We offer a

variety of high-quality dispute resolution services, including litigation, arbitration and mediation. It is one of the most preferred seats for arbitration in the world. The arbitral awards made in Hong Kong are enforceable in over 170 contracting parties under the New York Convention. At the same time, Hong Kong and the Mainland have entered into nine mutual legal assistance arrangements in civil and commercial matters which provide for procedural assistance, arbitration-related assistance, and reciprocal recognition and enforcement of judgments. Hong Kong also has talented legal professionals who have the expertise in international law and practice, and also thorough understanding of the Chinese legal and business culture. These legal professionals speak multiple languages and possess experience and qualifications from various jurisdictions. Pursuant to the pilot scheme of the Greater Bay Area Legal Professional Examination, which has recently been extended for three years up to 2026, many Hong Kong qualified lawyers are also qualified to practise in civil and commercial matters in the Greater Bay Area in the Mainland. Hong Kong uniquely provides a bilingual, transparent, predictable, efficient and trustworthy international legal environment for investment and business activities. Hong Kong is already an international legal service and dispute resolution centre, and will spare no effort to enhance its status as such.

I note that today's summit will examine how mediation can resolve commercial and sovereign disputes, and provide a platform for sharing practical skills and knowledge on mediation, negotiation and deal making. When one comes to mediation, it is impossible not to mention the staunch support given by the Central People's Government to Hong Kong in this respect. Most notably, the International Organization for Mediation Preparatory Office, being a significant initiative to promote the use of mediation for resolving international conflicts in a friendly and amicable manner, was established in Hong Kong in February this year.

My fellow legal professionals of Hong Kong, I would encourage you to provide the best possible professional legal services in the development and implementation of projects under the Belt and Road Initiative. My dear friends from the Mainland and overseas, I would urge you to give us the opportunities to serve and help you in advancing your objectives under the Belt and Road Initiative. I am very confident that you will be more than satisfied with our legal and dispute resolution services.

Conclusion

Ladies and gentlemen, as stated by the State Council of the People's Republic of

China in the white paper published yesterday entitled "The Belt and Road Initiative: A Key Pillar of the Global Community of Shared Future", "The ultimate goal of the BRI is to help build a global community of shared future. As an important public good for improving global governance, the initiative provides a platform for turning the vision into reality".

Hence, let us join hands and consider how we may use our legal expertise collectively to build not just a better society in our respective jurisdictions but also a better world for mankind as a whole.

Lastly, I would like to thank the Law Society of Hong Kong again for hosting the Summit today and I wish you all a very fruitful experience. Thank you very much.

Ends/Wednesday, October 11, 2023