

Speech by DSJ at Shanghai International Arbitration (Hong Kong) Center Inauguration (English only) (with photo)

Following is a speech by the Deputy Secretary for Justice, Mr Cheung Kwok-kwan, at the Shanghai International Arbitration (Hong Kong) Center Inauguration today (May 5):

Mr Ma Yi (Vice-Chairman of Shanghai International Economic and Trade Arbitration Commission (Shanghai International Arbitration Center), Mr Yang Xiangbin (Director of Bureau of Public Legal Service Administration of Ministry of Justice of the PRC), Mr Liu Chunhua (Director-General of the Department of Law of the LoCPG in the HKSAR), Ms Anna Joubin-Bret (Secretary of the United Nations Commission on International Trade Law), distinguished guests, ladies and gentlemen,

Good morning. It is my great pleasure to join you all in witnessing the establishment of the Shanghai International Arbitration (Hong Kong) Center (SHIAC Hong Kong). Shanghai International Arbitration Center (SHIAC), established in 1988, is an international commercial arbitration institution providing independent, fair,

professional, and efficient dispute resolution services for various domestic and foreign commercial participants.¹

SHIAC has established strong ties with over 25 renowned dispute resolution institutes around the world² and recently it co-hosted the seminar on “Prospects for the Development of Arb-Med Mechanism in the Asia-Pacific Region” with the Australian Disputes Centre, the Hong Kong International Mediation Centre, the Korean Commercial Arbitration Board and the Singapore International Mediation Centre.³ The international perspective of SHIAC is well illustrated by the bilingual speeches of our distinguished speakers and the presence of international audience today.

SHIAC has achieved rapid development over the last three decades. Commercial entities and individuals from 85 countries and regions around the globe have participated in SHIAC’s proceedings. In particular, Hong Kong was among the top users of SHIAC arbitrations

¹ <https://www.shiac.org/pc/SHIAC?moduleCode=aboutus>

² According to SHIAC’s website, SHIAC has engaged in cooperation with 27 international dispute resolution institutions. See <https://www.shiac.org/pc/SHIAC?moduleCode=cooperation>

³ <https://www.shiac.org/pc/SHIAC?moduleCode=news&securityId=29Cf5ICwMlxPh6Zu8SNuBg>

outside the Mainland last year.⁴

To extend the scope of services and provide more efficient dispute resolution services for arbitration users, SHIAC took a strategic and a wise move in setting up its first branch outside the Mainland in Hong Kong. A dedicated chapter⁵ has also been added to the latest SHIAC Arbitration Rules⁶ to regulate arbitration procedures under SHIAC Hong Kong.

Today's inauguration ceremony commemorates this auspicious occasion and represents how arbitration in Shanghai and Hong Kong is entering a new era and blazing a new trail.

Governmental Cooperation between Hong Kong and Shanghai

On the governmental level, since 2003, the establishment of the

⁴ According to SHIAC 2023 Annual Report, except for mainland China, the top five origins of the parties were Hong Kong, the United States, Singapore, Taiwan, and the United Kingdom. See https://www.shiac.org/pc/SHIAC?moduleCode=annual_report&securityId=afVMovF8Y5gTkZhM7VgWSQ

⁵ Chapter IX

⁶ On 7 November 2023, SHIAC officially introduced its brand-new version of arbitration rules, namely the SHIAC Arbitration Rules (2024). The new arbitration rules came into effect on 1 January 2024. See <https://www.shiac.org/pc/SHIAC?moduleCode=search&securityId=gauLbK2f0ULIMVxPWKPe8w>

Hong Kong/ Shanghai Co-operation Conference mechanism (formerly known as the Hong Kong/ Shanghai Economic and Trade Co-operation mechanism)⁷ has fostered diverse collaborations and exchanges between the Hong Kong and Shanghai in various areas.

With respect to arbitration, the Department of Justice of Hong Kong (DoJ) and the Shanghai Municipal Bureau of Justice entered into the Legal Services Cooperation Agreement (the Legal Services Cooperation Agreement) in December 2003 and August 2018 to promote cooperation and exchange among legal professionals.⁸ It encourages collaborations and exchanges between arbitration institutions in the two places⁹ as well as and the nurture of international arbitration talents in the two places.¹⁰

In June last year, SHIAC led a delegation to Hong Kong for an

⁷ Hong Kong and Shanghai established the Hong Kong/ Shanghai Economic and Trade Co-operation mechanism in October 2003. With the increasingly diversified exchanges between the two places, the Hong Kong/ Shanghai Economic and Trade Co-operation Conference was officially renamed as the Hong Kong/Shanghai Co-operation Conference after the Third Plenary Session in 2015. The above information is extracted from the LegCo paper on “Policy initiatives of the Constitutional and Mainland Affairs Bureau in relation to Mainland Affairs Bureau in relation to Mainland co-operation” (LC Paper No. CB(1)1003/2023(05)), see <https://www.legco.gov.hk/yr2023/english/panels/ci/papers/ci20231121cb1-1003-5-e.pdf>

⁸ https://www.doj.gov.hk/en/mainland_and_macao/projects_and_cooperation_with_the_mainland.html

⁹ Clauses 2 and 4 of the Legal Services Cooperation Agreement, see https://gia.info.gov.hk/general/201808/24/P2018082400678_290876_1_1535103706977.pdf

¹⁰ Clause 3 of the Legal Services Cooperation Agreement

exchange visit and I had the pleasure of receiving them at the DoJ office.¹¹ There were fruitful exchanges and insightful discussions on ways to further deepen the cooperation and prosper the international arbitration industry of the Mainland and Hong Kong. I am happy to meet you all again here in Hong Kong today.

Institutional Cooperation between Hong Kong and Shanghai arbitral institutions

On the institutional level, I am glad to see that arbitral institutions are fostering close ties to promote arbitration services. One of the remarkable examples is a Co-operation Agreement signed between SHIAC and Hong Kong International Arbitration Centre (HKIAC) in August 2018¹² and renewed last year,¹³ aiming to enhance international arbitration and other means of dispute resolution between the two places through partnership.

¹¹ <https://www.shiac.org/pc/SHIAC?moduleCode=search&securityId=RzpPhNkDM988uStkIuaS5A>

¹² https://www.shiac.org/pc/SHIAC?moduleCode=search&securityId=et8aikKXBA_79LqFjyzpDA

¹³ On 4 November 2023, HKIAC and SHIAC signed the renewal of the Cooperation Agreement during the signing ceremony for the 20th anniversary of the Shanghai-Hong Kong Cooperation Conference mechanism held in Shanghai.

See <https://www.shiac.org/pc/SHIAC?moduleCode=search&securityId=3IA9hdeTZMQnmcDjzmLdzQ>

On capacity building, SHIAC has also joined hands with Hong Kong arbitral institutions to co-organise professional forums and seminars to keep practitioners up-to-date on recent arbitral developments and provide a platform for thought-sharing. Events such as the 2019 Shanghai-Hong Kong Arbitration Connect Forum¹⁴, a seminar on the Interim Measures Arrangement¹⁵ and 2nd Invitational Moot Arbitration Competition for University Students from Mainland China, Hong Kong and Macau in 2022¹⁶ help promote industry exchange between the two places and groom international legal and arbitration talents.

Closing

To contribute to the country's development, Hong Kong and Shanghai shall continue to utilise our complementary advantages under the national development plans, and leverage our strengths to gear up, stride ahead, and pursue higher-level cooperation in the arbitration field.

¹⁴ https://www.shiac.org/pc/SHIAC?moduleCode=search&securityId=60pr_RINkpr7zwMXK4tbMg

¹⁵ The full title of the seminar was “Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region”.

See <https://www.shiac.org/pc/SHIAC?moduleCode=search&securityId=yYzUmqflEk8tds6IHQpZag>

¹⁶ <https://www.shiac.org/pc/SHIAC?moduleCode=search&securityId=onWAa5E04IW27ewwvce1yQ>

We look forward to seeing stronger collaborative ties between the two places in the years ahead.

On this joyous occasion, I wish SHIAC Hong Kong every success in the future. Thank you.