

Speech by SJ at forum titled Hong Kong: The Common Law Gateway for Vietnamese Businesses to China and Beyond in Ho Chi Minh City, Vietnam (English only) (with photos)

Following are the opening remarks by the Secretary for Justice, Mr Paul Lam, SC, at the forum titled Hong Kong: The Common Law Gateway for Vietnamese Businesses to China and Beyond in Ho Chi Minh City, Vietnam, today (September 24):

Vice President Vo (Vice President of the Vietnam Chamber of Commerce and Industry Mr Vo Tan Thanh), distinguished guests, ladies and gentlemen,

Good afternoon, xin chào buổi trưa. Firstly, a very warm welcome, a very big thank you to all of you joining our forum this afternoon co-organised by the Department of Justice of Hong Kong, the Hong Kong Economic and Trade Office in Singapore and the Vietnam Chamber of Commerce and Industry. The theme of today's forum is "Hong Kong: The Common Law Gateway for Vietnamese Businesses to China and Beyond".

In my opening remarks, I simply wish to try to answer two questions, two very obvious questions that I suppose you have in mind. Firstly, who we are; secondly, why are we here.

For the purpose of this forum, I have a very big delegation consisting not simply of government lawyers from my Department. The Department of Justice of Hong Kong is in fact quite similar to the Ministry of Justice in Vietnam. So, a lot of people would think I will be responsible for criminal prosecutions, giving advice to the Government. But perhaps not so well known is that, it is also one of my duties to promote legal services in Hong Kong to friends outside the jurisdiction. Apart from my colleagues from the Department of Justice, I am very fortunate to have the support of about 15 legal practitioners from Hong Kong. They are very experienced legal practitioners specialised in different areas. And in fact we have all together, if I recall correctly, six supporting organisations. And you can tell from the nature of the organisations to have some idea as to who these legal practitioners are representing. We have representatives from the two legal professional bodies in Hong Kong, the Hong Kong Bar Association and the Law Society of Hong Kong. In Hong Kong, we still adopt the British system, we still have a divided legal profession. We have barristers who go to the courts to do advocacy work, and then we have solicitors handling all sorts of legal matters from non-contentious commercial matters to dispute resolution. So the representatives from two legal professional bodies, and then we have representatives from the main arbitration institutions in Hong Kong, including the Hong Kong International Arbitration Centre, HKIAC, which is the main arbitration institute in Hong Kong. We also have the South China International Arbitration Center (Hong Kong), which is also a very important institution. And then we have the AALCO, Asian African Legal Consultative Organization, with a regional arbitration centre in Hong Kong. We also have a representative from eBRAM which provides electronic services, not just for dispute resolution, but also for deal making. So from looking at the nature of these organisations,

I hope you will be convinced that we have a wide spectrum of legal practitioners who are going to share their experiences and their knowledge about Hong Kong legal services to you in due course.

Having told you very briefly who we are, the second question perhaps is even more relevant and important: Why are we here? What do we aim to achieve in the next couple of hours? We have two hours for the forum. We decided to share with you some of the things about Hong Kong which you may be interested in for the two hours. And I believe many of you will join our dinner after the forum, so it will be around four hours. A lot can be achieved within four hours.

As I said earlier, I come across this question quite often. People wonder, in my capacity as the Secretary for Justice, I should be responsible for legal matters. It is not really my responsibility to promote trade and finance. I am not a minister of commerce. So what on earth am I doing here? To answer this very pertinent question, I think we should remind ourselves of the very close relationship between Vietnam and Hong Kong. I think we have to set the scene, we have to put things in context first.

As a matter of fact, I am sure you would agree that Hong Kong and Vietnam share very close ties both as a matter of history and also at present. Now we are in the beautiful city of Ho Chi Minh City. Ho Chi Minh is the founding father of Vietnam, and I am sure you would remember that Mr Ho Chi Minh actually founded the Communist Party of Vietnam in Hong Kong in the early 1930s. I had a very quick chat with Vice President Vo just a moment ago. He reminded me that in the last century, from the 60s, 70s, all the way up to 90s, a lot of trade concerning Vietnam actually went through Hong Kong for a lot of reasons. And then fast forward, what is the position as at today?

At the moment, I think there are more than 7 000 Vietnamese settling in Hong Kong, because I attended the national day celebration held by the Consul-General of Vietnam last week, so I got all the figures. There are more than 7 000 Vietnamese settling in Hong Kong. We have a lot of good Vietnam restaurants. I like the pho and banh mi. But more than that, we have roads and streets in Hong Kong named after places in Vietnam. We have the Saigon Street, Hanoi Road, so on and so forth.

Last October, the Hong Kong Government has relaxed some immigration regulations, and as a result, it is much easier and convenient for Vietnamese talent to come to work in Hong Kong. In addition, the criteria for taking multiple visas, either as tourists or on business, have also been relaxed. And a little bit closer to today, about two months ago, the Chief Executive of the Hong Kong Government came to Vietnam. I think he held a forum exactly in this particular venue. On that occasion, I was told that altogether 22 co-operation agreements have been signed between business people in Ho Chi Minh City and Hong Kong, covering a wide range of areas. And you look at the figures, look at the statistics, Vietnam is Hong Kong's second-largest trading partner within ASEAN (Association of Southeast Asian Nations) countries. I don't remember the exact figures, but the amount is huge. And in terms of direct investment in Vietnam, the Vice President also confirmed to me that Hong Kong ranks among the top five.

So plainly, if you put the matter in context, the relationship between Vietnam and Hong Kong has always been very close. And we look to the future. The Permanent Deputy Prime Minister of Vietnam actually paid a visit to Hong Kong about two weeks ago to attend the Belt and Road Summit. And he gave a very inspiring speech touching upon the relationship between Vietnam and Hong Kong. He mentioned the development plan of "Two Corridors, One Belt", which is a very important development plan of Vietnam. He said he is hoping that we can connect the Vietnamese "Two Corridors, One Belt" plan with the Belt and Road Initiative proposed by China. So these two plans actually can have a sort of very good synergy. So this is the background that I would like to remind ourselves.

But still you might think, well, I haven't answered the very pertinent question yet, because so far I did not mention the word "law" very often. So how is legal service, how are lawyers in Hong Kong relevant to what I have said to the future relationship between the jurisdictions? I think the answer must be obvious, because most of you are very successful, very influential business people in Vietnam, and most of you will be engaged in international commercial investment transactions. And you must recognise that no matter how much you hate lawyers, in particular the fees that they are charging you, lawyers are indispensable from the moment you decided to set up a business in a foreign place to the point you have to negotiate or conclude a contract with a foreign party; when it comes to how to manage your risk when you set up a business in a particular place, including: should I be concerned about the labour law there, tax or whatsoever; and in the important event that you run into dispute with your business partner or other people that clearly you will require legal service to assist you to resolve dispute. So the point that I wish to make is that, in the whole business cycle, I would use the analogy "from cradle to grave" but need to be more precise in the context from the inception of a business to the termination, to the point when you rip your profit from your joint venture, at each and every stage, legal service would be indispensable. But that still doesn't answer the question. Assuming legal service is indispensable, obviously you have to consider who should I instruct? Legal services of which jurisdiction would be to my advantage, would serve my best interest?

Now, here comes the ultimate objective of today's event. I am hoping that after four hours, you will be convinced that Hong Kong will be your best choice. I am not suggesting that Hong Kong is the only choice because the choice is yours, but I am assisting you to make an informed choice. We will be trying our best to persuade you that among all the options, Hong Kong is the best choice. Why? Because Hong Kong is a common law gateway for Vietnamese businesses to China and beyond.

This is my short answer. We do have a long answer, but I am afraid that the long answer is not going to be given by me. It is going to be provided by my eminent friends coming from Hong Kong. They will speak from their own area of practices, from their experiences to substantiate the point that I wish to make. And of course, after they share their experiences and what they wish to tell you, at dinner time, I am hoping that most of you would join the dinner, I will have the chance to speak to you again, just to do my

closing submission. I will wait for your verdict at the end of your dinner.

On this note, I hope you all have a very enjoyable afternoon and a very fruitful afternoon. And I hope that I will be able to convince you, because the duty of a lawyer is to convince people. I will be failing my duty if I am unsuccessful in this respect. I need your support and I am very optimistic because I have very good friends with me doing the job together with me. Thank you very much.

Ends/Tuesday, September 24, 2024