

Speech by DSJ at National Training Course for Talents Handling Foreign-related Arbitration (Hong Kong) (English only)

Following is the speech by the Deputy Secretary for Justice, Dr Cheung kwok-kwan, at the National Training Course for Talents Handling Foreign-related Arbitration (Hong Kong) today (February 21):

Mr Zhao (Vice Chairman and General Manager of China Legal Service (H.K.) Limited, Mr Zhao Zhenhua), Mr Liu (Deputy Division Director of the Arbitration Division of the Bureau of Public Legal Services Administration of the Ministry of Justice, Mr Liu Shihu), distinguished guests, ladies and gentlemen,

Good afternoon. It feels like just yesterday that we first met earlier this week, embarking on this journey of trainings and exchanges, and now, in the blink of an eye, our National Training Course for Talents Handling Foreign-related Arbitration (Hong Kong) has come to an end. In the past week, I am sure you have acquired knowledge and experience from lectures given by seasoned legal professionals, engaged in meaningful discussions with arbitration institutions, professional legal bodies and esteemed legal practitioners, had a taste of how actual court proceedings are conducted in Hong Kong, and built connections and friendships that I hope will last well beyond this Course.

First and foremost, I would like to express my sincere gratitude to the Ministry of Justice, the China University of Political Science and Law, and the China Legal Service (H.K.) Limited for their support and trust in the Hong Kong International Legal Talents Training Academy. Their support and assistance have been instrumental in making this Course a success. I look forward to our many more collaborations in the future.

I would also like to thank each of you for your commitment, active participation and contribution. Every question you posed, every insight you shared, and every discussion you engaged in has added depth to our collective learning experience.

Just a week ago, the Supreme People's Court, jointly with the Ministry of Justice of the People's Republic of China, have issued the Opinions "關於充分發揮仲裁職能作用 服務粵港澳大灣區高質量發展的意見" (Opinions on Giving Full Play to the Role of Arbitration to Serve the High-quality Development of the Guangdong-Hong Kong-Macao Greater Bay Area). The Opinions expand the scope of arbitration services regarding "Hong Kong-invested enterprises choosing Hong Kong Law" (港資港法) and "Hong Kong-invested enterprises choosing Hong Kong as the arbitration place" (港資港仲裁).

The new measures, effective from February 14 of this year, include that (i) Hong Kong-invested enterprises registered in Shenzhen and Zhuhai may choose Hong Kong law as the applicable laws in contracts, regardless of the proportion of investment; and (ii) Hong Kong-invested enterprises registered in the nine Mainland municipalities in the Greater Bay Area (GBA) may choose Hong Kong as the place of arbitration to resolve commercial disputes, in addition to being able to agree on the Mainland as the arbitration location.

The number of Hong Kong-invested enterprises established in the GBA Mainland municipalities has ranked top in the country. For example, as of the end of 2023, there were more than 32 000 Hong Kong-invested enterprises in Guangzhou, more than 88 000 in Shenzhen, 11 000 in Zhuhai and Huizhou respectively, and 8 000 in Dongguan.

These new measures implement the content of the Second Agreement Concerning Amendment to the Mainland and Hong Kong Closer Economic Partnership Arrangement (CEPA) Agreement on Trade in Services in October last year, providing investors and enterprises in the GBA with more and broader legal services options. They also establish a better, more diversified dispute resolution mechanism based on joint discussion, joint construction, and shared benefits.

The Opinions provide suggestions for accelerating the construction of world-class arbitration institutions in the GBA, establishing unified first-class arbitration rules and online negotiation and resolution platforms in the GBA, expanding the service areas of arbitration institutions in the nine Mainland municipalities of the GBA, improving the arbitration and succession mechanisms, as well as the judicial supervision mechanisms, and establishing a training mechanism for foreign-related arbitration.

The Department of Justice of the Hong Kong Special Administrative Region will continue to actively co-operate with municipalities in the GBA to promote the integrated development, seeking to give full play to Hong Kong's capability in nurturing foreign-related legal talent, and assist the country in providing more training for foreign-related talent.

As you come from a very diverse background from the government, universities, lawyer's associations and businesses, and you are all experts in your respective fields, your perspectives will not only help us understand what worked well but also identify areas for improvement. Whether it is about the content, the speakers, or any specific sessions that stood out to you, your feedback will play a very crucial role in shaping future training projects of the Academy. To this end, I invite you all to share your thoughts and comments on your experiences throughout this Course.

As we conclude this Training Course, I believe you would take what you have learnt and apply it in your respective fields. Learning does not stop here. I am sure you will keep pursuing knowledge as you progress on your professional journeys. Thank you once again for your participation and commitment throughout this Course. I wish you all the best in your future endeavors. Safe travels home, and I look forward to meeting you all again in the days to come. Thank you very much.