

## Rule of law anchors Hong Kong on its journey ahead

(by Secretary for Justice, Mr Paul Lam, SC)

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Since Hong Kong's return to the motherland in 1997, 28 years have passed in the blink of an eye. Guided by the constitutional order established under the Constitution of the People's Republic of China and the Basic Law of the Hong Kong Special Administrative Region (HKSAR), Hong Kong has been faithfully implementing the principles of "One Country, Two Systems," "Hong Kong people administering Hong Kong," and a high degree of autonomy.

One of the unique advantages enjoyed by Hong Kong under the framework of "One Country, Two Systems" is its common law system. This has played a vital role in achieving the core purpose of the framework: safeguarding national sovereignty, security and development interests, while maintaining Hong Kong's long-term stability.

The Hong Kong national security law, enforced in 2020, fully respects common law traditions and, in general, is enforced through Hong Kong's common law judicial system. The law has strengthened Hong Kong's legal framework and enforcement mechanisms for safeguarding national security. It also aligns with and complements the Safeguarding National Security Ordinance enacted last year, in accordance with Article 23 of the Basic Law, as well as other related local legislation. Together, these laws provide Hong Kong with robust legal tools to prevent, curb and punish acts and activities that threaten national security in accordance with the rule of law, thereby creating a highly secure environment.

Hong Kong's common law system offers distinct advantages. It is internationally oriented, professionally robust and enjoys a strong reputation for credibility. These qualities have made Hong Kong widely recognized as a society governed by a high-standard rule of law. The city is also acknowledged as an international center for legal and dispute resolution services, which in turn provides essential legal support for its role as a global hub for finance, trade and shipping.

Hong Kong is not only the sole common law jurisdiction within China, but also the world's only bilingual common law jurisdiction where both Chinese and English are used in legal proceedings. This ensures that both the legal language and substantive content are readily understood and accepted by the international community.

To enhance Hong Kong's appeal as a legal services hub while maintaining professional standards, the HKSAR Department of Justice (DoJ) has introduced a number of measures to attract legal talent from around the world. One recent example is the introduction of streamlined entry arrangements for individuals taking part in international arbitration proceedings in Hong Kong.

The DoJ is also working closely with other government bureaus to ensure that Hong Kong's legal framework remains up to date and responsive to global trends. Recent legislative efforts include laws that facilitate the re-domiciliation of companies incorporated overseas back to Hong Kong, as well as regulatory measures to govern the use of the cryptocurrency stablecoin.

Hong Kong's common law system also makes a unique contribution to the country's broader development strategy. One notable example is the Convention on the Establishment of the International Organization for Mediation, signed in Hong Kong at the end of May. Under this agreement, China and over 30 other signatory states have agreed to set up the headquarters of the International Organization for Mediation in Hong Kong, precisely because of the city's legal foundation and international credibility.

Hong Kong is an integral part of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) which has unique advantages under the "one country, two systems and three legal jurisdictions." To promote institutional coordination, regulatory alignment and talent mobility within the GBA, the DoJ released the Action Plan on the Construction of Rule of Law in the Guangdong-Hong Kong-Macao Greater Bay Area.

Thanks to efforts by the DoJ, new policies were introduced earlier this year on the application of "allowing Hong Kong-invested enterprises to adopt Hong Kong law" and "allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong" in selected mainland cities within the GBA. These policies give Hong Kong businesses operating in those cities the option to structure their contractual rights and obligations under Hong Kong law or choose Hong Kong as the seat of arbitration for resolving disputes.

In addition, the DoJ secured an extension of the pilot scheme for legal practitioners in the GBA until October 2026. The eligibility requirement was relaxed from five years of post-qualification practice to three years.

To date, more than 560 legal practitioners from Hong Kong and Macao have passed the Guangdong-Hong Kong-Macao GBA Legal Professional Examination and obtained practice certificates under the scheme. The department also continues to work in close partnership with the Hong Kong judiciary and relevant authorities on the mainland to improve a range of cross-boundary judicial cooperation arrangements.

These efforts have strengthened Hong Kong's role as a legal and dispute resolution service platform connecting the mainland with the rest of the world. Notable developments include reciprocal recognition and enforcement of judgments in civil and commercial matters, as well as the establishment of a mechanism that allows parties to apply to mainland courts for interim measures such as asset preservation or evidence protection in support of arbitration proceedings in Hong Kong.

To support the country's need for legal professionals with expertise in foreign-related matters, the DoJ established the Hong Kong International Legal Talents Training Academy last year. Earlier this year, in coordination with the Supreme People's Court and the Ministry of Justice, the academy hosted training programs in Hong Kong for mainland judges and legal practitioners, focusing on common law and international arbitration.

In May, the DoJ also organized a training session in Xi'an, central China, providing legal professionals from Shaanxi and nearby provinces with training on international arbitration.

The focus of the DoJ has consistently been to give full play to the unique strengths of Hong Kong's common law system to support full and accurate implementation of "One Country, Two Systems." Looking ahead, it will stay committed to this mission. By building on the solid foundation of Hong Kong's common law system and its robust rule of law, the DoJ will work to strengthen legal certainty and security and promote high-quality development.