

Speech by SJ at Summer Programme on Hong Kong Legal System for Visiting Students
2026 (English only)(with photo)

Following are the welcome remarks by the Secretary for Justice, Mr Paul Lam, SC, at the Summer Programme on Hong Kong Legal System for Visiting Students 2026 today (July 30):

Professor Lin (Dean of the School of Law of City University of Hong Kong, Professor Lin Feng), Professor Animashaun (Global Research Assistant Professor of the School of Law of City University of Hong Kong, Professor Sijuade Animashaun), students, ladies and gentlemen,

Good afternoon and welcome to the Department of Justice.

The Department of Justice and the Hong Kong International Legal Talents Training Academy are very honoured to be the sponsor and supporting organisations of this meaningful programme.

I understand that you are coming from different jurisdictions. Apart from the Chinese Mainland, we have students from Germany, Spain, Ireland, France, Portugal and Belgium. I also know that this is already the fourth day of a very intensive two-week programme. I hope that you have enjoyed your time in Hong Kong so far. My colleague will introduce the Department of Justice and key features of our legal and judicial system in detail shortly. What I intend to do is to say a few words on why I believe you have made a very wise choice to take part in this programme.

Apart from one student coming from Ireland, the rest of you come from civil law jurisdictions. In contrast, Hong Kong, as you must know by now, is a common law jurisdiction. Further, while almost one third of the countries in the world practise the common law, the common law systems vary greatly. For example, the common law system of Ireland is different from that of Hong Kong. So the big question is why is it relevant and potentially important for you to gain some understanding of Hong Kong's common law system? I would venture to say that the answer is that for anyone who is interested in international legal practice, in particular, with Chinese element, it is a huge advantage to get to know Hong Kong's legal system and the opportunities that it offers.

Let me explain why.

The starting point is to bear in mind the constitutional basis of Hong Kong's common law system. While Hong Kong is an inalienable part of the People's Republic of China (PRC), it enjoys a high degree of autonomy under the principle of "one country, two systems". Our constitutional order is made up by two essential documents: first, the Constitution of the PRC and second, the Basic Law of the Hong Kong Special Administrative Region. In particular and most relevant for the present purpose, the Basic Law creates a unique common law system.

I use the word "creates" because the Basic Law does not simply preserve the pre-existing common law system. One of the most important developments is that it confers the power of final adjudication on the newly established Court of Final Appeal. Our judicial system has a very strong international element. The Basic Law expressly provides that judges may be recruited from other common law jurisdictions, and the court may refer to judicial precedents of other common law jurisdictions in deciding cases. English, in addition to Chinese, is an official language that may be used, and is in fact very often used, in court proceedings. There cannot be any doubt that our independent judiciary enjoys an extremely high reputation around the world. This is an important reason why people from other parts of the world are willing to invest and do business in Hong Kong because they are confident that their interests will be fairly and sufficiently safeguarded. As you may have heard, the Judiciary has announced recently that it is going to set up an International Commercial Court in Hong Kong. Hence, our judicial system will be more international in future.

This is indeed a natural consequence of the fact that Hong Kong is an international financial, trading and shipping centre. In the light of the role played by Hong Kong, it is axiomatic that legal services required would involve not merely issues concerning Hong Kong law but also laws of other jurisdictions. This explains why, putting aside Mainland law firms and lawyers, there are a large number of foreign law firms, and registered foreign lawyers in Hong Kong. They may practise in Hong Kong the law of the jurisdiction which the foreign lawyers are qualified to practise. According to the latest statistics provided by the Law Society of Hong Kong, as at July 30, there are 93 foreign law firms in Hong Kong, including many from civil law jurisdictions such as four from France, two from Italy, two from Luxembourg and two from Switzerland. On the other hand, there are altogether 1 746 foreign registered lawyers, including two from Belgium,

17 from France, nine from Germany and one from Ireland. We have not yet seen any lawyer from Spain and Portugal yet. For those of you coming from Spain and Portugal, I would encourage you to consider this option after graduation and when opportunities arise.

Let me move on to arbitration. Again, as you should know by now, Hong Kong is one of the most preferred seats for international arbitration in the world. In the 2025 International Arbitration Survey by Queen Mary University of London, Hong Kong ranks as the world's second most preferred seat for arbitration and number one in Asia. According to the 2025 statistics of the Hong Kong International Arbitration Centre (HKIAC), which is the main arbitral institution in Hong Kong, it handled a total of 582 new cases, with total disputes worth HK\$126.2 billion - that's about US\$16.2 billion. What's even more striking is that 84.3 per cent of all arbitrations and 92.9 per cent of all administered arbitrations submitted to the HKIAC in 2025 were international in nature, in the sense that at least one party was not from Hong Kong. Parties came from 61 different jurisdictions. 45.4 per cent of all arbitrations submitted to the HKIAC in 2025 involved no Hong Kong parties, 58.2 per cent involved no Mainland Chinese parties and 13.7 per cent involved no Asian parties at all. There is no nationality requirement as to who may act as arbitrators in Hong Kong; and many of them are indeed coming from civil law jurisdictions including the Chinese Mainland. In 2025, there were arbitrators coming from France, Ireland, Germany and Portugal. Foreign lawyers are also free to take part in international arbitrations in Hong Kong. With effect from March 1, 2025, the Hong Kong Special Administrative Region Government has implemented the Immigration Facilitation Scheme for Persons Participating in Arbitral Proceedings in Hong Kong. Under the Scheme, foreigners may come to Hong Kong and act as arbitrators or counsel in the arbitration as visitors without the need to obtain an employment visa upon fulfilment of certain simple formalities.

There is an important reason why international legal and dispute resolution services are so popular and in huge demand in Hong Kong. This is because Hong Kong serves as a unique gateway to the Chinese Mainland. You may have heard that Hong Kong serves as a "super connector", and "super value-adder". What it means is that Hong Kong connects the Chinese Mainland with other parts of the world. But it is more than just providing the connection. We have added crucial value to the connections. Among other things, the provision of high quality and trustworthy legal services to safeguard the interests of foreign investors and business people who wish to explore investment and

business opportunities in the Chinese Mainland.

A unique feature which enables Hong Kong to perform such a role, which cannot be found elsewhere, is that Hong Kong is not only well connected to other parts of the world, its legal system is also well connected with that of the Chinese Mainland. This takes me to the vital fact that Hong Kong is the only common law jurisdiction within China.

While, as I have emphasised earlier on, Hong Kong practises a common law system which is separated from and independent of the Chinese Mainland legal system, it does not follow that there is no linkage between the two. Quite the contrary, because the two legal systems operate within one country, they are closely connected in ways that do not exist between China and other countries. Let me give some examples.

First, up to today, Hong Kong has entered into 10 mutual legal assistance arrangements with the Chinese Mainland on civil and commercial matters. As a result, court judgments in civil and commercial cases as well as arbitral awards in Hong Kong may be easily recognised and enforced in Hong Kong in accordance with rules and procedures modelled on international standards and vice versa. One unique arrangement is that it is permissible to seek interim measures such as an interim injunction to preserve assets and evidence from a Chinese Mainland court to support a pending arbitration in Hong Kong. The availability of interim measures is of crucial importance to enable that the arbitration will not become a futile exercise in practice.

The second example concerns the Guangdong-Hong Kong-Macao Greater Bay Area, in short, the GBA. I guess you might have heard about it already. Since last February, in designated areas within the Guangdong part of the GBA, a Hong Kong enterprise may choose to adopt Hong Kong law as the governing law of a contract entered into with another party; and it may also choose Hong Kong as the place of arbitration to resolve disputes arising out of such contract. In the past, only Chinese Mainland law could be used, and the arbitration could only take place in the Chinese Mainland, in these circumstances. The long and short of it is that options to use Hong Kong law and arbitrate in Hong Kong have now become more readily available. It is most significant to note that Hong Kong enterprise is defined very widely in that it includes any entity which has some Hong Kong interest irrespective of how little. In practice, it could be a company under the control of foreigners. Owing to the very wide definition of Hong Kong

enterprise, these options are very useful to foreign entities doing businesses and investing in the GBA.

Let me turn to another important development recently. The International Organization for Mediation (IOMed) - the world's first international intergovernmental organisation dedicated to mediation - has established its headquarters here and begun operations in October 2025. The fact that the state parties to the Convention (Convention on the Establishment of IOMed) agreed to choose Hong Kong to host the headquarters of IOMed is a strong testament of Hong Kong's strength and reputation in the provision of international dispute resolution services. So far, 47 countries have signed the Convention on the Establishment of IOMed and 16 of them have ratified the treaty. The mediation services provided by IOMed include disputes between a state and the national of another state as well as international commercial disputes between private parties. It is telling that the mediation services may be used by the national of a country which has not signed the Convention. For example, the first successful case resolved very recently was a maritime dispute between a Chinese state-owned enterprise and a Singaporean enterprise; Singapore is not yet a signatory of the Convention. Mediation has become a more and more popular method to resolve international commercial disputes. There is no legal restriction on who may act as mediator, or act for parties taking part in mediations, in Hong Kong. People including, but not limited to, lawyers coming from other jurisdictions are welcome to take part in international mediations in Hong Kong as mediators or lawyers acting for the parties involved in the disputes.

It is most crucial to bear in mind that Hong Kong has the strong support of our motherland. For the present purpose, under the National 15th Five-Year Plan promulgated in March this year, it is expressly stated that Hong Kong shall continue to strengthen its position as an international legal and dispute resolution services centre. There is every reason for us to be confident in and optimistic about the future of Hong Kong's international legal services.

The beauty of Hong Kong is not merely because of its strong rule of law. It is a truly international city where the East meets the West. We have numerous skyscrapers on the two sides of the Victoria Harbour which form the backdrop of the world's best night view. On the other hand, we also have some of the most beautiful beaches and hiking trails in our countryside which can be reached in less than an hour's drive. We have small local cafes serving Hong Kong style street foods, but we also have many Michelin-starred

restaurants. Hong Kong is very safe and convenient, and friendly to people from other parts of the world. I suspect some and perhaps many of you have come here for the first time. I would strongly encourage you to make the best use of your time here to explore our wonderful city apart from attending the summer programme. But I do have a request, in particular to those of you coming from Europe. Many people in your countries are less fortunate than you, and they do not have the chance of visiting Hong Kong. What they have read or heard about Hong Kong may be incomplete or even inaccurate without the benefit of first-hand experience. Therefore, when you return to your countries, please share your experience with your people. I am sure that it will be a good story full of fun and excitement.

In future, I do look forward to seeing you in Hong Kong again either as a visitor or in your legal professional capacity. May I conclude by wishing you all a fruitful summer programme and a wonderful time in Hong Kong. Thank you very much.

Ends/Thursday, July 30, 2026