

**For discussion on  
24 February 2020**

**Legislative Council Panel on  
Administration of Justice and Legal Services**

**2019 Policy Initiatives of the Department of Justice**

**Introduction**

This paper sets out the 2019 policy initiatives of the Department of Justice (“DoJ”).

2. The Hong Kong Special Administrative Region (“HKSAR”) Government continues to uphold the rule of law as a core value of the Hong Kong community under “One Country, Two Systems”. The rule of law is the cornerstone and core value of Hong Kong. All persons, regardless of race, rank, politics or religion, are bound and protected by the law. Amidst the recent events in Hong Kong, the HKSAR Government, including DoJ, stands firm against any breaches of the rule of law, and remains staunchly committed to upholding the rule of law, maintaining judicial independence, and safeguarding Hong Kong residents’ rights and freedoms which are constitutionally and institutionally protected. We will continue to partner with local and international communities to strengthen and promote these core values.

3. On safeguarding and promoting the rule of law, DoJ is committed to enhancing the public’s correct understanding of law. In addition, DoJ will step up efforts in consolidating the Hong Kong’s status as an international legal and dispute resolution services centre in the region in the face of keen competition from other jurisdictions.

4. To further strengthen the rule of law and Hong Kong’s position in the international legal community, we must enhance the standard of our legal services in a systematic manner through closer collaboration with various international and governmental organisations and institutions, so as to further consolidate the overall implementation of the rule of law, and enhance our competitiveness and influence in international legal services.

## **Policy initiatives relating to “Diversified Economy”**

### **New Initiatives**

#### **(A) Establishing new reputable international dispute resolution institutions in Hong Kong**

5. To strengthen and enhance Hong Kong’s status as a leading centre for international legal and dispute resolution services, and to meet the ever increasing demand for legal and dispute resolution services arising from the Belt and Road Initiative (“BRI”) and the Greater Bay Area Plan, DoJ has been actively striving for the presence of international dispute resolution institutions in Hong Kong.

##### ***(1) Regional arbitration centre of the Asian-African Legal Consultative Organization (“AALCO”)***

6. With the support of the Central People’s Government (“CPG”), DoJ has been exploring the possibility for AALCO to establish a regional centre for international commercial arbitration (“Arbitration Centre”) in Hong Kong. AALCO, as the only intergovernmental organisation representing Asia and Africa, primarily serves as an advisory body to its member states in the field of international law and as a forum for Asian-African cooperation in legal matters of common concern. It currently has 48 members states comprising almost all the major states from Asia and Africa.<sup>1</sup> Currently AALCO has set up Arbitration Centres in five locations: Egypt, Malaysia, Nigeria, Iran and Kenya. The Arbitration Centres aim to promote international commercial arbitration in the Asian-African regions and provide arbitration services to parties within or outside the region for cross-border commercial transactions and investments. AALCO is now considering establishing a new Arbitration Centre in China. With the booming commercial activities between Asia and Africa fostered by the BRI, the establishment of an AALCO Arbitration Centre in Hong Kong would provide Asian-African businesses in dispute with another option to make good use of Hong Kong’s quality legal and dispute resolution services to settle their

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<sup>1</sup> Member states of AALCO: Egypt, India, Indonesia, Iraq, Japan, Myanmar, Sri Lanka, Pakistan, Thailand, Ghana, Jordan, Sierra Leone, Iran, Kenya, Korea, Kuwait, Malaysia, Nigeria, Singapore, Syria, Nepal, Mauritius, Tanzania, Bangladesh, Gambia, Democratic People’s Republic of Korea, Saudi Arabia, Turkey, Libya, Oman, Qatar, Somalia, United Arab Emirates, Yemen, Uganda, Cyprus, Mongolia, Senegal, China, Sudan, Palestine, Bahrain, Lebanon, Brunei, South Africa, Cameroon, Vietnam and the Philippines.

disputes, while drawing on Hong Kong's experience in developing dispute resolution services to raise the standard of such services in the Asian-African regions. This would also help promote our legal and dispute resolution services in the Asian-African regions and further reinforce our position as an international legal and dispute resolution services centre in the Asia Pacific region.

## **(B) Hosting decision-making meetings of international organisations**

7. In order to continue raising Hong Kong's international profile and showcase our efforts in promoting international legal and dispute resolution services, DoJ is targeting decision-making meetings of international organisations, such as annual meetings or inter-sessional meetings, to be held in Hong Kong on the basis of our experience in hosting inter-sessional meetings of the Judgments Project of the Hague Conference on Private International Law ("HCCH"). For example, in February 2019, with the support of the CPG, we hosted the meetings of Informal Working Group II (on Common Courts) and Informal Working Group IV (on Declarations with Respect to Judgments Pertaining to Governments), which contributed to the final conclusion of the "Convention on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters" ("Judgments Convention") on 2 July 2019.

### ***(1) 59th Annual Session of AALCO in 2020***

8. DoJ is exploring the possibility of hosting the 59<sup>th</sup> Annual Session of AALCO in 2020. Important international law topics in the Asian-African regions such as maritime law, cyber space law and peaceful settlement of disputes are discussed in the Annual Session of AALCO. The member states of AALCO are represented by high ranking diplomats (often at ministerial level) and legal experts. Observer delegations representing governments and international organisations from across the globe also participate. With close links between AALCO and the International Court of Justice ("ICJ") and International Law Commission ("ILC"), it has become customary that judges of the ICJ and members of the ILC actively participate in AALCO's Annual Sessions. The Under-secretary General for Legal Affairs of the United Nations ("UN") and the Secretary-General of HCCH have also participated in its Annual Sessions. A number of major Asian cities have hosted its Annual Sessions, e.g. Beijing, Tokyo, Singapore, Bangkok, Seoul, etc.

9. Should we succeed in our bid to host AALCO's Annual Session, Hong Kong's legal community would gain exposure to international law at the policy-making level, and further our understanding of this area of law. Our legal professionals would also have the chance to expand their network with top legal experts from around the world brought together in Hong Kong for the event. The Annual Session would also provide an excellent opportunity for AALCO member states and its participants to learn more about Hong Kong's legal system and rule of law, and the implementation of "One Country, Two Systems", enabling Hong Kong to extend its strength abroad and promote cooperation with Asia and Africa through exchanges and experience sharing.

***(2) Inter-sessional Meetings of Working Groups of the United Nations Commission on International Trade Law ("UNCITRAL")***

10. UNICITRAL undertakes its substantive preparatory work on different topics through a number of working groups ("WGs"). For example, its WG III has been entrusted with the mandate to work on the possible reform of investor-state dispute settlement. This topic is particularly relevant to Hong Kong as an international dispute resolution centre, especially when the many new investment opportunities under the BRI would inevitably come with more investor-state disputes. The WGs hold inter-sessional meetings outside Vienna or New York from time to time. Inter-sessional meetings of WG III have previously been held in the Republic of Korea, the Dominican Republic and the Republic of Guinea. During the resumed 38th session of WG III in January 2020, the Chinese delegation successfully applied for hosting an inter-sessional meeting of WG III in Hong Kong, which is planned to be held in 2020. Such significant international meetings would give the profession a better understanding of prevailing international legal practices, broaden their international horizons and allow the representatives of Hong Kong, as members of the Chinese delegation, to participate in the policy making of reforming the investment dispute resolution mechanism at the international level. Situated at the heart of Asia with sophisticated transport infrastructure, Hong Kong can facilitate the participation of stakeholders and experts from neighbouring regions at such meetings. It is expected that the inter-sessional meeting in Hong Kong will help achieve the objectives of WG III, including collecting various views on relevant issues and increasing the level of participation of member states.

## **(C) Enhancing cooperation with the Mainland**

### ***(1) Arrangements on mutual legal assistance in civil and commercial matters***

#### ***(i) Cross-border insolvency matters***

11. With the increasingly close socio-economic ties between Hong Kong and the Mainland, DoJ has been taking active steps in strengthening legal cooperation between Hong Kong and the Mainland in civil and commercial matters. The establishment of a structured and effective legal mechanism in civil and commercial matters would enhance the much-needed support in this area.

12. The AJLS Panel and other stakeholders have commented that there exists a strong need for a legal mechanism for mutual recognition of and assistance in corporate insolvency and debt restructuring matters between Hong Kong and the Mainland. Given the specific nature of cross-border insolvency matters, they are not covered by the *Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters between the Courts of the Mainland and of the HKSAR* (“REJ Arrangement”) signed in January 2019.

13. DoJ has been working closely with professionals (including stakeholders from the legal and accountancy sectors) who are experienced in handling cross-border insolvency and debt restructuring matters, with a view to jointly taking forward with the Mainland the research on cooperation on cross-border insolvency matters. We are in discussion with the Supreme People’s Court (“SPC”) on a viable arrangement and will continue to work with stakeholders with the aim of consulting the public on the key features of the arrangement as soon as practicable.

14. We believe that the proposed arrangement would better protect the interests of debtors, creditors and other stakeholders on both sides of the border, be conducive to access to justice, enhance the credibility of Hong Kong as an international financial and business centre, and further optimise the business and investment environment of both places.

**(ii) *Legislative exercise for the REJ Arrangement***

15. The REJ Arrangement signed in January 2019 has a broader scope than the *Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region Pursuant to Choice of Court Agreements between Parties Concerned* signed by the two sides in 2006 and a wider coverage in certain aspects compared to the Judgments Convention adopted on 2 July 2019. For example, after implementation of the REJ Arrangement, certain judgments relating to intellectual property rights made by the Hong Kong courts will be enforceable in the Mainland. Hong Kong is the only jurisdiction having such an arrangement with the Mainland. This fully illustrates our unique edge under “one country, two systems”.

16. The REJ Arrangement establishes a more comprehensive and clearer bilateral legal mechanism for the reciprocal recognition and enforcement of judgments in civil and commercial matters between Hong Kong and the Mainland. It can reduce the need for parties to re-litigate the same disputes in both places, offer better protection to the parties’ interests, and further enhance Hong Kong’s status as a regional centre for international legal and dispute resolution services.

17. The REJ Arrangement can only be implemented in Hong Kong by way of local legislation. Given its wide coverage, the legislative exercise for the REJ Arrangement is expected to involve complex legal and technical issues. DoJ will examine those issues carefully and consult the stakeholders thoroughly in order to take the legislative exercise forward.

**(2) *The Guangdong-Hong Kong-Macao Greater Bay Area (“GBA”)***

**(i) *Signing of a framework arrangement with the High People’s Court of Guangdong Province on exchange and mutual learning***

18. On 7 September 2019, DoJ and the High People’s Court of Guangdong Province signed a framework arrangement on exchange and mutual learning in legal aspects, under which the two sides agreed to encourage and facilitate courts in Guangdong and relevant legal bodies in Hong Kong to launch projects on legal exchange and mutual learning, and conduct relevant training. The first cooperative project was a series of legal seminars on “Adjudicating with Common Law Concepts”, jointly organised

by DoJ and the Shenzhen Intermediate People's Court. The cooperative projects between Guangdong and Hong Kong will continue to roll out under the framework arrangement to facilitate two-way exchanges between the legal communities of both places. Moreover, DoJ participated in the first GBA judicial case seminar organised by the High People's Court of Guangdong Province on 6 January 2020. Bringing together judges, lawyers, experts and academics from Guangdong, Hong Kong and Macao, the seminar featured mock trials which were conducted according to different modes of trial in the three places with the same set of case facts to help legal professionals from the three places better understand the three legal and judicial systems. DoJ will explore with the relevant authorities of the three places the arrangement for holding the next seminar in the second half of 2020.

***(ii) The Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference***

19. On 12 September 2019, the Department of Justice of Guangdong Province, the Secretariat for Administration and Justice of the Macao Special Administrative Region and DoJ held the first Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference ("Joint Conference") in Hong Kong. The main purpose of the Joint Conference is, in accordance with the guiding directives set out in the Outline Development Plan for the Guangdong-Hong Kong-Macao GBA, to strengthen the legal exchanges and collaborations between Guangdong, Hong Kong and Macao. The first task is to consider the establishment of a GBA Mediation Platform and the relevant details. The Joint Conference will later continue to study GBA's various legal issues with a view to jointly promoting legal development in the GBA.

20. As the GBA comprises three different legal systems, the Mainland, Hong Kong and Macao, we seek to harness the opportunities for our dispute resolution sector in the development of the GBA. At the Joint Conference held on 12 September 2019, DoJ, together with the Department of Justice of Guangdong Province and the Secretariat for Administration and Justice of the Macao Special Administrative Region, considered issues relating to the establishment of a GBA Mediation Platform. For example, the Platform can promulgate a set of unified mediators' accreditation standards, best practices for mediation rules and best practices for mediators' code of conduct etc. for reference by GBA's mediation institutions and their mediators, thereby enhancing the confidence of mediation users within the

GBA. On 29 November 2019, representatives of the three Legal Departments in Guangdong, Hong Kong and Macao further discussed and exchanged views about the relevant issues regarding the establishment of the GBA Mediation Platform. The second Joint Conference, which is tentatively scheduled to be held in the first half of 2020, will continue to follow up on the establishment of the GBA Mediation Platform.

***(3) Establishing a permanent communication platform between Mainland enterprises and the Hong Kong legal profession***

21. We secured the support of the Ministry of Commerce (“MOFCOM”) and the State-owned Assets Supervision and Administration Commission (“SASAC”) of the State Council for establishing a permanent tripartite communication platform for Mainland enterprises and the Hong Kong legal profession. Such platform would serve as a communication channel between Mainland enterprises and the Hong Kong legal profession to connect Mainland enterprises with Hong Kong legal experts in various areas, and through regular exchange of experience and knowledge, optimise the business and investment environment of both places and facilitate the export of Hong Kong’s legal services. The first seminar on the legal challenges and strategies under the BRI was held in Beijing on 26 November 2019. It was attended by 17 representatives from 11 Mainland enterprises, comprising nine state-owned enterprises and two private enterprises, and eight legal experts from Hong Kong. DoJ, the MOFCOM and the SASAC of the State Council are planning for the next seminar to be held later this year. Discussions on entering into a related memorandum of cooperation are under way.

***(4) Regular exchanges with Mainland authorities and courts***

22. With reference to DoJ’s well-established practice of holding annual meetings with the Ministry of Foreign Affairs, the MOFCOM, the Ministry of Justice and the SPC have respectively agreed to our suggestion of establishing a mechanism for regular meetings. DoJ will meet regularly with the relevant Mainland authorities and courts to exchange views on issues of mutual concern, enhance communication and foster closer cooperation in different areas.



## **(D) Nurturing local legal talent**

### ***(1) Training in international organisations and legal bodies***

23. In order to sustain Hong Kong's position as a leading international legal and dispute resolution services centre, it is important to nurture our legal talent through continuous provision of training opportunities to equip them with the necessary skills and to strengthen their competitiveness.

24. To this end, DoJ will actively explore the possibility of local legal professionals (including law students and lawyers in both public and private sectors) taking up fellowship, secondment and internship opportunities in renowned international legal bodies, such as HCCH, the International Institute for the Unification of Private Law (UNIDROIT), the International Centre for Settlement of Investment Disputes of the World Bank Group, UNCITRAL and the ICJ. These opportunities provide valuable on-the-job training for nurturing Hong Kong's legal talent in diverse areas of international law.

25. Through participating in the work of those international bodies, our local legal professionals will expand their knowledge of the operation of international organisations, broaden their horizons through learning from international law experts and inject a Hong Kong perspective in shaping the development of international law. International organisations can, in return, connect with Hong Kong's legal talent, which can help raise Hong Kong's profile with those bodies and promote further cooperation.

26. DoJ is willing to provide financial subsidies to facilitate more legal professionals who are interested in joining international bodies to capitalise on these training opportunities to further improve their standards and gain wider exposure.

### ***(2) Participating in international conferences***

27. DoJ will encourage and support legal professionals, through the provision of subsidies, to actively participate in relevant international conferences worldwide to exchange knowledge and experience with counterparts in other jurisdictions, to advance their legal knowledge by regularly learning the latest trends in the development of different areas of law, and to establish connections with legal professionals worldwide. At the same time, through personal contact with people around the world, Hong

Kong's legal professionals will not only be able to broaden their own horizons, but will also act as Hong Kong's ambassadors in promoting our legal system and rule of law while fostering mutual understanding through exchanges and sharing.

**(3) *Increasing participation in international organisations***

28. Through training in and exposure to international organisations and conferences, local legal professionals can become even more well-equipped to play active and substantive roles in the work of international organisations where Hong Kong participates as part of the Chinese delegation, such as HCCH and UNCITRAL, or as a member, such as Asia-Pacific Economic Cooperation ("APEC"). This will allow us to do our part in aiding our nation to have a greater say and influence in international organisations, and to facilitate international cooperation and raise Hong Kong's international profile.

29. DoJ also encourages and supports local legal talent to take up leading positions in international organisations in which Hong Kong participates as a member. Relevantly, a DoJ counsel has served as the Convenor of the "Friends of the Chair on Strengthening Economic and Legal Infrastructure" ("SELI") established under the Economic Committee of the APEC since 2015. Hong Kong, China has been taking the lead in SELI, which promotes the use of international legal instruments for structural reform and strengthening economic and legal infrastructure. This includes the recent completion of a project on the development of an APEC-wide framework on online dispute resolution ("ODR") in business-to-business transactions for micro, small and medium enterprises. Encouragingly, this counsel has recently been appointed as the Chair of the APEC Economic Committee, an appointment which shows the potential for Hong Kong legal professionals to take leading roles in international bodies and further enhances the status of Hong Kong and our influence in international organisations.

**(4) *Providing opportunities for young lawyers***

**(i) *Understudy Arrangement***

30. DoJ is actively working on expanding the existing Understudy Arrangement for less-experienced barristers to act as junior counsel in prosecution cases, and is planning to roll out a similar arrangement for civil

work, so as to provide more opportunities for less-experienced barristers to gain hands-on experience and skills in case handling. Details are set out under item 4 of the Annex.

**(ii) *Pilot Professional Exchange Programme (“Pilot PEP”)***

31. DoJ launched a Pilot PEP in mid-September 2019 with the primary objectives of exposing young lawyers in the private sector to the work of DoJ, allowing them to suitably take part in handling matters undertaken by DoJ while enabling DoJ to tap into their expertise and facilitating cross-fertilisation of knowledge and experience. The programme aims to enhance mutual understanding, cooperation and collaboration and allow for the exchange of best practices. Participants will be engaged in a range of matters and projects, such as research on human rights, Mainland and international law or prosecution matters; work related to dispute avoidance and resolution; law compilation and publication; and development or organisation of programmes or training activities. The intended attachment period is three months or longer, subject to mutual agreement. Through equipping lawyers in the private sector and the Government with wider experience and exposure, we hope to further consolidate Hong Kong’s status as a legal hub, a leading centre for international legal and dispute resolution services in the Asia-Pacific region and a legal platform for deal-making and dispute resolution.

**(E) Capacity building and collaboration with international bodies**

32. DoJ will carry out a number of capacity building initiatives in the region and beyond in order to strengthen Hong Kong’s status as a regional capacity building centre which seeks to enhance legal infrastructure in the neighbouring regions, facilitating cross-border mobility and business activities, highlighting the contribution of Hong Kong and fortifying the role of Hong Kong under the BRI. The capacity building initiatives are multi-pronged, involving various international fora in different areas of law.

**(1) *Capacity building courses***

33. DoJ has already been organising some capacity building courses in dispute resolution and will step up our efforts or expand the current programmes.

34. For instance, DoJ organised the first Investment Law and

Investor-State Mediator Training Course in Asia in 2018. Some 50 participants from around the world, including government officials from the Mainland, ASEAN countries, the Middle East, Africa, South America and Hong Kong, as well as local and overseas legal and mediation practitioners attended the Training Course. Given the enthusiastic response to the first Training Course, DoJ held the second Training Course in Hong Kong from late October to early November 2019, bringing together again world-renowned trainers to share their knowledge and experience in international investment law and investor-state mediation with government officials and other participants from Asia and elsewhere. DoJ will run similar courses at more regular intervals in the future to further develop Hong Kong as an international investment law and international investment dispute resolution skills training base.

35. Furthermore, DoJ will also support the Training Session of China-AALCO Exchange and Research Programme on International Law conducted annually in Beijing and Hong Kong by the Asian Academy of International Law (“AAIL”) in collaboration with the Ministry of Foreign Affairs with a view to providing training on investment law, trade and investment disputes management, etc. for diplomats and government officials from various jurisdictions in the Asian-African regions. DoJ may take the opportunity to introduce Hong Kong’s legal system under “One Country, Two Systems” and the latest legal developments in Hong Kong.

36. DoJ has reached an agreement with the Hague Academy of International Law, one of the world’s leading academic institutes on international law, to support them in organising regular capacity building courses in Hong Kong in collaboration with AAIL starting from 2020. This would provide high-quality training for legal professionals in Hong Kong and the neighbouring regions and further raise Hong Kong’s international profile.

## **(2) *Promoting rule-based trading system***

37. DoJ supports the promotion of a rule-based trading system, which is essential for providing certainty in international trade to facilitate cross-border commercial activities along the Belt and Road countries. Adopted in 1980, the UN Convention on Contracts for the International Sale of Goods (“CISG”), one of the important legal instruments in this respect, provides uniform rules to govern contracts for international sales of goods, with a view to removing legal barriers in, and promoting the development of, international

trade. As 2020 marks the 40<sup>th</sup> Anniversary of CISG, DoJ will organise an international conference to celebrate the 40<sup>th</sup> Anniversary of CISG with the UNCITRAL and AAIL in 2020. This will help to promote wider use of the CISG, thereby facilitating rule-based international trade. It will also provide participants with a valuable opportunity to exchange with CISG experts.

#### **(F) Vision 2030 for Rule of Law**

38. The rule of law is a core value of Hong Kong and the cornerstone of our success. As an associate member of the UN Economic and Social Commission for Asia and the Pacific, the HKSAR will proactively participate in the national implementation of the 2030 Agenda for Sustainable Development. The Inclusive Dispute Avoidance and Resolution Office (“IDAR Office”), established under DoJ last year, aims to facilitate access to justice by providing equal opportunities for people from all walks of life and for all sectors of the economy for promoting sustainable development in the region and beyond.

39. This year, DoJ will launch the “Vision 2030 for Rule of Law”, a visionary initiative spanning over 10 years. Through professional exchanges, research, capacity building and promotional activities with people of different jurisdictions, stakeholders, including youth, legal practitioners and academics, can strengthen the Hong Kong community’s understanding of the concept of the rule of law and its implementation, enhance development of the rule of law internationally and safeguard Hong Kong’s prosperity, stability and sustainable development.

40. For effective implementation of the initiative, DoJ will set up a task force to identify short, medium and long term goals with a view to promoting sustainable development for the rule of law. Preparation work for setting up the task force is underway.

41. DoJ is also discussing with international organisations and institutions to co-organise regular events and research or other capacity building activities, with the aim of enhancing the promotion of the rule of law, providing equal opportunities of access to justice for all and strengthening education in anti-corruption in the region and beyond. The initiative will provide proper information on the rule of law, encourage and cultivate interest amongst youth in research on the rule of law and strengthen collaboration in the region and beyond. A society that upholds the rule of law

promotes peace and sustainable development, which is conducive to the successful implementation of the BRI and the promotion of cross-border activities.

## **Highlights of ongoing work and initiatives of DoJ**

### **(A) Enhancing communication with the profession**

42. DoJ will continue to liaise proactively with the legal profession and exchange views on issues of common interest. To enhance communication with the profession, the Secretary for Justice (“SJ”) has established a meeting mechanism with the Law Society of Hong Kong and the Hong Kong Bar Association. In addition, SJ and her team often meet professionals from the legal, arbitration and mediation sectors, etc. to collect their views and opinions for improving Hong Kong’s legal system and diverse dispute resolution mechanisms, hence consolidating Hong Kong’s rule of law and its position as an international legal and dispute resolution services centre. For example, in 2019, we invited members from different areas of the profession, including young lawyers, to attend tea gatherings to share their expectations and views on the development of the GBA. We also conducted experience sharing sessions with law students who had participated in the Mainland China Legal Internship Programme for Hong Kong Youths on their experience and insights. Besides promoting interaction and exchanges between the profession and DoJ, these activities allow us to better understand the aspirations of and prevailing challenges faced by the profession, enabling us to respond and follow up in an apt and timely fashion.

### **(B) Enhancing regional and international cooperation**

#### ***(1) Establishment of IDAR Office***

43. To better cope with the challenges and to harness the additional opportunities offered by the BRI and the Guangdong-Hong Kong-Macao GBA Plan, the IDAR Office was established within DoJ on 2 January 2019.

44. The IDAR Office works directly under the steer of SJ, with support from the Mediation Team of the Civil Division, the Arbitration Unit of the Legal Policy Division, and the International Organisation and Legal Cooperation Team of the International Law Division. It helps to better co-ordinate and implement initiatives that DoJ undertakes in the areas of dispute avoidance and resolution. The IDAR Office will pursue and conclude

cooperation or partnership arrangements with other jurisdictions and international organisations. It will also organise, support or encourage important international events and activities to be held in Hong Kong, and raise the international profile of Hong Kong in deal-making and dispute resolution through overseas capacity building and promotional activities.

*(i) Interim measures in aid of arbitral proceedings*

45. Interim measures prevent evidence and assets from being destroyed or dissipated, maintain the status quo, and are important in ensuring that the arbitral proceedings can be effectively conducted and that awards made by the arbitral tribunal can ultimately be effectively enforced. While it is increasingly common for international arbitration cases to involve a Mainland party or a Mainland dimension, currently under Mainland law, the Mainland courts would only grant interim measures to parties to arbitral proceedings administered by the Mainland arbitral institutions.

46. On 2 April 2019, the HKSAR Government signed the *Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the HKSAR* (“Interim Measures Arrangement”) with the SPC. With the benefit of the Interim Measures Arrangement, in effect since 1 October 2019, Hong Kong has become the first (and so far, the only) jurisdiction outside the Mainland where, as a seat of arbitration, parties to Hong Kong arbitral proceedings administered by one of the designated dispute resolution institutions and permanent offices (currently there are six) would be able to apply to the Mainland courts for interim measures in aid of the arbitral proceedings.

47. This is a game changer for Hong Kong’s international arbitration services. The Interim Measures Arrangement benefits parties to arbitration as well as arbitral institutions and the arbitration community in Hong Kong. The first application for interim measures filed by a party to Hong Kong arbitral proceedings under the Interim Measures Arrangement was heard on 8 October 2019 by the Shanghai Maritime Court, which granted the application for asset preservation on the same day. DoJ will be working with the arbitration community to promote the Interim Measures Arrangement, including co-organising training sessions with the SPC and arbitral institutions to familiarise Hong Kong and Mainland legal practitioners with the Interim Measures Arrangement. The first such session was held at

HKIAC on 19 October 2019.

**(ii) *Exchanges and collaborations with other overseas jurisdictions***

48. Internationally, DoJ and the Ministry of Justice of Japan signed a Memorandum of Cooperation (“MoC”) on 9 January 2019 to strengthen collaboration on issues relating to international arbitration and mediation, with the first event under the MoC held in May 2019 in Hong Kong on sports arbitration. In addition, DoJ signed an MoC with the Ministry of Justice of Korea and a Memorandum of Understanding (“MoU”) with the Office of the Judiciary of Thailand respectively on 25 September and 4 November 2019 to strengthen bilateral legal cooperation. Another MoU on legal cooperation with UNCITRAL was also signed by DoJ and the UN on 4 November 2019. DoJ will continue to pursue conclusion of cooperation arrangements with other jurisdictions and international organisations.

49. Through the above collaborative efforts, the Mainland and international legal practitioners will have not only a better understanding of Hong Kong’s sound legal system and rule of law, but a clearer idea of how to capitalise on Hong Kong’s legal services for international trade. Additional information on past and upcoming regional and international cooperation initiatives is set out under items 8 and 9 of the Annex.

**(2) *International conferences held in Hong Kong***

50. In the past year, Hong Kong hosted many international legal conferences, as shown by the details on international conferences and programmes under item 10 of the Annex. Of particular note were:

- (1) The “Investor-State Dispute Settlement Reform Conference: Mapping the Way Forward” was co-organised by DoJ and AAIL in February 2019. Its proceedings (including the speakers’ remarks and papers discussed at the conference), having been edited and published in book form, were disseminated as reference material to the delegates to the October 2019 session of UNCITRAL WG III held in Vienna and uploaded to the WG’s website.
- (2) In September 2019, the inaugural global conference on the Judgments Convention was co-organised by DoJ and HCCH with the support of AAIL. Participants took part in in-depth discussions and benefited enormously.



- (3) In 2019, DoJ inaugurated the Hong Kong Legal Week to be held annually on the first Monday of November to draw together government officials, judges, experts, academics, legal professionals, businessmen, etc. from different places for a week of important legal events and international conferences in Hong Kong. The first Hong Kong Legal Week, comprising the 3rd UNCITRAL Asia Pacific Judicial Summit, the inaugural Hong Kong Mediation Lecture and the 32nd LAWASIA Conference 2019, attracted over 800 participants from some 30 jurisdictions from 4 to 8 November 2019.

**(3) *Participation in international organisations***

HCCH

51. Since 1998, DoJ counsel, as part of the Chinese delegation, have actively participated in the HCCH's Judgments Project which led to, inter alia, the Judgments Convention concluded at HCCH's 22nd Diplomatic Session on 2 July 2019.

52. It is believed that the above efforts and initiatives can further enhance the Mainland's and neighbouring regions' knowledge of and confidence in Hong Kong, thus strengthening Hong Kong's position as a deal-making and commercial and trade dispute arbitration and mediation centre.

UNCITRAL WGs

53. Hong Kong has also been taking part in the work of UNCITRAL WG III (Investor-State Dispute Settlement Reform) and WG VI (Judicial Sale of Ships) as part of the Chinese delegation. The former may have far-reaching implications on the regime of investment treaties, including in particular Hong Kong's investment promotion and protection agreements. The latter will facilitate the development of maritime industry and ship finance, thereby reinforcing Hong Kong's leading position as an international maritime centre in the Asia-Pacific region.

SELI

54. DoJ has also been actively engaged in the work of SELI. To drive forward the SELI ODR Work Plan, we organised the "Stocktake Workshop on the SELI ODR Work Plan" during the First Senior Officials' Meeting on 2 to 3 March 2019 in Santiago, Chile. We further organised a policy discussion

on secured transaction and online dispute resolution during the Plenary Session of the APEC Economic Committee in Puerto Varas, Chile in August 2019. After the discussion, APEC Economic Committee endorsed the Collaborative Framework for ODR of Cross-Border Business to Business Disputes, thereby initiating the establishment of an ODR platform.

## **(C) Mediation**

### ***(1) Promoting the use of evaluative mediation***

55. In consultation with the Steering Committee on Mediation (“Steering Committee”) and other key stakeholders, DoJ will continue to study the use and development of evaluative techniques as tools in mediation processes in addition to facilitative and other techniques. This would provide more choice to mediators and end-users of mediation in Hong Kong. The Special Committee on Evaluative Mediation, formed under the Steering Committee, has been studying various issues, including training, standard and accreditation of mediators in relation to the use of evaluative mediation skills. The Special Committee will report its findings and make recommendations to the Steering Committee taking into account the situation in Hong Kong and other comparable jurisdictions.

### ***(2) Mediation Week and Mediation Conference 2020***

56. As part of our continuing efforts to promote and enhance public knowledge in the broader use of mediation as an effective means to resolve disputes, DoJ has been organising a range of events, including the biennial Mediation Week cum Mediation Conference. The next Mediation Week cum Mediation Conference will be held in the second half of 2020. It will feature seminars and conferences with international and local experts to exchange views on mediation trends and other topical issues.

### ***(3) The West Kowloon Mediation Centre***

57. The West Kowloon Mediation Centre (“WKMC”) is a purpose-built mediation facility. It is located adjacent to the West Kowloon Law Courts Building, which houses the Small Claims Tribunal (“SCT”). The WKMC commenced operation in November 2018 and a Pilot Mediation Scheme was launched at the same time. The Pilot Mediation Scheme is operated by the Joint Mediation Helpline Office (“JMHO”), an independent co-ordinator appointed by the Government. Jointly founded by nine

professional organisations, the JMHO is a non-profit-making charitable institution in Hong Kong. Under the Pilot Mediation Scheme, mediation services (including all necessary administrative, logistical and other support) are provided to SCT cases that are suitable for mediation and other suitable cases. Parties to suitable cases are only required to pay a nominal application fee of \$200 each for the mediation services provided under the Pilot Mediation Scheme. From the commencement of the Pilot Mediation Scheme until 31 December 2019, the SCT referred a total of 233 cases to the WKMC, of which mediation was conducted for 106 cases. During the period, the overall settlement rate of the Pilot Mediation Scheme approached 60%, while nearly 90% of the responding users of the Pilot Mediation Scheme indicated that they would use mediation again if they came across a dispute in the future. DoJ finds the outcome of the Pilot Mediation Scheme encouraging. It also enhances public awareness of mediation.

58. DoJ will continue to actively capitalise on Hong Kong's established strengths in mediation, facilitate the provision of mediation services both locally and in the GBA with innovative and forward-looking policy initiatives, and offer diversified services for disputes arising from the vibrant commercial activities within the GBA. It is hoped that by giving full play to our strengths, Hong Kong can provide appropriate support for enterprises while creating opportunities for the local mediation sector.

## **(D) Implementation of Law Reform Commission (“LRC”) Reports**

### ***(1) Third party funding of arbitration and mediation***

59. To implement the recommendations of the LRC Report on Third Party Funding for Arbitration and those of the Steering Committee on Mediation, the Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill was enacted in June 2017 to clarify that the common law doctrines of maintenance and champerty do not apply to third party funding of arbitration, mediation and related proceedings in Hong Kong. These amendments are expected to help maintain Hong Kong's attractiveness as a preferred venue of dispute resolution and enhance its competitiveness in handling cross-border investment and commercial disputes.

60. The provisions relating to third party funding of arbitration came into operation on 1 February 2019. A Code of Practice for Third Party Funding of Arbitration was issued on 7 December 2018 setting out the

practices and standards with which third party funders are ordinarily expected to comply in carrying out activities in connection with third party funding of arbitration. As regards the provisions relating to third party funding of mediation and the related Code of Practice, DoJ has been working with the stakeholders in the mediation community with a view to bringing them into operation as soon as practicable.

**(2) *Evidence (Amendment) Bill 2018***

61. To implement the recommendations of the LRC Report on Hearsay in Criminal Proceedings, SJ introduced the Evidence (Amendment) Bill 2018 into LegCo on 4 July 2018 to establish a statutory mechanism allowing the court to admit hearsay evidence in criminal proceedings when certain conditions are met. The Bills Committee established to scrutinise the Bill has since held five meetings. DoJ will continue to assist the Bills Committee with a view to securing its early passage through LegCo.

**(3) *Implementation of other LRC reports***

62. The cross-sectoral Working Group is continuing its work in studying and deliberating on the recommendations in the LRC Report on Class Actions. Upon completion of the study, the Working Group will put forward its recommendations for the Government to consider so that it may map out the way forward.

63. In addition, DoJ is continuing to work with relevant government bureaux and departments in favour of early implementation of the recommendations of the LRC Report on Criteria for Service as Jurors, the Report on Enduring Powers of Attorney: Personal Care and the Report on Double Jeopardy.

**(E) *Continuing to enhance Hong Kong e-Legislation (“HKeL”)***

64. In support of the Government’s policy to open up data for free public use to facilitate technology research and innovation, we have made available both current and past legislation data (dating back to 30 June 1997) in Extensible Markup Language (XML) format for download through the Public Sector Information Portal at <https://data.gov.hk> since October 2019.

65. We further enhanced HKeL to address users’ needs. From 18 December 2019, users can access copies of legislation in Rich Text Format

(RTF), making it easier for them to “copy and paste” legislative texts to emails and other documents. Users may also make use of the RTF copies in desktop word-processing software for drafting amendments to, and marking comments and notes on, copies of legislation.

66. We continue to press ahead with the verification of legislation. During the past 12 months, we published verified copies of popular chapters including the Banking Ordinance (Cap. 155), Mandatory Provident Fund Schemes Ordinance (Cap. 485), Copyright Ordinance (Cap. 528), Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and Competition Ordinance (Cap. 619).

#### **(F) Other issues**

67. Furthermore, DoJ is aware that the LRC embarked on new projects in 2019. Its Cybercrime Sub-committee has started work since January 2019, and is now studying the challenges arising from the rapid developments associated with information technology, the computer and the internet, reviewing existing legislation and other relevant measures, and examining relevant developments in other jurisdictions, with a view to making law reform recommendations where necessary.

68. Most recently in late October 2019, the LRC established another sub-committee to review the current position relating to outcome related fee structures for arbitration, consider whether the relevant law and regulatory framework need reform and, if so, make such recommendations for reform as appropriate. At present, unlike their counterparts in some other jurisdictions who can offer flexible fee structures to clients in arbitration cases, Hong Kong lawyers are prohibited from charging outcome related fees for arbitration. Given Hong Kong’s status as a leading centre for arbitration services, the LRC sees the value in studying this topic for arbitration. LRC’s study of the above topics and making of recommendations for reform where necessary to meet the needs of social development is also an important manifestation of Hong Kong as a rule-of-law society.

**Department of Justice**

**February 2020**

**Progress of DoJ's New Initiatives  
in 2017 and 2018 Policy Address and Policy Agenda Booklets**

Item	New Initiatives in 2017	Progress to date
1	<p>Proactively strive for more liberalisation measures for our professional services when forging trade agreements with the Mainland and overseas governments. At the same time, we will allocate more resources to promote Hong Kong as a platform for providing professional services and a centre for dispute resolution service for the Belt and Road countries. Through the Mainland and Hong Kong Closer Economic Partnership Arrangement (“CEPA”) framework and the upcoming development plan of the city cluster in the Guangdong-Hong Kong-Macao Bay Area, we will assist professional service companies in further opening up the Mainland market.</p> <p>[also under CEDB and CMAB]</p>	<p>DoJ counsel attended CEPA consultations with representatives from the Ministry of Justice, with a view to striving for more liberalisation measures in legal services. For example, the Department of Justice of Guangdong Province announced the Trial Measures on Hong Kong Law Firms and Macao Law Firms Operating in the Form of Partnership Association with Mainland Law Firms in Guangdong Province (2019 Revision) in July this year. Under the Trial Measures, which came into effect on 1 August, the minimum capital injection ratio of 30 per cent by Hong Kong and Macao partner firms in the partnership associations set up in Guangdong Province has been removed; legal practitioners from Hong Kong, Macao and the Mainland can be employed in the name of the partnership associations; partnership associations are allowed to handle and undertake administrative procedure legal work; and years of establishment, work performance and other qualifications of Hong Kong, Macao and Mainland partner law firms can be counted towards the qualification of the Mainland business of the partnership associations.</p>
2	<p>Study possible options to enhance the efficiency and operation of the LRC. The study includes examining the experience of various law reform agencies in other jurisdictions.</p>	<p>The LRC conducted a study to consider various options to enhance the efficiency and operation of the LRC. The results of the study were reported to and endorsed by the LegCo AJLS Panel in December 2017. The AJLS Panel agreed that the current</p>

		Commission and sub-committee structure of the LRC should be maintained with enhanced resources by adding more lawyers and supporting staff to the LRC Secretariat.
<b>New Initiatives in 2018</b>		
3	Prepare for publication on the website of DoJ a Combined DoJ English-Chinese Glossary of Legal Terms and a Combined DoJ Chinese-English Glossary of Legal Terms, each consisting of glossaries compiled by the five legal divisions of DoJ.	<p>In promoting the development of legal bilingualism, DoJ has started the preparation work for the publication of a Combined DoJ English-Chinese Glossary of Legal Terms and a Combined DoJ Chinese-English Glossary of Legal Terms (collectively “Combined Glossaries”) on DoJ’s website in an electronic format for public use. Each of the Combined Glossaries will consist of glossaries prepared by the different legal divisions. The tentative roll-out times are from Q4 2020.</p> <p>According to our current plan, for each of the Combined Glossaries, there will be a search function to enable users to conduct searches across all glossaries or in one or more selected glossaries, and hyperlinks to the relevant source documents (e.g. legislative provisions) will be provided. Users will also be able to download each individual glossary in PDF format.</p> <p>Enhancement of DoJ’s in-house prototype of a glossary of English-Chinese legal terms was carried out, both in terms of IT design (mainly, hyperlinks to source legislative provisions) and editorial content. The enhanced prototype was launched within DoJ for internal use in March 2019. The enhanced prototype lays the ground work for the IT design and editorial content of the Combined Glossaries. Preparation work for project implementation is being carried out and new glossary entries to be added to the Combined Glossaries are being compiled. As at</p>

		October 2019, there are over 60 000 glossary entries in the enhanced prototype.
	Moreover, since 2018, DoJ has been uploading bilingual summaries of important judgments involving Government (including background, issues in dispute and summary of the Court's rulings) to DoJ website for reference by the public.	When an important judgment involving Government is handed down by the Court, DoJ will prepare a summary (including background, issues in dispute and summary of the Court's rulings) for uploading to DoJ website. The summaries are in English and Chinese, and would enable the public to have a better understanding of the legal principles involved, particularly in controversial or complex cases. This arrangement has been implemented since 1 July 2018. As at 5 February 2020, 6 summaries on criminal cases, 5 summaries on civil cases and 24 summaries on judicial review cases have been uploaded.
4	Actively consider expanding the existing Understudy Arrangement for less-experienced barristers to act as junior counsel in prosecution cases, and to promulgate a similar programme for less-experienced barristers to undertake suitable civil work, so as to provide more opportunities for them to gain precious experience and skills in case handling.	<p>The Prosecutions Division is reviewing its Understudy Programme with a view to providing more opportunities for barristers with less than 10 years' post-admission experience to be engaged as junior counsel in prosecution cases. New features under consideration include expansion of the scope to cover other suitable categories of cases, increase in the number of participants and adjustment of the token daily rate. The revised arrangement would be implemented in due course.</p> <p>The Civil Division is planning to roll out a new Understudy Programme for barristers with less than 5 years post-admission experience who are in full practice to undertake suitable civil work for the Government so as to provide them with more training opportunities and enhance their exposure.</p> <p>Since the end of 2018, the International Law Division (ILD) invited some less-experienced barristers to participate in our</p>



		<p>studies on some specific international law topics to enhance their experience and broaden their international outlook. Specifically, several young barristers are invited to write discussion papers for the ISDS international conference under the theme of “Mapping the Way Forward” co-organised by DoJ and AAIL in Hong Kong on 13 February 2019 for comment by world-renowned experienced legal experts. The discussion papers have been included in the publication of the records of the conference minutes for distribution at the meeting of UNCITRAL Working Group III so as to contribute to the discussion on the reform of ISDS and to facilitate relevant policy formulation by Asian countries. ILD also invited some less-experienced barristers to participate in the legal study on the proposed application of the UN Convention on Contracts for the International Sale of Goods to Hong Kong and to assist in preparation of the relevant public consultation paper.</p>
5	<p>With the introduction of the Mediation Mechanism for Investment Disputes in the Investment Agreement made under the CEPA, Hong Kong will provide training for mediators in handling international investment disputes with a view to building up a team of international investment dispute mediators in Asia to support resolution of investment disputes through mediation.</p>	<p>The inaugural Investment Law and Investor-State Mediator Training Course co-organised by DoJ, ICSID and AAIL was held in Hong Kong from 15 to 21 October 2018 with participation of about 50 dispute resolution practitioners and government officials from 18 jurisdictions. The second Training Course was held in late October to early November 2019, again bringing together world-renowned trainers to share their knowledge and experience in international investment law and investor-state mediation with government officials and other participants from Asia and overseas.</p>
6	<p>Encourage the development of online dispute resolution, and give policy support to the development of a Belt and Road (“B&amp;R”) e-arbitration and e-mediation platform by non-</p>	<p>On 27 February 2019, the Financial Secretary announced in the 2019-20 Budget that \$150 million will be provided for the development and initial operation of the online dispute resolution</p>

	governmental organisations so that Hong Kong will be able to provide efficient and cost-effective online dispute resolution services. In addition, we also give policy support to the development of a smart contract platform for use by enterprises of countries along the B&R in exploiting developments in LawTech to facilitate deal-making and dispute resolution.	<p>and deal-making platform. The proposal was supported by the AJLS Panel on 25 March 2019.</p> <p>DoJ is in the process of seeking approval from the Finance Committee of the Legislative Council for the provision of \$150 million to a non-governmental body, eBRAM International Online Dispute Resolution Centre (eBRAM Centre), for the development and launch of the online platform by around early 2020. eBRAM Centre has also indicated at various APEC events its interest to be a pilot provider of online dispute resolution services in Hong Kong, China under the draft APEC Collaborative Framework for Online Dispute Resolution of Cross-Border e-Commerce Business to Business Disputes, which was endorsed in August 2019.</p>
7	Study the desirability and means of establishing a Belt and Road Dispute Resolution Centre, and formulate a set of bespoke B&R dispute resolution rules for the resolution of disputes arising from B&R transactions which will be manifestly international and multilingual, to overcome geographical distances and language barriers that exist between the B&R economies.	The Task Force on Belt and Road Dispute Resolution was set up by DoJ to study the establishment of a dispute resolution body in Hong Kong and its rules for the resolution of international disputes concerning B&R projects. The work of the Task Force has been satisfactorily concluded and its proposals was put forward to the Government.
8	Actively support legal professionals to enhance cooperation and exchanges with the Mainland and at the regional and international levels.	<ul style="list-style-type: none"> <li>➤ DoJ and the Ministry of Justice of Japan signed an MoC on 9 January 2019 to strengthen their collaboration on issues relating to international arbitration and mediation. The first event under the MoC was held in May 2019 in Hong Kong on sports arbitration. Other collaborative activities include a possible secondment programme with the HKIAC.</li> <li>➤ On 7 September 2019, DoJ signed a framework arrangement with the High People's Court of Guangdong Province on</li> </ul>

	<p>exchange and mutual learning in legal aspects, under which a series of legal seminars were organised in collaboration with the Shenzhen Intermediate People's Court. DoJ also took part in a Guangdong-Hong Kong-Macao GBA judicial case seminar organised by the High People's Court of Guangdong Province on 6 January 2020.</p> <ul style="list-style-type: none"><li>➤ On 12 September 2019, the first Guangdong-Hong Kong-Macao Bay Area Legal Departments Joint Conference was held in Hong Kong. The main purpose for setting up the Joint Conference is, in accordance with the guiding directions set out in the Outline Development Plan for the Guangdong-Hong Kong-Macao GBA, to strengthen the legal exchanges and collaborations between Guangdong, Hong Kong and Macao with a view to jointly promoting legal development in the GBA, thereby providing more comprehensive and inclusive legal and dispute resolution services for enterprises.</li><li>➤ On 25 September 2019, DoJ signed an MoC with the Ministry of Justice of Korea.</li><li>➤ On 4 November 2019, DoJ signed an MoC with the Office of the Judiciary of Thailand.</li><li>➤ DoJ gained the support of the MOFCOM and the SASAC to set up a permanent tripartite communication platform between Mainland enterprises (including state-owned enterprises) and the Hong Kong legal profession. The first event to facilitate such exchanges was held on 26 November 2019 in Beijing. DoJ is now in discussion on and entering into a related MoC.</li></ul>
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9	Strengthen cooperation with international organisations	<p>➤ On 4 November 2019, DoJ signed an MoC with the UN to enhance exchanges and cooperation with UNCITRAL, including organising the biennial Asia Pacific Judicial Summit in Hong Kong. DoJ will explore other cooperation opportunities with UNCITRAL in accordance with the MoC.</p>
10	Promote Hong Kong as a regional capacity building centre for international law and dispute resolution through organising and co-organising international conferences and training programmes with international and local bodies.	<p>DoJ has strengthened collaboration with renowned international, regional and local organisations, including UNCITRAL, HCCH, AALCO, APEC, ICSID and AAIL by co-organising, supporting or participating in a variety of capacity building and promotional activities, in order to raise the international profile of Hong Kong.</p> <p>Some examples of international conferences and training held in 2019 include :</p> <p>➤ The “Public-Private Partnerships: Harnessing Opportunities and Overcoming Challenges” Conference organised by DoJ, UNCITRAL and AAIL in January. In anticipation of the revised version of “UNCITRAL Legislative Guide on Public-Private Partnerships” to be issued in 2019<sup>2</sup>, the conference explored how to use public-private partnerships (“PPPs”) to unlock opportunities for infrastructure projects along the B&amp;R routes. The use of different international dispute settlement mechanisms in settling disputes arising out of PPP projects was also discussed. Senior Mainland, Hong Kong and overseas government officials, representatives of state-owned enterprises and transnational corporations, as well as</p>

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<sup>2</sup> The Guide was subsequently adopted by UNCITRAL in its Fifty-second session held in July 2019.

	<p>stakeholders in the construction industry, legal and financial sectors shared their valuable experiences.</p> <ul style="list-style-type: none"><li>➤ On 13 February 2019, DoJ co-organised with AAIL an international conference titled “Investor-State Dispute Settlement Reform Conference: Mapping the Way Forward” in Hong Kong. The conference discussed the Investor-State Dispute Settlement Reform which was under consideration by Working Group III of UNCITRAL. World-renowned investment law experts, legal practitioners, representatives of arbitration institutions, local and international organisations and senior government officials attended the conference to share their views and experiences.</li><li>➤ From 2 to 3 March 2019, DoJ organised a workshop titled “Stocktake Workshop on the SELI ODR Work Plan” during the First Senior Officials’ Meeting of APEC in Santiago, Chile. Delegates and experts of Hong Kong, China gave a brief account of Hong Kong’s current effort in actively studying the setting up of an ODR platform and the progress of its development while also sharing their expertise and experience on the subject. The workshop also focused on the rules and terms in relation to using the ODR platform, which would help ensure the development of the ODR platform and its widespread use in the future.</li><li>➤ A training session of China-AALCO Exchange and Research Programme on International Law was held in Hong Kong from 11 to 16 August 2019. The training session, co-organised by AAIL and the Ministry of Foreign Affairs with the support of DoJ, provided training to some 40 diplomats and government</li></ul>
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	<p>officials from over 30 countries on areas including investment law and trade and investment disputes management.</p> <ul style="list-style-type: none"><li>➤ From 26 to 27 August 2019, DoJ organised a policy discussion on online dispute resolution and secured transaction during the Plenary Session of the APEC Economic Committee in Puerto Varas, Chile to examine in depth with delegates to the Committee the importance and benefits of the use of the ODR platform, and consider in detail the rules and terms on its use. After the discussion, the APEC Economic Committee formally endorsed the rules and terms on the use of the ODR platform, thereby initiating the next stage of work for the establishment of the ODR platform.</li><li>➤ On 30 August 2019, the Department of Justice of Hainan Province and DoJ arranged the Hainan International Arbitration Court and Hainan Lawyers Association, in collaboration with HK45 and the International Youth Legal Exchange Federation, for co-organising a symposium in Haikou City, Hainan Province on the opening up and the rule of law of Hainan Free Trade Zone (Port). A group of young lawyers from Hong Kong were invited to share with over 300 Hainan legal professionals the importance of diversified dispute resolution services to the development of a free trade port with reference to the experience of Hong Kong.</li><li>➤ DoJ and the Shenzhen Intermediate People's Court co-organised the "2019 Seminars on Adjudicating with Common Law Concepts" series in which Hong Kong's judges and senior counsel spoke to Mainland judges on the development of Hong Kong law in civil and commercial matters. Hong Kong's legal</li></ul>
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	<p>profession was also invited to attend one of the seminars held on 8 September 2019 in Shenzhen on the comparative study of the contract laws of the Mainland and Hong Kong.</p> <ul style="list-style-type: none"><li>➤ DoJ and HCCH, with the support of AAIL, co-organised the Inaugural Global Conference on the Judgments Convention in Hong Kong on 9 September 2019. Experts from different jurisdictions, many of them being delegates to the HCCH 22nd Diplomatic Session which adopted the Convention, spoke at the conference, which was well attended by around 200 attendees. It provided an excellent opportunity to experts and interested parties to exchange views on various aspects of the Judgments Convention, including the benefits of this new international treaty for cross boundary dealings and in particular, for the global circulation of civil and commercial judgments.</li><li>➤ From 20 to 25 October 2019, HKIAC organised the 8th Hong Kong Arbitration Week, including the annual signature event ADR in Asia Conference on 22 October 2019. The Hong Kong Arbitration Week attracted a record attendance with registered participants from 40 different jurisdictions.</li><li>➤ From 24 to 25 October 2019, the American Bar Association organised the “Asia-Pacific Forum: Navigating the Life Cycle of a Cross-Border Deal” during the Hong Kong Arbitration Week. The Forum provided strategic solutions to disputes which may hamper cross-border transactions.</li><li>➤ From 28 October to 3 November 2019, DoJ, ICSID and AAIL jointly organised the 2nd Investment Law and Investor-State</li></ul>
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		<p>Mediator Training, with a view to enhancing participants' understanding of international investment law and their mediation skills.</p> <p>➤ “Hong Kong Legal Week 2019”</p> <ul style="list-style-type: none"><li>• On 4 November 2019, DoJ co-organised with AAIL and UNCITRAL the 3rd UNCITRAL Asia Pacific Judicial Summit 2019, which aimed to promote the rule of law and the understanding of international trade and facilitate uniform application and interpretation of international instruments by judiciaries across the region.</li><li>• On 5 November 2019, DoJ and AAIL co-organised the Inaugural Hong Kong Mediation Lecture to explore the benefits and challenges of combining mediation with arbitration as complementary processes.</li><li>• From 6 to 8 November 2019, the Law Association for Asia and the Pacific (“LAWASIA”) staged the 32nd LAWASIA Annual Conference in collaboration with the Law Society of Hong Kong. The Conference is a platform for the convergence of bar leaders, jurists, professional organisations and individual lawyers from across the Asia Pacific, and is designed to facilitate the discussion of regional developments in law.</li></ul> <p>➤ On 19 November 2019, the Hong Kong and Mainland Legal Professional Association organised the event entitled “Maritime Dispute Resolutions in Weak Market – Is mediation</p>
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		<p>a feasible alternative resolution?” in a bid to explore whether mediation is the future of maritime dispute resolution or at least a feasible resolution in addition to arbitration.</p> <p>➤ From 5 to 6 December 2019, the Hong Kong Trade Development Council held the 9th Business of Intellectual Property Asia Forum to discuss the latest developments in the intellectual property market of Asia, and to explore business collaboration opportunities.</p>
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