

**For discussion on
25 April 2022**

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

Report on Hong Kong Legal Week 2021

INTRODUCTION

The Hong Kong Legal Week, which comprised of a series of international and prominent events, is a flagship event organized by the Department of Justice (“DoJ”) and held annually in the first week of November since 2019. Not only does the Hong Kong Legal Week gathers experts from around the world to share insights on issues of interest to the legal community, it also reinforces the position of Hong Kong as a leading centre of international legal, deal-making and dispute resolution services in the Asia-Pacific region and beyond.

2. Each year, the Hong Kong Legal Week comprises of key regional and international events with a view to promoting the rule of law, capacity building and international collaboration (including promotion of Hong Kong’s legal and dispute resolution services). Following the launch of Vision 2030 for Rule of Law Initiative and the Rule of Law Congress in the Hong Kong Legal Week 2020 to be held biennially, the Rule of Law Signature Engagement Event in 2021 is designed to be held as a follow-up event to the Rule of Law Congress during the Hong Kong Legal Week on alternate years. The Hong Kong Legal Week is also a flagship capacity building event and a melting pot for international cooperation where conferences and events are organized in collaboration with or with the support from international as well as intergovernmental organizations such as the United Nations Commission on International Trade Law (“UNCITRAL”) and the International Institute for the Unification of Private Law (“UNIDROIT”). Our legal professionals can broaden their horizons through learning from international experts from various jurisdictions and keep abreast of the latest legal developments from an international perspective. Wisdom and insights shared by eminent speakers during the Hong Kong Legal Week are also published by the DoJ in the following year such as the *Hong Kong Legal Week 2020 – Inaugural Rule of Law Congress Proceedings* and the *Basic Law 30th Anniversary*

*Legal Summit – Back to Basics Proceedings.*¹

3. The Hong Kong Legal Week 2021 was also held in line with the above objectives. This paper outlines the events of the Hong Kong Legal Week 2021 for Members' reference.

SIGNIFICANT EVENTS

4. The Hong Kong Legal Week 2021, which consisted of 9 significant events, was held at the Hong Kong Convention and Exhibition Centre from 1 to 5 November 2021. Events of the Hong Kong Legal Week 2021 included the UNCITRAL Asia Pacific Judicial Summit, the International Criminal Law Conference, Maritime Dispute Resolution in Hong Kong: Current and Future, Workshop on Online Dispute Resolution organized with the support of the Association of Southeast Asian Nations Secretariat (“ASEAN”), the 4th Belt and Road Conference and the Rule of Law Signature Engagement Event entitled “SEE – a Journey of Transformation for a Sustainable Future” organised with the support of LAWASIA. Other events held during the Hong Kong Legal Week 2021 consisted of the Greater Bay Maritime Forum – a Turning Point in the New Era, Generations in Arbitration Conference and Hong Kong Mediation Lecture 2021. The events are broadcasted online and via television channel simultaneously. Around 20,000 persons from over 40 different jurisdictions participated in one or more of the events in person or online.

(i) The 4th UNCITRAL Asia Pacific Judicial Summit (1 to 2 November)

5. Last year was the fourth time the DoJ and UNCITRAL jointly held this biennial flagship event UNCITRAL Asia Pacific Judicial Summit (“Judicial Summit”), signifying Hong Kong’s status as an international legal hub for legal, deal making and dispute resolution services. The Judicial Summit consisted of two parts - the Judicial Conference and the Judicial Roundtable - catering for the needs of judges and judicial officers to gain knowledge and discuss their experience. The Judicial Summit also marked the opening of the Hong Kong Legal Week 2021.

6. Under the theme of “Sustainably Adapting to a New Normal”, the Judicial Summit focused on legal topics which were relevant to adapting to the new normal. The Judicial Conference covered extensive topics ranging from financing in the global economy; seizing opportunities

¹ See <https://www.doj.gov.hk/en/publications/publications.html>

resulting from the pandemic by emerging technologies in digital economy and dispute resolution; to insolvency and restructuring during global recovery from the pandemic. Prominent scholars and experts, legal practitioners and judges from all over the world exchanged and shared their views on arbitration, the use of green bonds and sustainable financing to facilitate the global economy, how legal services may be efficiently utilized in support of green financing, emerging technologies that are conducive to the legal and business communities, insolvency and public-private partnership. The Secretary for Justice, the Chief Justice of the Court of Final Appeal, the Secretary of UNCITRAL, Ms Anna Joubin-Bret, and the General Counsel of the Asian Infrastructure Investment Bank, Mr Alberto Ninio, also gave their remarks at the Judicial Conference.

7. In view of the pandemic, the Judicial Summit was conducted in hybrid mode. More than 800 persons from over 38 jurisdictions across the world participated in the Judicial Summit either in person or online, including 80 judges. The Judicial Conference was also broadcasted and featured in local television channel and news media online. The Judicial Summit provided important technical information and useful insights to business executives, legal and dispute resolution practitioners, judges and judicial officers. This was also the first time simultaneous interpretation in Armenian was provided (in addition to English and Chinese), with the support of the Asian Development bank, which showcased the importance of this capacity building event for Armenian-speaking judges and participants.

(ii) Greater Bay Maritime Forum – a Turning Point in the New Era (1 November)

8. The inaugural Greater Bay Maritime Forum (“Forum”) was hosted by the Hong Kong Shipowners Association as one of the major events in the Hong Kong Maritime Week 2021 and Hong Kong Legal Week 2021. The hybrid Forum attracted participation from over 300 key personalities from the global shipping community including the Greater Bay Area (“GBA”) and witnessed the signing of two memorandums of understanding for cooperation in the GBA on the promotion of international maritime arbitration and on the cooperation in maritime development and training respectively.

9. Experts from various sectors of the shipping community were invited to share their insights on the maritime development in the GBA during the three panel discussions, covering the key topics of the

integration of commercial principals and maritime services into the GBA; grooming talents and building a maritime culture in GBA; and the transformation of the industry in the GBA through decarbonisation and digitalisation.

(iii) The International Criminal Law Conference (2 November)

10. Another significant event held during the Hong Kong Legal Week 2021 was the International Criminal Law Conference (“ICLC”). More than 900 participants attended in person or through internet platforms. Distinguished criminal law practitioners from different jurisdictions gave speeches in the ICLC. They included former Permanent Judge of the Court of Final Appeal, Chief Judge of the High Court, Professor of Law, Vice Chairman (Senate) of the International Association of Prosecutors, experienced law enforcement officers, Queen’s Counsel and Senior Counsel.

11. Discussion in the ICLC was focused on four criminal law topics, namely “Human rights considerations in the criminal law context”, “Sentencing offenders: maintaining public confidence in criminal justice”, “Combating corruption in the Mainland and Hong Kong” and “Crowdfunding or Crime-funding?”. The ICLC provided a platform for exchanges of expert views and experience from other jurisdictions and for review of our own practices with a view to enhancing the development of the criminal justice system.

(iv) Maritime Dispute Resolution in Hong Kong: Current and Future (2 November)

12. The legal forum entitled “Maritime Dispute Resolution in Hong Kong: Current and Future” was held on 2 November 2021. Co-organised by the DoJ and the Hong Kong and Mainland Legal Profession Association, the legal forum was supported by the Hong Kong Maritime Arbitration Group, the Hong Kong Shipowners Association and a number of other organizations. Guest speakers involved included Mr. CY Leung, Vice-Chairman of the National Committee of the Chinese People’s Political Consultative Conference, Justice Russell Coleman, Judge of the Court of First Instance of the High Court of Hong Kong, maritime legal and dispute resolution professionals and members from the shipping industry.

13. During the Forum, speakers shared their views and experiences on choosing Hong Kong as the preferred seat to arbitrate their maritime disputes and Hong Kong’s growing popularity as a maritime mediation

centre. It was noted that while English law is a commonly chosen governing law of shipping contracts, Hong Kong remains an ideal place for resolution of shipping disputes, particularly those involving Mainland parties given Hong Kong's talents in the legal and commercial sectors, unique strengths under "One Country, Two Systems", inclusiveness of Hong Kong's arbitration and mediation regime, in particular the distinctive features of Hong Kong law. The event attracted over 220 physical and online participants.

**(v) ASEAN Workshop on Online Dispute Resolution
(3 November)**

14. With the support of the ASEAN Secretariat, the first phase of the ASEAN Workshop on Online Dispute Resolution ("Workshop") was held in the Hong Kong Legal Week 2021 under the theme "An Efficient and Cost-effective Dispute Resolution Mechanism for Cross-border Disputes for ASEAN Trade".

15. With the extensive use of internet to conduct cross-border commercial transactions, e-commerce transaction have grown exponentially worldwide. Under the Free Trade Agreement and the related Investment Agreement between Hong Kong, China and ASEAN, cross-border trading between Hong Kong and ASEAN continues to flourish. The growth in trade, especially through regional e-commerce, has inevitably led to more cross border disputes. Staggering legal and travelling costs, coupled with language and cultural barriers, pose great difficulties to cross-border traders to obtain access to justice through domestic courts. Thus, there is a pressing need to provide litigants, especially those who are micro, small and medium enterprises ("MSMEs"), with an avenue to obtain access to justice in a time-efficient and cost-effective manner.

16. The Workshop invited international experts and guest speakers from the legal and dispute resolution sector to explore and discuss the importance of online dispute resolution in cross-border trade, the challenges that traders (including MSMEs) face in cross-border dispute resolution and to share their views and experience on the use of online dispute resolution in making claims and the opportunities arising from that. Representative from eBRAM International Online Dispute Resolution Centre Limited was also invited to introduce the online dispute resolution platform and LawTech services provided by eBRAM, which in turn showcased how the legal sector is responding to the fast-growing demand for cross-border dispute resolution services.

17. The Workshop was conducted in hybrid mode, attracting around 600 participants from 35 jurisdictions from ASEAN countries and beyond. The DoJ is planning to organize the second phase of the ASEAN Workshop on Online Dispute Resolution in the Hong Kong Legal Week 2022.

(vi) Hong Kong Mediation Lecture (3 November)

18. Co-hosted by Herbert Smith Freehills and the Hong Kong Department of Justice, the Hong Kong Mediation Lecture 2021 took place on 3 November 2021. Sala Sihombing, a specialist family mediator and conflict management consultant, discussed the topic of "Modern Mediation: Equity's Heir?" and shared her insights on how mediation can provide parties with the opportunity to apply their own conscience to find durable 'equitable' solutions that meet their substantive interests, not otherwise available to them in traditional rights-based litigation or arbitration processes. The Mediation Lecture 2021 attracted over 200 registrations from 21 Jurisdictions.

(vii) The 4th Belt and Road Conference (4 November)

19. The Belt and Road Conference ("Conference"), organized by The Law Society of Hong Kong, is the first and foremost conference of its kind, dedicated to exploring opportunities and discussing solutions for challenges brought about by the Belt and Road Initiative ("BRI") for the legal profession.

20. As one of the focal events in the Hong Kong Legal Week 2021, the Conference was themed "Global Recovery and Harmony through the Belt and Road Initiative" to explore how the BRI speeds up worldwide collaboration and revival in light of the unprecedented changes happening around the world. The Secretary for Justice and the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the Hong Kong Special Administrative Region, Mr. Liu Guangyuan gave their remarks at the Conference. The Director-General of Legal Affairs Department of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region, Mr. Liu Chunhua also participated in the Conference as an officiating guest at the opening ceremony.

21. The Conference featured government, lawyers' associations, business and financial leaders across the world to share their insights on

practical and forward-looking topics, ranging from the opportunities and challenges of ongoing initiatives and plans under the BRI, practical guidance for lawyers on how to help businesses to navigate geo-political risks, to how best to strengthen effectiveness of dispute resolution mechanisms applicable in the BRI jurisdictions. The Conference attracted over 670 registrations from 24 jurisdictions.

(viii) The Rule of Law Signature Engagement Event entitled “SEE – a Journey of Transformation for a Sustainable Future” (5 November)

22. The inaugural Rule of Law Signature Engagement Event (“SEE event”), which marked the finale of the Hong Kong Legal Week 2021, was organised by the DoJ with the support of LAWASIA. The SEE event aimed to have a more in-depth discussion on selected topics involving specific stakeholders. It is complementary to the Rule of Law Congress, which is held in alternating years during the Hong Kong Legal Week.

23. Widely participated by over 650 persons attending in person or online, the SEE event covered a number of crucial topics including the development of legal technology, advancing access to justice, the importance of objective data, and how cultural, legal traditions and socio-economic factors affect the practice of rule of law. The Secretary for Justice and the Chief Justice of the Court of Final Appeal respectively delivered the welcome and opening address for the SEE event. In his keynote speech, Dr Guo Huadong, Director General of International Research Centre of Big Data for Sustainable Development Goals shared how Big Earth Data facilitates the sustainable development goals.

24. The SEE event included two roundtable sessions and one panel session. Delegations of the International Youth Legal Exchange Conference 2021 coming from different jurisdictions, including Malaysia, Singapore and Cambodia, participated as panelists in the first and second roundtable dialogue sessions. They discussed topics relating to culture and the rule of law with experienced legal experts and practitioners. The Chairman of Asian Peace and Reconciliation Council, Professor Dr. Surakiart Sathirathai, delivered the closing remarks for the first roundtable session. The second roundtable session discussed topics included how the role of mediation and arbitration, as an alternative to litigation, contribute to advancing the rule of law, importance of judicial independence, confidence in the judiciary and to the system. In the panel session, distinguished speakers explored issues relating to the development of legal technology and how practitioners as well as students should

prepare themselves in the digital era.

25. Through these discussions, the SEE event provided opportunities for young legal talents to exchange their thoughts with experienced practitioners, and for widely spreading the vision of building and maintaining a more equitable and inclusive society for sustainable development within the region and beyond.

26. The Rule of Law Database was also officially launched at the SEE event. Through collecting and collating relevant objective data and in-depth studies on the impact of the unique socio-economic and cultural factors of individual jurisdictions on their practice of the rule of law, the Rule of Law Database aims to solidify the proper understanding of how the rule of law is practised and hence to improve on it as necessary. The Rule of Law Database is an ongoing project and is still developing.

27. In addition, the ceremonial opening of the hot-desking of LAWASIA was held at the SEE event to celebrate the first organisation joining the DoJ's hot-desking offices. The facility would be of great assistance to LAWASIA and its activities in Hong Kong and the Asia-Pacific region as well as enhancing collaboration between LAWASIA and the DoJ in areas of mutual interest.

CLOSING

28. With the support of the HKSAR Government and professionals and organisations from different sectors, the Hong Kong Legal Week 2021 had offered a valuable platform for insightful and resourceful discussions. Apart from live broadcasting, these discussions are also shared with the public via video recordings and publications which are uploaded to the event website. The Hong Kong Legal Week 2021 has received many positive feedbacks from both the speakers and the participants who indicated that the events involved were beneficial and the topics covered were both practical and forward-looking.

29. The DoJ is currently preparing for the next Hong Kong Legal Week, to be held tentatively from 7 to 11 November 2022. This will also be one of the events in celebration of the 25th Anniversary of the Establishment of the HKSAR. The Hong Kong Legal Week 2022 will again comprise of significant regional and international events including, tentatively, the Asia Pacific Private International Law Summit in collaboration with UNIDROIT, Phase II of the ASEAN Workshop on

Online Dispute Resolution, Seminar in celebration of the 10th Anniversary of the Hague Conference on Private International Law Asia Pacific Regional Office in Hong Kong, the 4th Hong Kong Mediation Lecture, a Belt and Road legal conference and the 2nd Rule of Law Congress. The Hong Kong Legal Week will continue to create synergies between the DoJ and international as well as intergovernmental organisations for furtherance and development of the rule of law and to further consolidate Hong Kong's leading status as an international legal and dispute resolution services centre.

Department of Justice
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