

**For discussion on
25 March 2024**

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

**Updates on cooperation with international legal and dispute
resolution bodies and attracting their presence or carrying out of
activities in Hong Kong:**

**International bodies and organisations other than
the International Organization for Mediation (IOMed)**

Purpose

This paper seeks to update Members on the Department of Justice (DoJ)'s recent work relating to international bodies and organisations other than the International Organization for Mediation (IOMed).

Background

2. Under the National 14th Five-Year Plan and the Greater Bay Area Development Plan, the Central People's Government (CPG) has strategically positioned Hong Kong as an international legal and dispute resolution services centre in the Asia Pacific region. With the view to raising Hong Kong's international profile and promoting the strengths of and opportunities for Hong Kong's legal and dispute resolution services, it has been DoJ's ongoing policy initiative to strengthen cooperation with renowned international legal and dispute resolution bodies, attracting their presence to or carrying out of activities in Hong Kong.

3. DoJ has been actively carrying out work in support of the said initiative. This includes attracting the presence of international organisations in Hong Kong, facilitating or supporting international organisations to carry out their activities in Hong Kong, as well as participating in the work of a number of international organisations in the field of private international law and other international legal and dispute resolution bodies, and enhancing collaboration with them.

4. On 23 January 2024, DoJ updated Members on its recent work in relation to the IOMed. This paper focuses on providing Members with updates on DoJ's recent work relating to other international bodies and organisations.

(A) International Institute for the Unification of Private Law (UNIDROIT)

5. To further enhance cooperation between UNIDROIT and Hong Kong pursuant to the Memorandum of Understanding on cooperation signed between UNIDROIT and DoJ on 27 May 2022, the Deputy Secretary for Justice of the HKSAR visited Rome, Italy on 6 March 2023 and met with the Secretary-General of UNIDROIT and other members of UNIDROIT's management, to discuss more collaboration opportunities between UNIDROIT and Hong Kong.

6. UNIDROIT and DoJ agreed to co-organise the 2nd Asia-Pacific Private International Law Summit during the Hong Kong Legal Week 2024 to be held in early November 2024, and have commenced preparation work for the Summit. The Summit is expected to attract participation from experienced legal academics and practitioners from this region and beyond.

7. With support of the CPG, DoJ and UNIDROIT also agreed to explore the possibility of setting up a liaison office in the Hong Kong Legal Hub, which will help UNIDROIT to promote its work in the Asia-Pacific region on the one hand, and further enhance Hong Kong's status as the centre for international legal and dispute resolution services in the Asia-Pacific region on the other.

8. A counsel from DoJ is currently seconded to the UNIDROIT Secretariat for a period of 12 months, who will, among others, assist in the planning of the way forward and preparing the necessary preparatory documents for setting up the liaison office. DoJ in consultation with the CPG and together with the UNIDROIT Secretariat, are working towards having an official information paper on the establishment of the liaison office submitted to the Governing Council of UNIDROIT in June 2024.

DoJ will provide updates on the progress of the matter to members at an appropriate juncture in due course.

(B) The Hague Conference on Private International Law (HCCH)

9. DoJ maintains close cooperation with the HCCH as well as its Regional Office for Asia and the Pacific (“Regional Office”), established in Hong Kong since 2012, which is the only regional office of the HCCH in this region. The Regional Office has been undertaking various activities in collaboration with DoJ, including capacity building, for Member States and potential Member States in this region, many of them are countries along the Belt and Road.

10. In particular, DoJ supported the HCCH in hosting the HCCH Asia Pacific Week 2023 in Hong Kong in September 2023, in celebration of the 130th anniversary of the HCCH. The Chief Executive of the HKSAR, Assistant Foreign Minister Hua Chunying, the Chief Justice of the Court of Final Appeal of the HKSAR, the Secretary for Justice of the HKSAR, the Secretary General of the HCCH attended the opening ceremony and delivered a speech on the opening day of the HCCH Asia Pacific Week.

11. Focusing on the topic of “Access to Justice and Sustainable Development: The Impact of the HCCH in an Inter-Connected World”, the Week featured speakers from around 20 jurisdictions and provided a platform for the exchange of ideas and viewpoints from across Asia and the Pacific. Discussion topics included the latest developments of the HCCH and its key Conventions, as well as, the HCCH’s ongoing featured projects and possible future work, in the areas of transnational litigation and legal cooperation, international commercial, digital and financial law, and international family and child protection law.

12. The Week was attended in person by more than 300 participants, including local and overseas government officials, legal experts and practitioners, together with online participants from around the world.

(C) United Nations Commission on International Trade Law (UNCITRAL)

13. DoJ continues with its close cooperation with UNCITRAL. Most notably, the 5th UNCITRAL Asia Pacific Judicial Summit was successfully held in Hong Kong on 6 and 7 November 2023 as part of the Hong Kong Legal Week 2023. The event attracted a record-high number of participants, with over 750 registrants from over 50 jurisdictions attending online and in person. Among them, around 50 judges and officials from 22 jurisdictions in this region (including states from ASEAN, the Middle East and Central Asia, as well as Pacific Island states) attended the Judicial Summit in person. This is also the first time simultaneous interpretation in the language of Timor-Leste was provided with the support of the Asian Development Bank, showcasing the importance of this capacity-building event for participants from the region.

14. The Secretary for Justice of the HKSAR, the Secretary of UNCITRAL and the Acting Commissioner of the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR gave opening remarks at the Judicial Summit while prominent speakers from this region such as Australia, Japan, Korea, Singapore, Sri Lanka and Thailand, as well as from the UN Economic and Social Commission for Asia and the Pacific, shared their insights on a variety of topics on international trade law.

15. In collaboration with UNCITRAL, in November 2023, DoJ counsel also participated in a hybrid meeting of the Inclusive Global Legal Innovation Platform on Online Dispute Resolution to explore the latest developments and potential issues in online dispute resolution with experts from other jurisdictions.

(D) Asian-African Legal Consultative Organization (AALCO)

16. Following the successful hosting of the 59th Annual Session of the Asian-African Legal Consultative Organization (AALCO) in Hong Kong in 2021 and the opening of the AALCO Hong Kong Regional Arbitration Centre (“AALCO HK Centre”) in 2022, DoJ has been

strengthening collaboration with AALCO which is the only inter-governmental legal consultative organisation in the Asian and African region. AALCO also holds permanent observer status at the United Nations since 1980 and maintains a permanent office at the UN Headquarters. It currently has 47 member states comprising almost all the major states from Asia and Africa, about 90% of them being Belt and Road countries.

6th Training Session of the China-AALCO Exchange and Research Program on International Law

17. DoJ has been providing support to the China-AALCO Exchange and Research Program on International Law (CAERP) which aims to promote capacity building in international law for AALCO members by conducting an annual training course, exposing participants to the theory and practice of international law by learning from eminent practitioners and academics from around the world while also facilitating the mutual appreciation and understanding of different Asian and African cultures. In 2017, the CAERP, which is operated by the Ministry of Foreign Affairs, and the Asian Academy of International Law (AAIL) signed a memorandum of understanding for cooperation, which allows CAERP participants to experience a week of lectures, seminars and conferences in Hong Kong in addition to the other part of the program held in the Mainland. In addition to sending counsel to participate in CAERP, DoJ has been sponsoring the Hong Kong part of the program since 2017.

18. After a pause of three years due to the pandemic, the 6th Training Session of the CAERP was held in Beijing from 24 to 29 July 2023, and in Hong Kong from 30 July to 4 August 2023 with funding support from DoJ. The 6th Training Session was attended by over 35 Member States of AALCO, and international/regional organisations such as ASEAN, the League of Arab States and the African Union. In addition to attending various lectures, these participants were provided with exposure to law-related bodies in Hong Kong, visiting places including DoJ, the Court of Final Appeal, the Hong Kong International Arbitration Centre, eBRAM, and the Independent Commission Against Corruption in Hong Kong.

3rd AALCO Annual Arbitration Forum from 5 to 6 December 2023

19. Since its official opening on 25 May 2022, the AALCO HK Centre has been undertaking various events and activities. The AALCO HK Centre seeks to integrate itself in the AALCO dispute settlement system and perform a variety of tasks, including providing facilities for alternative dispute resolution services, assisting in the enforcement of arbitral awards, and promoting the growth and effective functioning of arbitration and other dispute resolution services, including online dispute resolution services. Its establishment constitutes a significant and recent vote of confidence in Hong Kong's position to continue to be a leading centre for international legal and dispute resolution services in the Asia-Pacific region.

20. DoJ provided financial support for the 3rd AALCO Annual Arbitration Forum organized by the AALCO and the AALCO HK Centre, which was held in Hong Kong for the first time, from 5 to 6 December 2023. The Forum is the flagship international event of AALCO and a valuable platform for promoting international commercial arbitration among AALCO member states and for exchanging views on issues arising from arbitration practices across different jurisdictions in Asia and Africa. The Forum's theme was "Resolving Differences in a Changing World by Staying True to the Bandung Spirit". In particular, the Forum discussed the latest developments in arbitration laws and practice in Asia and Africa, judicial assistance in arbitration, use of online dispute resolution and technology in a post-pandemic world, resolving cross-border e-commerce disputes, arbitrating ESG-related disputes, and counteracting supply-chain disruptions. The Chief Executive of the HKSAR, the Secretary General of AALCO and the Deputy Commissioner of the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in the HKSAR gave welcome remarks, while the Acting Secretary for Justice of the HKSAR provided a keynote speech. Learned speakers from AALCO Member States and other AALCO regional arbitration centres shared their expertise and experience during the Forum. This hybrid event successfully attracted over 3,000 participants being diplomats, regulators, business, financial and industry leaders, technology and legal experts as well as observer delegations representing governments and international organizations from more than 30 countries

and was telecasted on media platforms for millions to participate. Further, in-person participants visited and were given a guided tour at the AALCO HK Centre.

21. The Forum greatly enhances the visibility of the recently established AALCO HK Centre within the region and beyond, thereby promoting the AALCO HK Centre's provision of services to AALCO Member States, investors and the business community for resolving their international disputes, reinforcing Hong Kong's strengths as an international financial, business, innovation and legal services hub and at the same time, contributing to the capacity building initiative of DoJ in the field of dispute resolution.

(E) The Hague Academy of International Law (HAIL)

22. In the field of capacity building, DoJ has also been enhancing our collaboration with the Hague Academy of International Law (HAIL) which is a world-renowned institute established in 1923 for teaching and research in public and private international law, with the aim of furthering the scientific study of the legal aspects of international relations.

23. After three years of delay due to the pandemic, the First Edition of The Hague Academy of International Law's Advanced Course in Hong Kong, with a focus on "Current Trends on International Commercial and Investment Dispute Settlement", took place in Hong Kong physically from 11 to 15 December 2023. The Course was co-organised by DoJ, AAIL and HAIL. Over 40 participants from about 20 jurisdictions around the world and eminent speakers made use of the Course to exchange experience and knowledge on expert topics relating to the settlement of international commercial and investment disputes. The Founding Member and Co-Chairman of the AAIL (also on behalf of the Secretary General of the HCCH), the Secretary-General of the HAIL and the Secretary for Justice of the HKSAR delivered welcome speeches.

24. The Course is a unique edition and is part of a series of courses to be held in Hong Kong, supporting DoJ's initiatives to promote Hong Kong as an ideal regional and international hub for deal-making and

dispute resolution, as well as a leading centre for international legal services and capacity building in the region and beyond. In line with the 2023 Policy Address, the Course also plays a pivotal role in nurturing a pool of legal talents and professionals and in fostering collaborative relationships between Hong Kong, international organisations and other jurisdictions, enhancing Hong Kong's status as a regional hub for capacity-building.

Conclusion

25. DoJ will continue to strengthen cooperation with international legal and dispute resolution bodies in taking forward the policy initiative in developing Hong Kong as an international legal and dispute resolution services centre in the Asia Pacific region. In particular, DoJ will step up the efforts in enhancing collaboration with these different international organizations in the field of capacity building, in support of the future establishment of the Hong Kong International Legal Talents Training Academy (Academy) as announced under the Chief Executive's 2023 Policy Address. The Academy will regularly organise practical training courses, seminars, international exchange programmes, etc. to promote exchanges among the Belt and Road region. In order to take forward this new policy initiative of establishing the Academy, DoJ will establish within 2024 a dedicated new office and an expert committee.¹

26. The presence of international organisations and their various activities in Hong Kong have also successfully brought a large number of legal and dispute resolution professionals around the world to Hong Kong to have first-hand experience of its unique strengths, rule of law and wealth of legal talents and assets that have made Hong Kong the ideal place for deal making and dispute resolution. Very positive feedbacks have been received from senior government officials, judges, legal practitioners, academics and other professionals participating in these events from around the world, which are clear evidence of success.

27. DoJ will continue to take forward the policy initiatives in raising

¹ This Panel was also consulted on the proposed creation of the relevant post for this subject on 26 February 2024 under LC Paper No. CB(4)214/2024(02) (see <https://www.legco.gov.hk/yr2024/english/panels/ajls/papers/ajls202400226cb4-214-2-e.pdf>).

Hong Kong's international profile and promoting the strengths of and opportunities for Hong Kong's legal and dispute resolution services, and telling good stories showing the strengths of Hong Kong's rule of law.

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