



Department of Justice  
The Government of the Hong Kong  
Special Administrative Region

# The Department of Justice

## Action Plan on the Construction of Rule of Law in the Guangdong–Hong Kong–Macao Greater Bay Area

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**Three Interfaces, Two Connects and One GBA**

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## Foreword

1. As one of the most open and economically vibrant regions in China, the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) plays a key strategic role in the overall development of the country. The development of the GBA is a national strategy personally devised, planned and driven by President Xi Jinping. It is not only a new attempt to break new ground in pursuit of opening up on all fronts in a new era, but also a further step in taking forward the implementation of “one country, two systems”. During his inspection of Guangdong in April 2023, President Xi stated that the GBA would become a strategic fulcrum of the new development pattern, a demonstration area for high-quality development, and a leading area for China’s modernisation.

2. The GBA has the unique advantage of “one country, two systems and three jurisdictions”, which is unprecedented worldwide. The “Outline Development Plan of the Guangdong-Hong Kong-Macao Greater Bay Area” (Outline Development Plan) promulgated in February 2019 explicitly supports Hong Kong to develop into a centre for international legal and dispute resolution services in the Asia-Pacific region. It also encourages the enhancement of judicial and legal exchanges and collaboration among Guangdong, Hong Kong and Macao, and the development of a multifaceted dispute resolution mechanism through communication, mutual contribution and sharing, so as to provide quality, effective and convenient judicial and legal services and safeguards for the GBA’s development.

3. The Outline of the 14th Five-Year Plan for National Economic and Social Development of the People’s Republic of China and the Long-Range Objectives Through the Year 2035 (National 14th Five-Year Plan) explicitly supports Hong Kong as a centre for international legal and dispute resolution services in the Asia-Pacific region and calls for taking forward high-quality development of the GBA actively and steadily.

4. The Government of the Hong Kong Special Administrative Region (HKSAR) attaches high importance to the development of the GBA. In the 2022 and 2023 Policy Addresses, the Chief Executive puts forward an array of initiatives to dovetail with national strategies including the National 14th Five-Year Plan, the development of the GBA and high-quality development of the Belt and Road Initiative. The construction of rule of law is an important component in the development of the GBA. In this connection, the Department of Justice (DoJ) has also taken steps to facilitate the establishment of mechanisms in the GBA. These mechanisms aim to efficiently and conveniently coordinate and bridge different legal systems and regulations and nurture and facilitate the flow of legal talents, to

provide a rule of law environment that is stable, fair, transparent and predictable for the GBA's high-quality development. This would enhance market integration and international competitiveness and propel the GBA's huge momentum of development.

## Guiding Principle

5. To implement and foster the construction of rule of law in the Guangdong-Hong Kong-Macao Greater Bay Area, the DoJ adopts “**Three Interfaces, Two Connects and One GBA**” as the guiding principle. The DoJ actively seeks to foster “**Two Connects**” through “**Three Interfaces**”, thereby contributing to “**One GBA**”.

6. Specifically—

(1) “**Three Interfaces**” refers to the interfaces of mechanisms, regulatory frameworks and talents.

(a) In relation to *interface of mechanisms*, the DoJ’s initiatives include:

- interface of communication and collaboration mechanisms: to enhance the interface of mechanisms among different levels of the respective governments, legal and dispute resolution sectors and other stakeholders of Guangdong, Hong Kong and Macao; to better and more efficiently coordinate relevant policy initiatives on the construction of rule of law in the GBA and collect feedback and disseminate relevant information;
- interface of mechanisms on mutual legal assistance in civil and commercial matters: to enhance interface among the legal systems of Guangdong, Hong Kong and Macao so as to provide legal protection and facilitative measures for cross-boundary civil and commercial activities.

(b) In relation to *interface of regulatory frameworks*, the DoJ’s initiatives include:

- market interface: to implement measures effectively addressing the difficulties that may arise from the differences of the regulations of the three places, so as to connect the markets for legal and dispute resolution services in the GBA;
- interface of professional services: to promote the formulation of relevant unified model rules and the establishment of an online dispute resolution platform, so as to connect non-litigation dispute resolution services in

the GBA, and facilitate the development of a diversified dispute resolution mechanism in the GBA.

- (c) In relation to *interface of talents*, the DoJ's initiatives include:
- nurturing foreign-related legal talents: to connect the strengths of the HKSAR's international legal services with the demand for training opportunities and training resources on foreign-related legal affairs in the GBA and beyond, and assist the country in building a pool of foreign-related legal talents;
  - enhancing flow of talents in the region: to enhance relevant measures so as to motivate and facilitate Hong Kong's legal sector to engage in GBA development, strengthen interface of legal talents in the GBA, foster their exchanges and cross-fertilisation of experience, and build the brand of the GBA's legal services.
- (2) "Two Connects" refers to:
- (a) in terms of *hardware in the construction of rule of law*, realising *connectivity in mechanisms and regulatory frameworks* among the jurisdictions of the GBA;
  - (b) in terms of *software in the construction of rule of law*, realising *the nurturing and flow of legal talents* among the jurisdictions of the GBA.
- (3) "One GBA" aims to capitalise on the respective strengths of different jurisdictions in the GBA for mutual benefit and synergy, so as to enhance the GBA market's integration and international competitiveness, with the rule of law as the foundation for building a top-notch bay area with a competitive edge in the global market.

## **Existing Mechanisms**

7. The DoJ will continue to make good use of the established mechanisms to communicate with the relevant authorities and stakeholders in the Guangdong-Hong Kong-Macao Greater Bay Area, and actively promote the construction of rule of law in the GBA.

### **The Guangdong-Hong Kong-Macao Greater Bay Area Task Force**

8. The DoJ, in January 2023, established the Guangdong-Hong Kong-Macao Greater Bay Area Task Force (Task Force) chaired by the Deputy Secretary for Justice. The Task Force advises on the promotion and utilisation of the unique advantages of “one country, two systems and three jurisdictions” of the GBA. It also focuses on strengthening mutual legal assistance between the HKSAR and the other parts of the GBA, and facilitating the convergence of legal practices, to facilitate interactions among people and businesses in the GBA.

### ***The Advisory Group of Guangdong-Hong Kong-Macao Greater Bay Area Lawyers***

9. The DoJ established the Advisory Group of Guangdong-Hong Kong-Macao Greater Bay Area Lawyers under the Task Force in February 2024. More than 10 GBA lawyers and Mainland lawyers with extensive experience in different areas of practice have been appointed as members. The Advisory Group is to advise the Task Force on further development of legal business and enhancement of collaboration in legal services in the GBA.

### **The Guangdong-Hong Kong-Macao Greater Bay Area Legal Departments Joint Conference**

10. In line with the Outline Development Plan’s direction of strengthening legal exchanges and collaboration among Guangdong, Hong Kong and Macao to jointly promote the construction of rule of law in the GBA, and to provide more comprehensive and inclusive legal and dispute resolution services to enterprises and individuals, the DoJ, together with the Justice Department of Guangdong Province and the Office of the Secretary for Administration and Justice of the Macao Special Administrative Region (Macao SAR) Government established the Guangdong-Hong Kong-Macao Greater Bay Area Legal Departments Joint Conference in 2019. The three places take turn to host the annual meeting of the Joint Conference to discuss work progress on legal exchanges and collaboration.



## Working Groups on Legal Co-operation between Guangdong and Hong Kong as well as Hong Kong and Shenzhen

11. In September 2022, the Chief Executive and the leaders of Guangdong Provincial Government and Shenzhen Municipal Government agreed to set up co-operation working groups, including the working group for Guangdong-Hong Kong co-operation on legal and dispute resolution services, and the working group on Hong Kong-Shenzhen legal co-operation. The DoJ, through actively participating in the work of the relevant working groups, directly communicates and works with the Justice Department of Guangdong Province, the Justice Bureau of Shenzhen Municipality and the Authority of Qianhai Shenzhen-Hong Kong Modern Service Industry Cooperation Zone of Shenzhen Municipality and other authorities. This helps to strengthen Hong Kong's exchanges and collaborations on legal matters with Guangdong and Shenzhen, and jointly promote the construction of rule of law in the GBA.

## **Measures – Interface of Mechanisms**

### **The Guangdong-Hong Kong-Macao Greater Bay Area High-Level Standing Interface Platform**

*Interface of communication mechanism*

12. To more efficiently coordinate the rule of law resources in the GBA and to address the needs of stakeholders for cross-boundary mutual legal assistance in civil and commercial matters, the DoJ and the Supreme People’s Court will jointly establish a GBA standing interface platform as a high-level, regular and institutionalised official channel to take forward the research and practical work on judicial and legal matters relating to the GBA. This would include conducting theoretical studies, reviewing the implementation of the arrangements on mutual legal assistance in civil and commercial matters and promoting their enhancement, organising capacity building and exchanges etc., to foster high-quality development of the GBA.

### **The Guangdong-Hong Kong-Macao Greater Bay Area Legal Information Platform**

*Interface of mechanisms for flow of legal information*

13. A key element of rule of law is that the law should be open and accessible. Currently, there is no unified information platform on legal and dispute resolution services in the GBA and a lot of useful information, such as information on court services and practising lawyers, is scattered across various platforms. There is room for improvement to help individuals and enterprises search for the information they need.

14. The DoJ will actively promote the establishment of a Guangdong-Hong Kong-Macao Greater Bay Area Legal Information Platform to link up the official channels of Guangdong, Hong Kong and Macao and pool together information related to GBA legal and dispute resolution services. This would enhance the exchange and transparency of such information in the region, thereby strengthening the construction of rule of law in the GBA.

### **Mechanisms for Mutual Legal Assistance in Civil and Commercial Matters**

*Interface of mechanisms for mutual legal assistance in civil and commercial matters*

15. To reinforce the legal protection for cross-boundary exchanges and interactions in civil and commercial activities, and to enhance the certainty and

predictability of the application of law, the DoJ has been actively listening to the views of the public and the legal and dispute resolution sectors. The DoJ has also been working closely with relevant Mainland government authorities to strive for the formulation and implementation of mutual legal assistance arrangements, which would protect cross-boundary civil and commercial activities.

**16.** With the staunch support of the Central Government, Hong Kong and the Mainland have concluded nine arrangements on mutual legal assistance in civil and commercial matters. These arrangements cover legal procedural assistance, arbitration matters, and reciprocal recognition and enforcement of judgments relating to matrimonial and family cases, corporate insolvency proceedings and other civil and commercial matters.

**17.** The “Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters” (the Arrangement) came into operation on 29 January 2024. The fundamental principles of the Arrangement are consistent with those of the Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters (HCCH 2019 Judgment Convention), but with a wider scope of application. The Arrangement, for example, also covers certain judgments involving intellectual property rights. The Arrangement will reduce the parties’ need to re-litigate the same disputes in two places, so that the interests of judgment creditors and debtors are better balanced and the business environment is enhanced.

**18.** The DoJ will continue to improve the mutual legal assistance arrangements in civil and commercial matters, including to support and explore the possibility to further expand and improve the co-operation mechanism between Hong Kong and the Mainland in relation to corporate insolvency proceedings. The DoJ, together with the Judiciary, is also actively discussing with the Supreme People’s Court to implement an improved mechanism for mutual service of judicial documents in civil and commercial proceedings between the Mainland and Hong Kong by increasing possible modes of serving documents to enhance efficiency.

**19.** The DoJ supports the exploration of a deeper and wider scope of mutual legal assistance in civil and commercial matters between the HKSAR and Macao SAR.

**20.** The DoJ supports, through various channels and platforms, promotion of the strengths of the mutual legal assistance mechanisms in civil and commercial matters locally and internationally. The DoJ will continue to communicate with the stakeholders and collect feedback to continually improve the existing mutual legal assistance arrangements in civil and commercial matters.

## Measures – Interface of Regulatory Frameworks

### “Allowing Hong Kong-invested enterprises to adopt Hong Kong law” and “Allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong”

#### *Market interface*

21. The DoJ has been taking steps to expand the scope of the measures “allowing Hong Kong-invested enterprises to adopt Hong Kong law” and “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” to various cities in the GBA. This would offer people and businesses in the GBA more choices to handle cross-boundary disputes, and open up development opportunities within the GBA for Hong Kong’s legal and dispute resolution sectors. These two measures would also enable the legal and dispute resolution professions of the two jurisdictions to complement each other, creating a better business environment within the GBA.

22. The existing measure of “allowing Hong Kong-invested enterprises to adopt Hong Kong law” enables Hong Kong-invested enterprises registered in Qianhai, Shenzhen to adopt Hong Kong law as the applicable law, even in the absence of “foreign-related elements” in the contracts. The measure of “allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong” enables Hong Kong-invested enterprises registered in the Pilot Free Trade Zones to choose Hong Kong as the seat of arbitration. With this measure, arbitration agreements choosing Hong Kong as the seat of arbitration would not be considered as invalid, even in the absence of any “foreign-related elements”.

23. Extension of the scope of application of these two measures would give Hong Kong-invested enterprises more flexibility, so that more GBA enterprises can adopt Hong Kong law as the applicable law in their civil and commercial contracts and choose Hong Kong as the seat of arbitration. This would facilitate development of the Qianhai Shenzhen-Hong Kong Modern Service Industry Co-operation Zone and the Guangdong-Macao In-depth Cooperation Zone in Hengqin, and create a market-oriented and international business environment in the GBA.

24. Meanwhile, the DoJ is actively promoting Hong Kong legal professional services within the GBA and encouraging Mainland enterprises, as a priority, to adopt Hong Kong law as the applicable law in their contracts, and choose Hong Kong’s dispute resolution services for resolving contractual disputes. This would leverage Hong Kong’s unique advantages in international legal and dispute resolution services, and provide comprehensive legal services and safeguards to enable foreign investors to use Hong Kong as a gateway to the Mainland. It would

also further enable Mainland investors to use Hong Kong as a springboard to go global, facilitating higher-quality domestic circulation and higher-level international circulation to support high-level opening up and high-quality development of the country.

## **The Guangdong-Hong Kong-Macao Greater Bay Area Mediation Platform**

### *Interface of legal and dispute resolution services*

**25.** In relation to the interface of non-litigation dispute resolution services, the DoJ, the Justice Department of Guangdong Province and the Office of the Secretary for Administration and Justice of the Macao SAR have established the GBA Mediation Platform under the framework of the Guangdong-Hong Kong-Macao Greater Bay Area Legal Departments Joint Conference. The platform is dedicated to promoting high-level co-operation and exchanges to facilitate initiatives on mediation of the legal departments of Guangdong, Hong Kong and Macao, to set the relevant standards and rules, and to promote a wider use of mediation in the GBA.

**26.** At the GBA Legal Departments Joint Conference, the governments of Guangdong, Hong Kong and Macao endorsed and published the GBA Mediator Accreditation Standards, the GBA Mediator Code of Conduct Best Practice and the GBA Cross-boundary Disputes Mediation Model Rules. The DoJ is formulating the GBA mediator accreditation rules applicable to Hong Kong based on the GBA Mediator Accreditation Standards, and taking forward the establishment of a panel of GBA mediators. In addition, the DoJ supports and actively explores the establishment of a panel of recommended GBA arbitrators, to facilitate GBA arbitration users in choosing arbitrators from across the three jurisdictions to resolve disputes and enjoy better arbitration services.

**27.** The DoJ is making preparations for organising GBA mediators training programmes in Hong Kong, introducing Hong Kong mediators to the respective mediation systems, culture and practices of Guangdong and Macao, the skills and experience for handling cross-boundary disputes, and enhancing their understanding of the GBA Cross-boundary Disputes Mediation Model Rules and the GBA Mediator Code of Conduct Best Practice. Practitioners may fulfill the relevant qualification requirements for GBA mediators through these programmes.

**28.** The DoJ has been continuously supporting and facilitating Hong Kong mediation organisations to become “specially invited mediation organisations” of the GBA mainland courts and to handle mediation cases (including commercial mediation) in the GBA, through which the formulation of best practices of GBA

non-litigation dispute resolution rules could be promoted. These rules would serve as the model rules for voluntary adoption and wide application by arbitration and mediation institutions in the GBA, interfacing and coordinating different dispute resolution services in the GBA.

**29.** The DoJ also endeavours to promote the development of LawTech with a view to providing a set of reliable, innovative and convenient online dispute resolution solution services for individuals and enterprises in the GBA. In this regard, the DoJ will actively support collaboration among arbitration and mediation institutions in the GBA, to establish and promote a common online dispute resolution platform, facilitating the development of a multifaceted dispute resolution mechanism in the GBA.

## Measures – Interface of Talents

### Nurturing Foreign-related Legal Talents

*Establishing a pool of GBA-based foreign-related legal talents with global vision*

30. With a profound tradition of the rule of law, the HKSAR is the only common law jurisdiction in the country. With laws broadly compatible with those of the world’s major economies, Hong Kong is able to contribute to the nurturing of foreign-related legal talents for our country.

31. To leverage Hong Kong’s bilingual common law system and international landscape, the DoJ actively takes forward the establishment of the Hong Kong International Legal Talents Training Academy. In this connection, the DoJ will set up the Hong Kong International Legal Talents Training Office, responsible for planning, organising and implementing training programmes for legal talents on domestic, Mainland and international laws (including cross-boundary investment and financing, intellectual property, international arbitration, commercial mediation etc.). The DoJ will also set up the Hong Kong International Legal Talents Training Expert Committee, inviting Mainland, overseas and local experts to advise the DoJ on matters relating to the training and building a pool of foreign-related legal talents.

32. The establishment of Hong Kong International Legal Talents Training Academy can make better use of, and consolidate, Hong Kong’s position as an international legal and dispute resolution services centre in the Asia-Pacific region, to gather and nurture more foreign-related legal talents in the GBA with a global vision, who would be conversant with international law, common law, civil law, as well as our country’s legal system, empowering the country to build a pool of foreign-related legal talents.

### A Talent Pool of Guangdong-Hong Kong-Macao Greater Bay Area Lawyers

*Building the brand of GBA’s legal services*

33. Hong Kong is home to a deep pool of legal professionals who are multilingual with extensive experience of global practices. They would be able to offer analysis from a “common law perspective”, enriching solutions in handling foreign-related legal matters. The DoJ is committed to promoting the flow of talents within the GBA and facilitating Hong Kong’s legal sector to integrate into the construction of the GBA, building a competitive brand of legal services.

34. The pilot scheme for Hong Kong and Macao legal practitioners to practise in the nine Mainland municipalities of the GBA has been extended to 2026. The practice experience threshold for enrolment in the GBA Legal Professional Examination has been lowered from five years to three years. The DoJ encourages young barristers and solicitors to timely equip themselves and join the team of GBA lawyers, and contribute to the construction of rule of law in the GBA.

35. The DoJ will work closely to facilitate the GBA Legal Professional Examination, together with the relevant Mainland authorities, provide practical legal training for GBA lawyers, and promote the establishment of a platform for GBA lawyers, to empower the professional development of GBA lawyers more systematically.

### **Exchange and Collaboration of Legal Talents in the Guangdong-Hong Kong-Macao Greater Bay Area**

#### *Setting up platforms for visits and exchanges to foster synergy and development*

36. The DoJ will continue to actively promote exchanges and visits of legal talents within the Guangdong-Hong Kong-Macao Greater Bay Area, including organising visits to different parts of the GBA by delegations led by the Secretary for Justice or Deputy Secretary for Justice. This would deepen the practical co-operation among stakeholders in the region, as well as establish platforms for professional exchanges through organising or supporting a diverse variety of events, to enable the GBA to make better use of the advantages of Hong Kong's legal professional services and foster synergy and development of GBA legal talents.



## Conclusion

37. The DoJ will work with the relevant authorities, legal and dispute resolution sectors and others stakeholders in the GBA to actively promote the implementation of measures under this Action Plan. The department will regularly share the implementation status with the stakeholders through relevant mechanisms (including reporting on the progress to the relevant committees of the Legislative Council of the HKSAR), and listen to the views and suggestions of stakeholders from different sectors.

38. Our robust rule of law lays the foundation for Hong Kong's good stories. Through the co-operation of various cities with their respective strengths, and the collaboration of different legal systems, the Guangdong-Hong Kong-Macao Greater Bay Area is an important new chapter in China's good story of the rule of law. The DoJ will actively implement the interface of mechanisms, the interface of regulatory frameworks, and the interface of talents, so as to realise the connectivity in the mechanisms and regulatory frameworks, and the flow of legal talents, and to foster synergy among the cities in the GBA and co-author a splendid chapter for China's good story of the rule of law in the GBA.



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