

Speech by SJ at networking luncheon of forum titled Hong Kong – The Common Law Gateway for UAE Businesses to China and Beyond in Dubai, UAE (English only) (with photo)

Following is the keynote speech by the Secretary for Justice, Mr Paul Lam, SC, at the networking luncheon of the forum titled Hong Kong – The Common Law Gateway for UAE Businesses to China and Beyond in Dubai, the United Arab Emirates (UAE), today (May 22, Dubai time):

Distinguished guests, ladies and gentlemen,

I am sure that you have heard a lot of things about Hong Kong this morning in various sessions. And I find it extremely difficult for me to find something that have not been covered or mentioned by the speakers for the purpose of, so to speak, the keynote speech. So what I propose to do is, and I hope you would accept my apology for, repeating some of the things that have been said by my learned friends who have spoken to you this morning. I wish to do a summary to present various points in a slightly different way.

I wish to go back to the theme of this forum: Hong Kong – The Common Law Gateway for UAE Businesses to China and Beyond. I described this morning the "gateway" as a very fast, very convenient, very friendly way that can take you from the UAE to China and beyond with their service stations making sure that your journey is very pleasant. But I am sure you will have this impression – Hong Kong obviously is a gateway, but it is not the only gateway that can take you from the UAE to China and beyond. Even I emphasise that the gateway is marked by the common law character, you may also have this question in mind, that is Hong Kong is not the only common law gateway to China. For example, friends from Singapore definitely would say that they also have the common law gateway to China and beyond. So why should you choose Hong Kong as the gateway instead of other gateways, including gateways also marked by common law? That is the big question that I think we need to address. My principle is that, the choice is always yours. You have numerous options, but the thing is we have to make an informed choice. The point that I would impress upon you is that it would be a very wise choice for you to choose Hong Kong. It is because our common law system is different from other common law systems, at least because it bears five important characteristics that cannot be found elsewhere. I wish to take you through this five characteristics very quickly.

Stability

The first characteristic is that the Hong Kong legal system is very stable. I said this morning that Hong Kong is very special in the sense that

it is the only common law jurisdiction within China. And the reason is that we have the fundamental principle – the Central Authorities decided to implement the principle "one country, two systems" in Hong Kong. There is obviously a historical reason for this principle. I am sure that you are aware of the fact that Hong Kong used to be ruled by the British for more than 100 years, since 1842 until the end of June 1997. And during this more than a century time, Hong Kong has developed a very mature and reputable common law system. And in order to ensure that the resumption of sovereignty over Hong Kong on July 1, 1997, would be peaceful, orderly and in the interest of the long term prosperity and stability of Hong Kong, the Chinese Government decided the principle. But it is more than a political principle, because this fundamental principle which guaranteed the maintenance of common law system in Hong Kong, is actually written in a very important constitutional document governing Hong Kong. That is the Basic Law of Hong Kong, which is promulgated pursuant to the Chinese Constitution. The significance is that this is a policy entrenched in the constitutional order. It is something that is going to be there indefinitely. In fact, President Xi Jinping of China had said in Hong Kong and elsewhere on many occasions in recent years, that principle of "one country, two systems" is a good policy that has to be maintained in the long run. I believe that certainty is of crucial importance when you consider where you should go to explore the business opportunities, whose service you would use. So the Hong Kong common law system has the certainty that you would require.

Trustworthy

The second characteristic is that the Hong Kong legal system is very trustworthy. My learned friends this morning have been referring to various features of our judicial legal system. And one thing that I wish to repeat is that we enjoy the independent power of adjudication, and the independent power of final adjudication. I wish to emphasise the word "independent". It is guaranteed by the constitutional document, the Basic Law. Our judges are appointed independently by an independent commission consisting of members from the Judiciary, from the private sector, from the two legal professional bodies. So the Government does not freely decide on who should be judges.

I also offer two pieces of evidence to highlight the independence of the Judiciary, to highlight the reputation that Hong Kong Judiciary has enjoyed.

First, there's a well-known Rule of Law Index, known as the World Justice Project Rule of Law Index. Hong Kong ranks 23rd out of around 140 jurisdictions around the world in the latest survey in 2023. It is telling. I do not mean to make a comparison although it is a comparison. Hong Kong ranked ahead of the United States and some European countries.

The second piece of evidence touched upon a point that was mentioned by Dr Christopher To (Chairperson of the Hong Kong Mediation Council) this morning and also I have mentioned very briefly, that is in our Court of Final Appeal, which is the final court of Hong Kong, there are now ten judges sitting as part-time judges. They are coming from different jurisdictions, such as the United Kingdom, Australia and Canada. What does that mean? What is the significance of that presence? You have to remember that they are

retired judges. They don't come to Hong Kong because of the amount we pay for them. They don't come to Hong Kong because they need to earn a different, higher reputation, because they are already the giants in the common law world. They decided that they are willing to come to Hong Kong for only one conceivable reason. That is, they have trust and confidence in our judicial system and they are very willing to be associated with our system. They are very willing to contribute to our system. I think these are very potent evidence supporting our independent judiciary and its high reputation.

Apart from the Judiciary, our legal profession is a legal profession of integrity and ability. You have heard a number of legal practitioners practicing in Hong Kong, coming from or specialising in different areas. And one thing that offers our professionals a unique advantage is that many of us are bilingual. It is not just about the language. The more important thing is that, on the one hand, we have very rich international legal experience, or very experienced in handling international civil and commercial transactions. On the other hand, living in Hong Kong, as a part of China, we are extremely familiar with the Chinese culture and how things are done in China as whole. I think this is also a very important advantage offered by Hong Kong.

As for quality, Hong Kong is a relatively small place consisting of 7.5 million people, but we have three very top law schools in the world – the University of Hong Kong, where I studied almost three decades ago, ranks 20-something in the whole world. This is quite an achievement.

Business-friendly

The third point is that the Hong Kong legal system is very business friendly. Our common law, in particular civil and commercial law, is modelled on the British statutes. So the content is very familiar with international business community. And once again, I wish to give you a piece of evidence supporting the status of our commercial law. According to the World Competitiveness Yearbook compiled by the International Institute for Management Development in 2023, in relation to business legislation, that is Business Law, Hong Kong ranks the first in the whole world. That the quality of our business law is really the top, literally the top. And when it comes to tax policy and other things, such as government efficiency, we ranks among the top five in the world. I am not making some self-serving statements. These are recognition given by the international community to our legal service.

Of course, there is no room for complacency. That's why we are updating our law regularly. One example is that last year, in order to keep pace with the development of the family office in Hong Kong, a statute called the Inland Revenue (Amendment) (Tax Concessions for Family-owned Investment Holding Vehicles) Ordinance came into operation. The point is we make great efforts to ensure that our legal framework will match with development in different areas to meet the demands of society. And of course, when it comes to dispute resolution, you have heard this morning that Hong Kong's arbitration is one of the most preferred seats of arbitration around the world. We always rank among the top class. We must be one of the top three or top five.

Security

The fourth characteristic is security. Security in the sense that your money will be very safe in Hong Kong. Firstly, I have to refer to the Basic Law again, because in the Basic Law, we guarantee free flow of capital, so money can come into Hong Kong and can leave Hong Kong freely. There is no exchange control, no expropriation at the discretion of the Government. We have a very stable currency pegged with the US dollar. So free flow of capital, while we welcome you putting money in Hong Kong, you can take your money at any time you wish. And during the period of your money is in Hong Kong or your business in Hong Kong, it is completely safe. It is because we have a very mature regulatory framework based on various pieces of legislation to ensure the malpractices, misconducted or other sorts of illegal behaviour will not be tolerated and will be sanctioned very strictly. For example, we have the Securities and Futures Commission overseeing the market behaviour, the Hong Kong Stock Exchange, of course, is updating its regulation regularly to ensure that there would be a fair level playing field for investors coming in Hong Kong. And in Hong Kong, all these regulations are enforced strictly, without any bias, without any favour to any party.

Again, I wish to give you another piece of evidence. Hong Kong is one of the cleanest jurisdictions in the world. Corruption or malpractice is never an issue in my jurisdiction. Hong Kong actually ranks 14th out of 100 jurisdictions around the world in the Corruption Perceptions Index, conducted by Transparency International in 2023. Once again, it is a recognition given by the international community to Hong Kong.

Dual Connectivity

The last characteristic is that Hong Kong provides good connection to China and beyond. I said earlier on that one of the unique features of Hong Kong is that we have a common law system, which is different from the civil law system in China. But there are very important connections linking these two legal systems together which are not found elsewhere. For example, you heard this morning that we have entered into some mutual legal assistance arrangements between the Mainland and Hong Kong to enable both civil and commercial judgments and also arbitral awards to be recognised and enforced in these two jurisdictions, so the reciprocal arrangements. This sort of very special arrangement is unique to Hong Kong which you cannot find in other common law jurisdictions, say for example Singapore.

The other thing that I wish to emphasise is that I talked about the gateway to China. I wish to be more specific because I wish to say a few words about the Greater Bay Area. The concept of Greater Bay Area is of great significance, not just to China but to my friends overseas. It is part and parcel of the national development plan of China. And this area is always described as the pioneer of various initiatives of China in terms of innovation, technology, and in terms of various different other matters. So it is really the laboratories for very proactive and innovative measures in China, always started in the Greater Bay Area. The size of Greater Bay Area is almost like Croatia, a European country. The population of the Greater Bay Area is around 86 million, similar to Germany, slightly larger than Germany.

The GDP of the Greater Bay Area is similar to that of Canada. So I give you some ideas as to what we are talking about. This Greater Bay Area is of great significance to Hong Kong because Hong Kong is situated right at the centre of the Greater Bay Area. This area consists nine cities in Guangzhou Province, the Hong Kong Special Administrative Region and the Macao Special Administrative Region. So within one country, you have two systems and then three jurisdictions. This is very unique as compared to other bay areas in the world. Of course, we are not only talking about China. We can take you to other parts of the world by using Hong Kong as a platform that is largely because of the Belt and Road Initiative. Hong Kong being the most internationalised city in the world obviously stands at the very front line of the Belt and Road Initiative promulgated by the Central Government.

I think I spent long enough and I feel guilty for delaying your lunch, so I just wish to recap my five points. Why Hong Kong will be your wise choice? It is because the Hong Kong legal system is stable, trustworthy, business-friendly, secure and it provides good connections to China and beyond. There is an English saying: the proof of the pudding is in the eating. So what I would encourage you to do is to test whether what I just said is true or not by taking active steps to participate in Hong Kong in various ways, by considering to use Hong Kong as a platform to explore investment business opportunities. I'm sure we will not disappoint you. And you had my words. So that's all I wish to say. Thank you very much.



[London ETO celebrates timeless works of Jin Yong in Cambridge \(with photo\)](#)

The Hong Kong Economic and Trade Office, London (London ETO) supported the Ming-Ai (London) Institute's "The Literary Legend and Legacy of Jin Yong" seminar held at the Fitzwilliam Museum in Cambridge, the United Kingdom (UK), on May 21 (London time). The event was also supported by the Leisure and Cultural Services Department and the Hong Kong Heritage Museum by the provision of expert advice.

The seminar commenced with a networking lunch reception attended by around 30 esteemed guests from the cultural and academic sectors, followed by thematic discussions led by renowned experts who delved into various aspects of Jin Yong's literary legacy.

Delivering a virtual speech at the event, the Director-General of the London ETO, Mr Gilford Law, said, "This year marks the centenary of the birth of Dr Louis Cha (Jin Yong). It is our pleasure to support the Ming-Ai (London) Institute in celebrating the achievements of Dr Cha, one of the most influential writers of our time. Dr Cha's legacy is intricately linked with Hong Kong, a city that played a crucial role in his journey of career and creativity. Hong Kong's vibrant cultural and intellectual climate enabled him to craft novels deeply rooted in Chinese traditions while appealing to a global readership."

"Dr Cha's literary legacy contributed significantly to Hong Kong's reputation as a cultural hub. The adaptations of his works into films, television series, as well as comics further underscored Hong Kong's influential role in the creative industries, forming a solid foundation for Hong Kong's role as an East-meets-West centre for international cultural exchange, as supported by the National 14th Five-Year Plan," he added.

Founded in 1993, the Ming-Ai (London) Institute is a registered charity in the UK. By organising a variety of classes in Chinese arts and classical literature, alongside an array of cultural promotion activities, the Institute aims at facilitating deeper understanding and appreciation of Chinese culture within the local community.



[Excessive cadmium found in imported crab sample](#)

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (May 22) announced that an imported crab sample from the

Philippines was detected with cadmium, a metallic contaminant, at a level exceeding the legal limit. The CFS is following up on the incident.

"Subsequent to an earlier announcement that a crab sample collected at the import level under its routine Food Surveillance Programme was detected with excessive cadmium, when following up on the case, the CFS further collected the above-mentioned crab sample at the import level for testing. The test result showed that the sample contained cadmium at a level of 5 parts per million (ppm), exceeding the legal limit of 2 ppm," the spokesman said.

"Long-term excessive intake of cadmium may affect the kidney functions. The CFS has informed the importer concerned of the irregularity and is also tracing the source of the product concerned. The affected product has not entered the market. Should there be sufficient evidence, prosecution will be instituted," the spokesman added.

According to the Food Adulteration (Metallic Contamination) Regulations (Cap. 132V), any person who sells food with metallic contamination above the legal limit is liable upon conviction to a fine of \$50,000 and imprisonment for six months.

The CFS will alert the trade, continue to follow up on the incident and take appropriate action. The investigation is ongoing.

ICAC signs MoUs with UNODC and anti-graft authorities of four countries at 8th ICAC Symposium to exemplify international co-operation

The 8th ICAC Symposium kicked off today (May 22) with the Commission entering into Memoranda of Understanding (MoUs) respectively with the United Nations Office on Drugs and Crime (UNODC) and anti-corruption authorities of four countries to exemplify international co-operation and exchange.

The 8th ICAC Symposium was opened this morning by the Chief Executive, Mr John Lee, the ICAC Commissioner, Mr Woo Ying-ming and other officiating guests, namely the Deputy Secretary of Communist Party of China Central Commission for Discipline Inspection and Vice Chairman of National Commission of Supervision, Mr Fu Kui; the Director of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region (HKSAR), Mr Zheng Yanxiong; the Head of the Office for Safeguarding National Security of the Central People's Government in the HKSAR, Mr Dong Jingwei; the Commissioner of the Ministry of Foreign Affairs in the HKSAR, Mr Cui

Jianchun; Deputy Political Commissar of the Chinese People's Liberation Army Hong Kong Garrison Major General Wang Zhaobing; and the ICAC's Deputy Commissioner and Head of Operations, Mr Ricky Yau Shu-chun.

The three-day Symposium, entitled "Charting a New Path to Combat Corruption", is co-hosted by the ICAC and the International Association of Anti-Corruption Authorities (IAACA) at the Hong Kong Convention and Exhibition Centre in Wan Chai. It is one of the flagship events to mark the ICAC's 50th Anniversary.

In his opening address, Mr Lee said, "Under the unique 'one country, two systems' principle, Hong Kong maintains a robust regulatory regime in line with international standards, and is renowned globally for its clean and efficient government, level-playing field for doing business, sound rule of law, a judiciary with independent judicial power, and zero tolerance for corruption. We are also at the forefront of the international fight against corruption."

Mr Lee remarked that the ICAC had championed the fight against corruption in Hong Kong for half a century and had also worked closely with its counterparts around the world to tackle corruption. The HKSAR Government is committed to supporting the ICAC in widening its international network and co-operating with overseas counterparts to sustain Hong Kong's pioneering role in combating corruption.

At the opening ceremony, Mr Lee also witnessed the ICAC signing MoUs with the UNODC and anti-corruption authorities of four countries, namely Kazakhstan, Mauritius, Saudi Arabia and South Africa, to enhance international anti-graft co-operation.

Mr Lee said the presence of the UNODC, as guardian of the United Nations Convention against Corruption (UNCAC), and the national anti-corruption authorities of various countries in Hong Kong to finalise bilateral agreements with the ICAC exemplified the international co-operation and exchange that could make a difference, regionally and globally.

In his welcoming address, the ICAC Commissioner and the President of the IAACA, Mr Woo Ying-ming, said following the inauguration of the Hong Kong International Academy Against Corruption (HKIAAC) in early 2024 to mark the 50th anniversary of the Commission, a robust tripartite partnership was formed among the ICAC, the HKIAAC and the IAACA.

The Symposium, co-hosted by the ICAC and the IAACA, fully demonstrated the tripartite partnership in promoting international anti-corruption co-operation by connecting anti-graft counterparts worldwide to enhance their effectiveness in fighting corruption within the framework of the UNCAC. It also showcased the ICAC's commitment to fully aligning with the country's initiative to develop a Clean Silk Road with the concerted efforts of international counterparts.

"The battle against corruption calls for our solidarity in confronting

the challenges, now and in the future. This Symposium is meant to serve as a platform for us to reach such unity," said Mr Woo.

The Symposium also serves as the 11th Annual Conference of the IAACA. Mr Woo noted that on the last day of the event, the IAACA would, for the first time, adopt a declaration named after Hong Kong – the "Hong Kong Declaration on Strengthening International Cooperation in Preventing and Fighting Corruption" (Hong Kong Declaration).

The Hong Kong [Declaration](#), which demonstrates the IAACA's ongoing commitment to strengthening international anti-corruption co-operation, emphasises the importance of global co-operation and the roles of anti-corruption authorities in effectively implementing the UNCAC and mitigating corruption. It also highlights the significance of the use of advanced technologies in fighting corruption, the participation and continued involvement of the public and private sectors, the engagement of the whole society in preventing and combating corruption, and the raising of public awareness of corruption and its adverse impact on societies.

The Symposium has attracted over 500 representatives of about 180 anti-corruption and law enforcement agencies from nearly 60 jurisdictions. About one-third of the participating organisations are members of the IAACA.

The Symposium was kicked off with keynote speeches on various topics: Mr Fu Kui spoke on entrenching global anti-corruption; Chief Justice Andrew Cheung Kui-nung, Chief Justice of the Court of Final Appeal, illustrated the role of the rule of law in combating corruption; the Director-General of the United Nations Office at Vienna and Executive Director of the UNODC, Ms Ghada Fathi Waly, expounded on the threats and opportunities on the path to ending corruption; the Acting Secretary for Justice, Mr Cheung Kwok-kwan, made an in-depth sharing on the work of the Department of Justice in upholding the rule of law and backing the anti-corruption cause; and Deputy European Chief Prosecutor of the European Public Prosecutor's Office Mr Petr Klement, elaborated on his office's role in fighting corruption as a supranational actor.

Over 30 prominent speakers, including representatives from anti-corruption agencies, regulatory bodies, justice departments, leading research institutions and international organisations from various jurisdictions, as well as those who have made remarkable contributions to the cause of corruption eradication, will share their insights and expertise on global challenges and strategies in anti-graft work on four main discussion topics at the Symposium, namely "Sustainable International Co-operation for a Shared Future", "Contemporary Challenges in Fighting Corruption", "Synergising Public-Private Partnership to Combat Corruption" and "The Power of Youth in Creating a World of Integrity".

On the second day of the Symposium, Mr Ricky Yau will share with global anti-graft fighters at the plenary session on "Contemporary Challenges in Fighting Corruption" the ICAC's proven strategy in combating corruption developed in the past 50 years and the challenges ahead. Meanwhile, the

Chairman of the ICAC's Corruption Prevention Advisory Committee and the Chairman of the Accounting and Financial Reporting Council, Dr Kelvin Wong, will chair the plenary session on "Synergising Public-Private Partnership to Combat Corruption".

For the first time, young speakers from various jurisdictions will host the final plenary session, themed "The Power of Youth in Creating a World of Integrity". They will be joined by university and secondary school students, including non-local students studying in Hong Kong, at the discussion.

Upon conclusion of the Symposium, the ICAC and the IAACA will jointly organise an anti-corruption training programme between May 24 and 28. About 300 Symposium participants and other representatives will attend training workshops on law enforcement, probity education and corruption-preventive mechanisms, and visit facilities of the ICAC Building. Over 50 of the participants will also participate in a study tour to the city of Changsha in Mainland China.

Since 2000, the ICAC has hosted eight Symposia, which aim to provide a forum for corruption fighters and experts from different parts of the world to share their knowledge and experience.

The IAACA, the co-organiser of the 8th ICAC Symposium, was founded in 2006 as the first global institution for anti-corruption agencies worldwide, aiming to promote the effective implementation of the UNCAC and foster international anti-corruption collaboration. Over 170 anti-corruption agencies around the world have participated as IAACA members or engaged in various IAACA initiatives. The ICAC Commissioner, Mr Woo Ying-ming, took up the IAACA presidency since September 2023.

[15 persons arrested during anti-illegal worker operation \(with photo\)](#)

â€‹The Immigration Department (ImmD) mounted an anti-illegal worker operation in Yau Ma Tei District today (May 22). During the operation, ImmD Task Force officers raided a residential flat. A total of 11 overstayers and four illegal immigrants were arrested. Seventeen forged Hong Kong identity cards were unearthed inside the target location. The arrested overstayers comprised three men and eight women, aged 30 to 57. The arrested illegal immigrants comprised one man and three women, aged 28 to 61. Among them, two men and seven women were also suspected of using and being in possession of forged Hong Kong identity cards. Upon preliminary investigation, the suspected forged Hong Kong identity cards were used for job seeking and taking up unapproved employment by some of the arrestees. Furthermore, the investigation on the keeper of the premises is still ongoing and more arrests

may be made.

"Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction face a maximum fine of \$50,000 and up to two years' imprisonment. Aiders and abettors are also liable to prosecution and penalties," an ImmD spokesman said.

The spokesman warned, "As stipulated in section 38AA of the Immigration Ordinance, an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land is prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. Under the prevailing laws, it is an offence to use or possess a forged Hong Kong identity card or a Hong Kong identity card related to another person. Offenders are liable to prosecution and upon conviction face a maximum penalty of a \$100,000 fine and up to 10 years' imprisonment."

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. Under the Immigration Ordinance, the maximum penalty for an employer employing a person who is not lawfully employable, i.e. an illegal immigrant, an overstayer, a person who is the subject of a removal order or a deportation order or a person who was refused permission to land, has been significantly increased from a fine of \$350,000 and three years' imprisonment to a fine of \$500,000 and 10 years' imprisonment to reflect the gravity of such offences. The director, manager, secretary, partner, etc, of the company concerned may also bear criminal liability. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to the court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. Offenders are liable upon conviction to a maximum fine of \$150,000 and to imprisonment for one year. In that connection, the spokesman would like to remind all employers not to defy the law by employing illegal workers. The ImmD will continue to take resolute enforcement action to combat such offences.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in

the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threats and coercion in the recruitment phase and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent intervention, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments immediately.

