

Speech by DSJ at luncheon of “Hong Kong and Riyadh: Legal and Dispute Resolution Services for Businesses along the Belt and Road” at Riyadh International Disputes Week (English only) (with photo/video)

Following is a speech by the Deputy Secretary for Justice, Mr Cheung Kwok-kwan, at the luncheon of thematic event -"Hong Kong and Riyadh: Legal and Dispute Resolution Services for Businesses along the Belt and Road" organised by the Hong Kong International Arbitration Centre at Riyadh International Disputes Week today (March 5):

Ambassador Chen Weiqing (The Ambassador Extraordinary and Plenipotentiary of the People's Republic of China to the Kingdom of Saudi Arabia), distinguished guests, ladies and gentlemen,

Good afternoon. This morning, our distinguished speakers from Hong Kong shared with you how our legal and dispute resolution services can facilitate businesses between Saudi Arabia and other Belt and Road countries, China and Hong Kong. From providing one-stop services covering listing and investment for business growth, to the use of mediation and arbitration to resolve disputes effectively and efficiently. I wish to take this opportunity to recap and highlight how one can make the best use of Hong Kong's legal services for business development.

Under the principle of "one country, two systems", Hong Kong retains its own common law legal system, being the only common law jurisdiction in China, and giving Hong Kong the edge to connect with over 60 countries and territories globally that use the common law system whether in whole or in part. Hong Kong has established international relationships with jurisdictions around the world, and indeed is home to many regional and international law-related organisations as housed in the Legal Hub. Courts in Hong Kong exercise independent judicial power including the power of final adjudication at the Court of Final Appeal (CFA). Eminent jurists from other common law jurisdictions are appointed as non-permanent judges of the CFA giving Hong Kong further international standing and recognition. These inherent features of Hong Kong's legal system give us an unparalleled advantage in providing legal and dispute resolution services not offered in other jurisdictions.

Support from the Mainland and relevant arrangements

The Central People's Government supports Hong Kong in developing in

eight major areas, including the centre for international legal and dispute resolution services in the Asia-Pacific region, which is the pillar of support for all the other key areas.

On January 29 this year, the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters by the Courts of the Mainland and of the Hong Kong Special Administrative Region (REJ Arrangement) came into operation. This REJ Arrangement establishes a comprehensive mechanism for reciprocal recognition and enforcement of judgments in civil and commercial matters between Hong Kong and the Mainland China. With this arrangement in place, parties to litigation in a civil and commercial nature, including certain area involving intellectual property rights, will no longer have to re-litigate the same disputes in both places. It provides a more-cost effective and streamlined process for cross-border enforcement of Mainland judgements. Parties can benefit from having the choice to resolve disputes in Hong Kong which will be enforceable in the Mainland China through registration of the Hong Kong judgment in the Mainland China. This is unique to Hong Kong, being the first jurisdiction having the REJ Arrangement with the Mainland China with such wide coverage.

Other MLA (mutual legal assistance) arrangements and policies on dispute resolution

For arbitration, Hong Kong and the Mainland China have also signed various arrangements over the years to provide a simple and effective mechanism for mutual enforcement of arbitral awards in both places, including arrangements concerning mutual enforcement of arbitral awards as well as arrangements concerning interim measures arrangements on property preservation, evidence preservation and conduct preservation, which provide better protection to the parties and are in line with the practice of international arbitration.

Since 2009, the Department of Justice has been actively promoting the concept of "Mediate First", including the enactment of the Mediation Ordinance in Hong Kong, and has promoted the concept to various provinces in the Mainland China as well as to another regional country for the first time last year. This is similar to the transformation of the Saudi ADR (alternative dispute resolution) system over the past decade, including legislative reforms, and the concerted efforts of the Saudi government and stakeholders including the National ADR awareness campaign in 2021. On this note, I wish to commend the Saudi Center for Commercial Arbitration for being one of the key contributors to the ADR development in Saudi Arabia.

Legal talents

Drawing on the strengths of the East and West legal tradition, Hong Kong's legal and dispute resolution practitioners have a wide range of experience with international perspectives. With both Chinese and English being the official languages and being conversant with the Mainland markets, they can greatly facilitate the provision of legal and dispute resolution services for those doing businesses with the Mainland. With over 14 000

lawyers including solicitors and barristers and 1 400 registered foreign lawyers in Hong Kong, you can be certain to have access to a large pool of multi-jurisdictional qualified legal practitioners in Hong Kong who are not only bilingual or even multi-lingual, but are also well-equipped with the necessary qualifications, expertise, and are knowledgeable in handling Hong Kong and Mainland cross-boundary transactions, giving you the professional advice you need.

As I mentioned earlier this morning, the housing of the headquarters of the to-be-established International Organization for Mediation in Hong Kong will further strengthen Hong Kong's role as a centre for international legal and dispute resolution services in the Asia-Pacific region. Together with the Hong Kong International Legal Talents Training Academy that is being established, Hong Kong will continue to leverage the advantages of our legal resources and nurture legal talents to provide top-notch services not only for the region, but also for countries along the Belt and Road.

Conclusion

In Hong Kong, we strive to continuously enhance the standards of our people and the attractiveness of our framework, so that we can offer the best legal and dispute resolution services to those wishing to do business in Hong Kong and make good use of our connections to reach out to the greater Mainland markets.

Before I conclude, I wish to express my gratitude for the hospitality and warm welcome from the people of Saudi Arabia. I am sure our Secretary for Justice will agree with me as he will be leading a delegation to Saudi Arabia in May this year, to further explore areas which we can deepen exchanges and foster a closer relationship between Hong Kong and Saudi Arabia. I look forward to welcoming you all in Hong Kong in the near future. Thank you very much.

