

Speech by SJ at 6th "Belt and Road" Initiative International Forum and "Belt and Road" Cooperation and Partnership Model Agreement Conference (English only) (with photo)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the 6th "Belt and Road" Initiative International Forum and the "Belt and Road" Cooperation and Partnership Model Agreement Conference today (October 13):

Professor Wang (President of the International Academy of the Belt and Road, and President of Zhejiang University Academy of International Strategy and Law, Professor Wang Guiguo), dear judges, distinguished guests, ladies and gentlemen,

Good afternoon. I wish to begin by expressing my gratitude to Professor Wang for inviting me to today's conference.

I note that the theme of today's conference is about Belt and Road Cooperation and Partnership Model Agreement. So I wish to start with the word "co-operation". "Co-operation" is not only the key word of today's discussion, and more importantly, it is one of most fundamental underlying principles behind that Belt and Road Initiative (BRI). This is the 10th anniversary of the BRI. In the white paper published by the State Council of People's Republic of China on October 10, 2023, a few days ago, it is stated that "In the 10 years that have passed since its launch, cooperation under the BRI framework has brought remarkable and profound change to the world and become a major milestone in the history of humanity." While acknowledging that there will be new difficulties or challenges in future, the paper goes on to say "Cooperation will thrive, and the BRI can look forward to an even brighter future. China stands ready to work with other countries to pursue closer and more fruitful cooperation under the BRI framework".

As an integral part of China, and under the principle of "one country, two systems", Hong Kong will certainly continue to play a unique role in pursuing closer and more fruitful co-operation between China and other participants of the BRI. In particular, as is often said, Hong Kong serves as a "super-connector" in various fields, including the provision of an ideal business environment governed by the rule of law.

I wish to perhaps highlight a few features, just to support what I have just said. First, vis-à-vis other countries and territories outside China, Hong Kong has always been an international trading and investment centre. To facilitate cross-border trade, Hong Kong has signed 22 Investment Promotion and Protection Agreements and eight Free Trade Agreements with other

territories. These agreements include substantive protection to investments as well as provisions for a dispute settlement mechanism that allows investors and contracting parties to resolve disputes relating to investments within the framework of these international agreements.

On the other hand, vis-à-vis the Mainland, I remember that this morning our Chief Executive, Mr John Lee, mentioned the nine arrangements on mutual legal assistance made between the Mainland and Hong Kong. These arrangements, in particular the Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters signed in January 2019 and the Interim Measures Arrangement (Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region) signed in April 2019, are groundbreaking. They provide a wide range of procedural and enforcement assurances in litigation and arbitration processes, and permit parties to effectively safeguard their interests in cross-boundary civil and commercial cases.

Thirdly, we have maintained very close relationships with international legal organisations like the Hague Conference on Private International Law, which has played a very significant role in developing uniform rules for harmonious and peaceful international relations. The second example, the AALCO Hong Kong Regional Arbitration Centre was established in Hong Kong in 2021 to promote a wider application of alternative dispute resolutions among state parties in Asia and Africa. The most recent significant development must be the establishment of the International Organization for Mediation Preparatory Office in February this year, which aims at promoting mediation to resolve international disputes.

Regional and international legal co-operation must be complemented by world-class legal services which could keep pace with advances in the digital age. The Hong Kong Government fully supports the use of online dispute resolution and lawtech by global enterprises in resolving cross-border business-to-business disputes. Hong Kong opted into the Asia-Pacific Economic Cooperation, which is APEC, APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes (APEC ODR Framework) in April 2020. Our home-grown lawtech institution, eBRAM, which had already launched the APEC ODR procedural rules and its Online Mediation and Arbitration Platforms earlier this year, also just launched its Online Deal-making Platform in August.

With these international connections as well as connections with the Mainland, and also the strong presence of international legal organisations and dispute resolution mechanisms, Hong Kong is the natural forum for the provision of legal services relating to BRI, whether as a place to set up business vehicles or to resolve disputes. It is not only a natural but also ideal forum for these purposes due to the quality and credibility of legal services it can provide. Our legal professionals are not only familiar with international law and practices but also well versed with Chinese legal and business culture. Our judiciary remains independent and enjoys a high reputation around the world.

In order to meet the new challenges posed by the BRI, we certainly need more legal professionals who are not only qualified to practise the common law in Hong Kong but also familiar with the Mainland legal system, in particular, regarding civil and commercial matters. In this respect, we are grateful to the Central People's Government's support by extending the pilot scheme of the Greater Bay Area Legal Professional Examination for three years up to 2026. It enables more eligible Hong Kong legal practitioners to seize the opportunities brought about by the development of our country and expands the talent pool for serving the needs of the Belt and Road Initiative.

The prowess of our professional legal services has shaped Hong Kong into a leading international legal and dispute resolution services centre in the Asia-Pacific region and beyond. In addition, it also puts Hong Kong in a very good position to provide capacity building for participants of the BRI. For example, we are working on developing Hong Kong into an international investment law and investor-state dispute resolution skills training base by building up a strong team of investment mediators in Asia. The first edition of the Hague Academy of International Law's Advanced Course in Hong Kong, which focuses on the means and current practice of the settlement of international commercial and investment disputes, will be held in mid-December this year.

Ladies and gentlemen, Hong Kong, with all its unique strengths in the provision of legal services, has much to contribute to the BRI. I wish to take this opportunity to mention also the Hong Kong Legal Week 2023, which will take place next month from November 6 to 10 with the theme "Onward and Forward: Connecting the World". This is the annual flagship event organised by the Department of Justice that accentuates Hong Kong's role in regional co-operation and global connectivity as prominent speakers from Hong Kong and around the world gather to discuss on practical and forward-looking topics.

Returning to today's event, the contribution of the Academy in bringing together excellent legal talent to set up and agree on the Belt and Road Cooperation and Partnership Model Agreement, I think in short is the "Model Rules", is most laudable. I wish to thank the Academy again for organising the Forum today and I wish you all a very fruitful conference and a very enjoyable afternoon. Thank you very much.

