

Speech by SJ at HCCH Asia Pacific Week 2023 (English only) (with photo/video)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the opening of the HCCH Asia Pacific Week 2023 – Access to Justice and Sustainable Development: The Impact of the HCCH in an Inter-Connected World today (September 11):

The Honourable Chief Executive (Mr John Lee), Assistant Minister Hua Chunying (Member of the CPC Committee of the Ministry of Foreign Affairs and Assistant Minister of Foreign Affairs), Acting Commissioner Pan Yundong (Acting Commissioner of the Office of the Commissioner of the Ministry of Foreign Affairs in the Hong Kong Special Administrative Region (HKSAR)), Professor Zhang (President and Vice Chancellor of the University of Hong Kong, Professor Zhang Xiang), Dr Bernasconi (Secretary General of the Hague Conference on Private International Law (HCCH), Dr Christophe Bernasconi), Chief Justice Cheung (Chief Justice of the Court of Final Appeal, Mr Andrew Cheung Kui-ning), President of the LegCo Mr Leung (President of the Legislative Council, Mr Andrew Leung), distinguished guests, ladies and gentlemen,

Good afternoon.

We are extremely honoured and grateful that the HCCH has chosen to hold the Asia Pacific Week 2023 in Hong Kong, in particular because the HCCH will be celebrating its 130th anniversary during this week, and the HCCH will also be marking the entry into force on September 1 of the 2019 Judgments Convention.

The theme of the HCCH Asia Pacific Week 2023 is "Access to Justice and Sustainable Development: The Impact of the HCCH in an Inter-Connected World". The relationship between access to justice and sustainable development is well recognised. Target 3 in Goal 16 of the Sustainable Development Goals (SDGs) set by the United Nations in 2015 is to: "Promote the rule of law at the national and international levels and ensure equal access to justice for all."

As stated in a document prepared by the Permanent Bureau for the HCCH Council on General Affairs and Policy in March 2020, the United Nations General Assembly has recognised, in target 16.3 of the SDGs, that the rule of law is not only about criminal law and transitional justice, but also about mature rule-based commerce as a stabilising factor, and one which can mobilise resources for development, including due process and a strong judicial and legal infrastructure. The frameworks established by HCCH Conventions and instruments have been recognised for their effective co-operation mechanisms that can overcome the challenges of cross-border procedures and facilitate the orderly and efficient settlement of disputes, in doing so promoting principles of good governance, sustainable development, and adherence to the rule of law.

The theme of this week's event coincides with the vision of the Department of Justice of HKSAR, which is, "advancing the rule of law and access to justice, through effective, efficient and equitable administration of justice and strategic legal policy, for inclusive and sustainable development."

Hong Kong has built and maintained a very close relationship with the HCCH. Eight Hague Conventions are now applicable to Hong Kong. Hong Kong began participating in the meetings or other activities by sending experts as part of the Chinese delegation since 1997. On December 13, 2012, the HCCH opened its Asia Pacific Regional Office in Hong Kong, which is the first and remains to be the only one in the Asia Pacific. We had held two informal Working Groups meetings of the Judgments Project in Hong Kong, contributing to the successful conclusion of the Judgments Convention. In 2020, we concluded the memorandum of understanding on the secondment of legal professionals between the HCCH and Hong Kong.

All these co-operations and collaborations would not have been possible but for the staunch support given by the Central People's Government of China, and the successful implementation of the principle of "one country, two systems". Pursuant to Articles 151 and 152 of the Basic Law, among other things, Hong Kong may on its own, using the name "Hong Kong, China", maintain and develop relations and conclude and implement agreements with relevant international organisations in the appropriate fields; representatives of the Hong Kong Government may, as members of delegations of China participate in international organisations or conferences in appropriate fields limited to states and affecting Hong Kong, or may attend in such other capacity as may be permitted by the Central People's Government and the international organisation or conference concerned, and may express their views, using the name "Hong Kong, China".

To foster a better and closer relationship with the HCCH is indeed Hong Kong's duty under important national development plans such as the 14th Five-Year Plan, the Guangdong-Hong Kong-Macao Greater Bay Area development and the Belt and Road Initiative under which Hong Kong is designated to be an international legal and dispute resolution services centre.

Returning to the theme of this week's event, Hong Kong is a prime example to showcase the casual link between the rule of law and development. Hong Kong is a highly developed international city. One of the bedrocks of Hong Kong's success and prosperity is a high degree of rule of law based on its common law system, which continues to apply pursuant to guarantees contained in the Basic Law under the principle of "one country, two systems".

Ladies and gentlemen, with strong support from the Central People's Government, the Department of Justice of Hong Kong will continue to work closely with the HCCH in the years to come. And on this note, I wish the HCCH Asia Pacific Week a great success, and for all those who have come from abroad, a very enjoyable stay in Hong Kong. Thank you.

