

Speech by SJ at opening ceremony of National Training Course for Talents Handling Foreign-related Arbitration (Hong Kong) (English only)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the opening ceremony of the National Training Course for Talents Handling Foreign-related Arbitration (Hong Kong) today (February 18):

Director Yang (Director of Bureau of Public Legal Services Administration of Ministry of Justice, Mr Yang Xiangbin), Secretary Jiang (Council Chair of the China University of Political Science and Law, Mr Jiang Zeting), Director Liu (Director of China Legal Service (H.K.) Limited, Ms Liu Changchun), distinguished guests, ladies and gentlemen,

Good afternoon, and a warm welcome to you all to the National Training Course for Talents Handling Foreign-related Arbitration (Hong Kong). It is my pleasure to address such an accomplished gathering of professionals in foreign-related arbitration.

The Course

This Course is the first specialised training programme on arbitration under the Hong Kong International Legal Talents Training Academy. I would like to take this opportunity to express my heartfelt gratitude to the Ministry of Justice and the China University of Political Science and Law and also the China Legal Service (H.K.) Limited for their unwavering support in making this Course a reality. This Course in fact marks an important milestone to implement the record of meeting between the Ministry of Justice and our Department signed in July 2023 when Ms He Rong visited Hong Kong, to further deepen exchanges and co-operation on talent nurturing and legal and dispute resolution services between the Mainland and Hong Kong.

To contribute to the national strategy of developing foreign-related rule of law, it is our collective goal to cultivate a team of foreign-related arbitration professionals with a global vision, good understanding of international rules, and capability in providing specialised services in the cross-border legal service market.

This Course will provide a comprehensive overview of arbitration in Hong Kong, including comparative analyses with the Mainland and international frameworks. In addition to the informative lectures, there will be exchange sessions with arbitration institutions, professional legal bodies, and visits to barristers' chambers, international law firms and also court visits, during which participants will have the chance to interact directly with experienced legal professionals, and gain first-hand experience of the legal

and arbitration practice in Hong Kong. I hope that by the end of this Course, you will have developed a deeper understanding of international arbitration and its intricacies, and the various topics that we will explore together.

We are truly privileged to have a distinguished line-up of speakers who are prominent practitioners in the field of arbitration. I am confident that their expertise, insights, and practical experiences can be effectively applied and incorporated into practices. As talent handling foreign-related arbitration with different backgrounds, each of you brings a unique perspective to this Course. The diversity of experiences in this room is a tremendous asset that enriches our discussions and learning experience. In this regard, I invite you to actively engage in discussions, raise questions that come to mind, and share your thoughts. This Course offers more than just an opportunity to learn from our esteemed speakers; it is also about fostering an interactive learning atmosphere where we can all benefit from each other's experiences and perspectives.

Furthermore, the lectures in this Course are primarily conducted in English. English is one of the official languages in Hong Kong, and is frequently the language of choice due to its global prevalence in business and legal matters. Many arbitration proceedings are conducted in English, particularly those involving international parties. As a bridge between East and West, Hong Kong's bilingual proficiency facilitates cross-border transactions and dispute resolution, making it an attractive venue for international arbitration. By engaging with the lectures and course materials in English, you will have the opportunity to practise English in legal and business contexts, unlocking unparalleled opportunities for advancement for yourselves in the field of global arbitration.

Arbitration in Hong Kong

In fact, a significant number of our legal and dispute resolution professionals are bilingual, or even multilingual, and many are qualified in multiple jurisdictions. This ensures that that parties involved in arbitration can readily find suitable representation or arbitrators for their proceedings.

Hong Kong is a leading global hub for international arbitration, and one of the most preferred seats of international arbitrations worldwide. With the strong support from the Central People's Government, the National 14th Five-Year Plan, the Belt and Road Initiative and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) all explicitly endorse Hong Kong's development into a centre for international legal and dispute resolution services in the Asia-Pacific region.

While Hong Kong legal practitioners are trained in the common law, many have developed significant expertise and experience in handling issues involving Mainland elements. In particular, since 2020, the Central Authority has launched a pilot scheme permitting eligible Hong Kong and Macao legal practitioners to practise civil and commercial matters in nine Mainland cities in the GBA after passing the GBA Legal Professional Examination, and

completed some practical training.

While we are confident in the depth and breadth of Hong Kong's existing legal talent pool, participation of overseas professionals in international arbitrations conducted in Hong Kong is essential. The nationalities or qualifications of arbitrators or legal representatives are not restricted in any way under our Arbitration Ordinance. In other words, clients are completely free to choose their preferred arbitrators or legal representatives. We have put in place a scheme to further facilitate the participation of non-Hong Kong residents in arbitral proceedings on a short-term basis by offering immigration convenience, enabling all visitors to come and participate in arbitral proceedings in Hong Kong without any employment visa as arbitrators, counsel, and factual or expert witnesses.

Furthermore, two measures are introduced to the CEPA Agreement on Trade in Services to facilitate Hong Kong investors. First of all, Hong Kong-invested enterprises registered in the pilot cities of the GBA may adopt Hong Kong law or Macao law as the applicable law in their contracts. Secondly, Hong Kong-invested enterprises registered in the nine Mainland cities in the GBA may choose Hong Kong or Macao as the seat of arbitration. The expansion of these measures will not only facilitate the internationalisation of the GBA's business environment and benefit the collaborative development of its legal and dispute resolution sectors, but also, more importantly, encourage Mainland enterprises to leverage Hong Kong as a springboard for overseas expansion and empower foreign investors to utilise Hong Kong as a gateway to the Mainland.

In recent years, the Hong Kong Special Administrative Region Government has actively pursued a range of initiatives to enhance its arbitration-related legal framework, for example the funding options for arbitration, attract leading international arbitration institutions to establish regional offices in Hong Kong, and host major international legal and dispute resolution events, with an aim of promoting Hong Kong as a premier centre for international legal and arbitration services.

Looking ahead, we anticipate sustained growth in demand for HK's legal and dispute resolution services, especially in the GBA and in the Belt and Road region, and hence there is a growing need for nurturing talent for a sustainable supply of legal and dispute resolution professionals.

The Hong Kong International Legal Talents Training Academy

In this connection, the Chief Executive announced in his 2023 and 2024 Policy Address to establish the Hong Kong International Legal Talents Training Academy. Through the Academy, Hong Kong can build on the unique advantages and position in connecting our country to the rest of the world at the interface of the rule of law, contributing to the country's efforts in training foreign-related legal talent and actively participating in the next decade of the Belt and Road Initiative as a capacity building hub.

The Academy will make good use of Hong Kong's bilingual common law

system and international status, and organise practical training courses, seminars, international exchange programmes to promote exchanges among talent in the regions along the Belt and Road. Training programmes will cover topics including international law, common law, civil law and national legal systems of other Belt and Road countries.

As this Course is the Academy's first training programme in collaboration with the Ministry of Justice, we value your insights and encourage you to share your honest feedback on what worked well and what could be improved in this Course. Your input will directly shape the future of our training programs, ensuring they meet the evolving needs of the arbitration community.

Conclusion

Ladies and gentlemen, this Course is not just about acquiring knowledge about international arbitration; it is also about connecting with fellow professionals in Hong Kong and finding out why Hong Kong is a prime venue for dispute resolution in the world. I also encourage you to discover all that Hong Kong has to offer, from its bustling streets to its stunning views, before and after all the lectures and visits on each day.

In closing, I wish to reiterate my appreciation to the Ministry of Justice of the People's Republic of China, the China University of Political Science and Law, the China Legal Service (H.K.) Limited, and to each and everyone of you for taking part in this Course. I look forward to the inspiring and productive training in the coming week. Thank you.