

Centre for International Legal and Dispute Resolution Services in the Asia-Pacific Region ■

Extracts from the National 14th Five-Year Plan

National Development Strategy

“...adhere to the law in the governance of the country, in the exercise of power and in administration, build a country, government and society under the rule of law, and implement the plan to build the rule of law in China...”
(Chapter 59)

Central Government's Support for Hong Kong

“...support Hong Kong to develop into a centre for international legal and dispute resolution services in the Asia-Pacific region...” (Section 1, Chapter 61)

“...enhance the integration of Hong Kong and Macao into the overall development of the country, foster complementary and co-ordinated development with the Mainland...”
(Section 2, Chapter 61)

Hong Kong's Strengths

- The Basic Law preserves the common law system, and Hong Kong is the only common law jurisdiction within the country. Hong Kong's common law system follows the same legal tradition as the world's major economies (e.g. the United Kingdom, the United States and Australia) and aligns with international business rules.
- The Basic Law guarantees the rule of law and judicial independence.
- Hong Kong has a wealth of legal and dispute resolution professionals, proficient in multiple languages.

- The Arbitration Ordinance keeps abreast of the latest international arbitration developments. There are many reputable dispute resolution bodies in the city. Arbitral awards made in Hong Kong can be recognised and enforced in the Mainland, Macao and internationally. Hong Kong is the only seat of arbitration outside the Mainland where parties are able to apply to Mainland courts for interim measures.
- The Mediation Ordinance encourages resolution of disputes by mediation. Hong Kong is the first jurisdiction in Asia to enact an Apology Ordinance. Meanwhile, the “Mediation Mechanism for Investment Disputes” between Hong Kong and the Mainland provides a more cost-effective option for investors to resolve investment disputes.
- Opted into the Asia-Pacific Economic Co-operation Collaborative Framework for Online Dispute Resolution (“APEC Framework”) in April 2020, and supported an online dispute resolution (“ODR”) platform developed by eBRAM Centre to provide micro, small and medium enterprises with a low-cost, secured and innovative ODR platform.

The Supplemental Arrangement Concerning Mutual Enforcement of Arbitral Awards between the Mainland and the HKSAR was signed in November 2020

香港特别行政区相互执行
签署活动暨新闻发



Present Situation

- In 2020, the Hong Kong International Arbitration Centre handled 318 new arbitration cases, a new high since 2009. The amount in dispute amounted to almost US\$9 billion, also the highest since 2011.
- Hong Kong is ranked the third most preferred seat for arbitration worldwide by the 2021 International Arbitration Survey released by Queen Mary University of London in May 2021.
- Since the return to the Motherland, Hong Kong has reached nine agreements on judicial assistance with the Mainland, four of which were signed during this term of Government, covering mutual recognition and enforcement of civil and commercial judgments, mutual assistance in interim measures in arbitral proceedings, mutual recognition of and assistance to bankruptcy proceedings, etc., thereby significantly facilitating cross-boundary trade and dispute resolution.
- The inaugural Greater Bay Area (“GBA”) Legal Professional Examination took place in Hong Kong in July this year, with over 650 barristers and solicitors enrolled. Legal practitioners who pass the examination can handle specified civil and commercial cases in Mainland municipalities of the GBA.
- Presently, wholly owned Hong Kong enterprises (“WOKEs”) registered in Qianhai, in addition to foreign-invested (including those from Macao and Taiwan) enterprises, may agree to choose Hong Kong law in their civil and commercial contracts. WOKEs in the pilot free trade zones may also choose Hong Kong as the seat of arbitration for commercial disputes.



Hong Kong Legal Hub

Launching ceremony for secondment of Hong Kong young lawyers to international law organisations in September 2021



Strategy and Measures

- Attract, retain and groom top legal and dispute resolution talents. Suitably adjust the scope of Dispute Resolution Professionals and Transactional Lawyers in the Talent List and review the Pilot Scheme on Facilitation for Persons Participating in Arbitral Proceedings in Hong Kong. Besides, improve the capability of Hong Kong professionals through various capacity building and secondment activities.
- Promote lawtech by developing Hong Kong’s legal cloud and supporting eBRAM Centre to become one of the ODR providers under the APEC Framework. Launch the Inclusive Global Legal Innovation Platform to explore collaboration with the United Nations Commission on International Trade Law (“UNCITRAL”) on ODR issues.
- Enhance exchange and collaboration with international organisations. Implement policies to attract international legal and dispute resolution institutions (including the regional arbitration centre of the Asian African Legal Consultative Organization (“AALCO”)) to establish presence in Hong Kong Legal Hub or hold important international conferences (e.g. UNCITRAL Working Group Pre-Intersessional Meeting and the 59th Annual Session of AALCO) in Hong Kong.
- Step up collaboration with various Mainland organs, including strengthening exchanges of professionals from Hong Kong and the Mainland, and providing training for Hong Kong legal practitioners who pass the GBA Legal Professional Examination, etc. Continue to promote a number of initiatives and projects in the GBA such as the GBA Legal Departments Joint Conference and actively strive to extend initiatives for WOKEs to cover Shenzhen and subsequently the whole GBA.

Hong Kong Special Administrative Region Government October 2021

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